POLK COUNTY, WISCONSIN

WWW.CO.POLK.WI.US

Sharon Jorgenson, County Clerk
100 Polk Plaza, Suite 110, Balsam Lake, WI 54810
Phone (715) 485-9226 Email Sharon.Jorgenson@co.polk.wi.us

AGENDA AND NOTICE OF MEETING

ENVIRONMENTAL SERVICES COMMITTEE

Government Center, 100 Polk County Plaza, Balsam Lake, WI 54810
County Board Room
Wednesday, August 8, 2018 at 9:00 a.m.
A quorum of the County Board may be present

Materials: July 25, 2018 Minutes

1. Call to order
2. Approval of agenda
3. Approval of minutes for July 25, 2018
4. Public Comments
5. Receipt of Information from Supervisors on Matters Noticed
6. Update work plan
7. Review and Recommendations on Fee Schedules

PUBLIC HEARING

The Polk County Environmental Services Committee will continue the public hearing which began on July 25, 2018, on **Wednesday, August 8, 2018 at 10:00 A.M.** in the Polk County Government Center (County Board Room) in Balsam Lake, WI to receive comments on the Proposed Amended Polk County Comprehensive Land Use, Lower St. Croix Riverway, Board of Adjustment Procedures, and Shoreland Protection Zoning Ordinances.

The Purpose of amending the ordinances listed above is to allow the Environmental Services Committee to hear conditional use permit applications instead of them being heard by the Board of Adjustments.

8. Land Conservation, Agriculture and Extension Education, Lime Quarry:
   - Progress Report from Land and Water on Ordinance Updates
9. Parks, Recreation, Trails and Forestry:
   - Recommendation of Proposed Resolution No. 68-18: Resolution to Lease "Little Red Schoolhouse" on County Fairgrounds to the St. Croix Falls Historical Society
10. Planning and Zoning:
    - Recommendation regarding Ordinance No. 69-18: Proposed Polk County Board of Adjustment Procedures Ordinance
    - Recommendation regarding Ordinance No. 70-18: Proposed Polk County Shoreland Protection Zoning Ordinance
    - Recommendation regarding Ordinance No. 71-18: Proposed Polk County Comprehensive Land Use Ordinance
    - Recommendation regarding Ordinance No. 72-18: Proposed Polk County Lower St. Croix Riverway Ordinance
    - Review of Proposed Revisions to Subdivision Ordinance

11. Tax Delinquent Properties

- Recommendation on Proposed Ordinance No. 53-18: Acquisition and Sale of Tax Deeded Lands Ordinance
- Update on Proposed sale of Woodley property

12. Identification of Subject Matters for Upcoming Meetings and Public Hearings

13. Adjourn

Items on the agenda not necessarily presented in the order listed. This meeting is open to the public according to Wisconsin State Statute 19.83. Persons with disabilities wishing to attend and/or participate are asked to notify the County Clerk's office (715-485-9226) at least 24 hours in advance of the scheduled meeting time so all reasonable accommodations can be made. Requests are confidential.

POLK COUNTY, WISCONSIN

WWW.CO.POLK.WI.US

Sharon Jorgenson, County Clerk
100 Polk Plaza, Suite 110, Balsam Lake, WI 54810
Phone (715) 485-9226 Email Sharon.Jorgenson @co.polk.wi.us

MINUTES

Environmental Services Committee

Government Center County Board Room
100 Polk County Plaza Balsam Lake, WI 54810
9:00 A.M. Wednesday, July 25, 2018

Member Attendance

Attendee Name	Title	Status
Kim O'Connell	Chair	Present
Tracy LaBlanc	Supervisor	Present
Doug Route	Supervisor	Present
Brad Olson	Vice Chair	Present
Jim Edgell	Supervisor	Present
Lyle Doolittle	FSA Representative	Present

Also present were Stephanie Fansler, Deputy County Clerk; Jeff Fuge, Interim Administrator; Jason Kjeseth, Zoning Administrator; and members of the public and of the press.

Meeting called to order by Chair O'Connell at 9:04 A.M.

Approval of Agenda- Chair O'Connell called for a **motion** to approve the amended agenda. **Motion** (Edgell/Olson) to approve the amended agenda carried by unanimous voice vote.

Approval of Minutes – Chair O'Connell called for a **motion** to approve the minutes of the July 11, 2018 meeting. **Motion** (LaBlanc/Olson) to approve the Minutes of the July 11, 2018 carried by unanimous voice vote.

Public Comment - 3 public comments received by committee.
Receipt of Information from Supervisors on Matters Noticed – none
Tax Delinquent Properties – Administrator Fuge addressed the committee on the matter.
Update Work Plan – discussion. Progress report from Land and Water – they are working on their final ordinance update and should have it ready for the 2nd meeting in Aug.
Parks, Recreation, Trails and Forestry - Administrator Fuge reminded the committee of the Trail Planning subcommittee Public Hearing on July 31, 2018 at Unity School. The Forester was unavailable to be introduced to the committee. Forester is drawing up plans for withdrawal of lands from the county forest – Town of Sterling. Discussion regarding lease of land to AT&T
Administrator Fuge suggested the committee consider having future public hearings at 10:00 A.M.

Public Hearing- Proposed Amended Polk County Comprehensive Land Use, Lower St. Croix Riverway, Board of Adjustment Procedures, and Shoreland Protection Zoning Ordinances. Chair O'Connell

opened the Public Hearing at 9:30 A.M. Chair O'Connell recognized Jason Kjeseth, Zoning Administrator to provide a staff report on the proposed amendments. Kjeseth noted that the committee could not act upon the Lower St. Croix Riverway amendment at this time. Chair O'Connell asked for public comments. The committee received public comments.
Chair O'Connell called for a break at 9:44 A.M. Chair O'Connell called the meeting back in session at 9:57 A. M. By consensus, the committee decided to delay the action on the amendments in order for them to be voted on together. Chair O'Connell declared the Public Hearing closed at 10:00 A.M.
Motion- (Route/Edgell) delay action on the proposed Zoning Ordinances until August 8, 2018 passed by unanimous voice vote.

Planning and Zoning: Chair O'Connell recognized Zoning Administrator Kjeseth for the purpose of receiving information. Kjeseth discussed progress on the Subdivision Ordinance and plans to have it ready for the August 8, 2018 meeting. **Resolution No. 18-09: Recommendation of Town of St. Croix Falls Ordinance Amendment. Motion** (LaBlanc/Route) to recommend passage and forward to the full County Board passed by unanimous consensus.
Land Conservation, Agriculture and Extension Education, Lime Quarry: Resolution No, 52-18 – Resolution Concerning the Closure of Lime Quarry Operations and the Future Use of Disposition of Lime Quarry Assets. Considering the amount of public input, Administrator Fuge indicated the resolution requires action. Discussion.
Resolution No. 67-18 – Recommendation of Proposed Resolution Concerning a Business Plan for the Continuing Operation of the Lime Quarry. Discussion. **Motion** (Edgell/LaBlanc) to recommend passage and forward to the full County Board passed by unanimous voice vote.
Motion (Olson/LaBlanc) The minutes should reflect that Resolution No. 67-18 replaces Resolution No. 52-18 passed by unanimous voice vote.
Identification of Subject Matters for Upcoming Meetings. August 8, 2018 - Resolution No. 53-18 (tax deed), fee schedules, update on proposed sale of Woodley Property, and Public Hearing. August 22, 2018 – Subdivision ordinance update. The committee will meet Sept. 5th rather than Sept. 12.
Motion (LaBlanc/Route) to adjourn. Motion carried by unanimous voice vote. Chair O'Connell declared meeting adjourned at 10:58 A.M.

Respectfully submitted,

Stephanie Fansler
Deputy Polk County Clerk

Resolution No.67-18

Resolution Concerning Business Plan for Continuing Operation of Lime Quarry

TO THE HONORABLE CHAIRPERSON AND SUPERVISORS OF THE COUNTY BOARD OF THE COUNTY OF POLK:

Ladies and Gentlemen:

WHEREAS, the mission of the Polk County Lime Quarry is "to serve farmers, contractors, municipalities, county departments and the public by producing and selling lime and lime products".

WHEREAS, the Polk County Lime Quarry has been producing and selling agriculture lime to farmers for over 60 years, and has projected reserves for the next 30 years.

WHEREAS, private enterprise has shown little or no interest in producing agriculture lime as a primary product for sale to farmers.

WHEREAS, the lime quarry is a self-sustaining enterprise unit in over 60 years of operation has never used levy dollars and since 2001 has contributed over one million dollars to the general fund.

WHEREAS, the Polk County Lime quarry needs a significant amount of capital investment to continue efficient operations for the long term.

NOW, THEREFORE, BE IT RESOLVED, the Polk County Board of Supervisors directs the County Administrator, in coordination with the Lime Quarry Manager, to examine the financials of the Lime Quarry and report to the County Board no later than March of 2019, with a business plan that may or may not justify the investment of a significant amount of capital in the next biennium.

Offered on the 21st day of August, 2018.

BY: _____

Brad Olson, Supervisor, District #1

Doug Route, Supervisor, District #2

Dean Johansen, Chair,
Supervisor, District #3,

Chris Nelson, Supervisor, District #4

Tracy LaBlanc, Supervisor, District #5

Brian Masters, Supervisor, District #6

Michael Prichard, Supervisor, District #7

James Edgell, Supervisor, District #8

Kim O'Connell, Supervisor, District #9

Larry Jepsen, Supervisor, District #10

Jay Luke, 1st Vice Chair,
Supervisor, District #11

Michael Larsen, Supervisor, District #12

Russell Arcand, Supervisor, District #13

John Bonneprise, 2nd Vice Chair,
Supervisor, District #14

Joe DeMulling, Supervisor, District #15

Fiscal Impact: The resolution presents a fiscal impact unknown at the present time as related to undertaking of a financial analysis and development of the business plan called for in the resolution. The cost-estimates of the same are unknown at this time.

Legal Impact: The resolution presents no legal impact.

Reviewed By County Administrator:
Approved as to Form and Execution:

Jeffrey B. Fuge
Interim County Administrator /Corporation Counsel

Excerpt of Minutes

At its regular business meeting on the 21 day of August 2018 the Polk County Board of Supervisors acted upon Resolution No. 67-18: Resolution Concerning Business Plan for Continuing Operation of Lime Quarry as Follows:

- ☐ Adopted by majority voice vote
- ☐ Adopted by simple majority of the board of supervisors by a vote of _____ in favor and _____ against.
- ☐ Budget amended by two thirds vote.
- ☐ Adopted by unanimous voice vote.
- ☐ Adopted as amended. See Below.
- ☐ Other: _____

Insert amendment to resolution according to minutes:

SIGNED BY: ATTEST:

Dean Johansen, County Board Chairperson

Sharon Jorgenson, County Clerk

January 3, 2018

ENVIRONMENTAL SERVICES COMMITTEE

2018 WORK PLAN

Date	Scheduled Agenda Items	Program Evaluation and Upcoming Issues
January	• Finalize 2018 work plan • Policy 10 (CB adopts rules in May)	• UWEX services presentation

February	• UW Extension services	• Governor's budget and impact on environmental services programs
		  o Ordinance Amendment requirements
		  o Tree replacement Schedule

March	• Comprehensive Land Use Ordinance (hearing) • Shoreland Ordinance (hearing) • St Croix Riverway Ordinance (hearing)	• Lime Quarry
April	• Listing of new tax deed property	• Recycling
May	• Consideration/reconsideration of County Board priorities in environmental services • Storm Water and Erosion Control Ordinance TAX DEED – Sale of "Country Dam"	• Park and Trails ord. get # from Tim
June	• Town of Luck Zoning Map Amendment (hearing)	
July	• Annual reports	
August	• Review and recommendations on fee schedule	
September	• Annual budget review	
October	• Annual budget amendments	
November		• Land Information Plan update
December	• Develop 2019 work plan • Comprehensive Plan update	

Resolution No. 68-18

Resolution to Lease "Little Red Schoolhouse" on County Fairgrounds to the St. Croix Falls Historical Society

TO THE HONORABLE CHAIRPERSON AND SUPERVISORS OF THE COUNTY BOARD OF THE COUNTY OF POLK:

Ladies and Gentlemen:

WHEREAS, the Farmington Center School District No. 1 one room schoolhouse (now referred to as the "Little Red Schoolhouse") was built in 1859, was continually used as a schoolhouse for nearly one hundred years until 1957 and is believed to be the oldest existing school building in this part of Wisconsin; and

WHEREAS, the Polk County Fair in its early years was held on the grounds of the Little Red Schoolhouse, and the schoolhouse building was used for exhibits and an office for the fair secretary; and

WHEREAS, in 1963, after its active use as a schoolhouse had been discontinued, the schoolhouse was considered worthy of historic preservation and was moved to its present site on the Polk County fairgrounds as a school museum where it has been used for historic and educational exhibits during fairs, and for other purposes; and

WHEREAS, the Polk County Historical Society had assumed oversight responsibility for the schoolhouse, but recently relinquished that responsibility; and

WHEREAS, the building is in need of ongoing care and maintenance and oversight that the St. Croix Falls Historical Society is willing and able to provide;

NOW, THEREFORE, BE IT RESOLVED that the Polk County Board of Supervisors recognizes the historical nature of the schoolhouse and the value of its preservation, and hereby authorizes and directs the County Administrator to negotiate and execute a lease agreement with the St. Croix Falls Historical Society for the lease of the Little Red Schoolhouse on the Polk County fairgrounds with the provision that the St. Croix Falls Historical Society will provide oversight and ongoing ordinary maintenance of the schoolhouse, provided that Polk County will be responsible for the cost of capital repairs to the building; and

BE IT FURTHER RESOLVED that $____ be included in the 2019 Polk County budget for necessary capital repairs to the building.

Offered on the 21st day of August, 2018.

BY: _____

Brad Olson, Supervisor, District #1

_____

Doug Route, Supervisor, District #2

_____

Dean Johansen, Chair,
Supervisor, District #3,

_____

Chris Nelson, Supervisor, District #4

_____

Tracy LaBlanc, Supervisor, District #5

_____

Brian Masters, Supervisor, District #6

_____

Michael Prichard, Supervisor, District #7

_____

James Edgell, Supervisor, District #8

_____

Kim O'Connell, Supervisor, District #9

_____

Larry Jepsen, Supervisor, District #10

_____

Jay Luke, 1st Vice Chair,
Supervisor, District #11

_____

Michael Larsen, Supervisor, District #12

_____

Russell Arcand, Supervisor, District #13

_____

John Bonneprise, 2nd Vice Chair,
Supervisor, District #14

_____

Joe DeMulling, Supervisor, District #15

Fiscal Impact: The resolution presents a fiscal impact unknown at the present time as related to undertaking of a financial analysis and development of the business plan called for in the resolution. The cost-estimates of the same are unknown at this time.

Legal Impact: The resolution presents no legal impact.

Reviewed By County Administrator:
Approved as to Form and Execution:

_____

Jeffrey B. Fuge
Interim County Administrator /Corporation Counsel

Excerpt of Minutes

At its regular business meeting on the 21 day of August 2018 the Polk County Board of Supervisors acted upon Resolution No.68-18: Resolution to Lease "Little Red Schoolhouse" on County Fairgrounds to the St. Croix Falls Historical Society as Follows:

- ☐ Adopted by majority voice vote
- ☐ Adopted by simple majority of the board of supervisors by a vote of _____ in favor and _____ against.
- ☐ Budget amended by two thirds vote.
- ☐ Adopted by unanimous voice vote.
- ☐ Adopted as amended. See Below.
- ☐ Other: _____

Insert amendment to resolution according to minutes:

SIGNED BY: ATTEST:

_____ _____

Dean Johansen, County Board Chairperson Sharon Jorgenson, County Clerk

Polk County Department of Land Information

Planning | Zoning | GIS | Surveyor

100 Polk County Plaza, Suite 130
Balsam Lake, WI 54810

Phone (715) 485-9279
Fax (715) 485-9246

Sara McCurdy, Director

July 10, 2018

RECEIVED
JUL 10 2018
POLK COUNTY CLERK

Polk County
c/o: Ms. Sharon Jorgenson, County Clerk
100 Polk County Plaza, Suite 120
Balsam Lake, WI 54810

Re: Section 59.69(5)(e) - Petition To Amend:
-Polk County Shoreland Protection Zoning Ordinance
-Polk County Comprehensive Land Use Ordinance
-Polk County Lower St. Croix Riverway Ordinance
-Polk County Board of Adjustment Procedures Ordinance

Dear Ms. Jorgenson:

Pursuant to Wisconsin Statute 59.69(5)(e), the Polk County Zoning Administrator files this letter as and for the petition to amend the Polk County Shoreland Protection, Comprehensive Land Use, Lower St. Croix Riverway, and Board of Adjustment Procedures Ordinances. Attached to and incorporated herein is a copy of the existing and proposed ordinances along with a map and description of the properties affected by said amendments.

The petition to amend these ordinances is made on the following basis:

1. The Polk County Shoreland Protection Zoning Ordinance, enacted June 19, 2018, regulates properties within the unincorporated shoreland areas of Polk County as required under Wisconsin Statute Sections 59.692 and 281.31. The purpose of this ordinance is to insure proper management and development of the shoreland areas while promoting public health, safety, and general welfare. Most commercial uses require a conditional use permit under this ordinance. The proposed amendments allow the Environmental Services Committee to act on conditional use permit applications instead of the Board of Adjustment.

2. The Polk County Comprehensive Land Use Ordinance, enacted June 19, 2018, applies to the unincorporated non-shoreland areas of towns with county zoning. The ordinance has twelve different zoning districts and each district lists conditional uses. The proposed amendments change the authority to consider and act on conditional use permit applications from the Board of Adjustment to the Environmental Services Committee.

3. The Polk County Lower St. Croix Riverway Ordinance, enacted May 15, 2018, applies to unincorporated land in the St. Croix Riverway district. The provisions of this ordinance relate to the standards in NR 118, Wisconsin Administrative Code. The proposed changes allow the Environmental Services Committee to hear and act on conditional use permit applications which are generally land divisions under this ordinance.

4. The Polk County Board of Adjustment Procedures Ordinance, enacted June 19, 2018, provides duties and guidelines for Board of Adjustment members and hearings. The Board of Adjustment is authorized under Wisconsin Statute Section 59.694 to hear variance requests to Polk County's land use ordinances. The proposed amendments remove the Board of Adjustments authority over conditional use permits.

5. The Wisconsin Legislature enacted 2017 Wisconsin Act 67 which changed the requirements for conditional use permits. 2017 Wisconsin Act 67 also limits the County's ability to regulate nonconforming structures under the Comprehensive Land Use Ordinance.

6. The Polk County Zoning Administrator petitions the Polk County Board of Supervisors to adopt as and for Polk County's Shoreland Protection, Comprehensive Land Use, Lower St. Croix Riverway, and Board of Adjustment Procedures Ordinances under Wisconsin Statute Sections 59.69, 59.692, and 59.694 the proposed amended ordinances, which are attached hereto and incorporated herein.

7. After consultation with Corporation Counsel, the proposed amended ordinances have been drafted to comply with state statute, and the state standards contained in Wisconsin Administrative Code.

8. Pursuant to Wisconsin Statute Section 59.69(5)(e), the proposed ordinances are subject to the public hearing process, and would be effective upon County Board passage.

Pursuant to Wisconsin Statute Section 59.69(5)(e)1, please note the date of filing on the original of this petition and refer the same to the Polk County Land Information Department – Division of Zoning and the Polk County Environmental Services Committee for further consideration, public hearing, report and recommendation, as appropriate. Please also cause to be issued a copy of this petition to each county board supervisor.

Please also provide a copy of the file stamped petition to Polk County Land Information Department – Division of Zoning for the purpose of giving appropriate notice to the

Wisconsin Department of Natural Resources and other appropriate governmental entities and for giving notice of the public hearing by the Polk County Environmental Services Committee on July 25, 2018. Pursuant to Wisconsin Statute Section 59.69(5)(e)5, the Polk County Land Information Department – Division of Zoning will submit its report on the petition in advance of the August 21, 2018 meeting of the Polk County Board of Supervisors.

Respectfully,

Jason Kjeseth

Jason Kjeseth
Polk County Zoning Administrator

Attachments:

Existing and Proposed Polk Shoreland Protection Zoning Ordinance
Existing and Proposed Polk County Comprehensive Land Use Ordinance
Existing and Proposed Polk County Lower St. Croix Riverway Ordinance
Existing and Proposed Polk County Board of Adjustment Procedures Ordinance
Map of Affected Properties

Cc: Mr. Dean Johansen, Polk County Chairperson
Mr. Kim O'Connell, Chairperson, Polk County Environmental Services Committee
Mr. Jeffrey B. Fuge, Interim County Administrator/ Corporation Counsel

Proposed
POLK COUNTY
BOARD OF ADJUSTMENT
PROCEDURES ORDINANCE

Ordinance No. 69-18
Polk County Board of Adjustment Procedures Ordinance
Enacted: _____; Published: _____
Effective Date: _____

~~TEXT~~ =TO BE REMOVED
TEXT = PROPOSED TEXT

Polk County Land Information Department
Polk County Government Center
100 Polk County Plaza, Suite 130
Balsam Lake, WI 54810
715-485-9111
715-485-9246 Fax
www.co.polk.wi.us/landinfo/zoning

POLK COUNTY BOARD OF ADJUSTMENT PROCEDURES ORDINANCE

Section 1.0 General Provisions 2

Section 2.0 Officers and Duties 3

Section 3.0 Meetings 4

Section 4.0 Powers and Duties of the Board 4

Section 6.0 Proceedings of Hearings 7

Section 7.0 Decisions of the Board 10

Section 8.0 Refiling and Rehearings 11

Section 9.0 Amendments of Rules 12

Section 10.0 Annual Report 12

Section 11.0 Staff 12

Section 12.0 Reimbursement 12

Section 13.0 Definitions 13

POLK COUNTY BOARD OF ADJUSTMENT PROCEDURES ORDINANCE

FOR THE POLK COUNTY COMPREHENSIVE LAND USE ORDINANCE, THE POLK COUNTY SHORELAND PROTECTION ORDINANCE, THE FLOODPLAIN ORDINANCE, AND THE LOWER ST. CROIX RIVERWAY ORDINANCE.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF POLK DO ORDAIN AS FOLLOWS:

Section 1.0 General Provisions

1.1 Authority

This Board has been established pursuant to the Wisconsin Statutes, as amended, and assumes thereby, all responsibilities, duties and powers as provided therein and by related statutes. A copy of these rules shall be filed with the County Clerk to be kept as a permanent public record. Copies of the rules shall also be available to the public. These rules are supplementary to the provisions of the zoning ordinances of the County as they relate to the procedures of the Board of Adjustment.

1.2 Title

The official title of the Board is: The Polk County Board of Adjustment.

1.3 Membership

The Board shall consist of five members with two alternate members. Membership requirements shall be consistent with Wis. Sta. sec. 59.694. At least one member shall be a riparian landowner.

1.4 Conflicts of Interest

Any member of the Board, who has any direct or indirect interest, personal or financial, in a matter before the Board shall not vote thereon or participate in the deliberation of such matter at any meeting or hearing at which said matter is under consideration. A disqualifying conflict of interest shall be deemed to exist when: (1) the Board member is the applicant or spouse of the applicant, or is related to the applicant within the third degree of consanguinity, or is the husband or wife of someone so related; or (2) the applicant is the employer, employee or partner of the member or is a corporation in which the member is a major shareholder or has a financial interest; or (3) the member owns property within 300 feet of the property which is the subject of the application.

1.5 Limitations

Nothing herein shall be construed to give or grant to the Board the power or authority to alter or change the zoning ordinances or zones of other official maps of the County, which authority is reserved to the Environmental Services Committee and County Board of

Supervisors.

1.6 **Board's Office**

The office of the Board shall be located at the office of the Zoning Administrator. All records of the Board shall be available for public inspection during normal office hours.

Section 2.0 Officers and Duties

2.1 **Officers**

The Board shall elect a Chairperson, Vice-chairperson, and Secretary from among its members. These officers shall serve a two (2) year term. Elections shall be held in April of even-numbered years. The Board may, at any meeting or hearing, elect from among the membership the replacement for an officer, who for whatever reason is unable to perform the duties of his or her office.

2.2 **Duties of Officers**

2.21 The Chairperson, if present, otherwise the Vice-chairperson, shall preside over and direct the conduct of all meetings and hearings of the Board and may administer oaths and compel the attendance of witnesses. The Chairperson shall report on all official transactions that have not otherwise come to the attention of the Board. The Chairperson shall, subject to these rules and further instructions from the Board, direct the official business of the Board, supervise the work of the Board, and request necessary help when required. The Chairperson or the presiding officer, subject to these rules, shall decide all points of procedure or order, unless otherwise directed by a majority of the members in attendance on motion duly made and approved.

2.22 The Secretary shall record and maintain permanent minutes of the Board's proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact; shall keep records of its official actions; shall summarize accurately the testimony of those appearing before the Board and keep a record of all hearings; shall record the names and addresses of all persons appearing before the Board in person, or by attorney; and shall, subject to the Board and Chairperson conduct the correspondence of the Board and have published in an official newspaper, public notices of meetings or hearings as required by law; shall file said minutes and records in the office of the Board which minutes and records shall be a public record; and shall be the custodian of the files of the Board and keep all records. County staff shall assist the Secretary of the Board in performing these clerical duties.

2.23 The County Corporation Counsel, or his/her designated representative, shall be the legal counsel for the Board. Advice of counsel shall be received and entered in the minutes before disposition of any question of law or matter requiring legal

interpretation or advice.

Section 3.0 Meetings

3.1 Time: How Called

Meeting and hearings of the Board shall be held or may be cancelled at the call of the Chair and at such other time as the Board may determine, provided that the Secretary notifies all Board members at least 48 hours prior to such meeting. All meetings shall be open to the public and in accordance with the Open Meeting Law, except the Board may call a closed session at the conclusion of any public hearing for the purpose of reaching a decision on the evidence placed before it in the open session portion of such hearing. Hearings shall be advertised as required by law and these rules.

3.2 Quorum

A quorum shall consist of a majority of all members of the Board and no action may be taken except by a majority vote of such quorum except a lesser number may meet and adjourn any meeting duly called and noticed to a time certain. When determining if a quorum is present, the total number of Board members does not include alternates. For example, if the Board were comprised of five members and two alternates, it would take a total of three members to comprise a quorum.

3.3 Robert's Rules of Order

The most current edition of Robert's Rule of Order shall govern actions of the Board and conduct of the meeting if not otherwise stated in this ordinance.

Section 4.0 Powers and Duties of the Board

4.1 General Powers

The powers and duties of the Board of Adjustment are identified in the Wisconsin Statutes and in the various zoning ordinances that have been adopted by the County. The Board shall have the following general powers:

4.11 To hear and decide appeals where it is alleged there is error in any order, requirement, decision,
or determination made by an administrative official in the enforcement of the Wisconsin Statutes,
or of any county zoning ordinance(s) adopted pursuant thereto.

4.12 To authorize, upon appeal in specific cases, such variance of the zoning ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the ordinances will result in unnecessary hardship and so that the spirit of the ordinance shall be observed, public welfare and

safety secured, and substantial justice done. A variance:

(a) Shall be consistent with the spirit and intent of the zoning ordinances.
(b) Shall not permit any change in the uses in the established zone districts.
(c) Shall not be granted unless it is shown that the variance will not be contrary to the public interest or damaging to the rights of other persons' property values in the area.
(d) Shall not be granted for actions which require an amendment to the ordinance.
(e) Shall not be granted on the basis of economic gain or loss.
(f) Shall not be granted for a self-imposed hardship.

4.13 Hear and decide appeals on the extensions of structures, buildings or premises devoted to nonconforming uses.

4.14 ~~To hear and decide requests for conditional uses from the terms of any land use ordinance that contains such provision.~~

4.2 Scope or Orders

In exercising the powers under Section 4.1, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issuance of a permit, or conduct a de novo hearing.

Section 5.0 Application and Appeal Procedures

5.1 Who May File

The applicant or appellant, his/her agent or attorney shall file applications to the Board and appeals from the Zoning Administrator's decisions with the Zoning Administrator. Appeals may be filed by any person aggrieved or by any officer, department, board, or bureau of the County or Town affected by the Zoning Administrator's decision.

5.2 Copies to be Sent

The Zoning Administrator shall transmit copies of the application or appeal as follows: Original to the Board of Adjustment; a copy to the applicant; a copy to the Zoning Administrator's files; a copy to the Clerk of the Town Board or Village Council, where applicable as to variances. In the case of applications or appeals affecting property within the wetland/shorelands, one copy shall also be sent to the Department of Natural Resources and to any affected lake association or lake protection & rehabilitation district.

5.3 Time to Appeal

Appeals from the Zoning Administrator's decision must be filed within thirty (30) days after the decision in writing is made and filed.

5.4 **Required Information**

Failure of the applicant to supply the required information within sixty (60) days of filing an application or appeal may be considered by the Board as a failure to comply with the application and appeal procedure and the case may be dismissed for failure of timely filing. Applications or appeals shall be made on forms provided by the Zoning Administrator. Any communication except on prescribed forms, purporting to be an appeal shall be deemed a mere notice of intention to file and shall not be deemed a filing to comply with requirements of timely filing.

5.5 **Reasons to Be Stated**

The reason for the application or appeal must be stated and the reasons why the request should be granted must also be stated by the applicant: (a) If a variance is requested, facts should be stated for the need of a variance and the request must meet the three (3) criteria necessary for the Board of granting the variance. (b) If an appeal is based upon an alleged error or abuse of discretion of the Zoning Administrator, facts should be stated as to the nature thereof.

5.6 **Dismissal of Case**

The Board may refuse to hear a case upon the failure of the applicant to supply the required information called for on the forms and as further reasonably required by the Zoning Administrator.

5.7 **Owner's Consent**

The forms shall bear the signature of the owner of the property affected or shall be accompanied by a letter from the owner acknowledging the filing of the form.

5.8 **Notice of Hearing**

5.81 The Secretary of the Board shall give, or cause to be given, notice of each hearing as required by law and these rules. This shall include at least the following: (1) publication of a Class 2 hearing notice in the official County newspaper; (2) mailing a notice of the hearing to the applicant, and where required to the area office of the Department of Natural Resources at least ten (10) days before the hearing; (3) mailing a notice of the hearing to the Town Clerk of the Town in which the property is located, no less than ten (10) calendar days before the date of the hearing; (4) mailing a notice of the hearing to the Village Clerk and Village President when the property affected lies within 1 1/2 air miles of the closest city or village limits, no less than ten (10) calendar days before the date of the hearing; (5) mailing a notice of the hearing to any affected lake association or lake protection & rehabilitation

district, no less than ten (10) calendar days before the date of the hearing; (6) all property owners within 300 feet of the property affected by the request.

5.82 A copy of the application for a variance ~~or conditional use~~ shall be sent to the Town Clerk, and when applicable to the Village Clerk, of the municipality in which the property is located. A copy shall also be sent to any affected lake association or lake protection & rehabilitation district. The Board of Adjustment may consider the decision of the municipality, lake association, or lake protection and rehabilitation district in granting or denying the variance ~~or conditional use~~ requested.

5.83 When a hearing involves an application or petition for a variance ~~or conditional use~~, a notice shall be sent to the adjoining property owners within 300' of the affected property. Such notice shall include the information required for a hearing notice and shall provide the recipient the opportunity to indicate whether they are in favor or opposed to the application. Comments from surrounding property owners may be considered by the Board in granting or denying the variance ~~or conditional use~~ requested. A signature(s) is required in order for the comments to receive consideration by the Board. The failure of such notice to reach any property owner shall not invalidate any decision made on a variance ~~or conditional use~~. Such notice shall be mailed at least ten (10) days before the hearing.

5.9 Effect of Appeal

An appeal shall stay all proceedings and furtherance of the action appealed from, unless the officer, from whom the appeal is taken, shall certify to the Board of Adjustment, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed, otherwise than by a restraining order, which may be granted by the Board of Adjustment, or by a court of record on application and notice to the officer from whom the appeal is taken and on due cause shown.

5.10 Representative Filing

An applicant may file an application or appeal personally or by an agent or attorney.

5.11 Fee

The applicant shall pay such fees as may be from time to time established by the Environmental Services Committee, which amount shall be deposited with the Zoning Office for each application filed before a public hearing will be scheduled.

Section 6.0 Proceedings of Hearings

6.1 Appearances, Adjournments

At the time of the hearing, the applicant may appear in his own behalf or be represented by

his counsel or agent. A motion passed to table a request or a recess or adjournment of a hearing, made at a noticed hearing date, to a time and place certain is adequate notice to the members and the public of a new hearing date.

6.2 Witnesses

The Chairperson, or Vice-chairperson, may compel the attendance of witnesses and may require those wishing to testify to state their names and interests in the matter before the Board. Testimony shall be taken under oath administered by the Chairperson or Vice-chairperson.

