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POLK COUNTY COMPREHENSIVE LAND USE ORDINANCE
(Effective 4/1/2010)

An ordinance to promote the public health, safety, morals and general welfare; enacted pursuant to the provisions of Section 59.69 of the Wisconsin Statutes and providing penalties for the violation of its provisions. The County Board of Supervisors, Polk County, Wisconsin, does ordain as follows:

Sec. 1. Interpretation and Purposes

- A. The provisions of this ordinance shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of Polk County, Wisconsin. It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing easement, covenants, or agreements between parties or with any rules, regulations or permits previously adopted or issued pursuant to laws; provided, however, that where this ordinance imposes a greater restriction on the use of buildings or premises, or upon the height of a building or requires larger open spaces than are required by other rules, regulations or permits or by easements, covenants or agreements, the provisions of this ordinance shall govern.
- B. In the event of a conflict, contradiction, or near duplication in the provisions of the Polk County Shoreland Protection Zoning Ordinance and the Polk County Comprehensive Land Use Ordinance, the more restrictive of the provisions in conflict, contradiction or near duplication shall apply. All provision stated in the Polk County Shoreland Protection Zoning Ordinance, as amended, are incorporated by reference in the Polk County Comprehensive Land Use Ordinance, and all provisions of the latter ordinance are incorporated by reference in the Polk County Shoreland Protection Zoning Ordinance, as amended.

Sec. II. Districts

- A. For the purpose of this ordinance the County of Polk, Wisconsin is hereby divided into ten districts as follows:
 - 1. Residential District.....Sec. V.
 - 2. Agricultural District (A-1)Sec. VI.
 - 3. Exclusive Agricultural District (A-2)Sec. VII.
 - 4. Conservancy.....Sec. VIII.
 - 5. Restricted Commercial District (C-2).....Sec. IX.
 - 6. Commercial District (C-1)Sec. X.
 - 7. Industrial District (I-1).....Sec. XI.
 - 8. Restricted Industrial District (I-2).....Sec. XII.
 - 9. Recreational DistrictSec. XIII.
 - 10. Forestry DistrictSec. XIV.
- B. The boundaries of the aforesaid districts are hereby re-established as shown on maps entitled "Revised District Zoning Maps of Polk County, WI" which maps are hereby incorporated by reference as if fully set out herein, and which maps are on file in the office of the Polk County Zoning Administration.

1. When the district boundaries are either roads or streets unless otherwise shown and where the designation on the district map indicates that the various districts are bounded by a road or street line, the centerline of such road or street shall be construed to be the district boundary line.
2. Where the district boundaries are not otherwise indicated and where property has been subdivided into lots and blocks, the district boundaries shall be construed to be lot lines and where the designations on the district map are approximately bounded by lot lines, said lot lines shall be construed to be the boundary of the district.
3. Where the district boundaries are not otherwise indicated and where the property may hereafter be subdivided into lots and blocks, the district boundaries shall be construed to be 200 feet measured perpendicular to and being parallel to the center line of such road or street as it may abut.
4. Where the district boundaries are not otherwise indicated for unsubdivided property, the district boundaries are property lines or section lines, or quarter-section lines, or quarter-quarter section lines.
5. In unplatted areas of 10 acres or less, the district boundary where not otherwise indicated shall be determined by the use of the scale shown on the district map.

Sec. III. Definition

For the purpose of this ordinance certain words and terms are defined as follows. Words used in the present tense include the future; the singular number includes the plural number and words in the plural number include the singular number; the word "building" includes the word "structure" and the word "shall" is mandatory and not directory.

Accessory Building: A subordinate building or portion of the main building, the use of which is incidental to the permitted use of the main building.

Boarding House: A building other than a hotel where meals or lodging and meals are furnished for compensation for three or more persons not members of a family not open to transients in contradistinction to hotels and restaurants.

Boathouse: A building or portion thereof used for the housing or care of boats and other associated marine equipment and not permitted to be used for human habitation and one story in height.

Building: Any structure used, designed or intended for the protection, shelter, enclosure or support of persons, animals or property. When a building is divided into separate parts by a division wall, without openings, extending from the ground up each part shall be deemed a separate building.

Club: An association of persons for some common purpose but not including groups organized primarily to render a service which is customarily carried on as a business.

District: Parcels or sections of Polk County, Wisconsin, for which the regulations for governing the use of land and buildings are uniform.

Dwelling, One Family: A detached building designed for or occupied exclusively by one family.

Dwelling, Two Family: A detached or semi-detached building designed for and occupied exclusively by two families.

Dwelling, Multiple: A building or portion thereof designed for and used by more than two families.

Family: The body of persons who live together in one dwelling unit as a single housekeeping entity.

Floor Area: The area within the exterior wall lines of a building provided that the floor area of a dwelling shall not include space not usable for living quarters such as attics, basements or utility rooms, garages, breezeways, unenclosed porches or terraces.

Frontage: All the property abutting on one side of a road or street between two intersecting roads or streets or all of the property abutting on one side of a street between an intersecting street and the dead end of a street.

Frontage Reversed: When the rear lot line of a corner lot coincides with part or all of the side lot line of another lot in the same block, reversed frontage exists.

Garage, Private: An accessory building or space for storage only.

Garage, Public: A building or portion thereof used for the housing or care of motor vehicles for the general public or where any such vehicles are equipped or repaired for remuneration or kept for hire or sale.

Height: The elevation from the lowest exposed grade of the structure to the highest peak of the roof, excluding window wells and stairways.

Home Occupation: A gainful occupation conducted by members of the family only, within their place of residence, such as handicrafts, dressmaking, millinery, laundering, preserving and home cooking.

Junkyard/Salvage Yard/Recycling Center means an open area where waste or scrap materials are bought, sold, exchanged, stored, baled, disassembled or handled for commercial or noncommercial purposes including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A junkyard/salvage yard/recycling center includes, but is not limited to, an automobile wrecking or dismantling yard or an area where more than one unlicensed or inoperable motor vehicle is kept.

Less Restricted: The use of land or buildings first permitted in a certain district is less restricted than other uses first permitted in districts appearing earlier in the numerical order in which such districts are numbered in this ordinance.

Lodging House: A building other than a hotel or motel where lodging only is provided for compensation.

Lot: A parcel of land occupied or designed to provide space necessary for one main building and its accessory buildings or uses, including the open spaces required by this ordinance and abutting on a public street or other officially approved means of access. A lot may be a parcel designated in a plat or described in a conveyance recorded in the office of the Register of Deeds, or any part of a large parcel when such part complies with the requirements of this ordinance as to width and area for the district in which it is located. No land included in any street, highway or railroad right-of-way shall be included in computing lot area.

Corner Lot: A lot located at the intersection of two streets, any two corners of which have an angle of 120 degrees or less, or if bounded by a curved street in which case the chord within the limits of the lot lines form an angle of 120 degrees or less.

Interior Lot: A lot other than a corner lot.

Lot Lines: The lines bounding a lot as herein defined.

Lot Width: For the purpose of this ordinance the width of a lot shall be the shortest distance between the sidelines at the setback line.

Mobile Home: That which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped and used primarily for sleeping, eating and living quarters or is intended to be so used; and includes any additions, attachments, annexes, foundations and appurtenances, except that a house trailer is not deemed a mobile home if the assessable value of such additions, attachments, annexes, foundations and appurtenances equals or exceeds 50 percent of the assessable value of the house trailer.

Mobile Home Park: An area or premise on which is provided the required space for the accommodation of mobile home, together with necessary accessory buildings, driveways, walks, screening and other required adjuncts.

More Restricted: The use of land or buildings first permitted in a certain district is more restricted than other uses first permitted in districts appearing later in the numerical order in which such districts are numbered in this ordinance.

Motel: A building or group of buildings containing rooms which are offered for compensation for the temporary accommodation of transients, and where there is no permanent occupancy of any unit except by the owner, his agent or his employees.

Non-conforming Use: A building or premise lawfully used or occupied at the time of the passage of this ordinance or amendments thereto, which use or occupancy does not conform to the regulations of this ordinance or any amendments thereto.

Parking Lot: A lot where automobiles are parked or stored temporarily, but not including the wrecking of automobiles or other vehicles or storage for the purpose of repair or wrecking.

Permitted Use: A use permitted in a district whereby a building can be constructed, erected, altered or moved and is consistent with the general intent of the district.

