

## Amendments to the Polk County Comprehensive Land Use Ordinance

**WHEREAS**, Polk County has previously adopted the Comprehensive Land Use Ordinance on April 21<sup>st</sup>, 1971 by Resolution Number 26; and,

**WHEREAS**, on May 15<sup>th</sup>, 2007 the Polk County Board of Supervisors amended said ordinance with the adoption of Resolution Number 46-07; and,

**WHEREAS**, the Land Information Committee held a public hearing on February 17<sup>th</sup>, 2010 to amend the Comprehensive Land Use Ordinance; and,

**NOW, THEREFORE, BE IT RESOLVED**, that the Polk County Board of Supervisors hereby approve the following amendments to the Polk County Comprehensive Land Use Ordinance (strike-outs are omissions and italics are additions):

### III Definition

Special Exception: The use of property, including the use and location of buildings, the size of lots and the dimensions of required yards, otherwise not allowable under the terms of this ordinance which is permissible by reason of special provisions of this ordinance or for which a special permit may be issued by the Zoning Committee under conditions specified in this ordinance. *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.*

*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: A departure from the terms of this ordinance as applied to specific buildings, structure or parcel of land which the Board of Adjustment may permit contrary to the regulations of this ordinance for the district in which such building, structure or parcel of land is located when the board finds that a literal application of such regulation will affect a limitation on the use of the property which does not generally apply to other properties in the same district and for which there is no compensating gain to the public health, safety or welfare. *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.*

IVC, VIIC1, XC1, XIIA6: Zoning Committee *Board of Adjustment*

~~IVA4 Service garages, storage yards and micro-wave radio-relay structures must be approved by the Zoning Committee prior to construction.~~

VA9: Zoning Board of Adjustment *Land Information Committee.*

~~VIB5 Quarrying: -and provided that the owner of the premises and the operator shall file an agreement, accompanied by a surety bond or other financial guarantee, for the restoration within one year after discontinuing operations of the site to a condition of practical usefulness and physical attractiveness. Minimum requirements for restoration shall be the elimination of all water holes by filling and grading the side sloping of any area disturbed by the quarrying operation to the minimum angle of repose of the slope material or a 1 1/2-1 slope, whichever is the lesser.~~

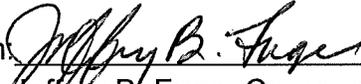
~~VIC: The/the Board~~ *County Board;* shall *may* attach binding conditions

~~VIC, XVID: Zoning~~ *Land Information* Committee; *Land Information* Committee

**Funding Amount:** N/A      **Funding Source:** N/A

Finance Committee Recommends: N/A

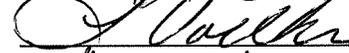
Effective date upon passage and publication as provided by law.

Approved as to form:   
Jeffrey B. Fuge, Corporation Counsel

Date Submitted to County Board 3-16-10

County Board Action adopted

SUBMITTED BY THE LAND INFORMATION COMMITTEE:

  
  
  
  
Ken Sample

STATE OF WISCONSIN )  
 ) SS  
COUNTY OF POLK )

I, Carole T. Wondra, Clerk for Polk County, do hereby certify that the  
attached is a true and correct copy of <sup>Ordinance</sup>~~Resolution~~ No. 14-10 that was adopted  
by the Polk County Board of Supervisors on March 16, 2010.

Carole T. Wondra 3-24-10  
Carole T. Wondra Date  
Polk County Clerk