6.3 Order of Hearings

Hearings on cases shall normally follow this order:

1. Reading of the application.
2. Determination of Jurisdiction, if requested.
3. Submission of the file, which may include: The Town Board decision or Village Council decision; maps or surveys; inspection reports; opinion letters; letters of correspondence; soil tests results; plot plans or sketches; and photographs. Reading of the appeal.
4. Applicant's statements and presentation of evidence.
5. Others in support of applicant make statements and present evidence.
6. Objector's statements and presentation of evidence.
7. Staff recommendations.
8. Questions by Board members.
9. Rebuttals as permitted by the Board.
10. Deliberations and decision by the Board.

6.4 Preliminary Matters

Following the reading of the application or appeal, the Board may hear arguments on the question of jurisdiction and request that briefs be filed on the point. The Board may proceed with the hearing and the taking of testimony in any event and reserve its determination on a jurisdictional question until after hearing all testimony and render a decision on the merits as if it had jurisdiction. The Board may make an immediate determination and close the hearing finding that it lacks jurisdiction. If the Board determines by motion that it lacks jurisdiction, the secretary shall record the decision as a vote to deny the request.

6.5 Parties Not to Interrupt

Orderly procedure requires that each side shall proceed without interruption by the other, and that all arguments and pleadings shall be addressed to the Board. There shall be no questioning or arguments between individuals.

6.6 Questions and Debate

During the hearing, the Chairperson, Board members, and members of the staff may ask questions and make appropriate comments pertinent to the case; however, no member should debate or argue an issue with the applicant. The Chairperson and Board members may direct any question to the applicant or to any person speaking in order to bring out all relevant facts, circumstances, and conditions affecting the case and may call for questions from members of the staff.

6.7 Presentation of Evidence

All supporting evidence for and against each case shall be presented to the assembled Board. The applicant shall be responsible for the presentation of all information supporting his/her case. The Board may take administrative notice of the ordinances of the County and laws of the State of Wisconsin and other relevant facts not reasonably subject to dispute on its own motion or motion of a party.

6.8 Additional Evidence

The Board may take a case under advisement for later consideration and determination, or may table or defer action whenever it concludes that additional evidence is needed or further study is required.

6.9 Rules of Evidence

The Board shall not be bound by court rules of evidence, but it may exclude irrelevant, immaterial, incompetent, unduly argumentative, or repetitious testimony or evidence.

6.10 Chairperson to Rule on Admissibility

The Chairperson shall rule on all questions relating to the admissibility of evidence, which may be overruled by a majority of the Board members.

6.11 Interested Persons May Testify

Persons having an interest in the case may attend the hearing and may request an opportunity to testify provided they identify themselves.

6.12 Record of Hearing

All proceedings at a hearing shall be audio recorded. The Secretary shall prepare a summary of motions, witnesses, appearances, roll call, votes, and all other matters constituting the substance of the proceedings. The proceedings shall become part of the written record filed in the office of the Board and open to the public. Verbatim transcripts of recorded proceedings shall not be prepared unless ordered by the circuit court by a writ of certiorari.

6.13 Adjournments

When all applications or appeals cannot be disposed of on day set, the Board may adjourn from day to day or to a day certain, as it may order, and such adjourned day shall be construed as a continuance of the hearing. Notice of such adjournment shall be given to the absent members of the Board.

6.14 Withdrawal of Application

An applicant or appellant may withdraw an application or appeal at any time prior to the decision, but a pending motion to grant or deny the application shall have precedence over withdrawal. Withdrawal of the application or appeal shall not entitle the applicant to remission of the filing fee.

Section 7.0 Decisions of the Board

7.1 Majority Vote Required

The concurring vote of a majority of the members present, when such is sufficient to constitute a quorum of the Board as defined in this Ordinance shall be necessary to approve, deny, or table any matter upon which it is required under any ordinance in which the Board has jurisdiction, unless otherwise required by law.

7.2 Decisions to be Written

All decisions shall be in writing and contain the facts upon which the decision is based.

7.3 Decisions to be Mailed

Within ten (10) days of the close of the hearing to which the decision relates, written copies of such decision shall be mailed to the applicant, the local municipality, Environmental Services Committee, those sworn in, and if applicable to the following: adjoining local municipality, Department of Natural Resources, affected lake association or lake protection & rehabilitation district and State or Federal Highway Department. The approval or granting by the Board is deemed to constitute an order to the zoning official to issue a permit. A denial of the application or appeal by the Board is deemed to be an order to deny the permit.

7.4 Findings of Fact

In acting on any matters before it, the Board shall make findings supporting its actions. In every case where a variance from the zoning regulations is granted by the Board, the minutes of the Board shall affirmatively show that an unnecessary hardship or practical difficulty exists and the records of the Board shall clearly show in what particular and specific respects an unnecessary hardship or practical difficulty is created.

7.5 **Disqualification: Motions**

A member may disqualify himself from voting whenever the member has a personal or monetary interest in the property concerning the case, will be directly affected by the decision of the Board, has or believes he has any conflict of interest under state statutes. A member may also disqualify himself whenever the applicant or the applicant's agent has sought to influence the vote of the member on his case outside the public hearing. All decisions of the Board shall be made at a public hearing by the motion made, seconded, and passed. A motion, which decides the issue, shall be in the form of findings of fact and shall state the reasons for the findings by the Board. If conditions are imposed in the granting of a variance ~~or conditional use~~, such conditions shall be included in the motion.

7.6 **Decision to Relate to Specific Property**

The decision of the Board shall be deemed as applying to the property rather than to the individual and is valid only for the specific premises in the case and is not transferable to other properties.

7.7 **Informal Advice Not Binding**

Any advice, opinion, or information given by any Board member, or any other official or employee of the County shall not be binding on the Board.

7.8 **Cases to be Determined Individually**

No action of the Board shall set a binding precedent. Each case shall be decided upon its merits and upon the attendant circumstances, provided the Board shall not act arbitrarily or capriciously.

7.9 **Decisions to be filed with State**

Copies of decisions within the shorelands or affecting the Wetland/Shoreland One District shall be sent to the appropriate district office of the Department of Natural Resources.

7.10 **Action in Circuit Court**

Any person or persons jointly or severely aggrieved by any decision of the Board of Adjustment, or any taxpayer, or any officer, department, board, or bureau of the County may commence an action in the circuit court for writ of certiorari to review the legality of such decision in whole or in part, within thirty (30) days after the filing of the decision in the office of the Board.

Section 8.0 Refiling and Rehearings

8.1 **One Year Refiling Rule**

No matter which has been acted upon by the Board concerning the same or part of the same property shall be considered again with one (1) year from the date of the action, except as hereinafter provided.

8.2 **Reopenings and Rehearings Limited**

The Board may not reopen any case upon which a previous hearing has been held, except to correct a manifest error.

8.3 **Closure of Case**

A case will be considered as heard and closed at such time as the Board approves or rejects an application or appeal by motion or when it is considered closed by operation of these rules.

8.4 **Reconsideration on Board Motion**

A decision of the Board may be reconsidered only if a member of the prevailing vote request that the decision be reconsidered. Such a request must be made at the same meeting or at the next scheduled board meeting.

8.5 **Reconsideration Tolls Appeal Period**

The filing of a motion for reconsideration shall stop the running of the thirty (30) day period in which a petition to the Circuit Court must be made. The thirty (30) day period will run in such event from the date of a decision not to reconsider is made by the Board, or if the matter is reconsidered, from the date the decision on the reconsidered matter is filed in the Board's office.

Section 9.0 Amendments of Rules

These rules may be changed or amended from time to time by the Polk County Board of Supervisors.

Section 10.0 Annual Report

In April of each year, the Board of Adjustment shall submit a report of its activities during the preceding year, to the Environmental Services Committee for transmittal to the County Board.

Section 11.0 Staff

The Board of Adjustment may utilize the advice and assistance of the County employees and may delegate administrative tasks to such employees as authorized by the County Board of Supervisors.

Section 12.0 Reimbursement

Board members shall receive per diem as established by County Board Resolution plus travel mileage, meals, and lodging expenses as established by policy. Members shall receive per diem only for official dates of meetings if attended. One additional per diem will be paid if the meeting is over 400 miles round trip. Travel shall be held to a minimum by car-pooling. A Board Chairperson, with the approval of the County Board Chairman, may approve a per diem and mileage per county policy for a meeting that both agree needs to be attended. Only meals, travel, lodging and registration fees will be paid consistent with policy established by the board.

Section 13.0 Definitions

Certain terms or words used herein are defined as follows:

1) *Aggrieved person*: Any person whose substantial interests are adversely affected by a determination. Aggrieved person may file appeals or appear in opposition to an application.

2) *Appeal*: A complaint of an injustice done or error committed in which both the facts and the law are reviewed. Board of Adjustment hear and decide appeals regarding interpretations of county zoning ordinances.

3) *Briefs*: A concise and brief statement expounding on the legal issues and the authorities.

4) *Certiorari*: A written order from a higher court to a lower court demanding a transcript of the proceedings of a case for review. Review of the Board's decision is by the Circuit Court in an action of certiorari. The records will be judged on the evidence presented and the procedures followed by the Board in hearing the case and reaching a decision.

5) *Conditional Use*: means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by the county, but does not include a variance. Conditional uses, listed by ordinance, are subject to certain conditions specified in the ordinance and/or designated by the ~~Board of Adjustment~~ Environmental Services Committee.

6) *Findings of fact*: A statement of the Board's rationale behind the decision and facts that support the decision.

7) *Hearing de novo*: To hear anew. The court may grant a hearing de novo if the decision was based on insufficient evidence or the findings of fact are insufficiently recorded.

8) *Substantial Evidence:* means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

9) *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.

a. *Self-imposed hardship:* A hardship created by oneself. Examples include excavating a pond on vacant lot and then arguing that there is no suitable location for a home; claiming hardship for a substandard lot after selling off portions that would have allowed building in compliance; and claiming hardship after starting construction without required permits or during a pending appeal.

10) *Use, Variance:* means an authorization by the board of adjustment under this subsection for the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable zoning ordinance.

11) *Variance:* (Area) means a modification to a dimensional, physical, or locational requirement such as the setback, frontage, height, bulk, or density restriction for a structure that is granted by the Board of Adjustment. A variance may only be granted in cases of unnecessary hardship and when the spirit of the ordinance is not violated.

PROPOSED
POLK COUNTY
SHORELAND PROTECTION
ZONING ORDINANCE

Ordinance No. 70-18
Polk County Shoreland Protection Zoning Ordinance
Enacted: _____; Published: _____
Effective Date: _____

~~TEXT~~ =TO BE REMOVED
TEXT = PROPOSED TEXT

Polk County Land Information Department
Polk County Government Center
100 Polk County Plaza, Suite 130
Balsam Lake, WI 54810
715-485-9111
715-485-9246 Fax
www.co.polk.wi.us/landinfo/zoning

POLK COUNTY
SHORELAND PROTECTION ZONING ORDINANCE
(Effective: ~~June 27, 2018~~)

The County Board of Supervisors of the County of Polk does ordain as follows:

Article 1. Title 1
Article 2. Statutory Authorization 1
Article 3. Purpose and Intent 1
Article 4. Definitions 2
Article 5. General Provisions 10
Article 6. Shoreland Zoning District Boundaries 11
Article 7. Shoreland-Wetland District 11
Article 8. General Purpose District 14
Article 9. Classification of Waters 19
Article 10. Reclassification of Waters 20
Article 11. Lot Requirements, Setbacks, ... 20
& Minimum Shoreland Lot Dimensional Requirements 20
Article 12. Shoreland Protection Area 25
Article 13. Open Structures in Shoreland Setback Area 28
Article 14. Impervious Surface 28
Article 15. Mitigation 29
Article 16. Filling, Grading, and Ditching 31
Article 17. Off-Street Parking and Loading 32
Article 18. Administrative Provisions 32
Article 19. Changes and Amendments 38
Article 20. Enforcement and Penalties 38

Article 1. Title

This ordinance shall be known as the Polk County Shoreland Protection Zoning Ordinance.

Article 2. Statutory Authorization

This ordinance is adopted pursuant to the authorization in Sections 59.692 and 281.31, Wisconsin Statutes.

Article 3. Purpose and Intent

A. The purpose of these shoreland regulations is to insure the proper management and development of the shoreland of all navigable lakes, ponds, flowages, rivers and streams in the unincorporated areas of Polk County. The intent of these regulations is to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning ground for fish and aquatic life; control building sites, placement of structures, land uses; and preserve shore cover and natural beauty. For those reasons, development and alterations that may affect the natural function of the shore lands of Polk County shall be controlled and regulated so as to cause no harm. The Shoreland

Protection Zoning Ordinance shall be interpreted in harmony with federal, state, and local laws including, but not limited to, the Polk County Comprehensive Zoning Ordinance, Polk County Nuisance Ordinance, Polk County Flood Plain Ordinance, Polk County Chapter 18 Subdivision Ordinance, and others. Where any provision is inconsistent with applicable federal, state or local laws, rules and regulations, such provision shall be deemed void, but the remainder of this ordinance shall apply and remain in full force and effect. This ordinance shall conform to Chapters 30, 59, and 281 of Wisconsin Statutes Wis. Admin Code Chapter NR 115, and the American Disabilities Act.

B. To the extent that any of the provisions of this ordinance is interpreted to be more restrictive than the state shoreland standard as provided by NR115.05(1)(a) –(g), said ordinance provision shall lack application and the applicable state standard is hereby incorporated by reference as expressly provided herein so as to comply with Wisconsin Statute Section 59.692(1d) and to allow for lawful issuance of any permit, conditional use permit, as provided by this ordinance and to allow for the enforcement by ordinance of the state shoreland standard.

Article 4. Definitions

The following definitions apply to the provisions of this ordinance:
"ACCESSORY BUILDING" see "Building, Accessory"
"ACCESSORY STRUCTURE" see "Structure, Accessory"
"ATTACHED STRUCTURE" means a structure connected to another structure by a common wall or roof.
"BED & BREAKFAST" means any place of lodging that provides 8 or fewer rooms for rent to no more than a total of 20 tourists or other transients for more than 10 nights in a 12-month period, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.
"BOATHOUSE" means a structure designed solely for boat storage and storage of related marine equipment and not used by humans as a place of settled residence or habitat in any manner or form.
"BUILDING" means a structure having a roof supported by columns or walls.
"BUILDING, ACCESSORY" means a detached, subordinate building which is incidental to and customarily found in connection with the primary use of the property limited to 25' in height beyond the shoreland setback area.
"BUILDING ENVELOPE" means the three dimensional space within which a structure is built.
"BUILDING FOOTPRINT" means the perimeter square footage of enclosed building space
"BUNKHOUSE" means a residential accessory structure or part of a residential accessory structure with or without plumbing which is used as temporary sleeping quarters only; no cooking or food preparation facilities; and no greater than 400 sq. ft. of enclosed dwelling space.
"CAMPGROUND" means any lot or tract of land owned by a person, the state or a local government, which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or by one to 3 camping units if the lot or tract of land is represented as a campground.

"CAMPING UNIT" means any portable device, no more than 400 square feet in area, used as a temporary dwelling, including but not limited to a camping trailer/travel trailer, motor home, park model, pick-up truck camping topper or tent
"CONDITIONAL USE" see "Use, Conditional"
"CONSERVATION DESIGN DEVELOPMENT" means a style of development that clusters houses onto smaller lot sizes in order to preserve some feature, function, aspect of the property that is being developed.
"CONTRACTOR'S STORAGE YARD" means the outdoor portion of a lot where construction or service contractor stores and maintains 4 or more pieces of equipment and other materials in an area greater than 250 sq. feet customarily used by the construction or service contractor. This excludes vehicles which require a Class D driver's license to operate.
"DECK" (Patio) An unenclosed exterior accessory structure that has no roof or sides
"DEVELOPMENT" means any man-made change to real estate, including, but not limited to, the construction of buildings, principal structures or accessory structures; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of mobile homes; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of earthen materials.
"DIRECT DRAINAGE" means runoff from riparian areas within 300 feet that flow directly into a surface water resource as defined within the ordinance.
"DISTRICT" means lots or sections of Polk County, Wisconsin, for which the regulations for governing the use of land and buildings are uniform.
"DWELLING, SINGLE-FAMILY" means a structure, or that part of a structure, which is used or intended to be used as a home, residence or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others. This includes manufactured homes, but not mobile homes, camping units, travel trailers, and other temporary sleeping units.
"DWELLING, TWO-FAMILY" means a structure, or that part of a structure, which is used or intended to be used as a home, residence or sleeping place by two-families, to the exclusion of all others.
"DWELLING, MULTIPLE-FAMILY" means a structure, or that part of a structure, which is used or intended to be used as a home, residence or sleeping place by more than two families.
"ESSENTIAL SERVICES" means services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including those uses listed in the Polk County Telecommunications Towers, Antennas, and Related Facilities Ordinance.
"EXCAVATING" means to remove by scooping or digging out.
"EXISTING DEVELOPMENT PATTERN" means that principal structures exist within 250 feet of a proposed principal structure in both directions along the shoreline.
"EXPANSION, HORIZONTAL" (Addition) means expansion of a principal structure outside of its existing building footprint.

"EXPANSION, VERTICAL" means expansion of a principal structure either up or down, within its existing building footprint and includes full replacement of roofs and basements/foundations.
"FAMILY" means the body of persons who live together in one dwelling unit as a single housekeeping entity.
"FARM ANIMALS" means dairy cattle, beef cattle, swine, sheep, horses, ducks, chickens, turkeys and animals or fowl of similar character and customarily maintained in a large parcel setting for food, recreational, breeding, zoological or similar purposes.
"FARM BUILDING" means a building or other structure used to house or feed farm animals, store farm animal feed, or to collect or store waste generated from farm animals.
"FARM RESIDENCE" means any of the following structures that are located on a farm:
A single-family dwelling or two-family dwelling that is the only residential structure on the farm or is occupied by any of the following:

- An owner or operator of the farm.
- A parent or child of an owner or operator of the farm.
- An individual who earns more than 50 percent of his or her gross income from the farm.
- A migrant labor camp that is certified under State Statute 103.92.

"FEEDLOT" means a lot or building, or combination of contiguous lots and buildings, intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which animal waste may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of these parts, open lots used for feeding and rearing of poultry (poultry ranges) and barns, dairy facilities, swine facilities, beef lots and barns, horse stalls, mink ranches and domesticated animal zoos, shall be considered to be animal feedlots.
"FENCE, PRIVACY" means a structure for enclosure or screening that is greater than 4 feet in height and greater than 50% opaque.
"FLOOD PLAIN" means the land which has been or may be hereafter covered by flood water during the regional flood. The flood plain includes the floodway and the flood fringe as those terms are defined in ch. NR 116.
"FRONTAGE" means 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.
"FRONT YARD" means a yard extending the full width of the lot between the front lot line and the nearest part of the principal building, excluding uncovered steps.
"GENERAL PURPOSE DISTRICT" means district that includes all shorelands subject to regulation under this ordinance and not designated wetland areas on a shoreland zoning map.
"GRADING" means the filling, placing or moving of rock and soil material.
"HANDICAP/ADA ACCESS" means any temporary deck extension, walkway, ramp, elevator, or any mechanical device used as a means of movement or access by a handicapped person, which is deemed medically necessary.
"HEIGHT" means the elevation from the lowest exposed grade of the structure to the highest peak of the roof, excluding window wells and stairways.
"HOME BUSINESS" means a gainful occupation operated out of a residence or accessory structure, when such occupation 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

- No external alterations that would effect a substantial change in the residential character of the building
- No more than 50 percent of only one floor of the dwelling shall be devoted to such offices
- Not more than 2 persons not members of the resident family may be employed in any such office.

"HOTEL/MOTEL" means a place where sleeping accommodations are offered for pay to transients, in 5 or more rooms, and all related rooms, buildings and areas.
"HUMAN HABITATION" means the act of occupying a structure as a sleeping place whether intermittently or as a principal residence.
"IMPERVIOUS SURFACES" means surfaces that do not allow the infiltration of water to occur.
"INDUSTRIAL USE" means industrial district or restricted as defined within Polk County Comprehensive Land Use Ordinance.
"INOPERABLE" means not able to perform its normal function.
"IMPERVIOUS SURFACE" means an area that releases as runoff all or a majority of the precipitation that falls on it. Impervious surface excludes frozen soil but includes rooftops, sidewalks, driveways, parking lots, and streets unless specifically designed, constructed, and maintained to be pervious. Roadways as defined in s. 340.01(54), Wis. Adm. Code, or sidewalks as defined in s. 340.01(58), Wis. Adm. Code, are not considered impervious surfaces.
"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.
"KENNEL" means the use of land, with related buildings or structures, for the breeding, rearing or boarding of household pets 5 months of age or older.
"LANDSCAPING" means the removal or alteration of topsoil.
"LAND USE RUNOFF RATING" The land use runoff rating is a tool used to determine how much mitigation is needed to reduce the effects of development, particularly impervious surfaces, on water quality.
"LARGE OUTDOOR COMMERCIAL EVENT" means an event, regardless of whether it is singular or annual or multiple times per year in which payment is accepted, whether by a fee or by donation, in exchange for a public gathering with entertainment, including, but not limited to: music events, motor vehicle rallies, etc.
"LOT" means a parcel of land occupied or designed to provide space necessary for one principal 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.
"LOT, CORNER" means 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.

"LOT LINES" means the lines bounding a lot as herein defined.
"LOT WIDTH" means for the purpose of this ordinance the width of a lot shall be the shortest distance between the sidelines at the setback line.
"MANUFACTURED HOME" means any structure, HUD certified and labeled under the National Manufactured Home Construction and Safety Standards Act of 1974 (U.S.C. Title 42, Chapter 70), that 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 the manufactured home structure, its plumbing, heating, air conditioning and electrical systems, all appliances and all other equipment therein, any additions, attachments, annexes, foundations and appurtenances.
"MANUFACTURED HOME PARK" (previously Mobile Home Park) means an area or premise on which is provided the required space for the accommodation of manufactured home, together with necessary accessory buildings, driveways, walks, screening and other required adjuncts.
"MITIGATION" means balancing measures that are designed, implemented and function to restore natural functions and values that are otherwise lost through development and human activities
"MOBILE HOME" means any structure, not HUD certified and labeled under the National Manufactured Home Construction and Safety Standards Act of 1974 (U.S.C. Title 42, Chapter 70) or manufactured or assembled before June 15, 1976, that 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 the mobile home structure, its plumbing, heating, air conditioning and electrical systems, all appliances and all other equipment therein, any additions, attachments, annexes, foundations, and appurtenances.
"MOTEL" see "Hotel/Motel"
"NAVIGABLE" means all lakes, ponds, flowages, rivers and streams in Polk County shall be presumed to be navigable if they are listed in the Wisconsin Department of Natural Resources' publication *Surface Waters Resources of Polk County*, or are shown on the United States Geological Survey Quadrangle Maps. Lakes, ponds, flowages, rivers and streams not included in these documents may also be determined to be navigable. Also, Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this State, including the Wisconsin portion of boundary waters, which are navigable under the laws of this State. Under Section 281.31(2)(d), Wisconsin Statutes, notwithstanding any other provision of law or administrative rule promulgated there under, shoreland ordinances required under Section 59.692, Wisconsin Statues, and Chapter NR 115, Wisconsin Administrative Code do not apply to lands adjacent to:

1. Farm drainage ditches where such lands are not adjacent to a natural navigable stream or river and such lands were not navigable streams before ditching; and
2. Artificially constructed drainage ditches, ponds or storm water retention basins that are not hydrologically connected to a natural navigable water body

"NONCONFORMING STRUCTURE" see "Structure, Nonconforming"
"NONCONFORMING USE" see "Use, Nonconforming"
"NONFARM RESIDENCE" means a single-family or multi-family residence other than a farm residence.

"NON-METALLIC MINING ACTIVITIES" means the excavation, mining or removal of minerals, clay, ceramic or refractor minerals, quarrying of sand, gravel, crushed or broken stone, including the extraction and removal of top soil, but not including sod farming. The term shall also include such mineral processing operations as aggregate or ready mix plants, hot mix asphalt plants, mining services, processing of top soil, washing, refining or processing of non-metallic mineral materials, when onsite or on a contiguous property.
"ORDINARY HIGH-WATER MARK" (OHWM) means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.
"ORDINARY MAINTENANCE AND REPAIR" means those activities necessary to maintain the structural integrity and current function of the existing structure. Ordinary maintenance and repair may include replacement of windows, doors, siding, insulation, roofing, and roof replacement provided the pitch does not exceed the pitch necessary to match the existing roof.
"OUTLOT" means a lot remnant or parcel of land within a plat remaining after platting, which is intended for open space use, for which no development is intended other than that which is accessory to the open space use. An Outlot may not be developed for any use or structure that requires a private, onsite wastewater treatment system.
"PARENT LOT" means the lot and associated acreage of that lot that existed at the time of the adoption of this ordinance
"PARKING LOT" means 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.
"PATIO" See "deck"
"PERMIT" means a written form issued by the Zoning Department (See Article 18.B.).
"PERMITTED USE" see "Use, Permitted"
"PREEXISTING USE" means a building, structure, or use, which lawfully existed on the effective date of this ordinance as revised and the use of which has been continued uninterrupted and that does not conform to this ordinance.
"RECONSTRUCTION" means activities that exceed maintenance and repair, structural repair, structural alteration, horizontal expansion or vertical expansion.
"ROAD" means a public or private thoroughfare which affords a primary means of access to abutting property, and includes streets and highways.
"ROADSIDE STAND" means 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.
"SETBACK" means the minimum horizontal distance between lot lines, the platted center line of the road, from Right-Of-Way line, or the ordinary high water mark measured to the closest point of the structure.
"SETBACK LINES" means 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.

"SHORELAND" means area landward of the ordinary high water mark within the following distances: 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.
"SHORELAND PROTECTION AREA" means a vegetative strip of land 35 feet measured perpendicular from the ordinary high water mark.
"SHORELAND-WETLAND DISTRICT" means the zoning district, created as a part of this shoreland zoning ordinance, comprised of shorelands that are designated as wetlands on the Wisconsin Wetland Inventory maps.
"SIGN" means 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.
"SIGN, FREESTANDING" means a sign principally supported by one or more columns, poles, or braces placed in or upon the ground
"SIGN, OFF PREMISE" means a sign advertising a business that is not conducted on the property or located in the immediate vicinity of the business.
"SIGN, ON PREMISE" means a sign at a business location advertising a business that is conducted on the property and that is located in the immediate vicinity of the business. "Immediate vicinity" means the sign is within the area bounded by the buildings, driveways and parking areas in which the activity is conducted or within 50 feet of that area. "Immediate vicinity" does not include any area across a street or road from the area where the business is conducted or any area developed for the purpose of erecting a sign.
"SIGN STRUCTURE" means any structure designed for the support of a sign.
"SIGN, TEMPORARY" means 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.
"STORY" means 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.
"STRUCTURAL ALTERATION" means any change in the exterior supporting members, such as bearing walls, columns, beams or girders, footings and piles.
"STRUCTURE" means a principal structure or any accessory structure including a garage, shed, boathouse, sidewalk, stairway, walkway, patio, deck, retaining wall, porch, or fire pit.
"STRUCTURE, ACCESSORY" means a subordinate structure which is incidental to and customarily found in connection with the primary use of the property, including but not limited to: garages, sheds, barns, gazebos, fences, retaining walls, and pedestrian walkways and stairways to surface water.
"STRUCTURE, NONCONFORMING" means a dwelling or other building, structure or accessory building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform with one or more of the regulations in the current zoning ordinance.
"STRUCTURE, PRINCIPAL" (principal building) means a building that is utilized for the primary use of a lot.
"SUBSTANTIAL EVIDENCE" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant

must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

"TOURIST OR TRANSIENT" means a person who travels to a location away from his or her permanent address for a short period of time for vacation, pleasure, recreation, culture, business or employment.

"TOURIST ROOMING HOUSE" means single family dwelling in which sleeping accommodations are offered for pay to a maximum of 2 tourists or transients per bedroom plus 2.

"TRANSIENT LODGING" means any bed & breakfast, hotel or motel that requires a license from the State Department of Health and Family Services.

"TRAVEL TRAILER" means any vehicle, house car, camp car, or any portable or mobile vehicle either self-propelled or propelled by other means which is used or designed to be used for residential living or sleeping purposes as defined in Wisconsin Administrative Code ATCP 79.

"UNDEVELOPED LOT" means a lot that does not have a well and an installed sanitary system, not including a privy.

"UNNECESSARY HARDSHIP" means 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.

"USE, CONDITIONAL" means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by the county, but does not include a variance. Conditional uses, listed by ordinance, are subject to certain conditions specified in the ordinance and/or designated by the ~~Board of Adjustment~~ Environmental Services Committee.

"USE, NONCONFORMING" means a building, structure or use of land lawfully existing at the time of enactment of this ordinance, and which does not conform to the regulations of the district or zone in which it is located.

"USE, PERMITTED" means 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.

"USE, VARIANCE" means an authorization by the board of adjustment under this subsection for the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable zoning ordinance.

"VARIANCE" (Area) means a modification to a dimensional, physical, or locational requirement such as the setback, frontage, height, bulk, or density restriction for a structure that is granted by the Board of Adjustment. A variance may only be granted in cases of unnecessary hardship and when the spirit of the ordinance is not violated.

"VIEWING CORRIDOR" means an area in which all trees and shrubs may be removed to create a visual view.

"VISION CLEARANCE TRIANGLE" means an unoccupied triangular space at the intersection of highways or streets or railroads. Such vision clearance triangle shall be bounded by the intersecting highway, road or railroad right-of-way lines and a setback line connecting points located on such right-of-way lines by measurement from their intersection.

"WETLANDS" means those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation, and which have soils indicative of wet conditions.

"YARD" means an open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

Article 5. General Provisions

A. Areas to be Regulated - The shorelands area shall be considered as those lands within one thousand (1,000) feet of the OHWM of any navigable lake, pond, or flowage, and those lands within three hundred (300) feet of the OHWM of any navigable river or stream, or to the landward side of the flood plain, whichever is greater.

All land within the shoreland area shall be placed within one of the zoning districts listed in Article 6.A. Uses within the shorelands shall conform to requirements of those respective districts and in addition, each use and property shall be subject to the requirements of this Ordinance.

B. Greater Restrictions - The provisions of the shorelands and wetlands regulations supersede all the provisions of any county zoning ordinance adopted under Chapter 59, Wisconsin Statutes, which relate to shorelands. However, where an ordinance adopted under a statute other than Chapter 59, Wisconsin Statutes, applies and is more restrictive than this Ordinance, the more restrictive provision of said ordinance shall continue in full force and effect only to the extent of the greater restrictions that are applicable, but not otherwise. In addition:

1. Shorelands and wetlands regulations shall not require approval or be subject to disapproval by any town or town board.
2. If an existing town ordinance relating to shorelands is more restrictive than this Ordinance or any amendments thereto, the town ordinance continues in all respects to the extent of the greater restrictions, but not otherwise.
3. The shorelands regulations are not intended to repeal, abrogate, or impair any existing deed restrictions, covenants, or easements. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail.

C. Height Restrictions –The height regulations of the underlying zoning districts shall apply as well as a maximum of 35 feet in height for any structure within the shoreland setback area, whichever is more restrictive. All height restrictions apply as measured from the lowest exposed grade to the highest point of the structure.

D. The use of phosphate fertilizers within shoreland areas is prohibited.

E. Septic systems shall comply with the applicable federal, state, and local laws, including other county ordinances.

F. Determinations of navigability and ordinary high-water mark location shall initially be made by the zoning administrator. When questions arise, the zoning administrator shall contact the appropriate office of the Department for a final determination of navigability or ordinary high-water mark. The county may work with surveyors with regard to s. 59.692(1h).

G. Structures including school bus stop shelters, deer stands, dog houses, tree houses and ice-fishing shacks with a footprint of less than 64 sq. feet shall not be deemed an accessory structure or use, do not require permits, and shall conform to the setbacks and cannot be used for storage.

Article 6. Shoreland Zoning District Boundaries

A. The shorelands of Polk County are hereby divided into the following Districts:

1. Shoreland-Wetland District
2. General Purpose District

B. The following maps have been adopted and made part of this ordinance and are on file in the office of the Polk County Zoning Administrator:

1. The most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer.
2. Lake Classification List
3. County Identified Shoreland and Wetland Maps

Article 7. Shoreland-Wetland District

A. Designation – The Shoreland-Wetland district includes all shorelands subject to regulation under Article 5.A, which are designated as wetlands on the most recent version of the Wisconsin Wetland Inventory on the Department of Natural Resources Surface Water Data Viewer that have been adopted and made a part of this ordinance under Article 6.B.

B. Locating shoreland-wetland boundaries. Where an apparent discrepancy exists between the Shoreland-Wetland District shown on the Wisconsin Wetland Inventory and actual field conditions at the time the maps were adopted, the Zoning Administrator shall contact the appropriate field office of the Department of Natural Resources to determine if the shoreland-wetland district, as mapped, is in error. If the Department of Natural Resources staff concurs with the Zoning Administrator that a particular area was incorrectly mapped as a wetlands, the Zoning Administrator shall have the authority to immediately grant or deny a land use permit in accordance with the regulations applicable to the correct zoning district.

In order to correct wetland-mapping errors shown on the official map, the Zoning Administrator shall complete a map amendment in a timely manner.