Professional Office: The office of a doctor of medicine or dentist, practitioner, minister, architect, landscape architect, professional engineer, lawyer, author, musician or other recognized profession.

Quarrying: The removal of mineral aggregates, topsoil or other natural materials from the earth by excavating, stripping or any other mining process.

Roadside Stand: A structure having a ground area of not more than 300 square feet, not permanently fixed to the ground, readily removable in its entirety, not fully enclosed and to be used solely for the sale of farm products produced on the premise (or adjoining premise). There shall not be more than one such roadside stand in any single premise.

Service Station: Any building, structure, premise or other place used for the dispensing, sale or offering for sale of any motor fuel or oils having pumps and storage tanks; also where battery, tire and similar services are rendered, but not including buildings or premise where such business is incidental to the conduct of a public garage used for the repair or storage of motor vehicles.

Setback: The minimum horizontal distance from the front lot line of the lot or from the center of the highway, measured at right angles to the highway, the front lot line to the front of the building or from the right-of-way line as designated in the ordinance, or high water mark of a lake or stream.

Setback Lines: Lines established adjacent to the highways, lakes or streams for the purpose of defining limits within which no building, structure or any part thereof shall be erected or permanently maintained except as shown herein. "Within a setback line" means between the setback line and the highway right-of-way, lake or stream.

Special Exception: A use that is permitted as well as listed by ordinance provided certain conditions specified in the ordinance are met and that a permit is granted by the Board of Adjustment.

Story: The vertical distance between the surface of any floor and the floor next above it, or if there be no floor above it, the space between such floor and the ceiling next above it.

Story Half: A story under any roof except a flat roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.

Street: A public or private thoroughfare which affords a primary means of access to abutting property.

Street Line: A dividing line between a street and the abutting lot.

Structure: Anything constructed or erected, intended for the protection, shelter, enclosure or support of persons or property at anytime of the year, including a fence or wall which substantially obstructs the view, except telephone, telegraph, and power distribution poles and lines and necessary appurtenant equipment and structures such as transformers, substations, and equipment housing relative thereto.

Structural Alteration: Any change in the supporting members, such as bearing walls, columns, purlins, rafters, beams or girders, footings and piles.

Temporary Structure: A movable structure not designed for human occupancy which may be used for the protector of goods or chattels.

Travel Trailer: Any vehicle, house car, camp car, or any portable or mobile vehicle on wheels, skids, rollers or blocks either self-propelled or propelled by other means which is used or designed to be used for residential living or sleeping purposes.

Unnecessary Hardship: For area variances, compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome. An unnecessary hardship must be based on conditions unique to the property rather than considerations personal to the property owner when reviewing a variance application.

Variance: An action, which authorizes the construction or maintenance of a building in a manner inconsistent with the dimensional requirements of a zoning ordinance. A variance may only be granted in cases of unnecessary hardship and when the spirit of the ordinance is not violated.

Vision Clearance: An unoccupied triangular space at the intersection of highways or streets within railroads. Such vision clearance triangle shall be bounded by the intersecting highway, street or railroad right-of-way lines and a setback line connecting points located on such right-of-way lines by measurement from their intersection as specified in the Highway Setback Ordinance for Polk County.

Yard: An open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

Front Yard: A yard extending the full width of the lot between the front lot line and the nearest part of the main building, excluding uncovered steps.

Rear Yard: An open space unoccupied except by accessory buildings extending from the rear line of the main building to the rear lot line for the entire width of the lot excluding such projections as are permitted hereinafter.

Side Yard: A yard or open space on each side of the main building extending from the side wall of the building to the side lot line, and from the front yard to the rear yard. When an accessory building is constructed as part of the main building or constructed on one side of the main building, the side yard requirements shall be the same for the accessory building as required for the main buildings.

Sec. IV. General Provisions

A. Exception as otherwise provided:

1. The use and height of buildings hereafter erected, converted, enlarged or structurally altered and the use of any land shall be in compliance with the regulation established herein for the district in which such land or building is located.
2. No lot area shall be so reduced that the yards and open spaces shall be smaller than is required by this ordinance, nor shall the density of population be increased in any manner except in conformity with the area regulations hereby established for the district in which a building or premise is located. No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this ordinance shall be included as part of a yard or other open space required for another building. Every permanent dwelling hereafter erected in Polk County shall provide not less than 400 square feet of floor area for a one-story building for each family dwelling therein, nor less than 700 square feet for a two-story building for each family dwelling therein, except that this provision shall not apply to summer cottages, hunting or fishing cabins or house trailers of any type.
3. Nothing herein contained shall require any change in the plans, construction, size or designated use of any building or structure or part thereof on which construction has started or a particular use has been commenced, or for the construction of a building or structure or part thereof upon which a bona fide construction contract has been entered into before the effective date of this ordinance.

B. Nonconforming Uses

1. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or a more restricted classification. Whenever a nonconforming use has been changed to a more restricted nonconforming use or a conforming use, such use shall not thereafter be changed to a less restricted use.

2. If a nonconforming use of building, premise or parcel of land is discontinued for a period of 12 months, any future use of the building, premise or parcel of land shall conform to the regulations for the district in which it is located.
3. When a building containing a nonconforming use is damaged by fire, exploding, act of God or the public enemy of the extent of more than fifty percent of its current value as determined by the town assessor, it shall not be restored except in conformity with the regulations of the district in which it is located. The total structural repairs or alterations in any nonconforming use shall not during its life exceed 50 percent of the equalized value of the building at the time of its becoming a nonconforming use unless permanently changed to a conforming use.

C. Special Exception Use

Any use whereby the location of each such use shall be approved in writing by the Board of Adjustment, or as otherwise provided by this ordinance, after public hearing and after reviewing the proposed site or sites. Such approval shall be consistent with the general purpose and intent of this ordinance and shall be based upon such evidence as may be presented at such public hearing tending to show the desirability or undesirability of specific proposed locations for the proposed use from the standpoint of the public interest because of such factors as (without limitation because of enumeration) smoke, dust, noxious and toxic gases and odors, noise, vibrations from operation of heavy equipment, heavy vehicular traffic and increased traffic.

D. Height and Area Exceptions

The regulations contained herein relating to the height of buildings or structures and the size of yards and other open spaces shall be subject to the following exceptions:

1. Churches, schools and other public and quasi-public buildings may be erected to a height not exceeding 60 feet or 5 stories, provided the front, side and rear yards required in the district in which such a building or structure is to be located are each increased at least one foot for each foot of additional height above the height limit otherwise established for the district in which such building or structure is to be located.
2. Chimneys, cooling towers, church steeples or spires, tanks, water towers, television antennas, micro-wave radio relay or broadcasting towers, masts or aerials and necessary mechanical appurtenances are hereby excepted from the height regulations of this ordinance and may be erected in accordance with other regulations or ordinances of Polk County, Wisconsin.
3. Residences may be increased in height by not more than 10 feet or one story when all yards and other required open spaces are increased in width by one foot for each foot in height by which such a building exceeds the height limit of the district in which it is located.

4. When a lot has an area less than the minimum number of square feet per family, as required for the district in which it is located and was of record as such at the time of the passage of this ordinance, such lot may be occupied by one family subject to the setback, rear yard and side yard regulations for the district in which it is located.
5. Accessory buildings which are not a part of the main building shall not occupy more than 30 percent of the area of the required rear yard and shall not be more than 25 feet in height.
6. Every part of a required yard shall be open to the sky unobstructed except for accessory buildings in a rear yard, and the ordinary projection of sills, belt courses, cornices and ornamental features projecting not more than 20 inches.

E. Setbacks

The setback distances from the center line at any point for the respective classes of highways shall be as follows:

- Class C Highway, setback distance 63 feet (town)
- Class B Highway, setback distance 75 feet (county)
- Class A Highway, setback distance 110 feet (state)
- Class A Highway, setback distance 110 feet (interstate)

Provided, however, that in no case shall the distance of the setback line outside of and from the nearest point of the R.O.W. line of the highway be less than the following:

- Class C Highway, setback distance 30 feet (town)
- Class B Highway, setback distance 42 feet (county)
- Class A Highway, setback distance 50 feet (state)
- Class A Highway, setback distance 50 feet (interstate)

Except that where buildings are proposed to be erected or moved between buildings existing at the time of the adoption on this ordinance and having setback lines less than those established by this section which existing buildings are located not more than 150 feet apart, the Zoning Commissioner may issue a permit for such proposed building, provided that the setback of such buildings shall not be less than the average of the setbacks of the nearest adjoining existing buildings on either side of the location of the proposed building.