C. Purpose and Importance - The purpose of the Shoreland-Wetland District is: to maintain safe and healthful conditions, to prevent water pollution, to protect fish spawning grounds and aquatic life, to preserve shore cover and natural beauty, and to control building and development in wetlands whenever possible.

D. Allowed Uses – Allowed uses within the Shoreland-Wetland Zoning District are specifically enumerated in this paragraph. The following uses enumerated shall be allowed, subject to the regulations of this ordinance and the applicable provisions of Federal, State and local laws. The following uses are allowed within the Shoreland-Wetland District:

1. Allowed- The following uses are allowed and do not need a permit, so long as the use involves no filling, flooding, draining, dredging, ditching, tiling, excavating or grading:

(a) Hiking, fishing, trapping, hunting, swimming, boating and fish farming.
(b) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops.
(c) The pasturing of livestock and the construction and maintenance of fences.
(d) The practice of silviculture, including the planting, thinning and harvesting of timber.
(e) The cultivation of agricultural crops.
(f) The construction and maintenance of duck blinds

2. The following uses do not require the issuance of a land use permit and may involve filling, flooding, draining, dredging, ditching, tiling or excavating to the extent specifically provided below:

   (a) Temporary water level stabilization measures, in the practice of silviculture, which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silviculture activities if not corrected.
   (b) Dike and dam construction and ditching for the purpose of growing and harvesting cranberries.
   (c) Ditching, tiling, dredging, excavating or filling done to maintain or repair existing agricultural drainage systems only to the extent necessary to maintain the level of drainage required to continue the existing agricultural use.
   (d) The maintenance, repair, replacement and reconstruction of existing town and county highways and bridges

3. The issuance of a land use permit is required before the following uses may be commenced:

   (a) The construction and maintenance of roads which are necessary to conduct silvicultural activities or are necessary for agricultural cultivation provided that:

      (1) The road cannot, as a practical matter, be located outside the wetland; and,
      (2) The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland and meets the following standards:

         (A) The road is designed and constructed as a single lane roadway with only such depth and width as is necessary to accommodate the machinery required to conduct agricultural and silvicultural activities; and,
         (B) Road construction activities are carried out in the immediate area of the roadbed only; and,
         (C) Any filling, flooding, draining, dredging, ditching, tiling or excavating that is done is necessary for the construction or maintenance of the road.

   (b) The construction and maintenance of nonresidential buildings used solely in conjunction with raising of waterfowl, minnows or other wetland or aquatic animals or used solely for some other purpose which is compatible with wetland preservation, if such building cannot, as a practical matter, be located outside the wetland, provided that:

(1) Any such building does not exceed 500 square feet in floor area; and,
(2) No filling, flooding, draining, dredging, ditching, tiling or excavating is to be done.

(c) The establishment and development of public and private parks and recreation areas, boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves and private wildlife habitat areas, provided that:

(1) Any private recreation or wildlife habitat area is used exclusively for that purpose.
(2) No filling or excavation is done except for limited filling and excavation necessary for the construction of boat access sites which cannot, as a practical matter, be located outside the wetland.
(3) Ditching, excavating, dredging, dike and dam construction in wildlife refuges, game preserves and private wildlife habitat areas, but only for the purpose of improving wildlife habitat or to otherwise enhance wetland values.

(d) The construction and maintenance of electric, gas, telephone, water and sewer transmission and distribution lines, and related facilities by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power, or water to their members, provided that:

(1) The transmission and distribution lines and related facilities cannot, as a practical matter, be located outside the wetland; and
(2) Any filling, excavating, ditching or draining that is done is necessary for such construction or maintenance and is done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetlands.

(e) The construction and maintenance of railroad lines provided that:

(1) The railroad lines cannot, as a practical matter, be located outside the wetland; and
(2) Any filling, excavating, ditching or draining that is done is necessary for such construction or maintenance and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetlands.

(f) The construction and maintenance of piers and walkways, including those built on pilings, provided that no filling, flooding, dredging, draining, ditching, tiling, or excavating is done.

E. Prohibited Uses - Any use not specifically enumerated in Article 7.D, is prohibited, unless the wetland or portion of the wetland is rezoned by an amendment of this ordinance in accordance with the requirements of Section 59.69 (5)(e), Wisconsin Statutes, Chapter NR 115, Wisconsin Administrative Code and Article 7.F. of this Ordinance.

F. Rezoning of Maps and amendments of text in the Shoreland-Wetland District - The following procedures shall be required for rezoning of lands within the Shoreland-Wetland District:

1. For all proposed text and map amendments to the Shoreland-Wetland District, the appropriate district office of the Department of Natural Resources shall be provided with the following:

(a) A copy of every petition for a text or map amendment to the Shoreland-Wetland District within 5 days of the filing of such petition with the County Clerk. Such petition shall include a copy of the Wisconsin Wetland Inventory map adopted as part of this ordinance describing any proposed rezoning of a shoreland-wetland area.
(b) Written notice of the public hearing to be held on a proposed amendment, at least 10 days prior to such hearing;
(c) A copy of the County Zoning Department's findings and recommendations on each proposed amendment, within 10 days after the submission of those findings and recommendations to the County Board; and
(d) Written notice of the County Board's decision on the proposed amendment, within 10 days after it is issued.

2. A wetland, or a portion thereof, in the Shoreland-Wetland District shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:

   (a) Storm and flood water storage capacity;
   (b) Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;
   (c) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable water;
   (d) Shoreline protection against soil erosion;
   (e) Fish spawning, brooding, nursery or feeding grounds;
   (f) Wildlife habitat; or,
   (g) Areas of special recreational, scenic or scientific interest, including scarce wetland types.

3. If the Department of Natural Resources has notified the County Zoning Department that a proposed amendment to the Shoreland-Wetland District may have a significant adverse impact upon any of the criteria listed in Article 7.F.2, that amendment, if approved by the County Board, shall contain the following provision: "This amendment shall not take affect until more than 30 days have elapsed since written notice of the County Board's approval of this amendment was mailed to the Department of Natural Resources. During that 30-day period, the Department of Natural Resources may notify the County Board that it will adopt a superseding shoreland ordinance for the county under Section 59.692(6) of the Wisconsin Statutes. If the Department does so notify the County Board, the effect of this amendment shall be stayed until the adoption procedure under Section 59.692(6) is completed or otherwise terminated."

Article 8. General Purpose District

A. Designation - This district includes all shorelands subject to regulations under Article 5, which are not designated as wetland areas on the shoreland zoning maps in Article 6.

B. Purpose - The General Purpose District shall be used to allow a wide range of uses, subject to the general provisions of this ordinance which are designed to further the maintenance of safe and healthful conditions, protect spawning grounds, fish and aquatic life; and preserve shore

cover and natural beauty.

C. Allowed Uses – All allowed and sanctioned uses that increase the impervious surfaces that are within 300 feet of the OHWM and have direct drainage to a water resource are required to comply with Article 14.

The following uses are allowed within the General Purpose District:

1. Any use allowed under Article 7.
2. Single-family dwelling for owner occupancy, rent or lease.
3. Accessory buildings, incidental to the primary use of the property provided that:
   (a) A riparian lot on any class 1 or 2 water body shall not have more than two (2) accessory buildings, including a boathouse, within 300 feet of the OHWM.
   (b) Accessory buildings are allowed on class 3 waterways without the limitation listed sub (a) above.
4. Boathouses- The roof of a boathouse may be used as a deck if the boathouse has a flat roof with no side walls or screens. Boathouses shall meet the following requirements:
   (a) The maximum dimension is: 14' in width by 26' in depth. The width dimension runs parallel to the water.
   (b) Open handrails under 3 ½ feet tall that meet the Department of Safety and Professional Services standards may be constructed on the roof of the boathouse.
   (c) The roof must pitch away from the lake.
   (d) Designed solely for boat storage and storage of related marine equipment and not used by humans as a place of settled residence or habitat.
   (e) Shall not extend below the OHWM.
   (f) Structure cannot contain any plumbing
   (g) Must be at least 10 feet landward of the OHWM.
   (h) Must be located within the allowed access and viewing corridor.
   (i) Boathouses shall be a single story with a 14' maximum sidewall height.
5. A single (one per lot) bunkhouse will be permitted with the following conditions:
   (a) The bunkhouse shall not exceed 50% of the square footage of the accessory structure with a maximum of 400 square-foot floor area. The 50% square footage limitations will not apply when loft or attic truss type area is being used; however, the area shall not exceed 400 square feet. Stand-alone bunkhouses cannot exceed 400 sq. ft. of floor area in total.
   (b) All of the setback requirements for an accessory structure are met.
   (c) Leasing, rental or use as a residence is strictly prohibited.
   (d) Sanitary systems must be sized for the total number of bedrooms on the lot after the bunkhouse is built. No affidavits allowed for undersized systems
   (e) Holding tanks are only allowed for the purposes of these regulations if absolutely no other system will work on the property (i.e. a mound system or conventional system). A soil test is required to prove the necessity of a holding tank.
   (f) A separate sanitary system for a bunkhouse is prohibited
   (g) The bunkhouse shall be built to Uniform Dwelling Code compliance. A copy of the completed and passed final inspection of the bunkhouse by the Town's Building Inspector is due to the zoning office within 2 years of obtaining the land use permit, as proof that this condition has been satisfied.

(h) Plumbing, if installed, conforms to the Polk County Sanitary Code.
(i) Height of the structure is limited to 25 feet
(j) Maximum of 1 bathroom allowed per bunkhouse
(k) Cannot be split from original property
(l) Cooking facilities are prohibited
(m) Cannot be built on an Outlot
(n) Cannot be the first building on a lot
(o) An affidavit is recorded in the Register of Deeds outlining use restrictions.
(p) Boathouses cannot become bunkhouses
(q) Only allowed in zoning districts where single-family residential uses are allowed
(r) Must meet minimum lot size requirements at time of lot creation
(s) Bunkhouses created on riparian lots shall be required to install and maintain mitigation as described in Article 15 of this ordinance. For the purposes of this ordinance, changing the use of a structure to a bunkhouse counts as the same additional square footage of impervious surface.
(t) Use of accessory structures in a manner consistent with the definition of bunkhouse prior to enactment of this ordinance is prohibited by ordinances referenced in Article 3 and such use is not a nonconforming use as defined in Wisconsin Statute. Accordingly, any and all accessory structures that are to be used as bunkhouses must comply with the above conditions regardless of prior existing use.

6. General agricultural buildings, provided that:

   (a) Non-farm residences shall not be located within 300 feet of any feedlot or structure housing farm animals.
   (b) Farm buildings housing animals, barnyards, feedlots and animal waste disposal facilities shall be located at least 100 feet from any navigable water and shall be so located and constructed that there will be no drainage either directly or indirectly from such facilities into any navigable water.

7. Home occupations, including professional offices, incidental to the residential use of the property, provided that no more than 50 percent of the one floor shall be devoted to such offices contained within the dwelling or accessory building.

   (a) 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 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.
   (b) 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 and that not more than two persons not members of the resident family may be employed in non-professional capacities in any such office.

8. Snowmobile-bridges that have received written approval from the Department of Natural Resources.

9. Travel Trailers-

   (a) A travel trailer will not be allowed on any lot without a principal structure for more than fourteen days in any sixty consecutive days unless c-e applies below.

   (b) One travel trailer may be placed on a piece of property by the owner of the property for storage purposes only, if a principal structure exists.

   (c) A temporary permit may be issued if the property owner has installed a state approved septic system and well and the Zoning Administrator has issued a permit to begin constructing a dwelling within one year. Travel trailers must meet the setback requirements of Article 11.

   (d) An annual, seasonal permit may be obtained from the zoning office which would allow for the utilization of the travel trailer on the subject property from May 15th through December 1st annually. In order to obtain the above seasonal permit, the following requirements apply:
      (1) Must have an approved sanitary system installed by a Wisconsin licensed plumber (privies are not an allowed system)
      (2) Must meet all setbacks on property for an accessory structure
      (3) Must be removed once season is over

   (e) A travel trailer may be placed on a property for more than 14 days in any sixty consecutive days if a land use permit is obtained and all the following criteria are met:
      (1) The parcel is on a Class 3 body or water or is a non-riparian parcel
      (2) The property owner has at least 40 acres in one parcel or parcels adjacent to each other with common ownership
      (3) The travel trailer will not be used as a permanent residence
      (4) The setbacks required for an accessory building are met
      (5) A non-plumbing sanitary system is installed. If there is a well, a state sanitary system must be installed in compliance with the Polk County Private Onsite Wastewater (POWTS) Ordinance.

10. Any other structures that are customarily associated with a dwelling.
11. All agricultural activities that follow Best Management Practices as adopted by the Environmental Services Committee acting under Wisconsin Statute 92.06, Federal, State, and Local rules and ordinances.
12. Signs allowed in a Residential (R-1) zoning district under Section 10.5.3 of the Polk County Comprehensive Land Use Ordinance.

D. Changes in use that require a land use permit- These uses require a permit from the zoning office prior to these uses being an allowed use.

1. Tourist Rooming House provided they meet the following conditions:
   (a) No RVs, campers, tents or other means of overnight stay allowed.
   (b) All sleeping accommodations must be within the dwelling unit.
   (c) All parking must be contained on the property.
   (d) Applicant must obtain all proper licensing.
   (e) Applicant must have 24-hour contact number available to the public.

(f) Property must remain free from citation and charges for nuisance, disorderly conduct or any other illegal activity, and in compliance with county ordinances, state and local laws.

2. Bed and Breakfast
   (a) No RVs, campers, tents or other means of overnight stay allowed.
   (b) All sleeping accommodations must be within the dwelling unit.
   (c) All parking must be contained on the property.
   (d) Applicant must obtain all proper licensing.
   (e) Applicant must have 24-hour contact number available to the public.
   (f) Property must remain free from citation and charges for nuisance, disorderly conduct or any other illegal activity, and in compliance with county ordinances, state and local laws.
3. A Bunkhouse with the conditions in Article 8.C. 5 at a minimum

E. Conditional Uses- The following uses are authorized upon the issuance of a conditional use permit according to the procedure set forth in Article 18. Unless a greater distance is specified, any structure shall be at least 100 feet from a residence other than that of the owner of the lot, his/her agent, or employee; 75 feet from a residential property line; or 25 feet from a lot line. Erosion control plans and storm water management plans shall be required.

1. Hotels, motels, restaurants, dinner clubs, taverns, private clubs, power generating stations, churches and cemeteries/burial sites.
2. Institutions of a philanthropic or educational nature.
3. Recreational camps and campgrounds provided all buildings are more than 100 feet from the side lot line. Recreational camps shall conform to Chapter ATCP 78, Wisconsin Administrative Code and campgrounds shall conform to Chapter ATCP 79, Wisconsin Administrative Code.
4. Businesses customarily found in recreational areas.
5. Marinas, boat liveries, sale of bait, fishing equipment, boats and motors, forest industries, snowmobile sales, service and maintenance, recreational archery, custom rod building, indoor archery range, storage units, and licensed daycare centers.
6. Mobile home parks, provided that:

   (a) The minimum size of mobile home parks shall be 5 acres.
   (b) The maximum number of mobile homes shall be 8 per acre.
   (c) Minimum dimensions of a mobile home site shall be 50 feet wide by 100 feet long.
   (d) All drives, parking areas and walkways shall be hard surfaced or graveled, maintained in good condition, have natural drainage, and the driveways shall be lighted at night.
   (e) In addition to the requirements of Article 11, there shall be a minimum setback of 40 feet from all other lot lines and a minimum shoreline setback of 150 feet.
   (f) The park shall conform to the requirements of Chapter ATCP 125 Wisconsin Administrative Code.
   (g) No mobile home site shall be rented for a period of less than 30 days.
   (h) Each mobile home site shall be separated from other mobile home sites by a yard not less than 15 feet wide.
   (i) There shall be 2 surfaced automobile parking spaces for each mobile home.
   (j) Unless adequately screened by existing vegetation cover, the mobile home park shall be screened by a temporary planting of fast growing plant material capable of

reaching 15 feet or more, and so arranged that, within 10 years, there shall be formed a screen equivalent in screening capacity to a solid fence or wall. Such permanent planting shall be grown and maintained to a height of not less than 15 feet.

(k) The mobile home park site shall meet all applicable town and county subdivision regulations.

(l) Any mobile home site shall not have individual onsite soil absorption sewage disposal system unless it meets the minimum lot size specification as stated in Article 11.

7. Travel trailer parks provided that:
   (a) The minimum size of the travel trailer park shall be 5 acres.
   (b) The maximum number of travel trailers shall be 15 per acre.
   (c) Minimum dimensions of a travel trailer site shall be 25 feet by 40 feet.
   (d) Each travel trailer site is separated from other travel trailer sites by a yard not less than 15 feet wide.
   (e) There shall be 1½ automobile parking space for each trailer site.
   (f) In addition to the requirements of Article 11, there shall be a minimum setback of 40 feet from all other exterior lot lines.
   (g) The park shall conform to the requirements of Chapter ~~HFS 178~~ ATCP 79, Wisconsin Administrative Code.
   (h) The screening provisions for mobile home parks shall be met.
   (i) The travel trailer park site shall meet all applicable town and county subdivision regulations.

8. Nonmetallic mining - The extracting of the material consisting of, but not limited to, stone, clay, peat, and topsoil.
9. Industrial Use:
   (a) Light and general manufacturing including, but not limited to:
      - Metal, glass, plastic and wood assembly, fabrication and manufacturing
      - Electronics assembly, fabrication and manufacturing
      - Clothing
      - Bottling facilities
   (b) General warehousing and storage directly connected with the uses listed above provided they are not a nuisance
   (c) There may be one single-family dwelling unit and an associated residential accessory building on the premises, either attached or detached in connection with any of the above Industrial uses.

F. Prohibited Uses - Any use not specifically enumerated in Article C and D above is prohibited.

Article 9. Classification of Waters

A. Navigable waters in Polk County are classified according to criteria established in the Polk County Lakes Classification System, which was adopted by the Polk County Board of Supervisors on April 20, 1999 and is hereby incorporated herein and made part of this ordinance in Appendix A.

B. Polk County waters are classified into three (3) classes.

C. Class 1 waters are those that are the most developed; Class 2 waters are those that are

moderately developed and includes all rivers and streams; and Class 3 waters are those that are the least developed and includes all lakes that are twenty (20) acres or less in size, and all unnamed lakes not appearing on the DNR publication entitled: *Surface Water Resources of Polk County.* The Zoning Administrator shall make available a copy upon demand.

D. Any named lake inadvertently omitted from the DNR's *Surface Water Resources of Polk County* will be classified according to available information or Class 3 until information is available.

Article 10. Reclassification of Waters

Waters may be reclassified by amendment of the Polk County Waters Lakes Classification System under Article 10 of this ordinance. A petitioner for reclassification shall provide evidence related to each of the criteria described below and identify the waterway or specific portion of a waterway, which is the subject of the request. To avoid fragmentation of watersheds by numerous management strategies and to preserve administrative efficiency, a contiguous portion of a waterway, which is less than 0.5 mile in length, may not be reclassified. The following criteria shall be the sole basis for the County Board decision on the petition: The criteria specified in the Polk County Waters Classification System.

Article 11. Lot Requirements, Setbacks, & Minimum Shoreland Lot Dimensional Requirements

A. Preexisting Lots of Record

Any owner must obtain a permit prior to improving an existing lot. The Zoning Administrator shall not issue a permit unless the subject property meets Shoreland and side yard setbacks in Article 11.C and the lot area and dimensions as follows:

1. Dimensions of Building Sites for Lots Recorded Prior June 1, 1967:

(a) Lots not served by a public sanitary sewer:
(1) Minimum lot area.....10,000 sq. feet
(2) Minimum lot width.....65 feet
(3) Minimum Average Lot Width ..... 65 feet
(b) Lots served by public sanitary sewer:
(1) Minimum lot area.....7,500 sq. feet
(2) Minimum lot width .....50 feet
(3) Minimum average lot width...50 feet

2. Dimensions of Building Sites after June 1, 1967 but Before Passage of This Amendment:

(a) Lots not served by a public sanitary sewer:
(1) Minimum lot area.....20,000 sq. feet
(2) Minimum lot width .....90 feet
(3) Minimum average lot width...100 feet
(b) Lots served by public sanitary sewer:
(1) Minimum lot area.....10,000 sq. feet
(2) Minimum lot width .....60 feet

(3) Minimum average lot width...65 feet

3. Dimensions of Building Sites after July 1, 1996 but Before the Passage of This Amendment:

   (a) Lots not served by a public sanitary sewer:
      (1) Minimum lot area.....43,560 sq. feet
      (2) Minimum lot width .....100 feet
   (b) Lots served by public sanitary sewer:
      (1) Minimum lot area.....20,000 sq. feet
      (2) Minimum lot width .....90 feet

B. Other Substandard Lots

Except for lots which meet the requirements of Article 11.B.1 below, a building permit for the improvement of a lot having lesser dimensions than those stated in Article 11.C.Table 1 shall be issued only if a variance is granted by the board of adjustment.

1. 'Substandard lots' A legally created lot or parcel that met the minimum area and minimum average width requirements when created but does not meet current lot size requirements, may be used as a building site if all the following apply:
   (a) The substandard lot or parcel was never reconfigured or combined with another lot or parcel by plat, survey, or consolidation by the owner into one property tax parcel.
   (b) The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.
   (c) The substandard lot or parcel is developed to comply with all other ordinance requirements.
2. 'Planned Unit Development' A non-riparian lot may be created which does not meet the requirements of Article 11.C. Table 1 if the county has approved a recorded plat or certified survey map including that lot within a planned unit development, if the planned unit development contains as least 2 acres or 200 feet of frontage, and if the reduced non-riparian lot sizes are allowed in exchange for larger shoreland buffers and setbacks on those lots adjacent to navigable waters that are proportional to and offset the impacts of the reduced lots on habitat, water quality, and natural scenic beauty.

C. All New Developed Lots and Construction Allowed After July 14, 2015 That Have Riparian Access Must Conform To Table 1.

Table 1. Site Dimensions				
	Class 1	Class 2	Class 3	Rivers/Streams
Lot Size**	20,000 sq. ft. 10,000 sq. ft.*	20,000 sq. ft. 10,000 sq. ft.*	20,000 sq. ft. 10,000 sq. ft.*	20,000 sq. ft. 10,000 sq. ft.*
Lot Width (Minimum Average)	100 ft. 65ft.*	100 ft. 65ft*	100 ft. 65ft.*	100 ft. 65ft.*
Shoreline (OHWM) Setback	75 ft.	75ft.	75 ft.	75 ft.
Shoreline Vegetation Protection Area Landward from OHWM	35 ft	35 ft	35 ft	35 ft

Side Yard Setback to a Principal Structure	10 ft	15 ft	25 ft	15 ft
Side Yard Setback to an Accessory Structure	5 ft	10 ft	25 ft	10 ft
Rear Setback for a Dwelling	25 ft	25 ft	25 ft	25 ft
Rear Setback for Accessory Structure	10 ft	10 ft	10 ft	10 ft
Setback Averaging	1. Distance from proposed building site: 250' or less from main building to main building 2. Number of buildings needed: 2, one on each side 3. Setback is the average of the principal structures on adjoining lots 4. Minimum setback: 35'			
Increased Principal Structure Setback	Where there are existing principal structures in both directions, the setback shall equal the average of the distances the two existing principal structures are set back from the ordinary high water mark provided all of the following are met: 1. Both of the existing principal structures are located on adjacent lot to the proposed principal structure. 2. Both of the existing principal structures are located within 200' of the proposed principal structure. 3. Both of the existing principal structures are located greater than 75' from the ordinary high water mark. 4. Both of the existing principal structures were required to be located at a setback greater than 75' from the ordinary high water mark. 5. The increased setback does not apply if the resulting setback limits the placement to an area on which the structure cannot be built.			

*Minimum lot size and average width for lots served by a public sewer system.
**New lots are also subject to the requirements of the Polk County Subdivision Ordinance

1. The county shall review, pursuant to s. 236.45, Stats, all land divisions in shoreland areas which create 3 or more parcels or building sites of 5 acres each or less within a 5-year period. In such review all of the following factors shall be considered:

   (a) Hazards to the health, safety or welfare of future residents.
   (b) Proper relationship to adjoining areas.
   (c) Public access to navigable waters, as required by law.
   (d) Adequate storm water drainage facilities.
   (e) Conformity to state law and administrative code provisions.

D. Private Access Outlots
   1. After the effective date of this ordinance, no new access lots shall be allowed to be created.

2. Any existing lot created to provide lake access prior to the effective date of this ordinance shall meet the following requirements:

   (a) Such access strip must be a minimum of 50 feet in width for its entire depth.
   (b) No private access strip may serve more than five single-family dwellings or five backlots.
   (c) No camping or RV parking is allowed on such access strip.
   (d) No structures are allowed on such access strip.
   (e) Private access strips must be at least 1,000 feet apart.

E. For all properties located within the Shoreland Zoning District, the following setback requirements shall apply:
   1. The setback from any state or federal highway shall be 110 feet from the centerline of the highway or 50 feet from the right of way, whichever is greater.
   2. The setback from any county highway shall be 75 feet from the centerline of the highway or 42 feet from the right of way, whichever is greater.
   3. The setback from any town road, public street, or highway shall be 63 feet from the centerline of the road or 30 feet from the right of way, whichever is greater or as required by the Polk County Subdivision Ordinance, unless the Town Board approves a reduced setback. A permit may be issued for the reduced setback once written Town approval (i.e. minutes, letter, or resolution) is received if all of the other ordinance requirements are met.
   4. The setback from any private road shall be 35 feet from the centerline of the road.
   5. All buildings and structures shall be set back from the OHWM of navigable waters as required by the table of dimensional standards in Article 11.C. Table 1. Such setback shall be measured as the shortest horizontal distance from the structure to the OHWM.
   6. The following structures are exempt from shoreline, drainage way, and wetland setback requirements:

      (a) Shoreline protection structures permitted by the Department of Natural Resources;
      (b) Broadcast signal receivers, including satellite dishes or antennas that are one meter or less in diameter and satellite earth station antennas that are 2 meters or less in diameter.
      (c) Pedestrian walkways, stairways, and railings essential to access the shore due to steep slopes or wet soils and which comply with Article 12. Such stairways or walkways may be no more than five (5) feet in width and landings may not exceed 50 square feet;
      (d) Erosion control projects designed to remedy significant, existing erosion that cannot otherwise be controlled provided the project is received prior to project start and approved by the Land and Water Resource Department.
      (e) Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pump house covers, private on-site wastewater treatment systems that comply with SPS 383,Wis. Adm. Code, and other utility structures that have no feasible alternative location outside of the minimum setback and that employ best management practices to infiltrate or otherwise control storm water runoff from the structure.
      (f) Open structures listed in 59.69(1v) or Article 13.

8. Boathouses shall be set back at least ten (10) feet from the ordinary high water mark of non-navigable streams and drainage ways.
9. All buildings and structures except for those permitted to be within wetland areas shall be setback at least 25 feet from the boundary of mapped wetlands.

F. For nonconforming principal structures located within the applicable setback areas, the following will apply:
   1. If a nonconforming use is discontinued for a period of 12 months, any future use of the building, structure or property shall conform to this ordinance.

   2. An existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the nonconforming structure or is limited by another provision of this ordinance.

   3. An existing principal structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level or is limited by another provision of this ordinance.

   4. A structure, of which any part has been authorized to be located within the shoreland setback area by a variance granted before July 1~~5~~3, 2015 may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the authorized structure. Additionally, the structure may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Any expansion of the structure beyond the existing footprint must comply with the provisions of this ordinance.

   5. Nonconforming principal structures: The following shall apply to nonconforming principal structures:

      (a) Lateral expansion within the setback area provided the following requirements are met:
         (1)The use of the nonconforming structure has not been discontinued for a period of 12 months or more if a nonconforming use.
         (2)The existing principal structure is at least 35 feet from the OHWM
         (3)Lateral expansions are limited to a maximum of 200 square feet over the life of the structure. No portion of the expansion can be closer to the OHWM than the closest point of the existing principal structure.
         (4)Limitations on land disturbing activities in Article 16 are observed.
         (5)The mitigation requirements of Article 15 are received, approved, and implemented.
         (6)All other provisions of the shoreland ordinance shall be met.

      (b) Expansion beyond the setback area provided the following requirements are met:
         (1)May be expanded horizontally, landward, or vertically provided the expanded area meets the building setback requirements under Article 11.C. Table 1 and all other provisions of this ordinance.

(c) Relocation of a principal structure provided the following requirements are met:

(1)The use of the nonconforming structure has not been discontinued for a period of 12 months or more if a nonconforming use.

(2)The existing principal structure is at least 35 feet from the OHWM

(3)No portion of the relocated structure will be closer to the OHWM than the closest point of the existing principal structure.

(4)The county determines that no other location is available on the property to build a principal structure of the same square footage as the structure proposed for relocation that will result in compliance with the shoreland setback under Article 11.C. Table 1. Determination of acceptable location may include the following: soils, steep slopes, setback compliance. Setback compliance shall be in this order: shoreland, roadway, side yard, rear yard, vegetation considerations are not allowed.

(5)Limitations on land disturbing activities in Article 16 are observed.

(6)The mitigation requirements of Article 15 are received, approved, and implemented.

(7) All other provisions of the shoreland ordinance shall be met.

G. Boathouses - Maintenance and repair of preexisting boathouses that extend beyond the ordinary high water mark of any navigable waters shall comply with the requirements of Chapter 30.121(3) Stats.

H. Existing exempt structures may be maintained, repaired, replaced, restored, rebuilt and remodeled provided the activity does not expand the footprint and does not go beyond the three-dimensional building envelope of the existing structure. The county may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

Article 12. Shoreland Protection Area

A. The shoreland protection area of all lots shall conform to Admin Code NR115.05 (1)(c) regarding vegetation removal to protect natural scenic beauty, fish and wildlife habitat, and water quality. Developed lots can be maintained in their present condition without removal of trees and shrubs within the shoreland protection area. Accordingly:

1. In the vegetated strip of land 35 feet wide measured perpendicular from the ordinary high water mark, no more than 35ft in every 100ft measured parallel to the shore, on any lot shall allow removal of all trees and shrubs for a viewing corridor. A viewing corridor requires a land use permit from the Polk County Zoning Office.
2. In the shoreland areas more than 35 feet wide inland, trees and shrubbery cutting shall be governed by consideration of the effect on water quality and consideration of sound forestry practices and soil conservation practices.
3. The county may allow removal of vegetation within the vegetative buffer zone to manage exotic or invasive species, damaged vegetation, vegetation that must be removed to control disease, or vegetation creating an imminent safety hazard, provided that any vegetation removed be replaced by replanting in the same area as soon as practicable.
4. Viewing corridor may be split on a property but the total width of all of the corridors cannot total more than the maximum width allowed

5. Viewing Corridors are measured perpendicular to the water on an angle and pedestrian access may meander within corridor, however they must not exceed the maximum width.
6. Viewing corridors are allowed to run contiguously for the entire maximum width allowed.

B. Allowed uses by permit or conditional use permit in a shoreland protection area.

1. Placement of a pier, wharf, temporary boat shelter or boatlift shall be confined to waters immediately adjacent the viewing corridor described in Article 12.A.1. unless such location is not feasible due to steep slopes, wet soils or similar limiting conditions.
2. One developed pedestrian access to the shoreline may be provided if:

   (a) It is located within the viewing corridor unless such location is not feasible due to steep slopes, wet soils or similar limiting conditions;
   (b) It is located and constructed so as to avoid erosion;
   (c) It is located and constructed so as to maintain screening of development from view from the water;
   (d) It is the minimum construction necessary to provide access and includes no additional construction other than railings essential for safety;
   (e) It is no more than five (5) feet wide with landings of 50 square feet or less; and,
   (f) It is constructed of materials that blend with the natural ground cover in the vicinity of the pathway.

3. An elevated walkway or powered lift may be added to a developed access if:

   (a) It is the minimum construction essential to access the shore because of steep slopes, wet soils or similar limiting conditions;
   (b) It complies with the standards for location and construction of such pathways;
   (c) Construction plans are approved by the Zoning Office; and
   (d) Stairways on 20% or greater slopes are constructed to minimize erosion.

4. Shoreline protection activities authorized by a state permit with erosion control measures approved by the County Land and Water Resources Department must be designed to remedy significant, existing erosion problems.

6. Removal of dead and diseased trees that are a safety hazard, which endanger structures, and the removal of noxious vegetation which possess a threat to health or safety (i.e., poison ivy), provided that any vegetation removed be replaced by replanting in the same area as soon as practicable. The permit fee is waived for removing vegetation under this provision.

6. Roadways are constructed adjacent to permitted stream crossings.

7. Public and private water craft constructed launching sites are authorized only by the following standards and are authorized as a conditional use permit provided the following are maintained:

   (a) Construction allowed on slopes of less than 20%.
   (b) There is no general public access otherwise available to the waterway.

(c) Launching sites on residential property shall not be paved.
(d) Access sites shall be located within the viewing corridor unless such location is not feasible due to steep slopes, wet soils or similar limiting conditions.
(e) A State Chapter 30 permit shall be obtained for all construction and also be required when areas of 10,000 square feet are disturbed above the OHWM and must be obtained prior to said county application, and;
(f) Vegetation removal and land disturbing activities minimized and runoff diverted or controlled so that erosion within the access corridor is avoided.

8. Fish and wildlife habitat management projects included in a Department of Natural Resources approved management plan.
9. Commercial timber harvest is allowed and exempt from permit requirements of Article 12.A-B, if one or both of the following conditions is satisfied:

   (a) Such activity complies with appropriate practices specified in Wisconsin's *Forestry Best Management Practices for Water Quality* published by the Department of Natural Resources or a plan approved by the County Forest Committee.
   (b) Such activities are conducted on public lands and conform to Federal, State, and County management plans. Respective master plans are deemed to meet the intent of this Ordinance by established riparian protection standards through aesthetic management zones and appropriate management practices to maintain water quality and wildlife habitat.
10. Agricultural cultivation is allowed exemption from the provisions of this Section related to the vegetation protection area and land disturbing activities if such activity complies with Federal, State, and local laws or ordinances.

C. Vegetation Removal Penalties

1. In addition to any other penalties, the penalty for removing vegetation in violation of this Ordinance shall include replacement of vegetation with native vegetation at the property owner's expense according to one of the following options:

   (a) Option 1- Replace vegetation removed within 35 feet of the ordinary high water mark according to the tree replacement schedule below. All trees must be replanted within 75 feet of the ordinary high water mark.

Tree Replacement Schedule	
DBH of Existing Tree Removed	**Number of Replacement Trees**
< 6 inches	1
Between 6 - 12 inches	2
Between 12 - 18 inches	3
Between 18 - 24 inches	4
Between 24 - 30 inches	5
Between 30 - 36 inches	6
> 36 inches	The equivalent of 1 tree per 6" DBH of the removed trees.

DBH = Diameter Breast height

(b) Option 2- Calculate the number of trees under option 1 to be replaced. Plant 75% of the required trees and establish 40 square feet of native plantings for each additional tree required within shoreland protection area. The native planting shall be contiguous, and at least ten feet wide-parallel or perpendicular to the shore.

(c) Option 3- Calculate the number of trees under option 1 to be replaced. Plant 50% of the trees within 75 feet of the ordinary high water mark, and 70 square feet of native plantings for each additional tree required within shoreland protection area. The native planting shall be contiguous and follow practices found in the Wisconsin Field Office Technical Guide.

(d) Option 4- Calculate the number of trees under option 1 to be replaced. Plant 25% of the required trees, and establish a full buffer of native vegetation according to the practices found in Wisconsin Field Office Technical Guide in the shoreland protection area.

Article 13. Open Structures in Shoreland Setback Area

A. As required by Section 59.692(1v), Wis. Stats., the construction or placement of certain structures within the shoreland setback area shall be granted special zoning permission. An Administrative Land Use Permit will be issued for the structure for record keeping purposes. Structures will be allowed if all of the following conditions are met:

1. The structure has no sides or has open or screened sides. The structure shall not be attached to any other structure unless the side of such structure at the point of attachment is open or screened;
2. The part of the structure that is nearest to the water is located at least 35 feet landward from the ordinary high water mark;
3. The total floor area of all structures in the shoreland setback area on the property will not exceed 200 square feet. This calculation shall include the area of any deck, patio, the portion of any pier landward of the OHWM, and any other structure, but boathouses and allowed structures necessary for water access shall be excluded;
4. The side yard setback shall be a minimum of 10 feet;
5. The county must approve a plan that will be implemented by the owner of the property to preserve or establish a vegetative buffer zone that covers at least 70% of the half of the shoreland setback area that is nearest to the water.

Article 14. Impervious Surface

A. Impervious surface standards shall apply to the construction, reconstruction, expansion, replacement or relocation of any impervious surface on a riparian lot or parcel and any non-riparian lot or parcel entirely within 300 feet of the ordinary high–water mark of any navigable waterway.

1. Calculation of impervious surface- Percentage of impervious surface shall be calculated by dividing the surface area of existing and proposed impervious surfaces on the lot by the total surface area of the lot, and multiplied by one hundred (100). If an Outlot lies between the ordinary high water mark and the developable lot or parcel and both are in common ownership, the lot or parcel and the Outlot shall be considered one lot or parcel

for the purposes of calculating the percentage of impervious surface. Treated impervious surfaces described below shall be excluded from the calculation of impervious surface on the lot or parcel.

2. Treated impervious surfaces- Impervious surfaces that can be documented to demonstrate they meet either of the following standards shall be excluded from the impervious surface calculations:
   (a) The impervious surface is treated by devices such as storm water ponds, constructed wetlands, infiltration basins, rain gardens, bio-swales or other engineered systems.
   (b) The runoff from the impervious surface discharges to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil.
   (c) The treatment system, treatment device or internally drained area must be properly maintained; otherwise the impervious surface is no longer exempt from the impervious surface calculations.

3. Impervious surface standards- ANY development within 300ft of the ordinary high water mark of a navigable waterbody is permitted up to 15% impervious surface on the lot. Impervious surfaces from 15-30% on the lot are permitted, provided that mitigation is completed and a mitigation agreement is recorded in the Register of Deeds. The maximum amount of impervious surface allowed on a lot is 30%. Mitigation options are listed in Article 15.

4. Existing impervious surfaces exceeding 30%- For existing impervious surfaces that were lawfully placed when constructed but exceeds 30% impervious surface the property owner may do any of the following:
   (a) Maintenance and repair of all impervious surfaces;
   (b) Replacement of existing impervious surfaces with similar surfaces within the existing building envelope;
   (c) Relocation or modification of existing impervious surfaces with similar or different impervious surfaces, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed on the effective date of the county shoreland ordinance, and meets the applicable setback requirements.

Article 15. Mitigation

A. The following sections of the ordinance are subject to the mitigation requirements listed here, and the options listed in this article shall be used to satisfy the mitigation requirements of the shoreland overlay section of the ordinance, including: Article 11.F.4(a) lateral expansion of a nonconforming structure, Article 11.F.4(c) relocation of a nonconforming structure, and when the impervious surface standards in Article 14.A.3 are exceeded. These properties shall mitigate to ensure that no additional runoff is discharged to the water body. A single option or a combination of options shall be selected by the land owner to satisfy the mitigation requirements with review by the Zoning Department to ensure the appropriate amount of mitigation is installed.

   1. Mitigation options:

(a) Install and/or maintain a full shoreland buffer with allowed viewing corridor

(b) Removal or replacement of nonconforming structures and/or other impervious surfaces of equal or greater square footage

(1) Non-conforming structures get an additional bonus of 1.25 square feet per 1 square foot removed.

1. Example: A property owner needs to remove 500 sq. ft. of impervious surface in order to add a 500 sq. ft. addition to their house. If the impervious surface that the property owner wanted to remove was a non-conforming structure, then they would only need 400 sq. ft. to qualify.

(c) Pre equals Post Calculation:

The property owner can utilize the Land Use Runoff Rating as a mitigation calculator to determine the pre development (prior to proposed improvements) and the post development (after proposed improvements) runoff ratings based on the land cover, existing impervious surfaces, and soil types. The post-development runoff amount must be less than or equal to the pre-development runoff or the allowed 15% of impervious surface runoff on the lot._The difference in the two values is the amount of runoff that needs to be mitigated. Options to equalize these values may include, but are not limited to: Vegetative Plantings, Rain gardens, Impoundments, including but not limited to, infiltration pits and rainwater harvesting.

(1) Land Use Runoff Rating – A rating number is determined for the entire impervious surface on the lot within 300 feet of the ordinary high water mark for Lake Classes 1, 2, 3 and rivers. To calculate the runoff rating the landowner/agent must complete the following steps:

I. Measure each land use of the lot and draw them to dimension or scale. Convert the land use areas into percentages of the lot.

II. Determine the Hydrologic Soil Type (HST) from a map that will be provided by the Zoning Department which indicates the assigned HST number.

III. Multiply each land use percentages by the HST number, and add the products of all the land uses resulting in the land use rating applied to the lot.

IV. Point Credits:

a. One point credit will be applied for the lots with public sewage and a 1.5 point credit for landowners who establish continuous vegetative cover starting from the OHWM and continuing landward.

b. Other practices or measures that the county determines adequate to offset the impacts of the impervious surface on water quality, near shore aquatic habitat, upland wildlife habitat and natural and scenic beauty. (i.e. practices found in Wisconsin Field Office Technical Guide or NRCS Technical Standards)

2. Additional mitigation requirements

a. Mitigation plans, including existing mitigation options, must be recorded by an affidavit in the Register of Deeds.
b. Mitigation plans will have two calendar years to be installed. If mitigation options are not installed and established within two years of issuance of a permit, then citations shall be issued and a new permit could be required.
c. For each mitigation plan, dated photo documentation of the mitigation area during and/or after the mitigation installation, as appropriate to show compliance, must be submitted as part of the application. Mitigation must be maintained and is subject to periodic compliance checks.

Article 16. Filling, Grading, and Ditching

A. Filling, grading, lagooning, dredging, ditching, or excavating which does not require a permit may be allowed in the Shoreland-Wetland Zoning District Area provided that:

1. Such activities are implemented in a manner designed to minimize erosion, sedimentation, and impairment of fish and wildlife habitat.
2. All applicable federal, state, and local permits are obtained.
3. An erosion control plan shall be required and reviewed by the Land Information Department.

B. Except as provided in Article 16.A, a filling and grading plan and permit is required before filling or grading of any area which is within 300 feet of the ordinary high water mark of a navigable water and which has surface drainage toward the water and on which such activities will occur:

1. On areas having slopes of 20% or more.
2. Areas of 1,000 square feet or more on slopes of 12% to 20%.
3. Areas of 2,000 square feet or more on slopes of 12% or less.
4. A landscaping permit may be required for any disturbance under the thresholds listed in 1-3 above.

C. Excavating for dwellings and sanitary systems in addition to soil conservation practices including, but not limited to, terraces, runoff diversions, and grassed waterways which are used for sediment retardation shall not require a permit provided:

1. Soil conservation practices that are planned and supervised by the Land and Water Resources Department are implemented. Soil conservation practices examples include, but are not limited to, terraces, runoff diversions, and grassed waterways, which are designed to retard sediment or control animal waste runoff.
2. Excavation for dwellings and sanitary systems are exempted from a permit under Article 16.B. if the excavation plan has been approved by the Zoning Office prior to construction. A landscaping permit shall be required unless a land use permit for the structure or state sanitary permit has been issued.

D. Filling and grading plans shall be submitted to, reviewed and approved by the Land Information Department for activities in Article 16.B. In order to determine if a filling and grading permit may be granted, a site plan is required and must contain the following information:

1. Location of buildings on the property
2. Property lines
3. Location of surface waters
4. Slope
5. North Arrow
6. Legend
7. Location of the filling and grading activities on the property
8. Property owner name and address
9. Erosion control practices implemented and locations on the property
10. Revegetation/stabilization plan
11. Site plan shall be at a scale of 1 inch represents 10 feet

Article 17. Off-Street Parking and Loading

A. Loading Space - All commercial uses shall provide sufficient maneuvering, loading, and parking space on the premises for pick-up, delivery and service vehicles necessary for normal operations.

B. Off-Street Parking - Each parking space shall be 200 square feet in area. Each use shall provide the following minimum off-street parking spaces:

1. Dwellings - one space for each dwelling unit.
2. Restaurants, taverns and similar establishments - one space for each 50 square feet of floor space devoted to patrons. Drive-in eating stands offering car service - five spaces for each person employed to serve customers.
3. Motels and tourist cabins - one space per unit.
4. Retail businesses and service establishments--one space for each 200 square feet of floor area.
5. Warehouses - one space for each two employees on the premises at a maximum employment on the main shift.

Article 18. Administrative Provisions

A. Zoning Administrator - The Zoning Department staff shall have the following duties and powers and the Land & Water Resources Department staff shall assist in the same:

1. Advise applicants on the provisions of this ordinance and assist them in preparing permit applications and appeal forms.
2. Issue permits and inspect properties for compliance with this ordinance.
3. Keep records of all permits issued, inspections made, work approved and other official actions.
4. Must have permission to access any premises between 8:00 a.m. and 6.00 p.m. for the purpose of performing duties set forth in this ordinance.
5. Submit copies of variances, conditional uses and decisions on appeals for map or text interpretation and map or text amendments within 10 days after they are granted or denied to the Department of Natural Resources.
6. Investigate and report all violations of this ordinance to the Environmental Services Committee.

B. Zoning Permits - The following applies to the issuance and revocation of permits:

1. When Required - Except where another section of this ordinance specifically exempts certain types of activities, development from this requirement, a zoning permit shall be obtained from the Zoning Administrator before any said activity or development, structural alteration, or repair, as defined in Article 8, is initiated. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply when s. 13.48(13), Stats, applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when s. 30.2022(1), Stats, applies.
2. Application - An application for a zoning permit shall be made to the Zoning Administrator upon forms furnished by the County and shall include, for the purpose of proper enforcement of these regulations, the following data:

   (a) Name and address of applicant and property owner.
   (b) Legal description of the property and type of proposed use.
   (c) A to-scale sketch of the dimensions of the lot and location of buildings from the lot lines, centerline of abutting highways and the ordinary high water mark at the day of the sketch.
   (d) Whether or not a private water or septic system is to be installed.

3. Land Use Permits for land use changes shall expire twelve months from their date of issuance where no action has been taken to accomplish such changes or two (2) years after issuance.

C. Revocation - Where the conditions of a zoning permit, conditional use permit or a variance are violated, the same are deemed revoked.

D. Environmental Services Committee- The Committee shall be responsible for hearing all conditional use permit applications submitted to the Land Information Department and the following shall apply to conditional use permits:

1. Application for a Conditional Use Permit- Any use listed as a conditional use in this ordinance shall be permitted only after an application has been submitted and an appropriate application fee paid to the Zoning Administrator and a conditional use permit has been granted by the Environmental Services Committee.

2. Standards Applicable to All Conditional Uses - In passing upon a conditional use permit, the Environmental Services shall evaluate the effect of the proposed use upon the following criteria:

   (a) The maintenance of safe and healthful conditions.
   (b) The prevention and control of water pollution including sedimentation.
   (c) Existing topographic and drainage features and vegetative cover on the site.
   (d) The location of the site with respect to floodplains and floodways of rivers and streams.

(e) The erosion potential of the site based upon degree and direction of slope, soil type, and vegetative cover.
(f) The location of the site with respect to existing and future access roads.
(g) The need of the proposed use for a shoreland location.
(h) Its compatibility with uses on adjacent land.
(i) The amount of septic waste to be generated and the adequacy of the proposed disposal system.
(j) Location factors that:

I. Domestic uses shall be generally preferred;
II. Uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source; and
III. Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility.

3. Conditions Attached to Conditional Use Permit - Upon consideration of the factors listed above, the Environmental Services Committee shall attach such conditions, in addition to those required elsewhere in this ordinance as are necessary to further the purposes of this ordinance. Violations of any of these conditions shall be deemed a violation of this ordinance and result in immediate revocation of the conditional use permit. Such conditions may include, without limitation of a specific enumeration: type of shore cover; increased setbacks and yards; specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; bonding; deed restrictions; location of piers, docks, parking and signs; and type of construction. To secure information upon which to base its determination, the Environmental Services Committee may require the applicant to furnish, in addition to the information required for a conditional use permit, the following information:

a) A plan of the area showing contours, soil types, ordinary high water marks, ground water conditions, bedrock, slope and vegetative cover.
b) Location of buildings, parking areas, traffic access, driveways, walkways, piers, open space and landscaping.
c) Plans of buildings, sewage disposal facilities, water supply systems and arrangements of operations.
d) Specifications for areas of proposed filling, grading, lagooning or dredging.
e) Other pertinent information necessary to determine if the proposed use meets the requirements of this ordinance.

4. Notice and Public Hearing - Before passing upon an application for a conditional use permit; the Environmental Services Committee shall hold a public hearing. Notice of such public hearing, specifying the time, place, and matters to come before the Environmental Services Committee, shall be given as a Class 2 notice under Chapter 985, Wisconsin Statutes, and notice shall be provided to the appropriate district office of the Department of Natural Resources at least 10 days prior to the hearing as well as all property owners

within 300 feet of the site under consideration. The Environmental Services Committee shall state in writing the grounds for refusing a conditional use permit.

5. Recording - When a conditional use permit is approved, an appropriate record shall be made of the land use and structures permitted and such permit shall be applicable solely to the structures, use and property so described. A copy of any decision on a conditional use permit shall be provided to the appropriate district office of the Department of Natural Resources within 10 days after application for the conditional use permit is granted or denied.
6. Revocation - Where the conditions of a conditional use permit are violated, the conditional use permit shall be revoked by the Zoning Department
7. Expiration –Conditional 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.

E. Board of Adjustment –Subject to confirmation of the County Board, The County Administrator shall appoint a Board of Adjustment under Section 59.694, Wisconsin Statutes, consisting of 5 members, with no less than 1 of the members being a riparian landowner. The County Board shall adopt rules for the conduct of the business of the Board of Adjustment as required by Section 59.694 (3), Wisconsin Statutes.

1. Powers and Duties - The Board of Adjustment shall have the following powers and duties:

   (a) The Board of Adjustment shall adopt such additional rules as it deems necessary and may exercise all of the powers conferred on such boards by Section 59.694 Wisconsin Statutes.

   (b) It shall hear and decide appeals where it is alleged there is an error in any order, requirements, decision or determination made by an administrative official in the enforcement or administration of this ordinance.

2. It may authorize upon application, in specific cases, such variances from the terms of the ordinance as shall not be contrary to the public interest, where owing to special conditions, and a literal enforcement of the ordinance will result in unnecessary hardship.

   (a) In the issuance of a variance, the spirit of the ordinance shall be observed and substantial justice done. No variance shall have the effect of granting or increasing any use of property, which is prohibited in that zoning district by this ordinance.

~~3. Conditional Use Permits - the following shall apply to conditional use permits:~~

~~(a) Application for a Conditional Use Permit- Any use listed as a conditional use in this ordinance shall be permitted only after an application has been submitted and an appropriate application fee paid to the Zoning Administrator and a conditional use permit has been granted by the Board of Adjustment.~~

~~(b) Standards Applicable to All Conditional Uses - In passing upon a conditional use permit, the Board of Adjustment shall evaluate the effect of the proposed use upon the following criteria:~~

~~(1) The maintenance of safe and healthful conditions.~~

~~(2) The prevention and control of water pollution including sedimentation.~~
~~(3) Existing topographic and drainage features and vegetative cover on the site.~~
~~(4) The location of the site with respect to floodplains and floodways of rivers and streams.~~
~~(5) The erosion potential of the site based upon degree and direction of slope, soil type, and vegetative cover.~~
~~(6) The location of the site with respect to existing and future access roads.~~
~~(7) The need of the proposed use for a shoreland location.~~
~~(8) Its compatibility with uses on adjacent land.~~
~~(9) The amount of septic waste to be generated and the adequacy of the proposed disposal system.~~
~~(10) Location factors that:~~

~~I. Domestic uses shall be generally preferred;~~
~~II. Uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source; and~~
~~III. Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility.~~

~~(c) Conditions Attached to Conditional Use Permit - Upon consideration of the factors listed above, the Board of Adjustment shall attach such conditions, in addition to those required elsewhere in this ordinance as are necessary to further the purposes of this ordinance. Violations of any of these conditions shall be deemed a violation of this ordinance and result in immediate revocation of the conditional use permit. Such conditions may include, without limitation of a specific enumeration: type of shore cover; increased setbacks and yards; specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; bonding; deed restrictions; location of piers, docks, parking and signs; and type of construction. To secure information upon which to base its determination, the Board of Adjustment may require the applicant to furnish, in addition to the information required for a conditional use permit, the following information:~~

~~(1) A plan of the area showing contours, soil types, ordinary high water marks, ground water conditions, bedrock, slope and vegetative cover.~~
~~(2) Location of buildings, parking areas, traffic access, driveways, walkways, piers, open space and landscaping.~~
~~(3) Plans of buildings, sewage disposal facilities, water supply systems and arrangements of operations.~~
~~(4) Specifications for areas of proposed filling, grading, lagooning or dredging.~~
~~(5) Other pertinent information necessary to determine if the proposed use meets the requirements of this ordinance.~~

~~(d). Notice and Public Hearing - Before passing upon an application for a conditional use permit; the Board of Adjustment shall hold a public hearing. Notice of such public hearing, specifying the time, place, and matters to come before the Board of Adjustment, shall be given as a Class 2 notice under Chapter 985, Wisconsin Statutes, and notice shall be provided to the appropriate district office of the Department of Natural Resources at least 10 days prior to the hearing as well as all property owners~~

~~within 300 feet of the site under consideration. The Board of Adjustment shall state in writing the grounds for refusing a conditional use permit.~~

~~(e) Recording – When a conditional use permit is approved, an appropriate record shall be made of the land use and structures permitted and such permit shall be applicable solely to the structures, use and property so described. A copy of any decision on a conditional use permit shall be provided to the appropriate district office of the Department of Natural Resources within 10 days after application for the conditional use permit is granted or denied.~~

~~(f) Revocation – Where the conditions of a conditional use permit are violated, the conditional use permit shall be revoked by the Zoning Department~~

~~(g) Expiration – Conditional 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.~~

4. Appeals to the Board of Adjustment - Appeals to the Board of Adjustment may be taken by any person aggrieved or by an officer, department, board or bureau of the county affected by any decision of the Zoning Administrator or other administrative officer. Such appeal shall be taken within 30 days, as provided by the rules of the Board of Adjustment, by filing with the officer from whom the appeal is taken, and with the Board of Adjustment, a notice of appeal specifying the ground thereof. The Zoning Administrator or other officer from when the appeal is taken shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appeal was made.

5. Hearing Appeals - The following procedures shall be taken in hearing any appeals:

   (a) The Board of Adjustment shall fix a reasonable time for the hearing of the appeal. The Board shall give public notice thereof by publishing a Class 2 notice under Chapter 985, Wisconsin Statutes, specifying the date, time and place of hearing and the matters to come before the Board, and shall provide notices to the parties within 300 feet of the site under consideration and the appropriate district office of the Department of Natural Resources at least 10 days prior to the public hearing.

   (b) A decision regarding the appeal shall be made as soon as practical and a copy shall be submitted to the Department of Natural Resources within 10 days after the decision is issued.

   (c) The final disposition of an appeal or application to the Board of Adjustment shall be in the form of a written resolution or order signed by the chairman and secretary of the Board. Such resolution shall state the specific facts which are the basis of the Board's determination and shall either affirm, reverse, vary or modify the order, requirement, decision or determination appealed in whole or in part, dismiss the appeal for lack of jurisdiction or persecution or grant the application.

   (d) At the public hearing, any party may appear in person or by agent or by attorney.

   (e) All decisions may be reviewed by a court of competent jurisdiction.

F. Fees - The Environmental Services Committee may, by motion, adopt fees for the following:
   1. Land Use Permits.
   2. Erosion Control Plan reviews.
   3. Storm water Management Plan review.
   4. Variances

5. Legal Notice Publications.
6. Conditional Use Permits.
7. Appeals to the Board of Adjustment
8. Amendments of Ordinance on Petition

Article 19. Changes and Amendments

A. The County Board may from time to time alter, supplement, or change the boundaries of use, districts, and the regulations contained in this Ordinance in accordance with the requirements of Chapter 59.69(5)(e), Wisconsin Statutes, and Article 7 where applicable.

B. Amendments to this Ordinance may be made on petition of any interested party as provided in Chapter 59.69(5)(e), Wisconsin Statutes.

C. In the instance that a petition for an ordinance amendment is filed by a member of the county board or by the agency designated by the board to consider county zoning matters, the petitioner shall be exempt from the fee required to propose such amendment.

D. Every petition for a text or map amendment filed with the County Clerk shall be referred to the County Zoning Agency. A copy of each petition shall be provided to the appropriate district office of the Department of Natural Resources within 5 days of the filing of the petition with the County Clerk. Written notice of the public hearing to be held on a proposed amendment shall be mailed to the appropriate district office of the Department of Natural Resources at least 10 days prior to the hearing.

E. A copy of the County Board's decision on each proposed amendment shall be provided to the appropriate district office of the Department of Natural Resources within 10 days after the decision is issued.

Article 20. Enforcement and Penalties

A. Any development, any building or structure constructed, moved or structurally altered, or any use established after the effective date of this Ordinance contrary to the provisions of this Ordinance, by any person, firm, association, corporation (including building contractors or their agents) shall be deemed a violation. As authorized by Wis. Stat. CHAPTER 66, the Zoning Administrator or the County Zoning Agency shall issue citations for any violations of this Ordinance. Any person, firm, association, or corporation who violates or refuses to comply with any of the provisions of this ordinance shall be subject to a forfeiture of not less than two-hundred ($200.00) dollars nor more than one-thousand ($1000.00) dollars per offense, together with the taxable costs of action. Each day of continued violation shall constitute a separate offense. Every violation of this Ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance there may be abated by action at suit of the county, the state, or any citizen thereof pursuant to Section 87.30(2), Wisconsin Statutes. The County also retains the summons and complaint avenue for forfeitures and remedial action as provided by Wis. Stat. Section 59.69(11).

B. There shall be a penalty fee of 2 times the regular permit fee in those cases where building is commenced without first obtaining a land use permit, providing the structure is in conformance with the provisions of this ordinance. In cases where the project cannot be

permitted without a variance, the penalty fee shall be applied towards the variance application fee.

C. The Zoning Department may issue an on-site stop work order, as appropriate, whenever it determines that a violation of this Ordinance or the building permit is taking place.

Proposed

Polk County Comprehensive Land Use Ordinance

Ordinance No. 21-18
Polk County Comprehensive Land Use Ordinance
Enacted: _____; Published: _____
Effective Date: _____

~~TEXT~~ =TO BE REMOVED
TEXT = PROPOSED TEXT

Polk County Land Information Department
Polk County Government Center
100 Polk County Plaza, Suite 130
Balsam Lake, WI 54810
715-485-9111
715-485-9246 Fax
www.co.polk.wi.us/landinfo/zoning

Table of Contents **Page #**

10.1 Article 1: Title, Authority, and Introductory Provisions

- 10.1.1 Title 3
- 10.1.2 Authority and Scope of Regulation 3
- 10.1.3 Contents 3
- 10.1.4 Purpose 3
- 10.1.5 Compliance and Applicability 4
- 10.1.6 Jurisdiction, Force, and Effective Date 4
- 10.1.7 Abrogation and Greater Restrictions 5
- 10.1.8 Interpretation and Application 5
- 10.1.9 Severability 6
- 10.1.10 Warning and Disclaimer of Liability 6
- 10.1.11 Vesting of Rights 6
- 10.1.12 Commentary, Illustrations, and Examples 6
- 10.1.13 Headings 6

10.2 Article 2: Definitions 7

10.3 Article 3: General Provisions 15

- 10.3.1 General Provisions 15
- 10.3.2 Non-Conforming Uses and Structures 16
- 10.3.3 Height and Area Exceptions 17
- 10.3.4 Substandard Lots 17
- 10.3.5 Setbacks and Setback Averaging 18
- 10.3.6 Vision Clearance Triangle 19
- 10.3.7 Essential Services 20
- 10.3.8 Conservation Design Development 20

10.4 Article 4: Zoning Districts 21

- 10.4.1 Official Zoning Map 21
- 10.4.2 Residential (R-1) 22
- 10.4.3 Hamlet (H-1) 23
- 10.4.4 Residential-Agricultural 5-acre density (RA-5) 24
- 10.4.5 Agricultural 10 (A-1) 26
- 10.4.6 Agricultural 20 (A-2) 28
- 10.4.7 Farmland Preservation (A-3) 30
- 10.4.8 Natural Resources (N-1) 33
- 10.4.9 General Business/Commercial (B-1) 34
- 10.4.10 Recreational Business and Commercial (B-2) 36
- 10.4.11 Small Business and Commercial (B-3) 37
- 10.4.12 Industrial (I-1) 38
- 10.4.13 Mining District (M-1) 39

Table of Contents **Page #**

10.5 Article 5: Additional Regulations 41
- **10.5.1 Design Standards** 41
- **10.5.2 Parking Standards** 43
- **10.5.3 Sign Standards** 44
- **10.5.4 Manufactured Homes and Mobile Homes** 48
- **10.5.5 Manufactured Home Parks** 48
- **10.5.6 Travel Trailers** 48
- **10.5.7 Bunkhouses** 49
- **10.5.8 Campgrounds** 50

10.6 Article 6: Administrative Procedural Regulations 50
- **10.6.1 Zoning Administrator** 50
- **10.6.2 Zoning Permits** 51
- **10.6.3 Revocation** 54
- **10.6.4 Board of Adjustment** 54
- **10.6.5 Environmental Services Committee** 55
- **10.6.6 Fees** 57
- **10.6.6 Enforcement and Penalties** 57

Appendices

Appendix A: Record of Ordinance Provisions Affected by Changes, Repeals and Amendments

POLK COUNTY COMPREHENSIVE LAND USE ORDINANCE

10.1 ARTICLE 1: TITLE; AUTHORITY; AND INTRODUCTORY PROVISIONS

The County Board of Supervisors of the County of Polk, Wisconsin, does ordain as follows:

10.1.1 TITLE

This Ordinance shall be known as the "Polk County Comprehensive Land Use Ordinance", hereinafter referred to as "this Ordinance."

10.1.2 AUTHORITY AND SCOPE OF REGULATION

A) This Ordinance is adopted pursuant to the authority expressed in ss. 30. 12(3)(c), 30.13(2), 59.03, 59.69, 59.692, 59.694, 59.696, 87.30, 281.31 and Chapters 91, 236, 287, 289 and 823, Wis. Stats.

B) This Ordinance shall constitute a comprehensive revision, as described in s. 59.69(5)(d), Wis. Stats., of the following land use ordinances:

1) Polk County Comprehensive Land Use Ordinance, Initially Enacted on April 21, 1971; and Amended on April 21, 1976; June 3, 1981; April 21, 1987; July 21, 1998; November 12, 2002; May 15, 2007; March 16, 2010, ~~and~~ September 15, 2016, and June 19, 2018.

10.1.3 CONTENTS

This Ordinance consists of two distinct but inseparable and integrated parts: written text and zoning maps. The written text and zoning maps taken together constitute this Ordinance and, therefore, shall at all times be considered as interrelated and inseparable parts of a whole. In addition, other maps and materials referenced in the text are used to support this Ordinance.

10.1.4 PURPOSE

The purpose of this Ordinance is to promote and protect public health, safety, and other aspects of the general welfare. Further purposes of this Ordinance are to:

A) Aid in the implementation of provisions of the county comprehensive plan.
B) Promote planned and orderly land use development.
C) Protect property values and the property tax base.

D) Fix reasonable dimensional requirements to which buildings, structures, and lots shall conform.
E) Prevent overcrowding of the land.
F) Advance uses of land in accordance with its character and suitability.
G) Provide property with access to adequate sunlight and clean air.
H) Aid in protection of groundwater and surface water.
I) Preserve water quality, shoreland and wetlands.
J) Protect the beauty of landscapes.
K) Conserve flora and fauna habitats.
L) Preserve and enhance the county's rural characteristics.
M) Protect vegetative shore cover.
N) Promote safety and efficiency in the county's road transportation system.
O) Define the duties and powers of certain county officers and administrative bodies relative to the application, administration and enforcement of this Ordinance.
P) Prescribe penalties in the form of civil forfeitures for violation of this Ordinance and to facilitate enforcement of the provisions of this ordinance by injunctive relief

10.1.5 COMPLIANCE AND APPLICABILITY.

A) No land or water shall hereafter be used and no structure or part thereof shall hereafter be used, located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without full compliance with the provisions of this Ordinance or applicable local, county or state regulatory provision.

B) State agencies are required to comply when s. 13.48(13), Wis. Stats., applies. The Wisconsin Department of Transportation is exempt from the requirements of this Ordinance when s. 30.12(4), Wis. Stats., applies.

C) The provisions of this Ordinance shall be administered and enforced pursuant to the procedural regulations of this Ordinance, s. 10.6.

10.1.6 JURISDICTION, FORCE AND EFFECTIVE DATE.

A) The jurisdiction of this Ordinance is the unincorporated areas of the Polk County. This Ordinance shall affect the unincorporated areas of Polk County, or applicable portions thereof, as provided in 10.1.6(B)(2).

B) Effect. Upon enactment and publication by the County Board of Supervisors of the County of Polk, this Ordinance shall go into full force and effect as follows:

1) This Ordinance shall be effective on June 27, 2018, subject to Wisconsin Statute Sections 59.69(5)(d) and 59.692(2)(a).

2) The Polk County Comprehensive Land Use Ordinance shall continue to remain in effect in a town until the date in (B)(1), above, or until this Ordinance is approved by respective town board, whichever period is shorter.