Sec. V. Residence District

A. Permitted Use

In the Residence District no building, structure or premise shall be used and no building or structure shall hereafter be erected or structurally altered, unless otherwise provided in this ordinance, except of one or more of the following uses:

1. Single family, two family and multiple family dwellings.
2. Churches, public and parochial schools.
3. Lodging or boarding house restricted to not over 5 boarders or lodgers not members of the resident family.

4. Municipal buildings, except sewage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance equipment.
5. Accessory buildings, including private garages and buildings clearly incidental to the residential use of the property, provided however that no accessory building may be used as a separate dwelling unit.
6. Private clubs and fraternities except those whose principal activity is a service customarily carried on as a business.
7. Gardening and farming including nurseries for the propagation of plants only except farms operated for the disposal of sewage, rubbish or offal, fur farms, stock farms and poultry farms.
8. Municipal parks and playgrounds including swimming pools, golf courses, tennis courts and picnic grounds. It is considered desirable that each such park or playground comply as far as possible with the yard and parking requirements established below for recreational areas and the following standards are suggested:
 - a. No yard shall be less than 25 feet wide except that no such yards need be provided adjacent to the fairways and greens of golf courses.
 - b. Each such yard shall be increased for the following:
 - (1) For swimming pools larger than 40x60 feet, one foot of additional yard for each additional two feet of width or length of the pool in the direction of such additional width or length.
 - (2) For picnic grounds having seating arrangements for more than 40 persons, 10 feet of additional width on every yard for each additional 10 persons or fraction thereof which such picnic ground is designed for or equipped to accommodate.
 - c. Any such yard which abuts on a public street or highway may be reduced by one-half the width of such street or highway but in no case to less than 15 feet.
 - d. Each such yard shall be left in its natural condition and the natural vegetation of the area, including grasses, flowers, shrubs and trees except noxious plants, trees and weeds shall be planted therein, so as to provide a natural screen between the park or playground and neighboring residential areas and so that such yards be so far as possible unused and unusable for the general purposes of such parks and playgrounds.
 - e. Off-street parking shall be provided on the premise of each park or playground but not in any yard established under the above suggested regulations, equal to not less than one parking space for each 4 persons which the park or playground is designed or intended accommodate.
 - f. The above regulations shall be mandatory as applied to any park or playground established by any agency within Polk County.
9. Telephone, telegraph and power distribution poles and lines and necessary appurtenant equipment and structures, such as transformers, unit substations and equipment housings relative thereto and provided there be no service garage or storage yard. This regulation, however, shall not include microwave

radio relay structures unless and until the location thereof shall first have been approved by the Land Information Committee.

10. Home Occupation, when such occupation is incidental to the residential use of the premises and does not involve any external alteration that would effect a substantial change in the residential character of the building; provided further that no article is sold or offered for sale that is not produced by such home occupation, that no stock in trade is kept or sold and that no person other than a member of the resident family is employed on the premises.
11. Professional office, when such office is conducted solely by a member or members of the resident family, entirely within the residence and incidental to the residential use of the premises; provided further that there shall be no external alterations that would effect a substantial change in the residential character of the building, that no more than 50 percent of only one floor of the dwelling shall be devoted to such offices and that not more than 2 persons not members of the resident family may be employed in non-professional capacities in any such office.

B. Lot, Height and Yard Requirements

1. Lot Requirement. Buildings or parts of buildings hereafter erected or structurally altered for single or two family dwelling purposes shall provide a lot area of not less than 20,000 square feet and no such lot shall be less than 100 feet wide; and providing further that for each additional family in residence on the premises, an additional 3000 square feet shall be provided.
2. Height Requirement. No building shall be more than 2 1/2 stories or 35 feet high.
3. Side Yard
 - a. In a residence district, the side yard setback for the main building shall not be less than 10 feet, provided further that the highway setback regulations shall apply to all corner lots.
 - b. The minimum permitted side yard for an accessory building in a Residence District shall be 5 feet provided a minimum of 5 feet to the rear of and is detached from the main building. When an accessory building is attached to the main building, they shall be considered to be as one and the conditions set forth in Sec. V.B.3.a. above shall rule.
4. Rear Yard. There shall be a rear yard of not less than 25 feet in depth for any main building. Accessory buildings shall be provided with a minimum rear yard of not less than 5 feet.
5. Other Requirements
 - a. Highway and Street Setback. Setbacks shall be governed pursuant to the provisions of Sec. IV.E.
 - b. Water Front Setback Lines. Off-Street Parking and Sanitary Conditions shall be regulated by the provisions of the Polk County Shoreland Protection Zoning Ordinance which is incorporated herein by reference.

Sec. VI. Agricultural District (A-1)

A. Permitted Use

In the Agricultural District no building or premises shall be used and no building shall hereafter be erected, moved or structurally altered unless otherwise provided in this ordinance, except for one or more of the following uses:

1. Any use permitted in the Residence District.
2. General farming including dairying, livestock and poultry raising, forestry, nurseries, greenhouses and other similar enterprises or uses except fur farms and farms operated for the disposal or reduction of garbage, sewage, rubbish or offal; provided that no greenhouses or buildings for the housing of livestock or poultry shall be located within 100 feet of any boundary of a residential lot other than that of the owner or lessee of such greenhouse or building containing such livestock or poultry.
3. Mobile home parks. See Article 8D6 and Article 8D7 in the Polk County Shoreland Ordinance.
4. Dams, power plants and flowage areas.
5. Telephone, telegraph and power transmission towers, poles and lines including transformers, substations, relay stations, equipment housing and other similar necessary appurtenant facilities, radio and television stations, transmission towers and micro-wave radio relay towers.
6. Roadside stands.
7. Drive-in theaters, subject to the following conditions:
 - a. That there be no direct entrance to or exit from such drive-in theater on any Federal, State or County highway.
 - b. That no parking be permitted on any street or highway on which a drive-in theater abuts or on any street or highway anywhere within 1/2 miles of an entrance to or exit from such drive-in theater.
 - c. That there be a distance of not less than 1/4 mile between the boundary of any residential district and the nearest point on the boundary of such drive-in theater site, measured in a straight line.
8. Municipal warehouses, municipal shops and storage yards provided that any such use shall be located not less than 100 feet from the nearest boundary of any lot not used for the same purpose.
9. Garage incinerators, municipal sewage disposal plants, recycling plants and hot mix plants shall be located not less than 1000 feet from any residence without the written authorization of the owner and tenant of such residence shall conform to State regulations regarding air pollution.

B. Special Exception Use

1. Medical, correctional or charitable institutions and medical offices when any building devoted wholly or partly to such uses or accessory thereto shall be distant not less than 100 feet from any residential building not on the same premises.

2. Contractor's storage yard, when any such yard shall be so placed or screened by planting as not to be visible from any public highway or any residential building other than that of the owner of such yard, his agent or employee.
3. Fur farms, charcoal kilns, pea viners or sawmills when located not less than 1000 feet from any residential building other than that of the owner of the premises, his agent or employee, not less than 1000 feet from the right-of-way lines of an Federal, State or County trunk highway; provided that this regulation shall not apply to portable pea viners and sawmills where there is no stacking of vines or mill residue.
4. Kennels, when located not less than 1000 feet from any residential building other than that of the owner of such kennels, his agent or employee.
5. Quarrying, when located not less than 200 feet from the abutting highway right-of-way line, nor shall any of its operational facilities such as buildings, parking lots, storage yards or stock piles be located closer than 100 feet to the setback line.
6. Slaughterhouses, when located not less than 200 feet from any residential building other than that of the owner of the premises, his agent or employee.
7. Licensed game management or fur farms as set forth in Chapter 29 of the Wisconsin Statutes.
8. Service station and/or public garage used for repair or storage of motor vehicles.
9. Private Stables. Private training, boarding, breeding and/or equitation farms, stables and tack shops operated in conjunction with private stables.
 - a. Private training, boarding, breeding and/or equitation farms and stables are defined as any establishment offering the services of training horses and/or boarding horses and/or standing stallions at service (subject to state license) and/or offering classes and/or private instruction in any or all phases of equitation activity such as riding, driving, horse care, stable management and any other activity pertinent to the horse industry for remuneration.
10. Public Stables. Public rental stables defined as any establishment offering horses for hire to the general public on an hourly or daily basis for the purposes of riding, driving and/or hay or sleigh ride either with or without guides or supervision.
11. Tack Shops. Operated in conjunction with private or public stables provided that only items reasonably associated with tack shops are available for sale on the premises.
12. Junkyard/Salvage Yard/Recycling Center.
 - a. No person or persons, association, partnership, firm or corporation shall keep, conduct or maintain any building, structure, yard or place of keeping, storing or piling in commercial quantities whether temporarily, irregularly or continually or for the buying or selling at retail or wholesale or dealing in any old, used or second-hand materials of any kind, including cloth, rags, clothing, paper, rubbish, bottles, rubber, iron or other articles which, from

its worse condition, renders it practically unfit for the purpose for which it was made and which is commonly classed as junk or salvage material, whether with affixed place of business or as an itinerant peddler. One carrying on the aforescribed business shall be referred to herein as "salvage dealer."