C) If a town board wishes to withdraw from county zoning prior to a comprehensive zoning ordinance rewrite, they may do so by filing a resolution with the County Clerk and Governing Committee at least one year prior to the effective date of the withdrawal. However, this withdrawal can only happen when a Comprehensive Plan for the town is developed or revised as required by state law and no more frequently than once every ten (10) years from the original resolution approving the county zoning ordinance and filed with the county clerk.

10.1.7 ABROGATION AND GREATER RESTRICTIONS.

A) The ordinance identified in s. 10.1.2(b) of this Ordinance, is hereby repealed consistent with s. 10.1.6(B)(2) of this Ordinance.

B) Except as this Ordinance may conflict with Ch. 91, Wis. Stats., Farmland Preservation, wherever this Ordinance imposes greater restrictions than other similar regulations, the provisions of this Ordinance shall govern.

C) Wherever the provisions of this Ordinance conflict with the provisions of Ch. 91, Wis. Stats., Farmland Preservation, the provisions of Ch. 91 shall prevail.

D) It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easement, covenant, deed restriction, or agreement. The provisions of any easement, covenant, deed restriction or like agreement are a matter of private property interest not within the scope of the regulations contained in this Ordinance. The County of Polk shall not enforce any easement, covenant, deed restriction, or agreement to which it is not a party.

E) It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any permit previously issued pursuant to law.

10.1.8 INTERPRETATION AND APPLICATION.

The provisions of this Ordinance shall be construed to be minimum requirements and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Further, interpretation and application of the provisions of this Ordinance shall take into account the purposes of this Ordinance and any adverse effects that an interpretation may have upon such purposes.

10.1.9 SEVERABILITY.

If any section, paragraph, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. If any application of this Ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment.

10.1.10 WARNING AND DISCLAIMER OF LIABILITY.

This Ordinance shall not create a liability on the part of, or a cause of action against, Polk County or any office or employee thereof for any damages that may result from reliance on this Ordinance.

10.1.11 VESTING OF RIGHTS.

No rights to any particular use vest in any property owner simply because the use is permitted by this Ordinance. Such use may be prohibited by future amendment to this Ordinance. However, the approval and issuance of a permit shall vest in the property owner the right to use the property in the manner specifically approved by the permit, unless and until the permit expires. No amendment to this Ordinance which prohibits a particular use shall be applicable to any property developed under a previously issued permit, except to the extent that such use is rendered nonconforming.

10.1.12 COMMENTARY, ILLUSTRATIONS, AND EXAMPLES.

Throughout this Ordinance, insertions of comments, illustrations and examples, prefaced as "Commentary:" are included. The same are intended to give information, provide illustration or and an example to explain certain provisions in this Ordinance. Commentary, illustrations and examples provided in the ordinance are not by themselves regulatory provisions and shall not be used thusly, unless such illustration is set forth and provided for as a regulation of this Ordinance.

10.1.13 HEADINGS.

Headings are used throughout this Ordinance to assist users of this Ordinance. If a heading should conflict with the text in interpreting this Ordinance, the text shall control. Similarly, statutes incorporated or referenced in this Ordinance have been corrected to reflect the renumberings. If a statutory reference conflicts with the text of otherwise applicable statute, the text of such statute shall apply, regardless of statutory number.

10.2 ARTICLE 2: DEFINITIONS

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 "shall" is mandatory and not discretionary.

"ACCESSORY BUILDING" see "Building, Accessory"

"ACCESSORY STRUCTURE" see "Structure, Accessory"

"ANIMAL SHELTER" means a facility that is operated for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals, that is used to shelter at least 25 dogs and/or cats in a year, and that is operated by a humane society, animal welfare society, animal rescue group, or other nonprofit group.

"BASE FARM TRACT" means all land, whether one lot or 2 or more contiguous lots, that is in a farmland preservation zoning district and that is part of a single farm on <enter date here that is either the date that the Wisconsin Department of Agriculture certifies ordinance or an earlier date determined by the local government> regardless of any subsequent changes in the size of the farm

"**BED & BREAKFAST**" means any place of lodging that provides 8 or fewer rooms for rent to no more than a total of 20 tourists or other transients for more than 10 nights in a 12-month period, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.

"BUILDING" means a structure having a roof supported by columns or walls.

"BUILDING, ACCESSORY" means a detached, subordinate building which is incidental to and customarily found in connection with the primary use of the property.

"BUILDING ENVELOPE" means the three dimensional space within which a structure is built.

"BUILDING FOOTPRINT" means the perimeter square footage of enclosed building space

"BUNKHOUSE" means a residential accessory structure or part of a residential accessory structure with or without plumbing which is used as temporary sleeping quarters only; no cooking or food preparation facilities; and no greater than 400 sq. ft. of enclosed dwelling space.

"CAMPGROUND" means any lot or tract of land owned by a person, the state or a local government, which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or by one to 3 camping units if the lot or tract of land is represented as a campground.

"CAMPING UNIT" means any portable device, no more than 400 square feet in area, used as a temporary dwelling, including but not limited to a camping trailer/travel trailer, motor home, park model, pick-up truck camping topper or tent

"CONDITIONAL USE" see "Use, Conditional"

"CONSERVATION DESIGN DEVELOPMENT" means a style of development that clusters houses onto smaller lot sizes in order to preserve some feature, function, aspect of the property that is being developed.

"CONTRACTOR'S STORAGE YARD" means the outdoor portion of a lot where construction or service contractor stores and maintains 4 or more pieces of equipment and other materials in an area greater than 250 sq feet customarily used by the construction or service contractor. This excludes vehicles which require a Class D drivers license to operate.

"DECK" (Patio) An unenclosed exterior structure that has no roof or sides

"DISTRICT" means lots or sections of Polk County, Wisconsin, for which the regulations for governing the use of land and buildings are uniform.

"DWELLING, SINGLE-FAMILY" means a structure, or that part of a structure, which is used or intended to be used as a home, residence or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others. This includes manufactured homes, but not mobile homes, camping units, travel trailers, and other temporary sleeping units.

"DWELLING, TWO-FAMILY" means a structure, or that part of a structure, which is used or intended to be used as a home, residence or sleeping place by two-families, to the exclusion of all others. In density-based zoning districts, it shall count as one dwelling unit.

"DWELLING, MULTIPLE-FAMILY" means a structure, or that part of a structure, which is used or intended to be used as a home, residence or sleeping place by more than two families, to the exclusion of all others. In density-based zoning districts, it shall count as one dwelling unit.

"ESSENTIAL SERVICES" means services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, stormwater drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including those uses listed in the Polk County Telecommunications Towers, Antennas, and Related Facilities Ordinance.

"EXPANSION, HORIZONTAL" (Addition) means expansion of a principal structure outside of its existing building footprint.

"EXPANSION, VERTICAL" means expansion of a principal structure either up or down, within its existing building footprint and includes full replacement of roofs and basements/foundations.

"FAMILY" means the body of persons who live together in one dwelling unit as a single housekeeping entity.

"FARM ANIMALS" means dairy cattle, beef cattle, swine, sheep, horses, ducks, chickens, turkeys and animals or fowl of similar character and customarily maintained in a large parcel setting for food, recreational, breeding, zoological or similar purposes.

"FARM BUILDING" means a building or other structure used to house or feed farm animals, store farm animal feed, or to collect or store waste generated from farm animals.

"**FARMLAND PRESERVATION PLAN"** means a plan for the preservation of farmland in a county, including an agricultural preservation plan under subch. IV of ch. 91, 2007 stats.

"**FARM RESIDENCE**" means any of the following structures that are located on a farm:

A. A single-family dwelling or two-family dwelling that is the only residential structure on the farm or is occupied by any of the following:

1. An owner or operator of the farm.
2. A parent or child of an owner or operator of the farm.
3. An individual who earns more than 50 percent of his or her gross income from the farm.

B. A migrant labor camp that is certified under State Statute 103.92.

"FENCE, PRIVACY" means a structure for enclosure or screening that is greater than 4 feet in height and greater than 50% opaque.

"FLOOD PLAIN" means the land which has been or may be hereafter covered by flood water during the regional flood. The flood plain includes the floodway and the flood fringe as those terms are defined in ch. NR 116.

"FRONTAGE" means 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.

"FRONT YARD" means a yard extending the full width of the lot between the front lot line and the nearest part of the principal building, excluding uncovered steps.

"HEIGHT" means the elevation from the lowest exposed grade of the structure to the highest peak of the roof, excluding window wells and stairways.

"HOME BUSINESS" means a gainful occupation operated out of a residence, when such occupation is:

A) Conducted solely by a member or members of the resident family

B) Entirely within the residence or accessory building and incidental to the residential use of the premises
C) No external alterations that would effect a substantial change in the residential character of the building
D) No more than 50 percent of only one floor of the dwelling shall be devoted to such offices
E) Not more than 2 persons not members of the resident family may be employed in any such office.

"**HOTEL/MOTEL**" means a place where sleeping accommodations are offered for pay to transients, in 5 or more rooms, and all related rooms, buildings and areas.

"HUMAN HABITATION" means the act of occupying a structure as a sleeping place whether intermittently or as a principal residence.

"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.

"KENNEL" means the use of land, with related buildings or structures, for the breeding, rearing or boarding of household pets 5 months of age or older.

"LANDSCAPING" means the removal or alteration of topsoil.

"LARGE OUTDOOR COMMERCIAL EVENT" means an event, regardless of whether it is singular or annual or multiple times per year in which payment is accepted, whether by a fee or by donation, in exchange for a public gathering with entertainment, including, but not limited to: music events, motor vehicle rallies, etc.

"LOT" means a parcel of land occupied or designed to provide space necessary for one principal 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.

"LOT, CORNER" means 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.

"LOT LINES" means the lines bounding a lot as herein defined.

"LOT WIDTH" means for the purpose of this ordinance the width of a lot shall be the shortest distance between the sidelines at the setback line.

"MAINTENANCE AND REPAIR" means general activities which do not involve structural alterations or structural repairs to the structure. These activities may include: replacement of windows, doors, siding, roof decking/sheathing replacement, within the building envelope, and replacement of decking.

"MANUFACTURED HOME" means any structure, HUD certified and labeled under the National Manufactured Home Construction and Safety Standards Act of 1974 (U.S.C. Title 42, Chapter 70), that 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 the manufactured home structure, its plumbing, heating, air conditioning and electrical systems, all appliances and all other equipment therein, any additions, attachments, annexes, foundations and appurtenances.

"MANUFACTURED HOME PARK" (previously Mobile Home Park) means an area or premise on which is provided the required space for the accommodation of manufactured home, together with necessary accessory buildings, driveways, walks, screening and other required adjuncts.

"MOBILE HOME" means any structure, not HUD certified and labeled under the National Manufactured Home Construction and Safety Standards Act of 1974 (U.S.C. Title 42, Chapter 70) or manufactured or assembled before June 15, 1976, that 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 the mobile home structure, its plumbing, heating, air conditioning and electrical systems, all appliances and all other equipment therein, any additions, attachments, annexes, foundations, and appurtenances.

"**MOTEL**" see "Hotel/Motel"

"NONCONFORMING STRUCTURE" see "Structure, Nonconforming"

"NONCONFORMING USE" see "Use, Nonconforming"

"NONFARM RESIDENCE" means a single-family or multi-family residence other than a farm residence.

"NON-METALLIC MINING ACTIVITIES" means the excavation, mining or removal of minerals, clay, ceramic or refractor minerals, quarrying of sand, gravel, crushed or broken stone, including the extraction and removal of top soil, but not including sod farming. The term shall also include such mineral processing operations as aggregate or ready mix plants, hot mix asphalt plants, mining services, processing of top soil, washing, refining or processing of non-metallic mineral materials, when onsite or on a contiguous property.

"OUTLOT" means a lot remnant or parcel of land within a plat remaining after platting, which is intended for open space use, for which no development is intended other than that which is accessory to the open space use. An Outlot may not be developed for any use or structure that requires a private, onsite wastewater treatment system.

"PARENT LOT" means the lot and associated acreage of that lot that existed at the time of the adoption of this ordinance

"PARKING LOT" means 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.

"PATIO" See "deck"

"PERMITTED USE" see "Use, Permitted"

"PRIME FARMLAND" means any of the following:

A. An area with a class I or class II land capability classification as identified by Natural Resource Conservation Service (NRCS).
B. Any other land designated as "prime farmland" in the county's certified farmland preservation plan.

"RECONSTRUCTION" means activities that exceed maintenance and repair, structural repair, structural alteration, horizontal expansion or vertical expansion.

"ROAD" means a public or private thoroughfare which affords a primary means of access to abutting property, and includes streets and highways.

"ROADSIDE STAND" means 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.

"SETBACK" means the minimum horizontal distance between lot lines, the platted center line of the road, from Right-Of-Way line, or the ordinary high water mark measured to the closest point of the structure.

"SETBACK LINES" means 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.

"SHORELAND" means area landward of the ordinary high water mark within the following distances: 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

"SIGN" means 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.

"SIGN, FREESTANDING" means a sign principally supported by one or more columns, poles, or braces placed in or upon the ground

"SIGN, OFF PREMISE" means a sign advertising a business that is not conducted on the property or located in the immediate vicinity of the business.

"SIGN, ON PREMISE" means a sign at a business location advertising a business that is conducted on the property and that is located in the immediate vicinity of the business. "Immediate vicinity" means the sign is within the area bounded by the buildings, driveways and parking areas in which the activity is conducted or within 50 feet of that area. "Immediate vicinity" does not include any area across a street or road from the area where the business is conducted or any area developed for the purpose of erecting a sign.

"SIGN STRUCTURE" means any structure designed for the support of a sign.

"SIGN, TEMPORARY" means 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.

"STORY" means 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.

"STRUCTURAL ALTERATION" means any change in the exterior supporting members, such as bearing walls, columns, beams or girders, footings and piles.

"STRUCTURE" unless otherwise indicated in this ordinance, means anything constructed or erected, temporary or permanent, intended for the protection, shelter, enclosure or support of persons or property at anytime of the year.

"STRUCTURE, ACCESSORY" means a detached, subordinate structure which is incidental to and customarily found in connection with the primary use of the property, including but not limited to, detached garages, sheds, barns, gazebos, fences, retaining walls, and pedestrian walkways and stairways to surface water.

"STRUCTURE, NONCONFORMING" means a dwelling or other building, structure or accessory building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform with one or more of the regulations in the current zoning ordinance.

"STRUCTURE, PRINCIPAL" (principal building) means a building that is utilized for the primary use of a lot, including any functional appurtenances, such as decks,

patios and balconies, which are attached to, or immediately adjacent to, said building.

"SUBSTANTIAL EVIDENCE" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

"**TOURIST OR TRANSIENT**" means a person who travels to a location away from his or her permanent address for a short period of time for vacation, pleasure, recreation, culture, business or employment.

"**TOURIST ROOMING HOUSE**" means single family dwelling in which sleeping accommodations are offered for pay to a maximum of 2 tourists or transients per bedroom plus 2 at any one time on the property.

"TRAVEL TRAILER" means any vehicle, house car, camp car, or any portable or mobile vehicle either self-propelled or propelled by other means which is used or designed to be used for residential living or sleeping purposes as defined in Wisconsin Administrative Code HFS178.

"UNNECESSARY HARDSHIP" means 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.

"USE, CONDITIONAL" means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by the county, but does not include a variance. Conditional uses, listed by ordinance, are subject to certain conditions specified in the ordinance and/or designated by the ~~Board of Adjustment~~ Environmental Services Committee.

"USE, NONCONFORMING" means a building, structure or use of land lawfully existing at the time of enactment of this ordinance, and which does not conform to the regulations of the district or zone in which it is located.

"USE, PERMITTED" means 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.

"USE, VARIANCE" means an authorization by the board of adjustment under this subsection for the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable zoning ordinance.

"VARIANCE" (Area) means a modification to a dimensional, physical, or locational requirement such as the setback, frontage, height, bulk, or density restriction for a structure that is granted by the Board of Adjustment. A variance may only be

granted in cases of unnecessary hardship and when the spirit of the ordinance is not violated.

"VISION CLEARANCE TRIANGLE" means an unoccupied triangular space at the intersection of highways or streets or railroads. Such vision clearance triangle shall be bounded by the intersecting highway, road 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 General Provisions Section 10.3.6 of this ordinance.

"WETLANDS" means those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation, and which have soils indicative of wet conditions.

"YARD" means an open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

10.3 ARTICLE 3: GENERAL PROVISIONS

10.3.1 GENERAL PROVISIONS

A) 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.

B) 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.

C) Every 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.

D) 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 contract has been entered into before the effective date of this ordinance.

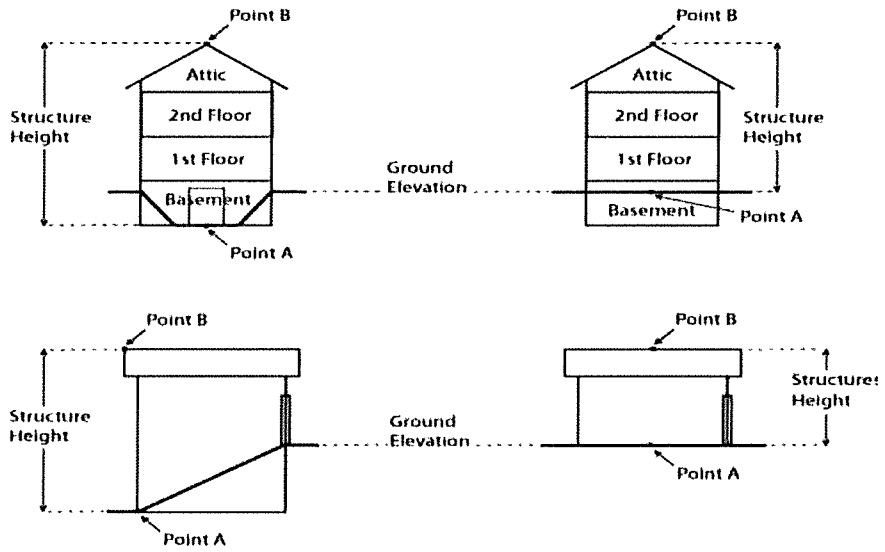
E) There shall be no more than 1 dwelling per lot, unless otherwise indicated in another part of this ordinance.

F) Structures including school bus stop shelters, deer stands, dog houses, tree houses and ice-fishing shacks with a footprint of less than 64 sq. feet shall not be deemed an accessory structure or use, do not require permits, and shall conform to the setbacks and cannot be used for storage.

G) Any use not specified herein shall be unpermitted and considered a violation of this ordinance.

H) The height of a structure is the measurement of the vertical line segment starting at the lowest point of any exposed wall and it's intersect with the ground (point "A" in Figure #1) to a line horizontal to the highest point of the a structure (point "B" in Figure #1), unless specified in another part of this ordinance.

Figure #1



10.3.2 NONCONFORMING USES AND NONCONFORMING STRUCTURES

A) If a nonconforming use of building, premise or lot of land is discontinued for a period of 12 months, any future use of the building, premise or lot of land shall conform to the regulations for the district in which it is located.

B) Legal uses and structures that pre-exist the adoption of this ordinance and do not conform to this ordinance shall be considered as a legal nonconforming uses.

C) Nonconforming uses shall not be expanded or extended beyond the scope of such use existing at the time of the adoption of this ordinance. In the case in

which a landowner proposes to expand or extend a nonconforming use, the landowner must apply for and obtain a change to a zoning district such that the use conforms to current provision of the ordinance.

D) Expansion of the nonconforming principal structure cannot make it more non-conforming (cannot expand towards what is making the structure non-conforming).

E) Nonconforming principal structures are allowed to horizontally expand up to 50% of the original footprint of the structure over the life of the structure, unless otherwise indicated in this ordinance.

F) Nonconforming principal structures are allowed maintenance and repair, renovation, rebuilding, remodeling, and vertical expansion unless otherwise indicated in this ordinance.

G) Nonconforming accessory structures are ~~only~~ allowed maintenance and repair, renovation, rebuilding, remodeling, but no expansion, unless otherwise indicated in this ordinance.

H) Decks and patios that are attached or immediately adjacent to a nonconforming principal structure may be repaired or replaced, but not expanded vertically or horizontally.

I) Nonconforming structure may be restored to the size, location, and use, including enlargement only if necessary for the structure to comply with applicable state or federal requirements, that it had immediately before the damage or destruction occurred, without limits on the costs of the repair, reconstruction, renovation, or improvement if all of the following apply:

    1) The nonconforming structure was damaged or destroyed on or after
        a. March 2, 2006, s. 59.69(10m)
    2) The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.

10.3.3 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:

A) Churches, schools and other public and quasi-public buildings may be erected to a height not exceeding 60 feet or 5 stories.

B) Chimneys, cooling towers, church steeples or spires, tanks, water towers, television antennas, micro-wave radio relay or broadcasting towers, masts or aerials, necessary mechanical appurtenances, farm buildings, and silos for asphalt and concrete mixing plants are hereby exempted from the height

regulations of this ordinance and may be erected in accordance with other regulations or ordinances of Polk County, Wisconsin.

10.3.4 SUBSTANDARD LOTS

A) A legally created lot that met minimum area and minimum average width requirements when created, but does not meet current lot size requirements, may be used as a building site if all of the following apply:

1) The substandard lot was never reconfigured or combined with another lot by plat, survey, or consolidation by the owner into one property tax parcel.
2) The substandard lot has never been developed with one or more of its structures placed partly upon an adjacent lot.
3) The substandard lot is developed to comply with all other ordinance requirements.
4) In the A-4 district the property must be rezoned or a CUP issued according to 91.46(2) prior to construction commencing.

10.3.5 SETBACKS

A) Road Setbacks

The setback distances at any point for the respective classes of highways shall be as follows in Table 1, unless otherwise indicated in this ordinance:

Table 1

Road – Minimum Setback (whichever is greater)	Private Road	Town Road	County Road	State/US Highway
From Platted Centerline	35 ft	63 ft	75 ft	110 ft
From Right-of-Way		30 ft	42 ft	50 ft

B) Setback Averaging

There is an exception to the setbacks outlined in Section "A" above (see Figure 2). In order to utilize an established building setback line which sets forth a reduced setback from what is listed in Section "A", the following must apply:

1) The reduced setback established building setback line must be in existence prior to the adoption of this ordinance
2) There must be two buildings, one on each side adjoining property
3) There must not be more than 150 feet between the proposed building and a building being used to establish the reduced setback

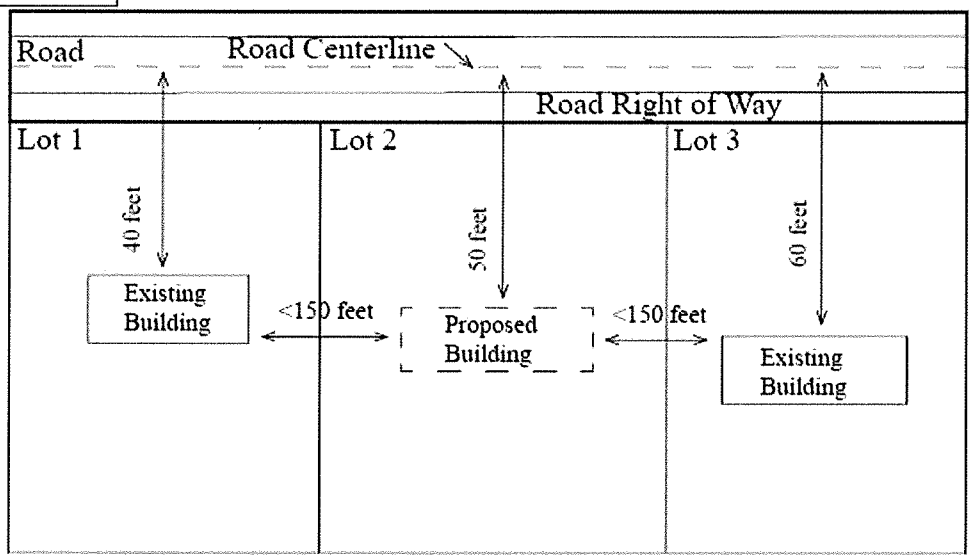
4) The setback for the proposed or moved building shall not be less than the average of the two buildings on the adjoining properties.

C) Setback Exemptions

1) All fences are exempt from side and rear yard setbacks.
2) A permit may be issued for a reduced town road setback once written Town approval (i.e. minutes, letter, resolution) is received if all of the other ordinance requirements are met.

Figure 2

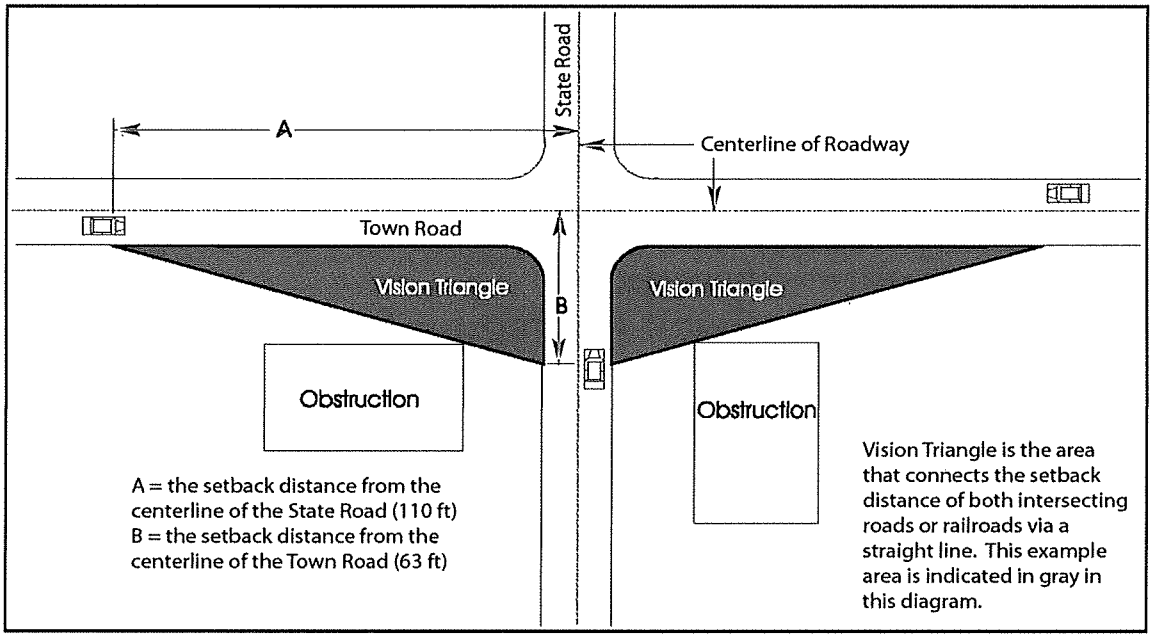
Setback Averaging from Road



10.3.6 VISION CLEARANCE TRIANGLE

Structures, screening vegetation and signs are not allowed in the vision clearance triangle. Figure 3 is a diagram of the vision clearance triangle area as defined in this ordinance.

Figure 3



10.3.7 ESSENTIAL SERVICES

Essential services are allowable uses in all zoning districts except the Farmland Preservation zoning district, in Section 10.4.7 of this ordinance.

10.3.8 CONSERVATION DESIGN DEVELOPMENT

The standards in this section and in the Polk County Land Division Ordinance shall replace the underlying zoning district's standards. Conservation Design Development is prohibited in the Farmland Preservation zoning district.

A) PERMITTED USES. Land within a Conservation Design Development (CDD) may be used for the following purposes:

1) Permitted uses in the residential portion, not the common open space portion, of the Conservation Design Development:
   a. All Permitted Uses in the underlying zoning district
2) Permitted uses in the Common Open Space portion of the Conservation Design Development shall include:
   a. All uses permitted in the Natural Resources District, except #7.
   b. Drainfields for common sewers with associated easements with the subdivision governing authority and maintenance agreements.
   c. Silent Sport activities, including but not limited to: hiking trails, biking trails, etc.

B) CONDITIONAL USES. The following uses, upon issuance of a Conditional Use Permit as provided in Section 10.6.4, and provided that the use shall not adversely impact the rural character of the development and shall be consistent

with the design objectives listed in the Polk County Subdivision Ordinance, may be allowed:

1) Conditional Uses in the residential portion, not the common open space portion of the Conservation Design Development.
    a. All Conditional Uses in the underlying zoning district
2) Conditional Uses in the Common Open Space portion of the Conservation Design Development.
    a. Conditional Uses allowed in the Natural Resources District.
    b. Equestrian boarding and riding facilities available only to development residents. A manure management plan approved by the Polk County Land and Water Resources Department is required.
    c. Swimming pools available only to development residents.
    d. Golf Courses
3) Conditional uses will be approved as part of the Conservation Design Development approval process.

C) DENSITY STANDARDS. The total number of dwelling units allowed in a Conservation Design Development is referred to as the Residential Gross Density.

1) Residential Base Density. The Residential Base Density, or the base number of allowable dwelling units, is determined by the zoning district in which the property resides. Existing dwellings that may or may not be part of a farmstead that will be retained shall be counted toward the base density.
2) Residential Gross Density. The Residential Gross Density, or the total number of dwelling units allowed in a Conservation Design Development, is the Residential Base Density plus 25 percent of the number of dwelling units prescribed by the Residential Base Density.

D) Companion standards for Conservation Design Development can be found in the Polk County Subdivision Ordinance

10.4 ARTICLE 4: ZONING DISTRICTS

LIST OF ZONING DISTRICTS

Residential (R-1)

Hamlet (H-1)

Residential-Agricultural 5 (RA-5)

Agriculture 10 (A-1)

Agriculture 20 (A-2)

Farmland Preservation (A-3)

Natural Resources (N-1)

General Business and Commercial (B-1)

Recreational Business and Commercial (B-2)

Small Business and Commercial (B-3)

Industrial (I-1)

Mining (M-1)

OTHER ZONING REGULATIONS

Shoreland Overlay

Floodplain Ordinance

Lower St. Croix Riverway Ordinance

Polk County Sanitary Ordinance

10.4.1 OFFICIAL ZONING MAP

The locations and boundaries of the primary zoning districts established by the Ordinance are set forth on zoning maps which are hereby incorporated by reference as though part of this Ordinance. It shall be the responsibility of the Zoning Administrator to maintain and update the zoning maps and any amendments thereto.

10.4.2 RESIDENTIAL (R-1)

A) PURPOSE AND INTENT

The purpose and intent of the Residential (R-1) District is to promote residential uses and other compatible uses associated with residential neighborhoods.

B) ALLOWED AND PERMITTED USES

2) Single family dwelling, Two family dwellings, including manufactured homes
3) Accessory structures, clearly incidental to the residential use of the property.
4) Gardening including nurseries for the propagation of plants only
5) Municipal parks and playgrounds including swimming pools, golf courses, tennis courts and picnic grounds, provided the parking requirements are met in Section 10.5.2 (Parking)
6) Home Business, provided the parking requirements are met in Section 10.5.2 (Parking)
7) Conservation Design Development (CDD) according to Section 10.3.8 and the Polk County Subdivision Ordinance.

CHANGES IN USE THAT REQUIRE A LAND USE PERMIT

8) Tourist Rooming House provided they meet the following conditions:
   A) No RVs, campers, tents or other means of overnight stay allowed.
   B) All sleeping accommodations must be within the dwelling unit.
   C) All parking must be contained on the property.

D) Applicant must obtain all proper licensing.
E) Applicant must have 24-hour contact number available to the public.
F) Property must remain free from citation and charges for nuisance, disorderly conduct or any other illegal activity, and in compliance with county ordinances, state and local laws.

9) Bed and Breakfast
   A) No RVs, campers, tents or other means of overnight stay allowed.
   B) All sleeping accommodations must be within the dwelling unit.
   C) All parking must be contained on the property.
   D) Applicant must obtain all proper licensing.
   E) Applicant must have 24-hour contact number available to the public.
   F) Property must remain free from citation and charges for nuisance, disorderly conduct or any other illegal activity, and in compliance with county ordinances, state and local laws.
10) A Bunkhouse with the conditions in Section 10.5.7 at a minimum

C) CONDITIONAL USES

1) Schools
2) Churches
3) Municipal buildings, except sewage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance equipment.

D) LOT, HEIGHT, YARD, & SETBACKS REQUIREMENTS

1) Minimum Lot Size: 1 Acre except in Conservation Development Design; lot dimensions in accordance with the Polk County Subdivision Ordinance
2) Maximum Principal Building Height = 35ft
3) Maximum Accessory Building Height = 25ft
4) Side Yard Setback = 10 ft for principal structures; 5 ft for accessory structures
5) Rear Yard Setback = 25 ft for principal structures; 5 ft for accessory structures
6) Road setback regulations shall apply to all corner lots

E) OTHER REQUIREMENTS

1) Road setbacks shall be governed pursuant to the provisions of Section 10.3.5 (Setbacks)

10.4.3 HAMLET DISTRICT (H-1)

A) PURPOSE AND INTENT

The goal of this district is to allow for land uses that mimic a rural, unincorporated village setting and allow for continuance of that settlement pattern. To allow for smaller lots sizes in areas served by community sewer systems. In addition, this district will allow for mixed uses of residential and commercial as was typical of the historical development pattern of rural hamlets.

B) ALLOWED AND PERMITTED USES

1) All Allowed and Permitted Uses in R-1
2) Two-Family Dwelling and Multi-Family Dwelling, including a manufactured home
3) All uses in the B-3 District
4) Manufactured Home Park with conditions found in Section 10.5.5

CHANGES IN USE THAT REQUIRE A LAND USE PERMIT

5) Tourist Rooming Houses with conditions in R-1
6) Bed & Breakfasts with conditions in R-1
7) A Bunkhouse with the conditions in Section 10.5.7 at a minimum

C) CONDITIONAL USES

1) All Conditional Uses in R-1
2) Other similar and compatible use as determined by the Board of Adjustment

D) LOT, HEIGHT, YARD, & SETBACKS REQUIREMENTS

1) Minimum lot size = 30,000 sq ft for Private Onsite Wastewater Treatment System (POWTS); 10,000 sq ft for public sewer; lot dimensions in accordance with the Polk County Subdivision Ordinance
2) Maximum Residential Use Principal Building Height = 35ft
3) Maximum Commercial Use Principal Building Height = 45ft or 3 stories
4) Maximum Accessory Building Height = 25ft for Commercial and Residential Uses
5) Side Yard Setback = 10 ft for principal structures; 5 ft for accessory structures
6) Rear Yard Setback = 25 ft for principal structures; 5 ft for accessory structures
7) Road setback = 5ft from ROW of road

E) OTHER REQUIREMENTS

1) Road setbacks shall be governed pursuant to the provisions of Section 10.3.5 (Setbacks)
2) Off-Street Parking shall be regulated by Section 10.5.2 of this ordinance.

10.4.4 RESIDENTIAL-AGRICULTURAL DISTRICT 5 (RA-5)

A) PURPOSE AND INTENT

The R-A District 5 is meant to allow for limited residential development in areas that transition from incorporated areas to rural areas and farmland preservation areas. The

target density for this district is 1 residential dwelling per 5 acres of land or 8 dwellings per 40 acres.

B) ALLOWED AND PERMITTED USES

1) All Allowed and Permitted uses in the R-1 District
2) Two-Family Dwelling
3) Multi-Family Dwelling, when in compliance with density standards of this district
4) Agricultural Uses found in A-1, except fur farming
5) Conservation Design Development when done in accordance with density standards, Section 10.3.8 of this ordinance and the Polk County Subdivision Ordinance
6) Schools
7) Churches
8) Municipal Buildings
9) Manufactured Home Park with conditions found in Section 10.5.5

CHANGES IN USE THAT REQUIRE A LAND USE PERMIT

10)Tourist Rooming Houses with conditions in R-1
11)Bed & Breakfasts with conditions in R-1
12)A Bunkhouse with the conditions in Section 10.5.7 at a minimum
13)Cemeteries/Burial Sites
14)Contractor Storage Yard, when the design standards of Section 10.5.1 are applied

C) LOT SIZES

1) Traditional Development

1 dwelling unit per 5-acres density standard

Minimum Lot Size = 1 acre except in Conservation Development Design

2) Calculations determining the number of residential lots allowed per parent lot.

In the Residential-Agricultural District (RA-5), a maximum of 8 lots will be allowed per 40 acres, which includes any original principal structure or dwelling, except for lots created using the Conservation Development Design provision. To calculate the number of lots available for development in this district, divide the gross site area of the contiguous lands held in single ownership as of the date of adoption of this ordinance by 5. This is the total number of residential lots or dwelling units that will be allowed on the lands from the effective date of this chapter forward. Table 2 below indicates the number of residential lots that can be created based on the number of acres owned at the time of the adoption of this ordinance. Round up if any fractional amount is equal to ½ or greater. Example Calculations:

- 32 acre lot = allowed 6 residential lots (32/5 = 6.4 which rounds down to 6)
- 19 acres = 4 residential lots (19/5 = 3.8 which rounds up to 4)

Table 2

Calculation of Residential Parcels Allowed	
Size of Base Tract of Land	Total Number of Dwelling Lots Allowed
Less than 7.5 acres	1
7.5 to less than 12.5 acres	2
12.5 to less than 17.5 acres	3
17.5 to less than 22.5 acres	4
22.5 to less than 27.5 acres	5
27.5 to less than 32.5 acres	6
32.5 to less than 37.5	7
37.5 to less than 40 acres	8

D) HEIGHT, YARD, & SETBACKS REQUIREMENTS

1) Maximum Principal Building Height = 35ft
2) Maximum Accessory Building Height = 25ft
3) Side Yard Setback = 10 ft for principal structures; 5 ft for accessory structures
4) Rear Yard Setback = 25 ft for principal structures; 5 ft for accessory structures
5) Road setback regulations shall apply to all corner lots

E) OTHER REQUIREMENTS

1) Road setbacks shall be governed pursuant to the provisions of Section 10.3.5 (Setbacks)

10.4.5 AGRICULTURAL 10 DISTRICT (A-1)

A) PURPOSE AND INTENT

The Agricultural 10 District (A-1) is meant to allow for the continuation of agriculture and agricultural production with limited residential development. This district will have a density of principal structures not to exceed 4 per 40 acres.

B) ALLOWED AND PERMITTED USES

1) Agricultural Uses, including any of the following:
   a. Crop or forage production
   b. Keeping livestock

c. Beekeeping
d. Nursery, sod, or Christmas tree production
e. Floriculture
f. Aquaculture
g. Fur farming
h. Forest management
i. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program
j. Accessory structure that is an integral part of, or is incidental to, an agricultural use
k. Roadside Stand
l. Personal Stable

2) A single-family and two-family dwelling, when in compliance with the density standards of this district
3) Accessory buildings incidental to the residential use of the property
4) Home Business
5) Conservation Design Development when done in accordance with density standards, Section 10.3.8 of this ordinance, and the Polk County Subdivision Ordinance
6) Schools
7) Churches
8) Undeveloped natural resource and open space areas.
9) One additional farm residence, which shall be sited so that it may be separated from the original farm parcel on which it is located in compliance with the Polk County Subdivision Ordinance.
10) Contractor Storage Yard

CHANGES IN USE THAT REQUIRE A LAND USE PERMIT

11) Tourist Rooming Houses with conditions in R-1
12) Bed & Breakfasts with conditions in R-1
13) Cemeteries/Burial Sites
14) A Bunkhouse with the conditions in Section 10.5.7 at a minimum

C) <u>CONDITIONAL USES</u>

1) Agriculturally-related businesses, such as, but not limited to:
   a. Feed Mills
   b. Commercial Stables
   c. Implement Dealers
   d. Agricultural Cooperatives
   e. Veterinarians
   f. Wineries
   g. Composting Sites

h. Other similar and compatible agriculturally-related businesses

2) Kennels when at least 300 ft from property lines
3) Animal Shelters when at least 300ft from property lines
4) Junkyards/salvage yards
5) Airports/Airstrips
6) Large, Outdoor Commercial Events

D) LOT RESTRICTIONS

1) Target density standard for the Agricultural 10 District is 4 residential lots per 40 acres
2) Minimum lot size = 1 acre, except in Conservation Development Design
3) Calculations for determining the number of lots allowed per parent lot

In the Agricultural District (A-1), a maximum of 4 non-farm dwellings will be allowed per 40 acres, which includes any original principal structure or dwelling, except for lots created using the Conservation Development Design provision. To calculate the number of lots available for development in this district, divide the gross site area of the contiguous lands held in single ownership as of the date of adoption of this ordinance by 10. This is the total number of residential lots or dwelling units that will be allowed on the lands from the effective date of this chapter forward. Round up if any fractional amount is equal to ½ or greater (See Table 3). Example Calculations:

- 32 acre lot = allowed 3 residential lots (32/10 = 3.2 which rounds down to 3)
- 16 acres = 2 residential lots (16/10 = 1.6 which rounds up to 2)

Table 3

Calculation of Residential Lots Allowed in A-10	
Size of Base Tract of Land	Total Number of Lots Allowed
Up to 15 acres	1
15 acres or greater, but less than 25 acres	2
25 acres or greater, but less than 35 acres	3

E) HEIGHT, YARD, & SETBACKS REQUIREMENTS

1) Maximum Principal Building Height = 35ft
2) Maximum Accessory Building Height = 25ft
3) Farm buildings are exempt from these height restrictions
4) Side Yard Setback = 25 ft for all structures
5) Rear Yard Setback = 25 ft for all structures
6) Road setback regulations shall apply to all corner lots

F) OTHER REQUIREMENTS

1) Road setbacks shall be governed pursuant to the provisions of Section 10.3.5 (Setbacks)

10.4.6 AGRICULTURAL 20 DISTRICT (A-2)

A) PURPOSE AND INTENT

The Agricultural 20 District (A-2) is meant to allow for the continuation of agriculture and agricultural production with limited residential development. This district will have a density of principal structures not to exceed 2 per 40 acres.

B) ALLOWED AND PERMITTED USES

1) All Allowed and Permitted Uses in the A-1 District

C) CONDITIONAL USES

1) All Conditional Uses in A-1

D) LOT RESTRICTIONS

1) Density standard for the Agricultural 20 District is a maximum of 2 lots/principal structures per 40 acres
2) Minimum lot size = 1 acre except in Conservation Development Design
3) Calculations for determining the number of lots allowed per parent lot.
   In the Agricultural District (A-2), a maximum of 2 lots/principal structures will be allowed per 40 acres, which includes any original principal structure or dwelling, except for lots created using the Conservation Development Design provision. To calculate the number of lots available for development in this district, divide the gross site area of the contiguous lands held in single ownership as of the date of adoption of this ordinance by 20. This is the total number of new residential lots or dwelling units that will be allowed on the lands from the effective date of this chapter forward. Round up if any fractional amount is equal to ½ or greater (see Table 4). Example Calculations:
   - 32 acre lot = allowed 2 residential lots (32/20 = 1.6 which rounds up to 2)

Table 4

Calculation of Residential Lots Allowed in A-20	
Size of Base Tract (initial lot at time or ordinance adoption) of Land	Number of Dwelling Lots Allowed
Less than 30 acres	1

30 acres or greater	2

E) HEIGHT, YARD, & SETBACKS REQUIREMENTS

1) Maximum Principal Building Height = 35ft
2) Maximum Accessory Building Height = 25ft
3) Farm buildings are exempt from these height restrictions
4) Side Yard Setback = 25 ft for all structures
5) Rear Yard Setback = 25 ft for all structures
6) Road setback regulations shall apply to all corner lots

F) OTHER REQUIREMENTS

1) Road setbacks shall be governed pursuant to the provisions of Section 10.3.5 (Setbacks)

10.4.7 FARMLAND PRESERVATION DISTRICT (A-3)

A) PURPOSE

The intent of this district is to maintain highly productive agricultural lands in food and fiber production by effectively limiting encroachment of non-agricultural development and minimizing land use conflicts among incompatible uses.

B) ALLOWED AND PERMITTED USES

1) Agricultural Uses, meaning any of the following activities conducted for the purpose of producing an income or livelihood:
   a. Crop or forage production
   b. Keeping livestock
   c. Beekeeping
   d. Nursery, sod, or Christmas tree production
   e. Floriculture
   f. Aquaculture
   g. Fur farming
   h. Forest management
   i. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program
   j. Any other use that the Wisconsin Department of Agriculture, by rule, identifies as an agricultural use
2) A farm residence including a manufactured home
3) Accessory buildings incidental to the residential use of the property
4) Accessory structure that is an integral part of, or is incidental to, an agricultural use
5) Home Business that meet 91.01(1)

6) Undeveloped natural resource and open space areas.
7) Transportation, utility, communication, or other use that is required under state or federal law to be located in a specific place or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a special use permit for that use.
8) Other uses identified by Wisconsin Department of Agriculture rule.

CHANGES IN USE THAT REQUIRE A LAND USE PERMIT

9) Tourist Rooming Houses with conditions in R-1
10)Bed & Breakfasts with conditions in R-1
11)A Bunkhouse with the conditions in Section 10.5.7 at a minimum
12)Contractor Storage Yard with conditions in RA-5

C) CONDITIONAL USES

1) Agriculturally-related businesses, such as:
   a. Feed Mills
   b. Commercial Stables
   c. Implement Dealers
   d. Agricultural Cooperatives
   e. Veterinarians
   f. Wineries
   g. Composting Sites

2) Creation of a nonfarm residence or conversion of a farm residence to a nonfarm residence through a change in occupancy, subject to the following requirements.

   a. The ratio of nonfarm residential acreage to farm acreage on the base farm tract on which the residence is or will be located will not be greater than 1:20 after the residence is constructed or converted to a nonfarm residence.

   b. There will not be more than four dwelling units in nonfarm residences, nor more than five dwelling units in residences of any kind, on the base farm tract after the residence is constructed or converted to a nonfarm residence.

   c. The location and size of the proposed nonfarm residential lot, and, for a new nonfarm residence, the location of the nonfarm residence on that nonfarm residential lot, will not do any of the following:

      1. Convert prime farmland from agricultural use or convert land previously used as crop land, other than a woodlot, from agricultural use if on the farm there is a reasonable alternative location or size for a nonfarm residential lot or a nonfarm residence.

      2. Significantly impair or limit the current or future agricultural use of other protected farmland.

3) Creation of a nonfarm residential cluster that covers more than one nonfarm residence if all of the following apply:

   a. The lots on which the nonfarm residences would be located are contiguous.
   b. Each nonfarm residence constructed in the nonfarm residential cluster must satisfy the requirements of Conditional Use #2 above

4) Governmental, institutional, religious, nonprofit community uses, transportation, communication, pipeline, electric transmission, utility, or drainage uses, if all of the following apply:

   a. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
   b. The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
   c. The use is reasonably designed to minimize conversion of land at and around the site of the use, from agricultural use or open space use.
   d. The use does not substantially impair or limit the current or future agricultural use of surrounding lots of land that are zoned for or legally restricted to agricultural use.
   e. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

D) <u>LOT REQUIREMENTS</u>

1) Density standard for the Farmland Preservation District is as described under Conditional Uses #2 and #3.

E) <u>HEIGHT, YARD, & SETBACKS REQUIREMENTS</u>

1) Maximum Principal Building Height = 35ft
2) Maximum Accessory Building Height = 25ft
3) Farm buildings are exempt from these height restrictions
4) Side Yard Setback = 25 ft for all structures
5) Rear Yard Setback = 25 ft for all structures
6) Road setback regulations shall apply to all corner lots

F) <u>OTHER REQUIREMENTS</u>

1) Road setbacks shall be governed pursuant to the provisions of Section 10.3.5 (Setbacks)

G) <u>REZONING LAND OUT OF A FARMLAND PRESERVATION ZONING DISTRICT.</u>

1) Except as provided in sub. (2) below, Polk County may not rezone land out of the farmland preservation zoning district unless the Polk County finds all of the following in writing, after public hearing, as part of the official record of the rezoning:
   a. The rezoned land is better suited for a use not allowed in the farmland preservation zoning district.
   b. The rezoning is consistent with any applicable comprehensive plan.
   c. The rezoning is substantially consistent with the Polk County Farmland Preservation Plan, which is in effect at the time of the rezoning.
   d. The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.
2) Subsection (1) does not apply to any of the following:
   a. A rezoning that is affirmatively certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection under ch. 91, Wis. Stats.
   b. A rezoning that makes the farmland preservation zoning ordinance map more consistent with the county farmland preservation plan map, certified under ch. 91, Wis. Stats., which is in effect at the time of the rezoning.
3) By March 1 of each year Polk County shall provide to the Wisconsin Department of Agriculture, Trade and Consumer Protection a report of the number of acres that Polk County has rezoned out of the farmland preservation zoning district under sub. (1) During the previous year and a map that clearly shows the location of those acres.

10.4.8 NATURAL RESOURCES DISTRICT (N-1)

A) ALLOWED AND 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 Natural Resources 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
4) 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

5) Sustainable logging, pulping and other forest crop harvesting
6) Public or private parks
7) Temporary residential uses by permit such as hunting cabins or travel trailers with conditions listed in Section 10.5.6

B) CONDITIONAL USES

1) Licensed game farms

C) LOT, HEIGHT & YARD REQUIREMENTS

1) Minimum Lot Size = 1 acre
2) Maximum Principal Building Height = 35 feet
3) Maximum Accessory Building Height = 25 feet
4) Side Yard setback = 25 ft
5) Rear Yard setback = 25 ft

D) OTHER REQUIREMENTS

1) Road setbacks shall be governed pursuant to the provisions of Section 10.3.5 (Setbacks)
2) Off-Street Parking shall be regulated by Section 10.5.2 of this ordinance.

10.4.9 GENERAL BUSINESS/COMMERCIAL (B-1)

A) PURPOSE AND INTENT

To provide a district for business and commercial enterprises that limits incompatible land uses.

B) ALLOWED AND PERMITTED USES

In the General 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:

Commercial buildings and uses including, but not limited to:

1) Appliances Sales and Service
2) Antique stores
3) Art Galleries
4) Auto Sales and Service
5) Banks, Credit Unions or other financial institutions
6) Barber Shop, Beauty Shop
7) Bars/taverns
8) Bowling Alleys
9) Business & Professional offices or clinics
10) Car Washes
11) Clothing stores
12) Community Center
13) Coffee Shop
14) Convenience stores

15)Day Care Center
16)Drug Store or Pharmacy
17)Essential Services
18)Farm implement - repair & sales
19)Feed Mill
20)Florist
21)Firework Stands
22)Fruit and Vegetable Market, Grocery, Meat and Fish Market or other food products store
23)Funeral Homes
24)Furniture, Office Equipment stores
25)Gas stations
26)Gyms and exercise facilities
27)Hardware and Paint Store
28)Indoor Storage Facilities
29)Internet Cafe
30)Jewelry Store
31)Landscaping Sales
32)Laundromat
33)Liquor Store
34)Lumber Yard
35)Manufacture or storage in connection with any of the above uses, when clearly incidental to the conduct of the retail business on the premises.
36)Marine Sales and service
37)Motels/Hotels
38)Museums
39)Music and musical instrument sales and service
40)Pet shop
41)Radio, Televisions, and other electronics sales & service
42)Real Estate Offices
43)Restaurant, Drive-In Food Service, Supper Club, and Catering
44)Sporting Goods and Accessories
45)Small engine repair
46)Truck Stop
47)Theater
48)Veterinarians
49)Video Sales and Rental
50)There may be one single-family dwelling unit on the premises, either attached or detached in connection with any of the above uses.

C) <u>CONDITIONAL USES</u>

1) Airport
2) Hospital
3) Breweries, Brew-Pubs, Wineries
4) Outdoor Storage facilities
5) Other similar and compatible use as determined by the Board of Adjustment

D) <u>LOT, HEIGHT, YARD REQUIREMENTS, & SETBACKS</u>

1) Minimum Lot Size: 1 Acre w/ Private Onsite Wastewater Treatment System, ½ acre with public sewer
2) Maximum Structures Lot Coverage = 40%
3) Minimum Landscaped Area = 10%
4) Maximum Commercial Building Height: 3 stories or 45ft
5) Maximum Residential Use Structure Height = 2 stories and 35ft
6) Maximum Accessory Structure Height = 25ft

7) Commercial Principal Building Rear/Side Minimum Setbacks: 10ft
8) Accessory Structures Rear/Side Yard Minimum Setback = 5 ft
9) Residential Principal Structure Side Yard Setback = 10 ft
10) Residential Principal Structure Rear Yard Setback = 25 ft

E) OTHER REQUIREMENTS

1) Road setbacks shall be governed pursuant to the provisions of Section 10.3.5 (Setbacks)
2) Off-Street Parking shall be regulated by Section 10.5.2 of this ordinance.

10.4.10 RECREATIONAL BUSINESS AND COMMERCIAL (B-2)

A) PURPOSE AND INTENT

To allow for recreationally-based businesses to exist in appropriate locations in the county.

B) ALLOWED AND PERMITTED USES

In the Recreational Business and 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) Sporting Goods
2) Recreational Sales and Service
3) Restaurants and Taverns
4) Resorts
5) Marinas, including sales and service
6) Bait Shops
7) Miniature Golf
8) Recreational Camps
9) Campgrounds with conditions in Section 10.5.8
10) Manufactured Home Park with conditions in Section 10.5.5
11) There may be one single-family dwelling unit on the premises, either attached or detached in connection with any of the above uses.

C) CONDITIONAL USES

1) Ski Resorts
2) Paint Ball
3) Go-Cart Tracks
4) Archery Range
5) Gun Range
6) Sportsmen's Clubs

7) Stock Car, ATV, and Dirt Bike raceways and courses
8) Other similar and compatible use as determined by the Board of Adjustment

D) LOT, HEIGHT, YARD REQUIREMENTS, & SETBACKS

1) Minimum Lot Size: 1 Acre
2) Maximum Building Lot Coverage: 40%
3) Minimum Landscaped Area: 10%
4) Maximum Principal Building Height: 2 stories and 35ft
5) Maximum Accessory Structure Height: 25ft
6) Principal Building Rear/Side Minimum Setbacks: 25ft

E) OTHER REQUIREMENTS

1) Road setbacks shall be governed pursuant to the provisions of Section 10.3.5 (Setbacks)
2) Off-Street Parking shall be regulated by Section 10.5.2 of this ordinance.
3) Provisions of Section 10.5.1 (Design Standards) apply

10.4.11 SMALL BUSINESS/COMMERCIAL DISTRICT (B-3)

A) PURPOSE AND INTENT

To allow for commercial development while allowing for more control over building size, location and aesthetics.

B) ALLOWED AND PERMITTED USES

In the Small Business/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) All Uses Allowed and Permitted in B-1 with a building footprint up to 20,000 sq ft

C) CONDITIONAL USES

1) All Conditional Uses in the B-1 district
2) Commercial buildings and uses with a building footprint over 20,000 sq ft

D) LOT, HEIGHT, YARD REQUIREMENTS, & SETBACKS

1) Minimum Lot Size: 1 Acre
2) Maximum Building Lot Coverage: 40%
3) Minimum Landscaped Area: 10%

4) Maximum Building Height: 2 stories and 35ft
5) Maximum Accessory Structure Height: 25ft
6) Principal Building Rear/Side Minimum Setbacks: 25ft

E) OTHER REQUIREMENTS

1) Road setbacks shall be governed pursuant to the provisions of Section 10.3.5 (Setbacks)
2) Off-Street Parking shall be regulated by Section 10.5.2 of this ordinance.
3) Provisions of Section 10.5.1 (Design Standards) apply

10.4.12 INDUSTRIAL (I-1)

A) PURPOSE

To provide locations within the county for industrial uses to occur and prevent land use conflicts with inappropriate uses.

B) ALLOWED AND PERMITTED USES

1) Light and general manufacturing including, but not limited to:
   a. Metal, glass, plastic and wood assembly, fabrication and manufacturing
   b. Electronics assembly, fabrication and manufacturing
   c. Clothing
   d. Bottling facilities
2) General warehousing and storage directly connected with the permitted uses under this section and provided they are not a nuisance
3) There may be one single-family dwelling unit and an associated residential accessory building on the premises, either attached or detached in connection with any of the above uses.

C) CONDITIONAL 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 hot mix asphalt 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) Forge plant
8) Gelatin or glue manufacture
9) Inflammable gasses or liquids, refining or manufacture of; overground tank farms

10)Utility-scale energy generation including but not limited to: solar farms/fields, large wind generators, and power plants.
11)Salvage and Recycling Facilities
12)Solid waste disposal operations, sanitary landfill sites
13)Slaughterhouse, stockyard
14)Smelting or foundry operations
15)Any similar or compatible industrial enterprise subject to the approval of the Board of Adjustment

D) LOT SIZES, DIMENSIONS, AND SETBACKS

1) Minimum Lot Size = 1 acre
2) Maximum Industrial Use Building Height = 50 feet
3) Maximum Residential Use Principal Building Height = 35 feet
4) Maximum Residential Use Accessory Building Height = 25 feet
5) Side Yard Setbacks for Residential Uses = R-1 side yard setbacks apply
6) Side Yard Setbacks for lots adjacent to residentially zoned lots = 25 ft
7) Side Yard Setbacks for Industrial Uses = 0 ft; except:
   a. If buildings on abutting lots are not constructed with a common wall or with walls contiguous to one another, then a side yard of not less than 10 feet shall be provided.
8) Rear Yard Setback = 25 feet; except:
   A) No rear yard setback shall be required when abutting a railroad R.O.W.
   B) Any such rear yard which abuts a boundary of a Residential Zoning District shall be not less than 50 feet in depth; 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.

E) OTHER REQUIREMENTS

1) Road setbacks shall be governed pursuant to the provisions of Section 10.3.5 (Setbacks)
2) Off-Street Parking shall be regulated by Section 10.5.2 of this ordinance.
3) Provisions of Section 10.5.1 (Design Standards) apply

10.4.13 MINING DISTRICT (M-1)

A) PURPOSE

To allow for mining activities to take place in Polk County in appropriate areas that reduce incompatible land uses and land use conflicts

B) ALLOWED AND PERMITTED USES

1) All Allowed and Permitted Uses in the Section 10.4.5 (A-1 District)
2) Pre-existing non-metallic mining activities. Preexisting non-metallic mining activities are those operations involving the excavation, removal and/or processing of materials which operations are classified as unreclaimed acres by Polk County's Non-Metallic Mining Reclamation Ordinance or had expansions of the mine outlined in the original plans that were submitted for the mine.
3) Limited, short-term non-metallic mining activities. Limited short-term non-metallic mining activities are those operations which:
   a. Do not satisfy the definitions and standards for preexisting non-metallic mining activities, and;
   b. Will be commenced and completed within a one year period from the date of the permit, and;
   c. Will be limited to not more than one acre in area open at one time. *Note: If the original mine was approved with conditions attached, those conditions continue to be in effect even if the mine is placed in this district*

C) <u>CONDITIONAL USES</u>

1) Non-metallic mining activities that do not meet the definition outlined in 10.4.13(B)(2) and 10.4.13(B)(3) above.
2) Applications for conditional use permits to conduct mining and/or processing activities shall include all information required by the county approved application form.
   a. Reapplication to the Board of Adjustment for renewal shall be required with alterations to operational plans or noncompliance with the standards of the district.
   b. Requests for additional information prior to a decision being made on the conditional use permit may be made by the Board of Adjustment. Upon determination by the Board that additional information is required, on behalf of the Board, the Board may employ independent technical experts to review materials submitted by the applicant.

D) <u>LOTS SIZES, DIMENSIONS AND SETBACKS</u>

1) Minimum Lot Size = 5 acres
2) Minimum Right of Way Setback = 200 ft
3) Minimum Property Line Setback = 100 ft
   a. Overburden, berms, and topsoil piles are allowed to be within the setback area, however at no time shall stockpiles of the targeted material, active extraction activities or processing equipment be within the setback area.
4) Setback and Height restrictions for A-1 District uses: see height regulations in Section 10.4.5 (A-1 District)
5) Maximum Height for Mining related Structures = 50 ft

E) OTHER REQUIREMENTS

1) Road setbacks shall be governed pursuant to the provisions of Section 10.3.5 (Setbacks)
2) Off-Street Parking shall be regulated by Section 10.5.2 of this ordinance.
3) Provisions of Section 10.5.1 (Design Standards) apply

10.5 ARTICLE 5: ADDITIONAL REGULATIONS

10.5.1 DESIGN STANDARDS

The intent of the design standards in this section includes, but is not limited to: providing aesthetic controls on development, minimize conflicts between uses, minimize effects of outdoor lighting, while maintaining functional use, safety and security of properties.

A) LIGHTING STANDARDS

Applicability: Lighting Standards shall be required in the following zoning districts: B-2, B-3, Industrial, and Mining. Design Standards may also be required as part of a conditional use permit, site plan, or other County approval of a development.

1) All lighting must be fully shielded in a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where the light is emitted.
2) Lighting must be directed away from adjacent properties to prevent light from trespassing or spilling on to those properties.
3) There shall be no flashing, revolving or intermittent lighting, which could be considered a nuisance or distraction to vehicular traffic.
4) There shall be no search lights, laser source lights, or any similar high-intensity light, except in emergencies by police and fire personnel or at their direction.
5) Outdoor athletic fields, courts, tracks, ski resorts, and airports are exempt from these lighting requirements, but may have restrictions on hours of operation.
6) Temporary lighting, which does not conform to the provisions of this section, may be allowed for a total period of no longer than 30 days within a year without a permit.

B) VEGETATION AND SCREENING STANDARDS

Applicability: Vegetation and Screening Standards shall be required in the following zoning districts: B-2, B-3, Industrial, and Mining. Design Standards may also be

required as part of a conditional use permit, site plan, or other County approval of a development.

The following areas or features may be required to be effectively screened by fencing, landscaping, or berms from view from public roadways, and adjacent residentially zoned properties:

1) Exterior structures related to heating systems, cooling or air conditioning systems;
2) Refuse, garbage, dumpsters and recyclable material collection points;
3) Outdoor storage areas;
4) Loading docks;
5) Any other site area or facility as required for the specific land use by the County approval authority, if reasonably related to the protection of neighboring properties or the public from distracting, unappealing, or offensive views of on-site activities.

OPTIONS FOR SCREENING:
The following are options for providing required screening where applicable:

1) Rows of trees: Trees and other screening shrubs shall be planted in such a manner and of such spacing that the vegetation covers up to 6 feet tall with 75% opacity upon installation. No species on the State of Wisconsin's invasive species list may be used. The lot owner shall maintain such planting and any dead trees/shrubs that are part of the approved screening plan shall be replaced within one year. Alternate species or planting plan may be substituted if prior approval is received from the Zoning Administrator.
2) Existing vegetation: The maintenance of existing native vegetation that, from off the property during full foliage conditions, provides the appearance of a solid wall of vegetation. The final determination as to acceptability of the existing vegetative screen shall be by the Zoning Administrator.
3) Fencing: The construction of a minimum 6-foot high solid fence with at least 90% opacity. The finished fence side of the fence must be facing outward.
4) Earthen berm: The construction of an earthen berm to the minimum height of 6 feet which is to be seeded and/or landscaped with shrubs or trees and maintained by the owner.
5) Distance Requirements: Purposely planted trees or shrubs, as measured from its center, shall be a minimum of 5 feet off a driveway or public street right-of-way or easement.
6) Vision Clearance Triangle: All screening and landscaping must be kept out of the vision clearance triangle

C) <u>LANDSCAPING STANDARDS (GENERAL YARD LANDSCAPING).</u>

Applicability: The requirements of this subsection shall apply to new commercial land development projects and all additions, expansions, or site modifications to such uses to the extent practical in the B-2 and B-3 districts where required.

1) Existing Vegetation:
   To the greatest extent possible, each development shall retain existing trees outside of proposed building and parking areas.
2) Landscaping Coverage:
   The lot shall be landscaped with an effective combination of living trees, groundcover, and shrubbery as indicated by a percentage in the districts above. Landscaping shall be emphasized in street yards, adjacent to residentially zoned lots, within and adjacent to parking lots, and near principal building foundations. Landscaped area can be utilized as part of the stormwater management area of the site.
3) Distance Requirements:
   Purposely planted trees or shrubs, as measured from its center, shall be a minimum of 5 feet of a driveway or public street right-of-way or easement.
4) Vision Clearance Triangle:
   All screening and landscaping must be kept out of the vision clearance triangle
5) Installation and Maintenance:
   All proposed and approved landscaping shall be installed according to accepted planting procedures with quality plant materials. The lot owner shall maintain such plantings and all dead plantings shall be replaced.

10.5.2 PARKING

A) <u>OFF-STREET PARKING REQUIREMENTS</u>

1) One off-street parking space shall be 220 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.
2) 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.
3) All parking spaces shall be graded and drained so as to prevent the accumulation of surface water.
4) 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.

5) Parking lots containing 5 or more parking spaces which are located in the Residential District 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.

B) PARKING SPACES REQUIRED

1) Multiple family dwelling shall provide one off-street parking space for each family for which the accommodations are provided in the building plus one.
2) Except as detailed elsewhere in this section, retail or local business places, professional offices and home businesses shall provide at least one off-street parking space for each 300 square feet of sales floor area.
3) Theaters, churches, auditoriums, lodges or fraternity halls and similar places of public assemblage shall provide at least one parking space for each 7 seats.
4) Motels, hotels, and dormitories shall provide at least one parking space for each guest room.
5) Restaurants, taverns and similar places for eating and refreshments shall provide at least one parking space for each 50 square feet of floor space devoted to the use of patrons.
6) Funeral homes and mortuaries shall provide at least one parking space for each 50 square feet of floor space devoted to parlors.
7) Bowling alleys shall provide at least 5 parking spaces for each alley.
8) 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.
9) Industrial uses shall provide at least one parking space for each employee 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.

10.5.3 SIGNS

A) 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 10.5.3(D), 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 commercially or industrially zoned 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 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 10.5.3(D)(1) and 10.5.3(D)(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. 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.

B) SIGN PLACEMENT

1) On premise signs are allowed in any district subject to space and size requirements as provided for in Section 10.5.3(D)(2) of this Ordinance.
2) Off premise signs are only allowed in Commercial and Industrial Districts and subject to space and size requirements as provided for in Section 10.5.3(D)(1) of this Ordinance.
3) Other Districts:
   a. Natural Resources District and Farmland Preservation District- Signs are allowed by Conditional Use Permits only and must conform to setbacks and all other standards.
4) Signs not requiring a permit as described in Section 10.5.3(E)(4) are permitted in any district.