- b. License. Every applicant for a license to engage in business of a salvage dealer shall file with the Zoning Administrator of Polk County a written application upon a form prepared and provided by said County signed by the applicant or applicants.
 - c. Location. No salvage dealer shall be located within 500 feet of the boundary of a residential or rural home or local business district and no operation in connection therewith shall be carried on within the minimum setback area from any street, road or highway. Every salvage yard must have a fence or natural barrier that hides the view of the yard which must at all times be kept in a state of good repair and neat appearance.
 - d. Fire Lane. Every such salvage yard shall have a grass-free roadway, 16.5 feet in width. This roadway shall be kept free of all salvage materials and will serve as a fire lane.
 - e. Penalties. Any person, firm or corporation who violates, disobeys or neglects this ordinance shall upon conviction forfeit not less than \$50.00 nor more than \$1,000.00 for each offense together with the costs of prosecution and in default.
13. Composting site, when located at least 1,000 feet from any residential building other than the owner or operator of the site.
- C. Special Exception Use by County Board
- The following uses are allowable in the Agricultural District as Special Exception uses only after approval of the Polk County Board of Supervisors. Applications for such uses may be made to the Zoning Administrator who shall cause the application to be set for public hearing before the Land Information Committee with a class II public hearing notice provided and mailed notice to the Town Board and other parties in interest. Following the hearing, the Land Information Committee shall issue an advisory report to the County Board. The County Board shall then vote on the application. If the Special Exception is approved by majority vote of the County Board, the County Board may attach binding conditions to the approval and these shall be as enforceable as are terms of the ordinance.
- 1. Sanitary landfills and dumps, public or private.
- D. Lot, Height & Yard Requirements
- 1. Lot Requirement. Buildings or parts of buildings hereafter erected or structurally altered shall provide a lot area of not less than 30,000 square feet and no such lot shall be less than 160 feet in width.
 - 2. Height Requirement. Buildings or parts of buildings used for human habitation shall comply with the height requirements of Sec. V.B.2.

3. Yard Requirement. For buildings or parts of buildings used for residential purposes the side and rear yard requirements of Sec. V.B.3. shall apply.
4. Other Requirements
 - a. Highway or street setback shall be governed pursuant to the provisions of Sec. IV.E.
 - b. Waterfront setback lines, off-street parking and sanitary conditions shall be regulated by the provisions of the Polk County Shoreland Protection Zoning Ordinance which is incorporated herein by reference.

Sec. VII. Exclusive Agricultural District (A-2)

A. Permitted Uses.

The Exclusive Agricultural District is created to protect areas where agricultural production is the dominant land use and where a continuation of such use is in the interest of the farm operators and beneficial to the interests of the general public in terms of production of food, fiber and environmental quality. Except for continuation of pre-existing uses, this district will allow very few non-agricultural uses or development. This policy is intended to avoid conflicts which occur when farm and non-farm uses are mixed and to reduce the adverse pressures upon farming caused by speculative land values and consequent increases in property taxes on farmlands. This district is intended to comply with the provisions of the Farmland Preservation Law (WI State Statutes Chapter 91) to permit eligible landowners to receive tax credits under Sec. 71.09(11).

In the Exclusive Agricultural District, no building or premises shall be used and no building shall hereafter be erected, moved or structurally altered, unless otherwise provided in this ordinance except for one or more of the following uses:

1. Farming Uses.
 - a. Dairying.
 - b. Beekeeping.
 - c. Floriculture.
 - d. Forest management.
 - e. Game management.
 - f. Grazing.
 - g. Greenhouses, nurseries.
 - h. Livestock raising and feedlots, except those feedlots listed as special exceptions in Sec. VII B.
 - i. Orchards.
 - j. Poultry raising, when the operation involves 10,000 or fewer birds.
 - k. Raising of grain, grass, mint or seed crops.
 - l. Raising of tree fruits, nuts and berries.
 - m. Roadside stands, selling only produce from the parcel and operated by the family only with signs advertising only products produced on the farm.
 - n. Sawmills, temporary and short-term.
 - o. Sod farming.

- p. Vegetable raising.
- q. Fish farming.
- 2. Housing Uses.
 - a. The only residential allowed uses are those, including mobile homes, which are to be occupied by a person who, or a family at least one member of which, earns a substantial part of his or her livelihood from farm operations on the farm parcel, or a parent or child of the farm operator.
 - b. Pre-existing residence located in areas subject to zoning under this section which do not conform to this paragraph may be continued in residential use and shall not be subject to any limitations imposed or authorized under Sec. IV B. of this ordinance. Such pre-existing residences may be altered, repaired or rebuilt if destroyed, but are subject to setback, height and other dimensional requirements.
 - c. Lots of less than 35 acres used for single family dwellings; of record before adoption of Exclusive Agricultural by the township are subject to requirements of Sec. VI. Height and Area.
- 3. Other Uses.
 - a. No structure or improvement may be built unless consistent with agricultural use.
 - b. Gas and electric utility uses not requiring authorization under Wisconsin Statutes 196.491.
 - c. Telephone poles and lines.
- B. Special Exception Uses or Activities when consistent with the procedures identified in Sec. IV.C.(Special Exceptions)
 - 1. Agriculturally Related Uses.
 - a. Establishment or expansion of animal waste storage facilities in accordance with the provision of the Polk County Animal Waste Management Ordinance.
 - b. Commercial egg production and commercial processing of poultry products.
 - c. Feedlots, when 100 or more animals are involved and when the feedlot is within 500 feet and drains toward a navigable water body or within 500 feet of the residence of someone other than the feedlot owner.
 - d. Fur farms.
 - e. Livestock sale barns.
 - f. Poultry raising when the operation involves in excess of 10,000 birds.
 - g. Vegetable raising operations which employ mechanized irrigation techniques.
 - h. Veterinary services and animal hospitals; primarily for farm animals.
 - i. Agricultural-related supply, manufacturing, warehousing, and marketing uses, including the sale and service of machinery used in agricultural production.
 - j. Stables.

- k. Mineral extractions: Governmental use only.
 - l. Slaughterhouses.
 - m. Other agricultural-related, religious, utility, institutional or governmental uses similar to those listed in Sec. VI A. & B., which are compatible with the purpose of the district, which do not conflict with agricultural use and which are found necessary in light of alternative locations available for such uses.
2. Other Uses.
- a. Governmental uses such as police and fire stations, town halls, highway storage garages, solid waste disposal and sewage treatment plants, schools, parks and campgrounds, public recreational use, airports and landing strips.
 - b. Religious uses such as churches, schools and cemeteries.
- C. Standards Applicable to Special Exceptions
1. Standards Applicable to Special Exceptions: The Department of Agriculture, Trade and Consumer Protection shall be notified of the approval of any special exceptions. In passing upon applications for special exceptions, the Board of Adjustment shall consider the following relevant factors:
- a. The statement of purposes of the zoning ordinance and the A-2 district.
 - b. Potential for conflict with agricultural use.
 - c. Need of the proposed use for a location in an agricultural area.
 - d. Availability of alternative locations.
 - e. Compatibility with existing or permitted uses on adjacent lands.
 - f. Productivity of the lands involved.
 - g. Location of the proposed use so as to reduce to a minimum the amount of productive agricultural land converted.
 - h. Need for public services created by the proposed use.
 - i. Availability of adequate public services and the ability of affected local units of government to provide them without an unreasonable burden.
 - j. The effect of the proposed use on water or air pollution, soil erosion and rare or irreplaceable natural resources.
2. Conditions Which May Be Attached to Special Exceptions: Upon a consideration of information supplied at the public hearing and a review of the standards contained in Sec. VII C.1., the following conditions may be attached to the granting of a special exception: increased setback sand yards; specifications for water supply, liquid and solid waste disposal facilities; landscaping and planting screens, sureties, operational controls and time of operation; air pollution controls, erosion prevention measures; location of the use; and similar requirements found necessary to fulfill the purpose and interest of this ordinance. Violation of these conditions shall constitute a violation of this ordinance as provided in Sec. XVI.E. (Enforcement and Penalties).
- D. Minimum Lot, Height and Yard Requirements.
1. Minimum Lot area.
- a. Farm Operation: 35 acres.