C) 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 lot 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.
4) Electronic, internally illuminated signs greater than 40 square feet

D) SIGN DIMENSIONS AND SPACING

1) Off Premise Signs (Table 7):

Table 7

Class of Highway	Spacing Between	Spacing from	Area/Size of	Height

	Sign Structures on Same Side of Road	Public Road Intersection*	Signs (per direction)	Limit
Town Road	1000 feet	300 feet*	64 square feet	30 feet
County Road	1000 feet	300 feet*	96 square feet	30 feet
State and US Highway	1000 feet	300 feet*	240 square feet	30 feet
Interstate Highway	1000 feet	300 feet*	As State Permitted	30 feet

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

2) On Premise Signs (Table 8):

Table 8

Zoning District	Total Number of Signs	Maximum Sign Area	Height Limit
R-1 Residential RA-5	1	32 square feet	10 ft
All Commercial Industrial Hamlet A-1 and A-2	1 Freestanding Sign Plus No limit on other signs	Maximum 96 square feet with a total of 288 sq ft	35 feet
Natural Resources Farmland Preservation	By Conditional Use Permit	96 square feet	30 feet

E) SIGN 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 10.5.3(E)(4)
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 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.
4) Signs not requiring a permit:
    a. 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.

b. Interior window signs in commercial or industrial districts which are visible from a public right of way.
c. On premise temporary advertising banners provided the banners do not exceed 32 square feet and displayed for no more than 30 consecutive days.
d. Any size sign that meets the criteria for a temporary sign in Section 10.5.3(A)(9).
e. A single faced sign equal to or less than 16 square feet in size.

10.5.4 MANUFACTURED HOMES AND MOBILE HOMES

The following conditions shall apply for all manufactured homes:

A) The area beneath a manufactured or 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 manufactured or mobile home and the surrounding area.

B) All manufactured and 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.

C) Cannot be used for storage

10.5.5 MANUFACTURED HOME PARKS

The following conditions shall apply for all manufactured home parks:

A) The minimum lot size for manufactured home parks shall be 5 acres
B) The maximum number of manufactured homes shall be 8 per acre
C) The minimum dimensions of a manufactured home site shall be 50 feet wide by 100 feet long
D) In addition to the setback requirements set forth in the General Provisions section (Section 10.3) of this ordinance, there shall be a minimum setback of 40 feet from all other lot lines
E) Each manufactured home site shall be separated from any other manufactured home site by a yard of at least 15 feet.
F) All drives, parking areas and walkways shall be hard surfaced or graveled, maintained in good condition, have natural drainage, and the driveways shall be lighted at night.
G) There shall be two hard-surfaced automobile parking spaces provided for each manufactured home site
H) Screening requirement of Section 10.5.1 apply

10.5.6 TRAVEL TRAILERS

Travel Trailers are considered Camping Units for the purposes of this ordinance.

A) STORAGE OF TRAVEL TRAILERS:

1) The subject lot must have a dwelling or principal structure in order to store one travel trailer on that property;

B) NON-STORAGE USE OF TRAVEL TRAILERS:

1) The zoning district must allow a single family residence on that lot as an allowable use;
2) The subject lot has no existing principal structure;
3) A travel trailer is allowed to be used on a lot 14 out of every 60 days without a permit, unless 4 or 5 below apply.
4) An annual, seasonal permit may be obtained from the zoning office which would allow for the utilization of the travel trailer on the subject property from May 15th through December 1st_annually. In order to obtain the above seasonal permit, the following requirements apply:
   a. A non-plumbing sanitary system is installed. If there is a well, a state sanitary system must be installed in compliance with the Polk County Private Onsite Wastewater (POWTS) Ordinance.
   b. Must meet all setbacks on property for an accessory structure
   c. Must be removed once season is over;
5) A travel trailer may be placed on a property for more than 14 days in any sixty consecutive days if a land use permit is obtained and all the following criteria are met:
   a. The property owner has at least 25 acres in one parcel or parcels adjacent to each other with common ownership
   b. The travel trailer will not be used as a permanent residence
   c. The setbacks required for an accessory building are met
   d. A non-plumbing sanitary system is installed. If there is a well, a state sanitary system must be installed in compliance with the Polk County Private Onsite Wastewater (POWTS) Ordinance.

C) A temporary permit may be issued if the property owner has installed a state approved septic system and well and the Zoning Administrator has issued a permit to begin constructing a dwelling within one year. Must meet all setbacks on property for an accessory structure.

10.5.7 BUNKHOUSES

A single (one per lot) bunkhouse will be permitted only in districts which permit it by land use permit and the following conditions apply:

A) The bunkhouse shall not exceed 50% of the square footage of the accessory structure with a maximum of 400 square-foot floor area. The 50% square

footage limitations will not apply when loft or attic truss type area is being used; however, the area shall not exceed 400 square feet. Stand-alone bunkhouses cannot exceed 400 sq ft of floor area in total.

B) All of the setback requirements for an accessory structure are met.
C) Leasing, rental or use as a residence is strictly prohibited.
D) Sanitary systems must be sized for the total number of bedrooms on the lot after the bunkhouse is built. No affidavits allowed for undersized systems
E) Holding tanks are only allowed for the purposes of these regulations if absolutely no other system will work on the property (i.e. a mound system or conventional system). A soil test is required to prove the necessity of a holding tank.
F) A separate sanitary system for a bunkhouse is prohibited
G) The bunkhouse shall be built to Uniform Dwelling Code compliance. A copy of the completed and passed final inspection of the bunkhouse by the Town's Building Inspector is due to the zoning office within 2 years of obtaining the land use permit, as proof that this condition has been satisfied.
H) Plumbing, if installed, conforms to the Polk County Sanitary Code.
I) Height of the structure is limited to 25 feet
J) Maximum of 1 bathroom allowed per bunkhouse
K) Cannot be split from original property
L) Cooking facilities are prohibited
M) Cannot be built on an outlot
N) Cannot be the first building on a lot
O) An affidavit is recorded in the Register of Deeds outlining use restrictions.
P) Boathouses cannot become bunkhouses
Q) Only allowed in zoning districts where single-family residential uses are allowed
R) Must meet minimum lot size requirements at time of lot creation
S) Bunkhouses created on riparian lots shall be required to install and maintain mitigation as described in the Polk County Shoreland Protection Zoning Ordinance. For the purposes of this ordinance, changing the use of a structure to a bunkhouse counts as the same additional square footage of impervious surface (in shoreland areas) as a vertical expansion.
T) Use of accessory structures in a manner consistent with the definition of bunkhouse prior to enactment of this ordinance is prohibited by this ordinance and such use is not a nonconforming use as defined in Wisconsin Statute section 59.69(10)(ab) and (am) and Section 10.3.2 of this ordinance. Accordingly, any and all accessory structures that are to be used as bunkhouses must comply with the above conditions regardless of prior existing use.

10.5.8 CAMPGROUNDS

A) The minimum size of the campground shall be 5 acres.
B) The maximum number of sites shall be 20 per acre.

C) Minimum dimensions of a site shall be 25 feet by 40 feet.
D) Each site is separated from other camping units by a yard not less than 10 feet wide.
E) There shall be 1½ automobile parking spaces for each site.
F) There shall be a minimum setback of 40 feet from all other exterior lot lines.
G) Applicant must obtain all proper licensing.
H) The screening standards of Section 10.5.1 of this ordinance must be met.

10.6 ARTICLE 6: ADMINISTRATIVE PROCEDURAL REGULATIONS

10.6.1 ZONING ADMINISTRATOR

The Zoning Department staff shall have the following duties and powers

A) Advise applicants on the provisions of this ordinance and assist them in preparing permit applications and appeal forms.
B) Issue permits and inspect properties for compliance with this ordinance.
C) Keep records of all permits issued, inspections made, work approved and other official actions.
D) Must have permission to access any premises between 8:00 a.m. and 6.00 p.m. for the purpose of performing duties set forth in this ordinance.
E) Submit copies of variances, Conditional Uses and decisions on appeals for map or text interpretation and map or text amendments within 10 days after they are granted or denied to the Department of Natural Resources.
F) Report all violations of this ordinance to the Department Head and the Governing Committee.

10.6.2 LAND USE PERMITS

The following applies to the issuance and revocation of permits:

A) WHEN REQUIRED

Except where another section of this ordinance specifically exempts certain types of activities, development from this requirement, a land use permit shall be obtained from the Zoning Administrator before any said activity or development, reconstruction, structural alteration, structural repair, is initiated, including, but not limited to, building or structure, or any change to a structure.

B) APPLICATION

An application for a land use permit shall be made to the Zoning Administrator upon forms furnished by the County and shall include, for the purpose of proper enforcement of these regulations, the following data:

1) Name and address of applicant and property owner.
2) Legal description of the property and type of proposed use.

3) A sketch of the dimensions of the lot and location of existing buildings and distance of proposed buildings from the lot lines, centerline of abutting highways and the ordinary high water mark at the day of the sketch.
4) Whether or not a private water or septic system is to be installed.

C) EXPIRATION

Land Use Permits for land use changes shall expire twelve months from their date of issuance where no action has been taken to accomplish such changes or two (2) years after issuance.

10.6.3 REVOCATION

Where the conditions of a land use permit, Conditional Use Permit or a variance is violated, the same are deemed revoked.

10.6.4 BOARD OF ADJUSTMENT

The County Administrator shall appoint a Board of Adjustment under Chapter 59.69, Wisconsin Statutes, consisting of 5 members, with no less than 1 of the members being a riparian landowner, and the County Board shall adopt such rules for the conduct of the business of the Board of Adjustment as required by Section 59.69(3), Wisconsin Statutes.

A) POWERS AND DUTIES

The Board of Adjustment shall have the following powers and duties:

1) Shall adopt rules as it deems necessary and may exercise all of the powers conferred on such boards by Section 59.69 Wisconsin Statutes. Supplemental information is available in the Polk County Board of Adjustment Procedural Ordinance.
2) ADMINISTRATIVE APPEALS
Hear and decide appeals where it is alleged there is an error in any order, requirements, decision or determination made by an administrative official in the enforcement or administration of this ordinance.
    a. Appeals to the Board of Adjustment may be taken by any person aggrieved or by an officer, department, board or bureau of the county affected by any decision of the Zoning Administrator or other administrative officer.
    b. Appeals shall be taken within a feasible time, as provided by the rules of the Board of Adjustment.
3) VARIANCES
Authorize upon application, in specific cases, such variances from the terms of the ordinance as shall not be contrary to the public interest, where owing to

special conditions, a literal enforcement of the ordinance will result in unnecessarily burdensome.

a. In the issuance of a variance, the spirit of the ordinance shall be observed and substantial justice done. No variance shall have the effect of granting or increasing any use of property, which is prohibited in that zoning district by this ordinance.
b. Variances do not expire but remain with the property.

~~4) CONDITIONAL USES~~

~~Hear requests for conditional uses as listed in this ordinance. The following shall apply to Conditional Use Permits:~~

a. ~~Standards Applicable to All Conditional Uses. The Board of Adjustment shall evaluate the effect of the proposed use upon the following criteria, including but not limited to:~~
   1. ~~The maintenance of safe and healthful conditions.~~
   2. ~~Creation or increase of smoke, dust, noxious and toxic gases and odors, noise or vibrations from heavy equipment.~~
   3. ~~The prevention and control of water pollution including sedimentation.~~
   4. ~~Existing topographic and drainage features and vegetative cover on the site.~~
   5. ~~The location of the site with respect to floodplains and floodways of rivers and streams.~~
   6. ~~The erosion potential of the site based upon degree and direction of slope, soil type, and vegetative cover.~~
   7. ~~The location of the site with respect to existing and future access roads.~~
   8. ~~Heavy vehicular traffic and increased traffic~~
   9. ~~The need of the proposed use~~
   10. ~~Its compatibility with uses on adjacent land.~~
   11. ~~The amount of septic waste to be generated and the adequacy of the proposed disposal system.~~
   12. ~~Location of uses that:~~
      i. ~~Within an area ,are not inherently a source of pollution, shall be preferred over uses that are or may be a pollution source; and~~
      ii. ~~Within an area, tend to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility.~~
b. ~~Conditions Attached to Conditional Use Permit. Upon consideration of the factors listed above, the Board of Adjustment shall attach such conditions, in addition to those required elsewhere in this Ordinance as are necessary to further the purposes of this Ordinance. Such conditions~~

~~may include, but are not limited to: type of land cover; increased setbacks; landscaping and planting screens; period of operation; operational control; sureties; bonding; deed restrictions; location of piers, docks, parking and signs; and type of construction.~~

c. ~~Conditional Uses do not expire but remain with the property and all conditions remain in effect.~~

B) APPLICATION/REVIEW PROCESS/PROCEDURE

1) NOTICE OF PUBLIC HEARING. Before acting upon an application the Board of Adjustment shall hold a public hearing within a reasonable time. Notice of such public hearing, specifying the time, place, and matters to come before the Board of Adjustment, shall be given as a Class 2 notice under Chapter 985, Wisconsin Statutes, and notice shall be mailed to the appropriate district office of the Department of Natural Resources, when applicable, at least 10 days prior to the hearing as well as all property owners within 300 feet of the site under consideration.

~~2) PUBLIC HEARING. At the public hearing, any party may appear in person or by agent or by attorney. The Board of Adjustment may require the applicant to furnish, in addition to the information required for a Conditional Use Permit, the following information:~~

~~a. A plan of the area showing contours, soil types, ordinary high water marks, groundwater conditions, bedrock, slope and vegetative cover.~~

~~b. Location of buildings, parking areas, traffic access, driveways, walkways, piers, open space and landscaping.~~

~~c. Plans of buildings, sewage disposal facilities, water supply systems and arrangements of operations.~~

~~d. Specifications for areas of proposed filling, grading, lagooning or dredging.~~

~~e. Other pertinent information necessary to determine if the proposed use meets the requirements of this ordinance.~~

3) RECORDING. An appropriate record shall be made of any decision made by the Board of Adjustment

a. A decision regarding the application appeal shall be made as soon as practical and a copy shall be submitted to the Department of Natural Resources when applicable within 10 days after the decision is issued.

b. The Board of Adjustment shall state in writing the grounds for their decision and shall stat the specific facts which are the basis of the Board determination.

c. All decisions may be reviewed by a court of competent jurisdiction.

10.6.5 Environmental Services Committee

The Committee shall be responsible for hearing all conditional use permit applications submitted to the Land Information Department and the following shall apply to conditional use permits:

A) Powers and Duties

1) Conditional Use Permits

Hear requests for conditional uses as listed in this ordinance. The following shall apply to Conditional Use Permits:

a. Application for a Conditional Use Permit- Any use listed as a conditional use in this ordinance shall be permitted only after an application has been submitted and an appropriate application fee paid to the Zoning Administrator and a conditional use permit has been granted by the Environmental Services Committee.

b. Standards Applicable to All Conditional Uses. The Environmental Services Committee shall evaluate the effect of the proposed use upon the following criteria, including but not limited to:

1. The maintenance of safe and healthful conditions.
2. Creation or increase of smoke, dust, noxious and toxic gases and odors, noise or vibrations from heavy equipment.
3. The prevention and control of water pollution including sedimentation.
4. Existing topographic and drainage features and vegetative cover on the site.
5. The location of the site with respect to floodplains and floodways of rivers and streams.
6. The erosion potential of the site based upon degree and direction of slope, soil type, and vegetative cover.
7. The location of the site with respect to existing and future access roads.
8. Heavy vehicular traffic and increased traffic
9. The need of the proposed use
10. Its compatibility with uses on adjacent land.
11. The amount of septic waste to be generated and the adequacy of the proposed disposal system.
12. Location of uses that:

    iii. Within an area ,are not inherently a source of pollution, shall be preferred over uses that are or may be a pollution source; and

iv. Within an area, tend to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility.

c. Conditions Attached to Conditional Use Permit - Upon consideration of the factors listed above, the Environmental Services Committee shall attach such conditions, in addition to those required elsewhere in this ordinance as are necessary to further the purposes of this ordinance. Violations of any of these conditions shall be deemed a violation of this ordinance and result in immediate revocation of the conditional use permit. Such conditions may include, without limitation of a specific enumeration: type of shore cover; increased setbacks and yards; specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; bonding; deed restrictions; location of piers, docks, parking and signs; and type of construction. To secure information upon which to base its determination, the Environmental Services Committee may require the applicant to furnish, in addition to the information required for a conditional use permit, the following information:

1. A plan of the area showing contours, soil types, ordinary high water marks, ground water conditions, bedrock, slope and vegetative cover.
2. Location of buildings, parking areas, traffic access, driveways, walkways, piers, open space and landscaping.
3. Plans of buildings, sewage disposal facilities, water supply systems and arrangements of operations.
4. Specifications for areas of proposed filling, grading, lagooning or dredging.
5. Other pertinent information necessary to determine if the proposed use meets the requirements of this ordinance.

d. Notice and Public Hearing - Before passing upon an application for a conditional use permit; the Environmental Services Committee shall hold a public hearing. Notice of such public hearing, specifying the time, place, and matters to come before the Environmental Services Committee, shall be given as a Class 2 notice under Chapter 985, Wisconsin Statutes, and notice shall be provided to the appropriate district office of the Department of Natural Resources at least 10 days prior to the hearing as well as all property owners within 300 feet of the site under consideration. The Environmental Services Committee shall

state in writing the grounds for refusing a conditional use permit.

e. Recording - When a conditional use permit is approved, an appropriate record shall be made of the land use and structures permitted and such permit shall be applicable solely to the structures, use and property so described. A copy of any decision on a conditional use permit shall be provided to the appropriate district office of the Department of Natural Resources within 10 days after application for the conditional use permit is granted or denied.
f. Revocation - Where the conditions of a conditional use permit are violated, the conditional use permit shall be revoked by the Zoning Department
g. Expiration –Conditional 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.

10.6.6 FEES

The governing committee may, by motion, adopt fees for the following:

A) Land Use Permits.
B) Public Hearings.
C) Conditional Use Permits.
D) Appeals to the Board of Adjustment
E) Variances
F) Other, as necessary

10.6.7 ENFORCEMENT AND PENALTIES

Any development, any building or structure constructed, moved or structurally altered, or any use established after the effective date of this Ordinance contrary to the provisions of this Ordinance, by any person, firm, association, corporation (including building contractors or their agents) shall be deemed a violation.

A) As authorized by Wis. Stat. CHAPTER 66, the Zoning Administrator or the County Zoning Agency shall issue citations for any violations of this Ordinance. Any person, firm, association, or corporation who violates or refuses to comply with any of the provisions of this ordinance shall be subject to a forfeiture of not less than two-hundred ($200.00) dollars nor more than one-thousand ($1000.00) dollars per offense, together with the taxable costs of action. Each day of continued violation shall constitute a separate offense. Every violation of this Ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance there may be abated by action at suit of the county, the state, or any citizen thereof pursuant to Section 87.30(2), Wisconsin Statutes. The County

also retains the summons and complaint avenue for forfeitures and remedial action as provided by Wis. Stat. Section 59.69(11).

B) There shall be a penalty fee of 2 times the regular permit fee in those cases where building is commenced without first obtaining a land use permit, providing the structure is in conformance with the provisions of this Ordinance. In cases where the project cannot be permitted without a variance, the penalty fee shall be applied towards the variance application fee.

C) The Zoning Department may issue an on-site stop work order, as appropriate, whenever it determines that a violation of this Ordinance or the building permit is taking place.

PROPOSED
POLK COUNTY
LOWER ST. CROIX RIVERWAY
ORDINANCE

Ordinance No. 72-18
Polk County Lower ST. Croix Riverway Ordinance
Enacted: _____; Published: _____
Effective Date: _____

~~TEXT~~ =TO BE REMOVED
TEXT = PROPOSED TEXT

POLK COUNTY LAND INFORMATION DEPARTMENT
POLK COUNTY GOVERNMENT CENTER
100 POLK COUNTY PLAZA
SUITE 130
BALSAM LAKE, WI 54810
715-485-8279
715-485-9246 FAX
www.co.polk.wi.us/landinfo/zoning

TABLE OF CONTENTS

Article A. Title, Authority and Effective Date 1
1. Title 1
2. Authority 1
3. Effective Date 1

Article B. Purpose 1
1. Purpose 1

Article C. Applicability 1
1. Boundaries 1
2. Interpretation 2
3. Limitation of Action 2

Article D. Definitions 2
1. Interpretation 2
2. Definitions 3

Article E. Land Uses and structures 6
1. Allowed Uses and Structures 6
2. Permitted Uses and Structures 6
3. Special Exception Uses and Structures 6
4. Prohibited Uses 7

Article F. General Provisions 7
1. Minimum Lot Size 7
2. Minimum Lot Width 7
3. Density Standards 7
4. Structure Height 7
5. Structure Setbacks 7

Article G. Performance Standards 8
1. Structure Color 8
2. Signs 8
3. Structural Erosion Control 8
4. Slope Preservation Zone 9
5. Filling and Grading 9
6. Rock Riprap 9
7. Vegetation Management 10
8. POWTS 11
9. Land Divisions 11
10. Transmission Facilities and Other wireless Communication 12
11. Stairways 13
12. Lifts 13
13. Public and Private Roads 14
14. Bed and Breakfast Operations 14
15. Nature-Oriented, Educational Non-Profit Facilities 14
16. Home Occupation 14

Article H. Nonconforming uses and structures and Substandard Lots 15
1. Nonconforming Uses 15
2. Nonconforming Principal Structures 15
3. Nonconforming Accessory Structures 17

4. Substandard Lots 17
5. Mitigation Requirements 17

Article I. Administration 18
1. Land Use Permit Procedures 18
2. Special Exception and Variance Procedures 18
3. Amendment Procedures 19
4. Public Hearing Procedures 20
5. Decisions 20
6. Reasonable Accommodation for Disabled Persons 21
7. Expiration 21
8. Compliance, Revocation, and penalties 21

Appendix A Legal description of boundary 23
1. Township 32 North, Range 19 West 23
2. Township 33 North, Range 19 West 24

POLK COUNTY LOWER ST. CROIX RIVERWAY ORDINANCE

Article A. Title, Authority and Effective Date

1. **Title**
   a. This Ordinance shall be cited as the "Polk County Lower St. Croix Riverway Ordinance" and hereinafter referred to as the "Ordinance."
2. **Authority**
   a. This Ordinance is enacted pursuant to the authority granted by Wisconsin Statute § 30.27 and Wisconsin Administrative Code NR118.
   b. The County Zoning Administrator shall administer this Ordinance pursuant to Wisconsin Statute § 59.69.
   c. Any mandatory amendments, repeals or recreations to the statutes pertaining to the subject matter of this Ordinance are incorporated into this Ordinance as of the effective date of amendment, repeal or recreation.
3. **Effective Date**
   a. This Ordinance shall be effective on ~~May 30, 2018~~.

Article B. Purpose

1. **Purpose**
   a. The purpose of this Ordinance is to promote the public health, safety, and general welfare of the public by:
      1) Reducing the adverse effects of overcrowding and poorly planned shoreline and bluff area development.
      2) Preventing soil erosion and pollution and contamination of surface water and groundwater.
      3) Providing sufficient space on lots for sanitary facilities.
      4) Minimizing flood damage.
      5) Maintaining property values.
      6) Preserving and maintaining the exceptional scenic, cultural, and natural characteristics of the water and related land of the Lower St. Croix Riverway in a manner consistent with the National Wild and Scenic Rivers Act (P.L. 90-542), the Federal Lower St. Croix River Act of 1972 (P.L. 92-560) and the Wisconsin Lower St. Croix River Act (Wisconsin Statute § 30.27).

Article C. Applicability

1. **Boundaries**
   a. The Lower St. Croix Riverway Ordinance is an overlay zoning district. This Ordinance applies in addition to other zoning regulations that may fall within the Riverway District boundary.
      1) Polk County Shoreland Protection Zoning Ordinance
      2) Polk County Comprehensive Land Use Ordinance
      3) Polk County Floodplain Ordinance

b. This Ordinance applies to all unincorporated land in the Federal Zones of the Riverway District of Polk County. The boundaries of the Riverway District are shown in Appendix A, and are found in the Code of Federal Regulations. The same boundaries are shown on the map identified as the Lower St. Croix National Scenic Riverway Map, which are on file in the office of the Zoning Department. The legal description and maps referred to above are made a part of this Ordinance.

c. Within the unincorporated lands of Polk County, the Riverway District falls under the Conservation Management Zone as defined in Wisconsin Administrative Code NR 118.04:

1) The conservation management zone is primarily natural and mostly wooded, with some single-family residential uses. Shoreline areas are natural and do not contain residential lawns. The conservation management zone is established in both of the following locations:

a) In an area bounded on the north by the south boundary of Wisconsin Interstate state park and on the south by the north corporate boundary of the Village of Osceola as they existed January 1st, 1976.

b) In an area bounded on the north by the south corporate boundary of the Village of Osceola as they existed on January 1st, 1976, and on the south by the south boundary of Polk County.

2. Interpretation

a. Compliance

1) No development of land or water shall hereafter be implemented and no use, structure or part thereof shall be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without full compliance with provisions of this Ordinance and all other applicable local, State and federal regulations.

b. Provisions

1) If any provision of this Ordinance conflicts with any provision of any other Polk County Ordinances, the more restrictive provision shall apply.

2) This Ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall take precedence.

3) The provisions of this Ordinance shall be liberally construed in favor of Polk County and shall not be construed to be a limitation or repeal of any other power now possessed or granted to Polk County.

c. Severability

1) Should any portion of this Ordinance be declared invalid or unconstitutional for any reason, by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected.

3. Limitation of Action

a. Claims

1) Pursuant to Wisconsin Statutes § 59.69(14), a land owner, occupant or other person affected by this Ordinance or amendment hereto who claims that this Ordinance or amendment is invalid because procedures prescribed by the statutes or the Ordinance were not followed in enacting this Ordinance or amendment hereto shall commence a court action within six months after enactment of this Ordinance or amendment or be forever barred.

Article D. Definitions

1. Interpretation

a. For the purpose of administering and enforcing this ordinance, the terms or words used herein shall be interpreted as follows:

1) Words used in the present tense include the future: in the singular include the plural and in the plural include the singular.
2) The word "shall" is mandatory, not permissive.
3) All distances, unless otherwise specified, shall be measured horizontally.
4) All definitions that refer to Wisconsin Statutes shall incorporate any revisions or amendments to statutory language.

2. Definitions

Accessory Structure: A subordinate structure, the use of which is incidental to, customarily found in connection with, and located on the same lot as the principal structure or use of the property. Accessory structures include, but are not limited to, detached garages, sheds, barns, gazebos, swimming pools, hot tubs, fences, retaining walls, detached stairways and lifts, driveways, parking lots, sidewalks, patios and decks (both detached and attached).

Accessory Use: A use subordinate to and serving the principal use on the same lot and customarily incidental thereto. It must also be subordinate in area, extent or purpose to the principal building or use served. Accessory uses include, but are not limited to, family daycare, home occupations, and seasonal roadside stands.

Agriculture: The use of land for agricultural purposes, including: beekeeping, livestock grazing; orchards; raising of grain, grass or seed crops; raising of fruits, nuts or berries; placing land in federal programs in return for payments in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; and vegetable raising.

Antenna: Any device or equipment used for the transmission or reception of electromagnetic waves, which may include an omni-directional antenna (rod), a directional antenna (panel) or a parabolic antenna (disc).

Bed and Breakfast Operation: A place of lodging for transient guests that is the owner's personal residence, that is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.

Bluffline: A line along the top of the slope preservation zone. There can be more than one bluffline.

Building Line: A line measured across the width of a lot at that point where the principal structure is placed in accordance with setback provisions.

Camouflage Design: A wireless communication service facility that is disguised, hidden or screened, but remains recognizable as a tower or antenna.

Compliant Building Location: An area on a lot where a building could be located in compliance with all applicable ordinance requirements.

Conditional Use: A use allowed under a conditional use permit, special exception, or other special zoning permission issued by the county, but does not include a variance. Conditional uses, listed by ordinance, are subject to certain conditions specified in the ordinance and/or designated by the ~~Board of Adjustment~~ Environmental Services Committee.

Diameter at Breast Height (DBH): The width of a tree as measured at 4.5 feet above the ground surface.

Disabled: Having a physical or mental impairment that substantially limits one or more major life activities.

Earth-tone: Colors that harmonize with the natural surroundings on the site during leaf on conditions.

Expansion: An addition to an existing structure regardless of whether the addition is vertical or horizontal or both.

Filtered View of the St. Croix River: A view in which one can see the river through the vegetation, while any structure remains visually inconspicuous.

Footprint: The land area covered by a structure at ground level, measured on a horizontal plane. The "footprint" of a residence includes attached garages and porches, but excludes decks, patios, carports

and roof overhangs.

Foundation: The underlying base of a building or other structure, including but not limited to pillars, footings, and concrete and masonry walls.

Human Habitation: The use of a building or other structure for human occupancy, including but not limited to cooking, eating, bathing and sleeping.

Land Division: Any division of a parcel of land by the owner or the owner's agent, for the purpose of transfer of ownership or building development, which creates one or more parcels or building sites of 20 acres or less.

Landscape Architect: A person who has graduated with a major in landscape architecture from a college accredited by the American Society of Landscape Architects.

Lift: A mechanical device, either temporary or permanent, containing a mobile open top car including hand or guard rails, a track upon which the open top car moves, and a mechanical device to provide power to the open top car.

Lot: A contiguous parcel of land with described boundaries.

Lower St. Croix Riverway or Lower St. Croix National Scenic Riverway: The area described in § NR 118.02 (1).

Management Zones: The Lower St. Croix Riverway management zones established in § NR 118.04.

Mitigation: Action taken to minimize the adverse impacts of development. Mitigation includes, but is not limited to, the installation of vegetative buffers, the removal of nonconforming structures from the shoreland setback area, and the implementation of best management practices for erosion control and storm water management.

Net Project Area: Developable land area minus slope preservation zones, floodplains, road rights-of-way, and wetlands.

Nonconforming Structure: A building or other structure whose location, dimensions or other physical characteristics do not conform to the standards of this ordinance but which was legally constructed or placed in its current location prior to the enactment of this ordinance or its amendment that made it nonconforming.

Nonconforming Use: Any use that does not conform to the land use restrictions in this ordinance, but which was legally established prior to the enactment of this ordinance or its amendment that made it nonconforming.

Ordinary High Water Mark (OHWM): The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic. Where the bank or shore at any particular place is of such character that is difficult or impossible to ascertain where the point of OHWM is, recourse may be had to the opposite bank of a stream or to other places on the shore of a lake or flowage to determine where a given stage of water is above or below the OHWM.

Ordinary Maintenance and Repair: Any work done on a nonconforming structure that does not constitute expansion, structural alteration or reconstruction and does not involve the replacement, alteration or improvement of any portion of the structure's foundation.

Porch: A building walkway with a roof over it, providing access to a building entrance.

Principal Structure: The main building or other structure on a lot that is utilized for the property's principal use. Principal structure includes attached garages and porches.

Reasonable Accommodation: Allowing a disabled person to deviate from the strict requirements of the county's zoning ordinances if an accommodation is necessary and reasonable, in order not to unlawfully discriminate against the disabled person and to allow them equal housing opportunity.

Reconstruction: The replacement of all, or substantially all, of the components of a structure other than the foundation.

Selection Cut: The removal of selected trees throughout the range of merchantable sizes at regular intervals, either singly or in small groups, leaving a uniformly distributed stocking of desirable tree and shrub size classes.

Setback: The minimum horizontal distance between a structure and the OHWM, bluffline, side and rear lot lines, and roads.

Shelterwood Cut: A partial removal of mature trees leaving trees of desirable species and form to provide shade, seed source and a desirable seedbed for natural regeneration with the final removal of the overstory after adequate regeneration is established.

Single-family Residence: A detached structure used for human habitation for one family.

Slope Preservation Zone: The area riverward from the bluffline where the slope towards the river is 12% or more, as measured horizontally for a distance of not more than 50 feet or less than 25 feet.

Small Regeneration Cut: A harvest of not more than one-third of the contiguous forested ownership within a 10–year period with each opening not exceeding 6 acres in size and not closer than 75 feet at their closest points.

Stealth Design: A wireless communication service facility that models or mimics in size or shape and color something in the surrounding landscape, such as silos in farm settings and trees in forested lands, and is unrecognizable year round as an antenna or antenna mount.

Structural Alteration: The replacement or alteration of one or more of the structural components of any of a nonconforming structure's exterior walls.

Structural Component: Any part of the framework of a building or other structure. The structural components of a building's exterior walls include the vertical studs, top and bottom plates, and window and doorsills and headers. A structural component may be non-load-bearing, such as the framework of a wall at the gable end of a one-story house. Wall coverings, such as siding on the exterior and dry wall on the interior, are not included in the definition of structural component.

Structural Erosion Control Measure: A retaining wall or other man-made structure whose primary function is to control erosion.