- b. Residential: Residences allowed under Sec. VII A.2.a., whether or not on separate parcels, shall meet the requirements of Sec. VI.D.1. of this ordinance.
- 2. Height: The provisions of Sec. V.B.2. shall apply.
- 3. Yard Requirements: The provisions of Sec. V.B.3. shall apply.
- E. Standards for Rezoning.
 - 1. Standards for Rezoning: The Department of Agriculture, Trade and Consumer Protection shall be notified of all rezonings. Decisions on petitions for rezoning areas zoned for exclusive agricultural use shall be based on findings which consider that: (1) adequate public facilities to serve the development are present or will be provided; (2) providing these facilities will not be an unreasonable burden to local government; (3) the land is suitable for development; and (4) development will not cause unreasonable air and water pollution, soil erosion or adverse effects on rare or irreplaceable natural areas.

Sec. VIII. Conservancy District Regulations

- A. Permitted Uses.

To protect and preserve the natural character of certain lands for their values to wildlife, water conservation, flood control, forestry and other public purposes in the Conservancy District, no building or premises shall be used and no building shall hereafter be erected, moved or structurally altered, unless otherwise provided in this ordinance except for one or more of the following uses:

 - 1. Grazing.
 - 2. The harvesting of wild crops such as wild hay, ferns, moss, berries, fruit trees and seeds.
 - 3. Hunting, fishing, trapping and licensed game farms.
 - 4. Dams, power plants flowage areas.
 - 5. Telephone, telegraph, and power transmission towers, poles and lines, including transformers, substations, relay stations, equipment housings and other appurtenant facilities, radio and television stations and transmission towers and micro-wave radio and relay towers.
 - 6. Nonresidential buildings and structures used solely in conjunction with the raising of wildlife and fish and the practice of forestry, including buildings and structures used by public or semi-public agencies or groups for research in or the rehabilitation of natural resources.
 - 7. Public and private parks, playgrounds, campgrounds and golf courses. See Polk County Shoreland Zoning.
 - 8. Recreational camps and resorts. See Polk County Shoreland Zoning.
 - 9. Boat liveries or marinas. See Polk County Shoreland Zoning.
- B. Lot, Height & Yard Requirements
 - 1. Lot Requirements. Buildings or part of buildings hereafter erected or structurally altered for single family dwelling purposes shall provide a lot area of not less than one acre and providing further that for each additional family

- in residence on the premises, an additional one-half acre shall be provided and no such lot shall be less than 200 feet wide for the first acre with proportionate increase in width for each additional family in residence on the premises.
2. Height Requirements. No building shall be more than 2 1/2 stories or 35 feet high.
 3. Side Yard. There shall be a side yard on each side of the building.
 - a. The side yards for the main or dwelling building shall not be less than 40 feet and no single side yard shall be less than 20 feet wide, provided further that the highway setback regulations shall apply to all corner lots.
 - b. For lots less than 200 feet wide and of record as such at the date of passage of this ordinance, the aggregate width of the side yards shall be equivalent to 3 inches for each foot of the lot width and no single side yard shall be less than 40 percent of the aggregate width.
 - c. The minimum permitted side yard for an accessory building shall be 10 feet provided the accessory building is located in minimum of 5 feet to the rear of and is detached from the main or dwelling building. When an accessory building is attached or connected to the main building, they shall be considered as one and the conditions set forth in Sec. VIII.B.3. above shall rule.
 4. Rear Yard. There shall be a rear yard of not less than 40 feet in depth for any main building. Accessory buildings shall be provided with a minimum rear yard of not less than 20 feet.
 5. Other Requirements.
 - a. Highway or street setback lines shall be governed pursuant to the provisions of Sec IV.E.
 - b. Waterfront setback lines and off-street parking shall be regulated by the provisions of the Polk County Shoreland Protection Zoning Ordinance, which is incorporated herein by reference.

Sec. IX. Restricted Commercial District (C-2)

A. Permitted Uses.

In the Restricted Commercial District no building or premises shall be used and no building shall hereafter be erected, moved or structurally altered, unless otherwise provided in this ordinance, except for one or more of the following uses, and with the condition that all business or services be conducted wholly within a completely enclosed building except for the sale of automotive needs at service stations.

There shall be no more than 2 points of ingress or egress from a Class A highway to a service road serving the Restricted Commercial District.

1. Motels and hotels.
2. Service station, tire and battery service.
3. The following retail or customer service establishments, provided the location, building and site plan are so grouped as to be contiguous to one another in such manner as to give an arcaded appearance:

- a. Restaurant, dinner club, drive-in food service.
 - b. Drug store, pharmacy, soda fountain.
 - c. Barber or beauty shop.
 - d. Notion, variety or gift store.
 - e. Food products store.
- B. Lot, Height & Yard Requirements.
- 1. Lot Requirement. There shall be no minimum lot area for this district.
 - 2. Height Requirement. No building shall be more than 2 1/2 stories or 35 feet high, unless the provisions of Sec. IV.D. apply.
 - 3. Side Yard. There shall be a side yard on each side of a building hereafter erected or moved of not less than 10 feet.
 - 4. Rear Yard. There shall be a rear yard of not less than 20 feet in depth.
 - 5. Other Requirements.
 - a. Highway setback lines in a restricted commercial district shall be governed by the provisions of Sec IV.E.
 - b. Waterfront setback lines in restricted commercial districts shall be governed by the provisions of the Polk County Shoreland Protection Zoning Ordinance which is incorporated herein by reference.
 - c. Sanitary restrictions shall be regulated pursuant to the Polk County Private Sewage System Ordinance.

Sec. X. Commercial District

A. Permitted Uses.

In the Commercial District no building or premises shall be used and no building shall hereafter be erected, moved or structurally altered, unless otherwise provided in this Ordinance, except for one or more of the following uses:

- 1. Barber Shop, Beauty Shop.
- 2. Business & Professional offices or clinics.
- 3. Drug Store, Pharmacy, Soda Fountain.
- 4. Fruit and Vegetable Market, Grocery, Meat and Fish Market or other food products store.
- 5. Hardware and Paint Store.
- 6. Notion & Variety Store.
- 7. Radio & Televisions sales & service.
- 8. Restaurant, Drive-In Food Service, Dinner Club or Tavern.
- 9. Clothing or Dry Goods Store.
- 10. Filling Station, tire and battery service.
- 11. Sporting Goods, Marine Supplies and Accessories.
- 12. Laundry, Cleaning & Dyeing establishments.
- 13. Furniture, Appliances, Office Equipment.
- 14. Bank Savings & Loan or other financial institutions.
- 15. Motels or Hotels.
- 16. Funeral Homes.

17. Bowling Alleys, Dance Halls and Skating Rinks when sound is abated sufficiently so as not to be heard in the residence of any other than the owner or his agent.
 18. There may be one dwelling unit on the premises, either attached or detached in connection with any of the above uses, for the owner or his agent.
 19. Manufacture or storage in connection with any of the above uses, when clearly incidental to the conduct of the retail business on the premises.
 20. Farm implement - repair & sales.
 21. Commercially sponsored & operated outdoor events & other related activities with a minimum of 30 acres.
- B. Lot, Height & Yard Requirement.
1. Lot Requirement. For buildings or parts of buildings hereafter erected, moved or structurally altered for residential purposes, the lot area regulations of Sec. V shall apply; otherwise there shall be no minimum lot area for this district except as may be required by other State, County or Town regulations.
 2. Height Requirement. Buildings designed or intended exclusively for residential uses shall comply with the height regulations of Sec. V.B.2. No building erected, moved or structurally altered for any other purpose shall exceed 3 stories or 45 feet in height.
 3. Side Yard. For buildings or part of buildings used for residential purposes, the side yard regulations of Sec. V. shall apply; otherwise no side yard shall be required except:
 - a. If buildings on abutting lots are not constructed with a common wall or with walls contiguous to one another, a side yard of not less than 10 feet shall be provided.
 - b. There shall be a side yard of not less than 15 feet along the side of any lot in the Commercial District which abuts the side lot line of a lot in a Residence District and is not separated therefrom by a street or alley.
 4. Rear Yard. There shall be a rear yard of not less than 15 feet in depth.
 5. Other Requirements.
 - a. Highway setback lines shall be regulated by the provisions of Sec. IV.E.
 - b. Waterfront setback lines shall be regulated by the provisions of the Polk County Shoreland Protection Zoning Ordinance which is incorporated herein by reference.
- C. Special Use Permits
1. Any similarly compatible commercial enterprise subject to the approval of the Board of Adjustment.

Sec. XI. Industrial District (I-1)

A. Permitted Uses.

In the Industrial District, buildings and land may be used for any purpose except the following:

1. Religious, educational, charitable and medical institutions, and places of dwelling or lodging whether on a permanent or transient basis except that there may be a dwelling for a watchperson or caretaker employed on the premises and members of his/her immediate family.
2. Uses contrary to laws of the State of Wisconsin or ordinance adopted by the County Board of Polk County, Wisconsin.

B. Special Exception Uses.

1. Acid, ammonia, bleach, chlorine or soap manufacture.
2. Ammunition or explosives manufacture or storage.
3. Asphalt, coal, coal tar or coke manufacture; asphalt and asphalt cement mixing plants.
4. Cement or lime manufacture; cement or concrete mixing plants.
5. Bone distillations, fat rendering or any other form of dead animal reduction.
6. Fertilizer manufacture.
7. Forage plant.
8. Garbage, rubbish or other waste dumping.
9. Gelatin, glue or size manufacture.
10. Inflammable gasses or liquids, refining or manufacture of; overground tank farms.
11. Slaughterhouse, stockyard.
12. Smelting or foundry operations.

C. Lot, Height & Yard Requirement.

1. Lot Area. For buildings or parts of buildings erected, moved or structurally altered for residential use, the lot area regulations of Sec. V. shall apply; otherwise, no minimum lot area shall be required.
2. Height Requirement. For buildings or parts of buildings hereafter erected, moved or structurally altered for residential use, the height regulations of Sec. V.B.2. shall apply; buildings erected, moved or structurally altered for any other purpose shall not exceed 50 feet in height.
3. Side Yard. For buildings or parts of buildings erected, moved or structurally altered for residential use the side yard regulations of Sec. V. shall apply; otherwise, no side yard shall be required, except:
 - a. If buildings on abutting lots are not constructed with a common wall or with walls contiguous to one another, a side yard of not less than 10 feet shall be provided.
 - b. There shall be a side yard not less than 25 feet wide along the side of any lot in the Industrial District which abuts the side lot line in a Residence District and is not separated therefrom by a street or alley.
4. Rear Yard. There shall be a rear yard of not less than 12 feet in depth except:
 - a. Such rear yard shall be increased in depth by 3 feet for each additional 5 feet by which the principal building on the lot exceeds 35 feet in height.
 - b. No rear yard shall be required when it abuts railroad R.O.W.

- c. Any such rear yard which abuts a boundary of a Residence District shall be not less than 25 feet in depth; unless such Residence District boundary line lies within a street, alley or railroad right-of-way; provided that no stock pile, waste or salvage pile, equipment storage yard or other accumulation of material or equipment in the open shall be stored or placed in such rear yard.
- 5. Other Requirements.
 - a. Highway setback lines shall be governed by the provisions of Sec IV.E.
 - b. Waterfront setback lines in an Industrial District shall be governed by the provisions of the Polk County Shoreland Zoning Ordinance which is incorporated herein by reference.
 - c. Sanitary restrictions shall be regulated pursuant to the Polk County Private Sewage System Ordinance.

Sec. XII. Industrial District - Restricted (I-2)

The purpose of this district is to provide for manufacturing and industrial operations which on the basis of actual physical and operational characteristics would not be detrimental to surrounding areas of public by reason of smoke, noise, dust, odor, traffic, physical appearance, air, water or thermal pollution or any other environmental degradation. Industries requiring outdoor storage of raw materials and/or finished products may be required to provide fencing or screening.

A. Permitted Uses.

- 1. There may be a dwelling for a watchperson or caretaker employed on the premises and members of his/her immediate family.
- 2. General warehousing and storage connected with the following permitted uses under this section.
- 3. Metal, glass, plastic and wood assembly, fabrication and manufacturing.
- 4. Electronics assembly, fabrication and manufacturing.
- 5. Clothing manufacturing.
- 6. Any similarly compatible industrial enterprise subject to the approval of the Board of Adjustment.

B. Lot, Height & Yard Requirements.

Lot areas, height, side yard, rear yard setbacks and sanitary restrictions referenced in Section XI C.1-5 shall also apply to this district.

Sec. XIII. Recreational District

A. Permitted Uses.

Recreational Districts are intended for wildlife areas as well as recreational purposes and are restricted to the following uses:

- 1. Game refuge or hunting and fishing area.
- 2. Temporary residential area by permit such as hunting cabins, travel trailers, etc...
- 3. Picnicking, water sports, camping, snowmobiling and horseback riding.
- 4. Limited agriculture as currently exists.

5. Restricted commercial such as logging, pulping and other forest crop harvesting.

B. Other Requirements.

All sanitary regulations set out in the Polk County Private Sewage System Ordinance shall be complied within recreational district. All trailer parks in recreational districts shall comply with the regulations of Articles 8.D.6. and 8.D.7. of the Polk County Shoreland Protection Zoning Ordinance.

Sec. XIV. Forestry District

Forest lands in Town of Sterling are to encourage the reproducing and growing of forest products on land no more useful for other purposes.

- A. County Forest Administrator with consultation of Department of Natural Resources to prevent cutting of immature timber except in thinning operation.
- B. Planting is to be done where deemed necessary.
- C. Cutting notice on all lands to be submitted to County Clerk.

Sec. XV. Boundaries of District

In the unsubdivided property, unless otherwise indicated on the map, the district boundary lines are the center lines of streets, highways, railroad section lines or quarter-section lines, property lines or such lines extended. Except where otherwise indicated on the map, it is intended that the district boundary line be measured at right angles to the nearest highway right-of-way line and not be less than 300 feet in depth; provided, however, that wherever a Commercial District is indicated on the district map as a strip paralleling the highway, the depth of such strip, unless otherwise indicated, shall be 200 feet, measured at right angles to the right-of-way line of the street or highway to which it is adjacent. The length of each strip shall be as shown on the map. When such Commercial District is located at the intersection of streets or highways, the length shall be measured from the intersection of each street or highway right-of-way line included in such district.

Where land has been subdivided and district boundary lines are indicated as adjacent and parallel or approximately parallel to street lines, such district boundary lines shall be assumed to be the rear lines of the lots abutting such streets.

Where uncertainty exists with respect to the boundaries of the various districts shown on the map accompanying and made a part of this ordinance, such boundaries shall be determined by use of the scale contained on such map.

Sec. XVI. Zoning Ordinance & Permit

A. Permit Required.

- 1. Where applicable, a Sanitary Permit shall be required before the issuance of a Land Use Permit.
- 2. No structure shall be built, moved or structurally altered and no land use shall be substantially altered until a Land Use Permit has been issued by the County Zoning Administrator. A permit shall not be issued for a structure or land use not in conformity with the requirements of this ordinance.

B. Application Procedure.

Applications for Land Use Permits shall be accompanied by scale maps or drawings showing accurately the location, size and shape of the lot involved and of any proposed structures including the relation to abutting streets and any abutting lakes or streams and the existing and proposed use of each structure and lot and the number of families to be accommodated.

C. Expiration.

Land Use Permits for construction, alteration or removal of structures shall expire twelve months from their date of issuance if no building activity has begun within such time. Land Use Permits for land use changes shall expire 12 months from their date of issuance where no action has been taken to accomplish such changes. Outside construction must be completed no later than two years after issuance of permit.

D. Fees.

The fee for filing of applications for Land Use Permits shall be established by the Land Information Committee. A copy of the correct fee schedule shall be kept on file in the office of the County Zoning Administrator.

E. Enforcement and Penalties.

1. Any building or structure hereinafter erected, moved or structurally altered or any use hereinafter established in violation of the provisions of this Ordinance by any person, firm, association, corporation (including building contractors or his or their agent) shall be deemed an unlawful structure or use.
2. The district attorney or corporation counsel may bring an action to enjoin, remove or vacate any use, structure, moving or structural alteration of any building or use in violation of this ordinance.
3. There shall be a penalty fee of \$500.00 added to regular fee in those cases where building commenced without first obtaining the permits. The Zoning Administrator may choose instead, in those cases, to sign a complaint and ask for prosecution.

F. Sources of Permits

Polk County Zoning Administrator

Sanitary Permit
 Subdivision Permit
 Special Exception Permit
 Board of Adjustment
 Land Use Permit

Sec. XVII. Off-Street Parking

A. Off-Street Parking Requirements.

1. Not more than half of the space in any private garage may be rented for the storage of the private passenger vehicles of persons not resident on the premises, except that all of the space in a private garage having a capacity of not more than 2 such vehicles may be so rented.
2. No commercial motor vehicle exceeding 5 tons rated capacity shall be stored in any private garage.

3. In a Commercial or Industrial District wherever a lot abuts upon a public or private alley, sufficient loading space shall be provided on the lot or adjacent thereto in connection with any business or industrial use so that the alley shall at all times be free and unobstructed to the passage of traffic.
4. One off-street parking space shall be 216 square feet of area, exclusive of adequate ingress and egress driveways to connect with a public thoroughfare. A single stall in any garage may replace any single required parking space.
5. No building for which off-street parking space is required may be added to, structurally altered or converted in use so as to encroach upon or reduce the parking space below the required minimum.
6. No parking spaces required under this ordinance may be used for any other purpose; provided, however, that open spaces required by this ordinance for setback and side yards may be used for such parking spaces or approaches thereto except that on corner lots there shall be no parking in the vision clearance triangle.
7. All parking spaces shall be graded and drained so as to prevent the accumulation of surface water; all parking spaces in the Commercial or Industrial Districts and residential parking lots in the Residential and Agricultural District containing 3 or more parking spaces shall be provided with a dust-free surface.
8. Parking lots containing 5 or more parking spaces which are located in the Residence Districts or adjacent to residential lots, shall be screened along with the side or sides of such lots which abut the lot lines of residential lots by a solid wall, fence, evergreen planting or equivalent plantings or equally effective means built or maintained at a minimum height of 4 feet. If parking lots so located are lighted, the lights shall be so shielded as to prevent undesirable glare or illumination of adjoining residential property.
9. Parking spaces required:
 - a. Multiple family dwelling shall provide one off-street parking space for each family for which the accommodations are provided in the building plus one.
 - b. Roadside stands shall provide not less than 5 parking spaces at the place of business off the right-of-way of the highway.
 - c. Establishments offering curb service or service to customers who remain in their vehicles, shall provide at least 5 off-street parking spaces for each person employed to serve such customers.
 - d. Retail or local business places, banks, offices and professional offices and personal service shops shall provide at least one off-street parking space for each 300 square feet of ground floor area plus at least one additional parking space for each 500 square feet of upper floor area.
 - e. Buildings, combining business and residential use shall provide at least one off-street parking space for each 300 square feet of area devoted to businesses, plus at least one parking space for each family for which accommodations are provided on the premises.

- f. Theaters, churches, auditoriums, lodges or fraternity halls and similar places of public assemblage shall provide at least one parking space for each 7 seats.
- g. Motels, lodging houses and dormitories shall provide at least one parking space for each 2 guest rooms.
- h. Restaurants, taverns and similar places for eating and refreshments, except curb service establishments, shall provide at least one parking space for each 50 square feet of floor space devoted to the use of patrons.
- i. Funeral homes and mortuaries shall provide at least one parking space for each 50 square feet of floor space devoted to parlors.
- j. Bowling alleys shall provide at least 5 parking spaces for each alley.
- k. Garages and service stations shall provide adequate off-street parking space to prevent the parking of vehicles waiting to be serviced or repaired on the public street or highway.
- l. Industrial uses shall provide at least one parking space for each 4 employees on the premises at any one time, plus at least one additional space for each vehicle operated in connection with such use for which parking on the premises is required.

Sec. XVIII. Signs

A. Definitions:

1. Sign - any device visible from a public place whose essential purpose and design is to convey either commercial or non-commercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Non-commercial flags or any flags displayed from flagpoles or staffs will not be considered to be signs.
2. Sign Structure - Any structure designed for the support of a sign.
3. Double Faced Sign - A sign with two faces back to back or with an interior angle of less than 180 degrees (also known as V-signs).
4. Off Premise Sign - A sign whose message content does not bear any relationship to the activities conducted on the premises on which it is located.
5. On Premise Sign - A sign whose message content bears a direct relationship to the activities conducted on the premises on which it is located.
6. Temporary Sign - A sign intended to display either commercial or non-commercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, not permanently affixed to a building, or attached to a sign structure that is permanently embedded in the ground, are considered temporary signs.
7. Freestanding Sign - A sign principally supported by one or more columns, poles, or braces placed in or upon the ground

B. General Provisions

1. Any sign hereafter erected shall conform to the provisions of this ordinance and the provisions of any other ordinance or regulation of the county.
2. No sign other than an official traffic sign or similar sign shall be erected within the right-of-way lines of any street, road, highway, or public way unless specifically authorized by other ordinances or regulations of the county or by specific authorization of the zoning administrator.
3. Signs projecting over public walkways may do so subject to a minimum clearance height of ten (10) feet from grade level to the bottom of the sign.
4. Notwithstanding the provisions of Section E, no sign or structure shall be erected at the intersection of any road in such a manner as to obstruct the free and clear vision of a driver of any motor vehicle, nor at any location where by its position, shape or color it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device.
5. If a commercial or industrial premises contains more than one property usage, the sign area(s) for each unique usage will be computed separately.
6. Every sign permitted by this ordinance must be kept in good condition and repair. When any sign becomes insecure, in danger of falling, or is otherwise deemed unsafe by the Zoning Administrator, or if any sign shall be unlawfully installed, or erected, in violation of any of the provisions of this ordinance or State Laws, the owner thereof and/or the person or firm using the sign shall, upon written notice of the Zoning Administrator forthwith in the case of immediate danger and in any case within not more than ten (10) days, remove or repair said sign. If the order is not complied with, the Zoning Administrator may remove or cause such sign to be removed at the expense of the owner and/or the user of the sign.
7. Any sign legally existing at the time of passage of this ordinance that does not conform to the provisions of this ordinance, shall be considered a protected non-conforming use and may continue in such status until such time as it is either abandoned or removed by its owner. Maintenance of the sign for purposes of changing the sign message shall not be considered an alteration requiring conformance with the ordinance.
8. A double faced sign as defined elsewhere in this ordinance shall only be allowed with the two faces displayed back to back or with an interior angle of no greater than 30 degrees. Such sign will be considered one sign structure. Each face of a double faced sign shall be considered a separate sign for purposes of display area size restrictions.
9. Temporary signs, unless otherwise regulated by specific provisions of this ordinance related to size, use, and district in which placed, shall be subject to the following regulations:
 - a. No temporary sign shall be permitted to be displayed for a period in excess of ninety (90) days in any one period of three hundred sixty-five (365) days, unless a longer span of display time is approved by the Zoning Administrator.

- b. The size and spacing of any temporary sign shall conform to requirements of Sections E.1 and E.2.
 - c. Subdivision development signs: The Zoning Administrator may issue a special permit for a temporary sign in any district in connection with the marketing of lots or structures within a subdivision provided the sign is located entirely on the property being developed, and must apply to all applicable building setback requirements specified in this Ordinance, or the Shoreland Protection Zoning Ordinance. The signs must not exceed 96 square feet. One sign is allowed for each major road adjacent to the subdivision. Such permits may be issued for a period of one year and may be reviewed for additional periods of up to one year upon written application at least thirty (30) days prior to its expiration.
10. All signs are prohibited from all zoning districts in Polk County unless specifically authorized to be located in the district in accordance with the provisions of this ordinance.

C. Sign Placement

1. On premise signs are allowed in any district subject to space and size requirements as provided for in Section E.2 of this Ordinance.
2. Off premise signs are only allowed in Commercial, Restricted Commercial, Industrial, and Restricted Industrial Districts, subject to space and size requirements as provided for in Sections E.1 of this Ordinance.
3. Other Districts:
 - a. Forestry District - Signs are allowed by Conditional Use Permits only.
 - b. Conservancy District - Signs are allowed by Conditional Use Permits only.
4. Signs not requiring a permit as described in Section F.6 are permitted in any district.

D. Prohibited Signs

1. Lighting shall be sufficiently shielded to prevent stray light from becoming a nuisance to neighboring property, or to the enjoyment of a body of water.
2. No sign shall contain, include, nor be composed of any conspicuous animated or moving parts.
3. No sign shall be painted upon or attached to trucks or other vehicles, or parts thereof, and parked on a parcel for purposes of visual display. Vehicles operating in the normal course of business (other than used solely for the display of signs) are exempt from this provision.

E. Sign Dimensions and Spacing

1. Off Premise Signs:

<u>Class of Highway</u>	<u>Spacing Between Sign Structures on Same side of Road</u>	<u>Spacing From Public Road Intersection*</u>	<u>Area/Size of Signs (per direction)</u>
Town Roads	1000 Feet	300 Feet	64 Square Feet
County Road	1000 Feet	300 Feet	96 Square Feet
State and US Highway	1000 Feet	300 Feet	240 Square Feet
Interstate Highway	1000 Feet	300 Feet	As State Permitted

*As measured from intersection of road rights-of-way

2. On Premise Signs:

<u>District</u>	<u>Total Number of Signs</u>	<u>Maximum Sign Area*</u>	<u>Height</u>
Residential	1	2 Square Feet	10 feet
Commercial**	1 Freestanding	96 Square Feet	35 feet
Restricted Commercial**	Sign Plus		
Agricultural**	No Limit	192 Square Feet	75 feet
Exclusive Agricultural**			
Industrial**			
Restricted Industrial**			
Lower St Croix Riverway***			
Recreational Forestry Conservancy	By Conditional Use Permit	96 Square Feet	30 feet

* Total sign area is the sum of all sign areas on premise

**Total sign area in these districts is 288 square feet. (1 freestanding sign plus all other on premise signs)

***See Polk County Lower St Croix Riverway Ordinance

F. Permits

1. A permit must be obtained from the Zoning Administrator for the erection of all signs or sign structures, except for those noted in Section F.6.
2. Before any permit is granted for the erection of a sign or sign structure requiring such permit, plans and specification shall be filed with the Zoning Administrator showing the dimensions and materials to be used. The permit application shall be accompanied by the written consent of the owner or lessee of the premises on which the sign is to be erected.
3. No new sign or sign structure shall hereafter be erected or constructed except as herein provided and until after a permit, if required, has been issued by the Zoning Administrator.
4. No sign or sign structure shall be enlarged or relocated except in conformity to the provisions herein, nor until a proper permit, if required has been secured. The changing of copy, display and/or graphic matter, or the content of any sign shall not be deemed an alteration. Improvement or repair to the sign structure

- exceeding 50% of the value of the sign structure shall be deemed an alteration requiring conformity to the provisions of this ordinance.
5. Permit fees to erect, alter, or relocate a sign shall be in accordance with the sign fee schedule adopted by the county.
 6. Signs not requiring a permit:
 - a. Historical markers and signs erected by the State or Polk County Historical Society.
 - b. House numbers not to exceed one foot in height.
 - c. No Hunting or Trespassing signs not to exceed one and one-half square feet in area/size per sign.
 - d. Government signs relating to traffic control or other regulatory purposes or other government signs which are erected by or on the order of a public official in the performance of their public duty.
 - e. Public utility signs indicating danger.
 - f. Political campaign signs provided that such signs be erected no sooner than 60 days prior to the election and shall be removed within 7 days following said election. Maximum sign area shall be 16 square feet in non-residential districts and 8 square feet in residential districts. Political and campaign signs shall not be attached to public signs or utility poles. No such sign shall be placed within the right-of-way lines nor closer than 50 feet from an intersection, or over the right-of-way.
 - g. Real estate signs shall be limited to one on premise sign per lot or parcel and must not be directly illuminated. In residential districts such signs shall be limited to 8 square feet in area. In all other districts, real estate signs shall not be more than 16 square feet in area. Real estate signs shall be removed within 30 days after the sale or lease has been accomplished.
 - h. On premise religious symbols or insignia.
 - i. Vehicular signs on trucks, trailers buses or other vehicles while operating in the normal course of business, which is not in the display of signs.
 - j. On premise temporary signs pertaining to drives or events of philanthropic, educational, religious organizations, or other non-profit organizations as defined by the IRS, provided such signs are posted not more than thirty (30) days prior to said event and are removed within 7 days after the event.
 - k. Interior window signs in commercial or industrial districts which are visible from a public right of way.
 - l. Directional and instructional signs which provide instructions or direction and are located entirely within the property to which they pertain and do not exceed eight (8) square feet in area and do not in any way advertise a business. This includes but is not limited to such signs as identifying rest rooms, telephone, parking areas, entrances and exits.
 - m. Directional signs to cottages or resorts provided they do not interfere with or obstruct the view of any authorized traffic sign, signal, or device.
 - n. Fertilizer or seed brand signs erected in agricultural districts provided each

sign does not exceed 8 square feet in area.

- o. Public or private signs required as specifically authorized for a public purpose by any law, statute or ordinance.
- p. On premise temporary advertising banners provided the banners do not exceed 32 square feet and displayed for no more than 30 consecutive days.

Sec. XIX. Mobile Homes

- A. For purpose of this section, a mobile home shall be defined as:
"MOBILE HOME" is that which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped and used primarily for sleeping, eating and living quarters or is intended to be so used; and includes any additions, attachments, annexes, foundations and appurtenances, except that a house trailer is not deemed a mobile home if the assessable value of such additions, attachments, annexes, foundations and appurtenances equals or exceeds 50 percent of the assessable value of the house trailer.
- B. ALL mobile homes which are placed on a given lot or site for more than one 14-day period within any 60 consecutive days shall have a minimum original floor space of 550 square feet.
- C. NO mobile home shall be placed on any parcel of land which has less than 60,000 square feet total area, provided that said parcel of land shall not be deeper than 5 times the average width of said parcel.
- D. MOBILE HOMES and travel trailers shall not be placed on any lot or site for more than one 14-day period within any 60 consecutive days unless all provisions of this section are met. This restriction shall not apply to designated areas such as State parks or campgrounds.
- E. THE AREA beneath a mobile home must be completely enclosed with a skirting material of a quality and strength which assures the durability of said skirting material and which does not distract from the general aesthetic quality of the mobile home and the surrounding area.
- F. ALL MOBILE HOMES which are abandoned, burned or otherwise destroyed or substantially damaged must be removed from the lot or site on which they are located within one year after abandonment, burning, destruction or substantial damage occurred.
- G. ALL MOBILE HOMES which are equipped with internal water supplies and plumbing must have a sanitary system which is approved in accordance with Wisconsin Administrative Code Comm 83.
- H. BEFORE A MOBILE HOME is removed from any lot or site, a permit for said removal must be obtained from the Polk County Zoning Administrator. The fee required to obtain said removal permit shall be \$2.00.
- I. MOBILE HOMES having dimensions of less than 8 feet by 32 feet may be stored by the owner on his property if said mobile home is not being used for sleeping purposes.

- J. THE MINIMUM mobile home size and lot size requirements as set forth above shall not apply to mobile home parks as established pursuant to Wisconsin Statute Section 66.0435. All other provisions of this ordinance shall apply to mobile home parks.
- K. Other than designated areas such as State parks or campgrounds a travel trailer will not be allowed on any lot for more than one (1) fourteen (14) day period in and within any sixty (60) consecutive days. Travel trailer may be stored by owner on his lot if not used for sleeping purposes.