Structure: Any man-made object with form, shape and utility that is constructed or otherwise erected, attached to or permanently or temporarily placed, either upon the ground, a river bed, stream bed or lake bed or upon another structure. Structure includes swimming pools, hot tubs, patios, decks and retaining walls, but does not include landscaping or earthwork such as graded areas, filled areas, ditches, berms or earthen terraces. Structure does not include small objects that are easily moved by hand, such as lawn chairs, portable grills, portable picnic tables, bird feeders, birdhouses and birdbaths.

Substandard Lot: A lot with dimensions that do not conform to all of the requirements of this chapter.

Transmission Services: Electric power lines, telephone and telegraph lines, communication towers, cables, sewage lift stations, sewer and water pipes, and other pipes, conduits and accessory structures that are used to transport power, convey information or transport material between 2 points, other than wireless communication service facilities.

Visually Inconspicuous: Difficult to see, or not readily noticeable, in summer months as viewed from at or near the mid-line of the Lower St. Croix River.

Wetland: An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.

Wireless Communication Service Facilities: Hardware that provides wireless communication services including antennas, towers, all associated equipment, and buildings and other structures.

Article E. Land Uses and structures

1. Allowed Uses and Structures

a. The following uses are allowed in the Riverway District without a permit:

1) Nonstructural conservancy and open space uses associated with maintaining the value of certain lands for natural areas, scenic preservation, recreation, wildlife management, water and soil conservation and other such purposes.
2) Nonstructural agricultural and forestry uses, including silviculture in compliance with Wisconsin Administrative Code Chapter NR 118.06(6).
3) Routine pruning of trees and shrubs to improve their health and vigor, provide a filtered view of the Lower St. Croix River, herein after referred to as "the river," and prevent property damage.

2. Permitted Uses and Structures

a. The following uses and structures are allowed in the Riverway District subject to the standards in the current Polk County Shoreland Protection Zoning Ordinance, hereafter referred to as "Shoreland Ordinance" and with a land use permit from the Polk County Zoning Administrator:

1) Single-family residence and accessory uses and structures.
2) Public parks, areas devoted to natural resource management and interpretation, waysides, rest areas, information areas, and scenic overlooks.
3) Governmental structures used as information centers or for resource management to improve the fish and wildlife habitat, provided that they meet all other provisions of this Ordinance.
4) Filling and grading less than 10,000 square feet outside of the slope preservation zone and greater than 40 feet from the slope preservation zone.
5) Signs per Section H2 of this Ordinance.
6) Structural erosion control measures constructed outside of slope preservation zones.
7) Rock riprap and other shoreline protection measures above the OHWM.
8) Vegetation removal as per Article 12 of the Shoreland Ordinance.
   a) Removing trees that pose an imminent safety hazard to persons or structures within 35' of the OHWM.
9) Accessory structures.

3. Conditional Uses and Structures

a. The following uses and structures are allowed in the Riverway District with a conditional use permit subject to the standards in Article 18.D of the Shoreland Ordinance and approval by the Polk County Environmental Services Committee: ~~Board of Adjustment:~~

1) Land divisions.
2) Wireless communication service and other transmission facilities consistent with the provisions of the Polk County Telecommunication Towers and Related Facilities Ordinance.
3) Filling and grading less than 10,000 square feet in slope preservation zones that do not directly face the river and do not drain directly to the river.
4) Filling and grading within 40 feet of a slope preservation zone.
5) Filling and grading 10,000 square feet or more outside of the slope preservation zone.
6) Structural erosion control measures in slope preservation zones.
7) Stairways and lifts.
8) Public and private roads serving two or more properties or single-family residences.
9) Bed and breakfast operations.
10) Home occupations per Article 8.C.7. of the Shoreland Ordinance.

11) Private, non-profit, nature-oriented educational facilities.

4. **Prohibited Uses**
   a. Within the Riverway District, all uses or structures not listed as allowed, permitted, or conditional uses are prohibited.

Article F. General Provisions

1. **Minimum Lot Size**
   a. The minimum lot size shall be governed by the base-zoning district.
   b. Minimum net project area for each lot shall be at least one acre.
   c. If the lot is not served by a public sewer or community system, the lot shall have adequate room for one single-family residence and two private on-site waste treatment systems.
2. **Minimum Lot Width**
   a. The minimum lot width shall be 250 feet measured at the building line and at the side of the lot nearest the river.
3. **Density Standards**
   a. There may be no more than one principal structure on each parcel.
4. **Structure Height**
   a. The maximum structure height shall be measured between the average ground elevation and the uppermost point of the structure, excluding chimneys.
      1) The maximum height for principal structures in the conservation management zone shall be 25 feet.
      2) The maximum height for accessory structure shall be 25'.
      3) Wireless communication service and other transmission facilities must meet the requirements consistent with the Polk County Telecommunication Towers and Related Facilities Ordinance.
5. **Structure Setbacks**
   a. All setbacks shall be measured on a horizontal plane from the roof overhang and any cantilevered portions of the structure at the point of the structure that is nearest the OHWM, bluffline, or property line.
   b. All structures except docks, piers, wharves, structural erosion control measures, stairways, and lifts shall meet the following:
      1) OHWM Setback: At least 200 feet.
      2) Bluffline Setback: At least 200 feet.
         a) Structures that do not meet the setback may be permitted within the bluffline setback area if they are set back at least 40 feet from the bluffline and meet all of the following standards:
            i. The structure does not protrude above the bluffline as viewed from at or near the mid-line of the river or from 250 feet riverward from the OHWM whichever is less.
            ii. The structure is not located in a slope preservation zone.
            iii. The structure utilizes building materials that are earth tone in color and of a non-reflective nature, except that windows may be made of ordinary window glass or non-reflective glass, but may not be made of glass designed to reflect more light than ordinary window glass.
            iv. The structure is visually inconspicuous.
      3) Sideyard Setback: At least 25 feet from all exterior lot lines.

4) Road Setbacks
   a) The setback from any state or federal highway shall be 110 feet from the centerline of the highway or 50 feet from the right of way (ROW), whichever is greater.
   b) The setback from any county highway shall be 75 feet from the centerline of the highway or 42 feet from the ROW, whichever is greater.
   c) The setback from any town road, public street, highway, or private road shall be 63 feet from the centerline of the road or 30 feet from the ROW, whichever is greater or as required by the Polk County Subdivision Ordinance.

Dimensional Standards Summarized		
	Riparian	**Non Riparian**
Lot Size, Minimum	60,000 square feet	1 acre
Net Project Area, Minimum	1 acre + room for 1 single-family residence and 2 POWTS	1 acre + room for 1 single-family residence and 2 POWTS
Lot Density, Maximum	1 single-family residence/lot	1 single-family residence/lot
Lot Width at Building Line, Riverward	250 feet	250 feet
Height, Principal Structure	25 feet	25 feet
Height, Accessory Structure	25 feet	25 feet
OHWM Setback	200 feet	200 feet
Bluffline Setback	200 feet, 40 feet with performance standards	200 feet, 40 feet with performance standards
Sideyard Setback	25 feet	25 feet
Road Setback: Town County	63 feet from centerline or 30 feet from ROW 75 feet from centerline or 42 feet from ROW	63 feet from centerline or 30 feet from ROW 75 feet from centerline or 42 feet from ROW

Article G. Performance Standards

1. **Structure Color**
   a. All new, expanded, or reconstructed structures shall be earth tone in color.
   b. Structures designated as historic buildings on local, State, or national historic registers shall either be earth tone in color or colored appropriate to the period in history for which they are designated.
2. **Signs**
   a. Signs are allowed with a land use permit and if one or more of the following standards are met:
      1) The sign is approved by State or local government and is necessary for public health or safety.
      2) The sign indicates areas that are available or not available for public use.
      3) The sign is not visible from the river and is otherwise lawful.
3. **Structural Erosion Control**
   a. Except for rock riprap and structural erosion control measures above the OHWM and within the OHWM setback area and bluffline setback area are allowed with a land use permit if all of the following standards are met:
      1) The structural erosion control measure is constructed outside of the slope preservation zone.

2) The Zoning Authority determines that structural erosion control measures are necessary to address significant on-going erosion that nonstructural erosion control measures cannot control.
3) The structural erosion control measure is constructed of natural materials and is made as visually inconspicuous as possible.
4) Storm water management, erosion and sediment control and vegetative management plans are submitted.

b. Constructing, updating, maintenance or reconstruction of structural erosion control measures in slope preservation zones is allowed by a conditional use permit if all of the following standards are met:
   1) The Zoning Authority determines that structural erosion control measures are necessary to address significant on-going erosion that nonstructural erosion control measures cannot control.
   2) The structural erosion control measure is constructed of natural materials and is made as visually inconspicuous as possible.
   3) The person seeking to construct the structural erosion control measure submits and has approved by the Zoning Authority all of the following items:
      a) A detailed construction plan with timelines and contact information.
      b) An erosion and sediment control plan.
      c) A vegetation management plan.

4. Slope Preservation Zone

a. No structures, except docks, piers, wharves, structural erosion control measures, stairways, and lifts may be placed in slope preservation zones.
b. Slopes greater than 12 percent may not be altered to become less than 12 percent.
c. No filling or grading is allowed in slope preservation zones that directly face and/or drain directly to the river, except the minimum required for installation of items in a. above.

5. Filling and Grading

a. Filling and grading outside of a slope preservation zone are allowed with a land use permit if all of the following standards are met:
   1) Activities are set back at least 40 feet from a slope preservation zone.
   2) Activities do not disturb more than 10,000 square feet of land.
   3) No filling, grading or draining of wetlands is allowed.
   4) Any vegetation that is removed is replaced with native vegetation.
   5) Activities are designed and implemented in a manner to minimize erosion, sedimentation, tree damage, and impairment of fish and wildlife habitat.
   6) Polk County Storm Water Construction Technical Standards are implemented.
b. Filling and grading are allowed by conditional use permit if the following standards are met:
   1) Less than 10,000 square feet in slope preservation zones.
   2) More than 10,000 square feet outside the slope preservation zone.
   3) Within 40 feet of a slope preservation zone.
   4) All standards under a. 3-6 above are met.

6. Rock Riprap

a. Rock riprap within a slope preservation zone and in the OHWM setback area is allowed with a land use permit if the Zoning Authority determines that riprap is necessary to prevent erosion in flood-prone areas, and if the following standard is met:

1) Either a State permit is granted for the riprap or statutory criteria or administrative rule standards are met and a State permit is not required for the riprap.

7. **Vegetation Management**

a. Vegetation in the Riverway District shall be managed with the goals of:

1) Screening structures to make them visually inconspicuous.
2) Preventing disturbance of environmentally sensitive areas such as but not limited to steep slopes, shorelines, and blufftop areas.
3) Maintaining and restoring historically and ecologically significant plant communities and enhancing diversity.

b. Successional climax forest and pre-settlement oak savanna will be the preferred ecotypes.

c. Vegetative screening of structures will take priority over restoration and maintenance of preferred ecotypes.

d. Vegetation removal other than that allowed under E.1.a.2) and E.1.a.3) is allowed with a land use permit if all of the standards under e. below are met.

e. All of the following vegetation management standards shall apply whenever vegetation is disturbed in the Riverway District:

1) Vegetation on lands within the OHWM setback, bluff line setback, and the slope preservation zone shall be left undisturbed, except as provided for elsewhere in this subsection or as provided in G.3. and G.11.
2) Vegetation may not be disturbed or removed if it would disrupt the visually inconspicuous character of structures, reduce the quality or diversity of the plant community, or increase the potential for erosion, except as provided elsewhere in this subsection or as provided in G.3. and G.11.
3) Lawns within the OHWM setback areas, slope preservation zones, and bluffline setback areas may not be expanded.
4) The growth and harvest of non-wood fiber crops, the removal of vegetation in order to allow permitted uses or structures or conditional uses, the removal of State-designated noxious weeds, and the pruning or removal of vegetation to prevent insect infestation or disease that threaten large areas of vegetative cover per Wisconsin Statute § 66.96(2) are allowed.
5) Herbicide use shall be limited to direct topical application to cut stems to kill noxious weeds, exotic species, poison ivy, poison oak or poison sumac, or as a prescribed treatment within a forest stewardship management plan.
6) The practice of forestry shall be allowed on lands for which a forest stewardship plan has been developed under Wisconsin Statutes Chapter 77, or Wisconsin Administrative Code Chapter NR 46 or 47, and on lands managed under forest stewardship.
   a) Forest stewardship plans shall employ best management practices for water quality protection, erosion control, and generally accepted forest management guidelines and must be approved by a WDNR forester.
      i. Generally accepted forest management guidelines are contained in *Wisconsin Forest Management Guidelines*, PUB–FR–226 2003, available from the WDNR.
   b) Forest stewardship plans shall be submitted to the Zoning Administrator to be kept in a property file.
   c) Cutting, harvesting or removing timber under this provision on land that is visible from the river during the time when the leaves are on the deciduous trees may only include the following practices:
      i. Small regeneration cuts with boundaries designed to harmonize with naturally occurring shapes;

ii. Shelter wood cuts not to exceed the size, shape, spacing or timing of regeneration cuts; or,

iii. Selection cuts leaving a residual timber stand of at least 60 square feet basal area.

7) Noxious weeds, non-native invasive species, poison ivy, poison oak, or any other vegetation that is removed shall be replaced with native vegetation.

f. In addition to any other penalties, the penalty for removing vegetation in violation of this Ordinance shall include replacement of vegetation with native vegetation at the property owner's expense according to the following options:

1) Option 1- Replace vegetation removed within 35 feet of the ordinary high water mark according to the tree replacement schedule below. All trees must be replanted within 75 feet of the ordinary high water mark.

Tree Replacement Schedule	
DBH of Existing Tree Removed	**Number of Replacement Trees**
< 6 inches	1
Between 6 - 12 inches	2
Between 12 - 18 inches	3
Between 18 - 24 inches	4
Between 24 - 30 inches	5
Between 30 - 36 inches	6
> 36 inches	The equivalent of 1 tree per 6" DBH of the removed trees.

DBH = Diameter Breast height

2) Option 2- Calculate the number of trees under option 1 to be replaced. Plant 75% of the required trees and establish 40 square feet of native plantings for each additional tree required within shoreland protection area. The native planting shall be contiguous, and at least ten feet wide-parallel or perpendicular to the shore.

3) Option 3- Calculate the number of trees under option 1 to be replaced. Plant 50% of the trees within 75 feet of the ordinary high water mark, and 70 square feet of native plantings for each additional tree required within shoreland protection area. The native planting shall be contiguous and follow practices found in the Wisconsin Field Office Technical Guide.

4) Option 4- Calculate the number of trees under option 1 to be replaced. Plant 25% of the required trees, and establish a full buffer of native vegetation according to the practices found in Wisconsin Field Office Technical Guide in the shoreland protection area.

8. POWTS

a. Private on-site wastewater treatment systems shall be constructed in accordance with the requirements of Wisconsin Administrative Code Chapter SPS 383 and the Polk County Private Onsite Wastewater Treatment System (POWTS) Ordinance.

9. Land Divisions

a. Land divisions are allowed by conditional use permit if all of the following standards are met:

1) All lots proposed to be built upon shall meet the minimum lot size requirements per Section F., and shall be suitable for residential development in their existing condition without the need for a variance.
2) All lots are suitable for their proposed use and will not be subject to the potential for flooding, inadequate drainage, severe erosion, inadequate water supply or inadequate sewage disposal capabilities.
3) Use of lots will not be allowed if there exists unfavorable soil and rock formations, unfavorable topography, or any other feature that is likely to result in harm to the health, safety or welfare of future residents of the lots or of the local community.
4) The Land Information Department shall consult with the State Historical Society concerning potential impacts to archeological sites and provide related documentation to the Zoning Administrator.
    a) If the property is found to contain an archeological site, the applicant shall work with the Land Information Department to develop and implement a plan to avoid or mitigate impacts to the archeological site with assistance from the State Historical Society.

10. Transmission Facilities and Other wireless Communication

a. Construction, updating, maintenance or reconstruction of transmission services is allowed by conditional use permit if all of the following standards are met:
    1) All new, updated or reconstructed transmission services shall be placed underground when determined to be technically feasible by the Zoning Administrator. If an applicant seeks to establish that underground placement is technically infeasible, the application shall explain in detail what factors make it infeasible.
    2) If underground placement is determined to be technically infeasible, overhead or above ground transmission services are permitted, but shall be designed to minimize the adverse visual impact on the scenic character of the Riverway District.
    3) New, updated or reconstructed transmission services shall be constructed and maintained using minimally invasive techniques for construction and maintenance, including erosion control. Existing transmission facilities shall be maintained using minimally invasive techniques for maintenance, including erosion control.
    4) Cutting or clearing of vegetation for transmission service maintenance may be conducted subject to the following standards:
        a) An understory layer of vegetation shall be maintained to prevent erosion and allow succession.
        b) Vegetation management shall protect the quality and diversity of the plant community and prevent erosion.
        c) Herbicide use shall be limited to direct topical application to cut stems to prevent re-growth.
        d) The pruning of normal tree growth for safety reasons or to prevent interference with the transmission service and removal of noxious weeds is allowed.

b. Installation, reconstruction, modification and replacement of wireless communication service facilities are allowed by conditional use permit under the provisions of the Polk County Telecommunication Towers and Related Facilities Ordinance and if all of the following standards are met :
    1) Construction and maintenance shall be conducted using techniques which minimize the cutting or pruning of vegetation in order to preserve mature vegetation and provide screening of the facilities. Erosion control measures shall be used.

2) Wireless communication service facilities shall use building materials, colors, textures, screening and landscaping that blend the facilities in with surrounding natural features or nearby structures and shall be visually inconspicuous.
3) Wireless communication service facilities shall be of camouflage or stealth design, unless placed on existing structures.
4) Wireless communication service facilities may not exceed a height of 50 feet or not more than 20 feet above the tallest structure or tree canopy within a 300 foot radius of the proposed wireless communication service facilities as measured horizontally, whichever is higher.
5) New or reconstructed wireless communication service facilities may not be placed in slope preservation zones, floodplains or wetlands.

11. Stairways

a. Stairways are allowed by conditional use permit if all of the following standards are met:
   1) The stairway is required to provide pedestrian access to the river because of steep, rocky, unstable or wet site conditions.
   2) The tread width of the stairway may not exceed 48 inches.
   3) Landings are located at a vertical interval of not less than 20 feet and shall not exceed 32 square feet in area.
   4) Handrails may be permitted in conjunction with stairways and shall be painted or stained the same color as the stairways.
   5) Canopies or roofs are not allowed on stairways.
   6) Stairways, handrails and landings shall be anchored and supported above grade with pilings or footings.
   7) Stairways shall be constructed of unfinished wood or stone, or shall be painted or stained with earth-tone colors.
   8) Stairways shall be visually inconspicuous and shall be located in the most visually inconspicuous portion of the lot.
   9) Native vegetation plantings shall be used to form a vegetative canopy to screen the stairway from the river.
   10) Existing vegetation may be removed within one foot of either side of the stairway route and up to eight feet above the stairway floor.Vegetation shall effectively screen stairways from the river within five years.
   11) Only one stairway may be permitted on a lot that abuts the river.

12. Lifts

a. Lifts are allowed by a conditional use permit if all of the following standards are met:
   1) The lift is required to provide pedestrian access to the river because of steep, rocky, unstable or wet site conditions.
   2) The car of the lift may not exceed 4 feet by 6 feet. Cars may have handrails, but no canopies or roofs shall be allowed.
   3) All visible parts of the lift shall be painted or finished in earth-tone, non-reflective colors and shall be visually inconspicuous.
   4) Lifts shall be located in the most visually inconspicuous portion of the lot. Location of the transporting device or power source shall be visually inconspicuous.
   5) Native vegetation plantings shall be used to form a vegetative canopy to screen the lift from the river.
   6) Existing vegetation may be removed within one foot on either side of the lift route and up to 8 feet above the lift floor.
   7) Only one lift may be permitted on a lot that abuts the river.

13. Public and Private Roads

a. Construction, reconstruction or right-of-way maintenance for public roads and private roads serving two or more properties or single-family residences is allowed by a conditional use permit if all of the following standards are met:

1) No new road may be constructed in slope preservation zones, in an area 40 feet landward of blufflines, within 200 feet of the river, within 100 feet of tributary watercourses, or in wetlands.
2) Route design and construction or reconstruction shall minimize visual impacts by using terrain features to blend the road into the landscape, avoiding cuts and fills as much as feasible.
3) New roads shall be visually inconspicuous.
4) Reconstruction of existing roads shall be performed in a manner that does not increase visibility of the road from the river.
5) Cutting or clearing vegetation for road right-of-way maintenance shall be conducted in accordance with the following standards:
   a) Vegetation shall be managed to allow an understory layer to remain in place to prevent erosion and allow succession. Vegetation may not be disturbed in such a way that there would be reduced quality or diversity of the plant community or increased potential for erosion.
   b) Herbicide use shall be limited to direct topical application to cut stems to prevent re-growth. The pruning of normal tree growth for safety reasons or to prevent interference with infrastructure and the removal of noxious weeds is allowed.
   c) Mowing of a safety zone from the edge of the pavement back 15 feet or to the ditch bottom, whichever is less, and clearing intersection vision triangles is allowed. Other parts of the right-of-way may be mowed to control noxious weeds and undesirable brush only after July 15 of each year to avoid impacts to ground-nesting birds.
   d) Cutting of trees more than 4 inches in diameter breast height is prohibited, except that trees that pose a hazard to public health or safety may be removed.

b. Public entities may apply for a one-time conditional use permit for long-term maintenance of public road right-of-way, subject to all standards listed in a. above and to periodic monitoring.

14. Bed and Breakfast Operations

a. A bed and breakfast operation is allowed by conditional use permit if all of the following standards are met:

1) The bed and breakfast operation provides four or fewer rooms for rent to transient visitors.
2) The bed and breakfast operation has sufficient parking spaces on site or on public roads for guests.

15. Nature-Oriented, Educational Non-Profit Facilities

a. A nature-oriented, educational non-profit facility is allowed by conditional use permit if all of the following standards are met:

1) The facility will not cause environmental pollution or erosion.
2) The facility has sufficient parking on site or on public roads for patrons.

16. Home Occupation

a. A home occupation is allowed by conditional use permit if all of the following standards are met:

1) The owner or person who rents the residence on a full–time basis conducts the home occupation.
2) The home occupation is conducted inside of the residence and is subordinate to the use of the home as a principal residence.

3) The home occupation will not cause environmental pollution.
4) If the home occupation causes additional persons to visit the residence, sufficient parking is provided on the lot or on public streets.

Article H. Nonconforming uses and structures and Substandard Lots

1. **Nonconforming Uses**
   a. A nonconforming use may not be expanded or enlarged.
   b. An increase in the volume, intensity or frequency of use is allowed if the land area or structure used for the nonconforming use are not expanded or enlarged.
   c. A change from one nonconforming use to another nonconforming use is not allowed.
   d. If a nonconforming use is discontinued for a period of 12 consecutive months, any future use of buildings and premises shall conform to all of the requirements of all applicable Polk County Zoning Ordinances.
2. **Nonconforming Principal Structures**
   a. Ordinary maintenance and repair of a nonconforming principal structure is allowed.
   b. Structural alteration, reconstruction and expansion of a nonconforming principal structure and replacement, improvement or structural alteration of the foundation is allowed by a land use permit if all of the applicable requirements in pars. d. and e. below are met.
   c. Reconstruction of Nonconforming Principal Structures.
      1) Nonconforming principal structures located greater than 100' from the OHWM but within the OHWM setback area, bluffline setback area or slope preservation zone may be structurally altered or reconstructed and foundations may be replaced, improved or structurally altered if all of the following requirements are met:
         a) The lot has an area of at least 10,000 square feet.
         b) The altered or reconstructed structure will be visually inconspicuous or will be rendered so through mitigation per H.5.
         c) The structure is altered or reconstructed in the same footprint as the pre-existing structure.
         d) The reconstructed structure may not be any taller than the pre-existing nonconforming structure, except that a flat roof may be replaced with a pitched roof, and may not be taller than allowed per F.4.
         e) The color of the structure complies with G.1.
         f) The property owner submits a mitigation plan per H.5.
            i. If a permit is issued for the reconstruction, the mitigation plan shall be approved, or modified and approved, by the Zoning Authority.
            ii. The mitigation plan shall be incorporated into the permit and the property owner shall be required to implement the mitigation plan as a permit condition.
         g) Private on-site wastewater treatment systems are brought into compliance with the requirements of the Polk County Sanitary Ordinance.
         h) The foundation of the structure may not be replaced, improved or structurally altered, unless all of the following standards are met:
            i. It is being done in conjunction with the reconstruction of the structure,
            ii. It is entirely located more than 50 feet from the OHWM, and
            iii. It is not located in a slope preservation zone.
         i) An erosion control plan and revegetation plan shall be submitted to the local Zoning Authority for approval or modification and approval.

j) No filling and grading activities are allowed during the alteration or reconstruction, except for the minimum necessary to accomplish the alteration or reconstruction in compliance with other provisions of this Ordinance, and as needed to upgrade a private on-site wastewater treatment system, to replace sewer or water laterals, or to install storm water or erosion control measures.

k) If the structure is located in a slope preservation zone, it may be reconstructed on the existing foundation only if Polk County Storm Water Construction Technical Standards applicable to steeper sloped areas are implemented to control erosion.

d. Expansion of Nonconforming Principal Structures.

1) Nonconforming principal structures located in the OHWM setback area or bluffline setback area may be expanded and the pre-existing foundation may be replaced, repaired or structurally altered in conjunction with the expansion if all of the applicable following requirements are met:

a) Structures located wholly or partially within 50 feet of the OHWM may not be expanded.

b) Structures located wholly or partially within a slope preservation zone may not be expanded.

c) Structures entirely set back more than 50 feet from the OHWM but located wholly or partially less than 75 feet from the OHWM may be expanded **only** if there is no compliant building location available on the lot.

d) Structures entirely set back more than 75 feet from the OHWM may be expanded regardless of whether a compliant building location exists elsewhere on the lot.

e) The lot has an area of at least 10,000 square feet.

f) The expanded structure will be visually inconspicuous or will be rendered so through mitigation.

g) Any reconstructed portion of the nonconforming structure may only be reconstructed in the same footprint as the pre-existing structure. Notwithstanding the definition of "reconstruction" in NR 118.03(36), the pre-existing foundation of a structure that is more than 50 feet from the OHWM and is not within a slope preservation zone may be replaced, repaired or structurally altered in conjunction with the expansion of the structure.

h) For structures located wholly or partially within the OHWM setback area, the total footprint of the structure may not exceed 1500 square feet.

i) For structures located wholly or partially within the bluffline setback, but not within the OHWM setback area, the total footprint of the structure may not exceed 2000 square feet and the structure shall comply with all of the following requirements:

i. The structure is set back at least 40 feet from the bluffline.

ii. The structure does not protrude above the bluffline as viewed from at or near the mid-line of the river or from 250 feet riverward from the OHWM whichever is less.

iii. The structure is not located within the slope preservation zone.

iv. The structure uses earth-tone building materials that are of a non-reflective nature, except that windows may be made of ordinary glass or non-reflective glass, but may not be made of glass designed to reflect more light than ordinary window glass.

v. The structure is visually inconspicuous.

j) Expansion is on the side of the structure farthest from the river or, if landward expansion is not possible, and the structure is greater than 100 feet from the OHWM, expansion is allowed parallel to the OHWM or bluffline.

k) The height of the altered or reconstructed structure complies with F.4.

l) The color of the structure complies with G.1.

m) The property owner submits a mitigation plan per H.5.
   i. If a permit is issued for the expansion, the mitigation plan and erosion control plan shall be approved, or modified and approved, by the Zoning Authority.
   ii. The mitigation and erosion control plan shall be incorporated into the permit and the property owner shall be required to implement the mitigation plan as a permit condition.

n) Private on-site wastewater treatment systems are brought into compliance with the requirements of the Polk County Sanitary Ordinance.

o) Filling or grading is not allowed as part of the reconstruction or expansion except as necessary to reconstruct or build the expansion in compliance with other provisions of this Ordinance, upgrade a private on-site wastewater treatment system, replace sewer or water laterals, or install storm water or erosion control measures.

3. Nonconforming Accessory Structures

a. Ordinary maintenance and repair of nonconforming accessory structures is allowed.

b. Nonconforming accessory structures may not be structurally altered, reconstructed or expanded.

4. Substandard Lots

a. Lots of record in the Register Of Deeds office on January 1, 1976 or on the date of the enactment of an amendment to this Ordinance that makes the lot substandard, which do not meet the requirements of this Ordinance, may be allowed as building sites provided that the following criteria are met:

   1) The lot is in separate ownership from abutting lands, or
   2) The lot by itself or in combination with an adjacent lot or lots under common ownership in an existing subdivision has at least one acre of net project area. Adjacent substandard lots in common ownership may only be sold or developed as separate lots if each of the lots has at least one acre of net project area.
   3) All structures that are proposed to be constructed or placed on the lot and the proposed use of the lot comply with the requirements of this Ordinance and any zoning or sanitary code requirements.

5. Mitigation Requirements

a. Expansion or reconstruction of nonconforming principal structures, and the expansion, reconstruction or structural alteration of nonconforming accessory structures shall trigger mitigation requirements to offset the impacts of the proposed project.

b. Mitigation measures shall be roughly proportional to the magnitude of the impacts of the proposed project on scenic resources, water quality, erosion potential and the protection of the shoreland area.

c. Mitigation shall include, but is not limited to, the following:

   1) Planting trees and shrubs capable of screening the entire structure if existing vegetation is not sufficient to render the structure visually inconspicuous per G.7. Additionally:
      a) All trees and shrubs shall be native to the area.
      b) All trees shall be at least 2 inches Diameter at Breast Height (DBH) and planted no more than 12 feet apart and parallel to the river and the structures they screen. To allow for future growth, these trees may be planted at different locations and staggered between the structures and the river.
   2) The vegetation in the area within 50 feet of the OHWM shall be preserved or restored through planting of native vegetation per G.7.

a) Vegetation shall be established or maintained at densities that are adequate to protect water quality, habitat and the natural scenic beauty of the shoreland area.
b) If a nonconforming structure is located in this area, the vegetation shall be planted surrounding the structure, although the owner may create a screened view of the river from the structure and may leave a 15-foot wide mowed area around the structure to protect it from wildfire.

3) Prior to issuance of a permit, a storm water management plan, erosion and sediment control plan and vegetation plan shall be submitted and approved by the Zoning Authority.
4) An affidavit describing the approved mitigation plan shall be executed and recorded with the County Register of Deeds by the property owner within 14 days after approval of the mitigation plan.
   a) The affidavit shall alert subsequent purchasers of the land of the requirements of the mitigation plan.

Article I. Administration

1. Land Use Permit Procedures

a. An application for a land use permit shall be made to the Zoning Authority. The following information shall be provided:
   1) Completed Land Use Application form
   2) Other relevant information that the Zoning Administrator requests, including but not limited to photos, topographic mapping, elevation drawings, cross-section drawings, specialized engineering plans, permission by the National Park Service, storm water management plans, erosion and sediment control plans, or vegetation management plans.
   3) If additional information is requested, it shall be submitted by the applicant to the Zoning Authority **prior to** the issuance of the land use permit.

b. The Zoning Authority shall approve, approve conditionally, or deny the land use permit within 60 days of submitting a properly completed application, unless additional information is required.

2. Conditional Use and Variance Procedures

a. An application for a conditional use permit or variance shall be submitted to the Zoning Authority upon forms furnished by the County.
   1) General information, including but not limited to:
      a) Completed appropriate application form.
      b) Recent aerial photograph showing location.
      c) Mitigation, erosion and sediment control, and vegetative management plans, if required.
      d) Other relevant information that the Zoning Administrator requests, including but not limited to photos, topographic mapping, elevation drawings, cross-section drawings, specialized engineering plans or storm water management plans.
      e) If additional information is requested, it shall be submitted by the applicant to the Zoning Authority **prior to** the issuance of the land use permit.
   2) For conditional uses, a detailed written explanation of how the proposed use or development meets the requirements for conditional uses as outlined in Article G. as applicable, and the following standards:
      a) The scenic and recreational qualities of the Riverway District, especially in regard to the view from and use of the river.
      b) The maintenance of safe and healthful standards.

c) The prevention and control of water pollution, including storm water runoff and sedimentation.
d) The location of the site with respect to floodplains and floodways, slope preservation zones, and blufflines.
e) The erosion potential of the site based upon degree and direction of slope, soil type, and vegetative cover.
f) Potential impact on terrestrial and aquatic habitat.
g) Location of site with respect to existing or future access roads.
h) Adequacy of proposed wastewater treatment.
i) The compatibility of the project with uses on adjacent land.

3) Applications for a permit for land divisions, bed and breakfast operations, nature oriented educational, non-profit facilities, and variances shall also include:
   a) The location of any proposed private on-site wastewater treatment system.
   b) Water supply information, including the location of any proposed wells.
4) Applications for a permit for filling and grading, structural erosion control measures, and road construction shall also include a plan showing the proposed construction, reconstruction, location and design of the filling or grading, structural erosion control measures, or road construction.
5) Applications for a permit for transmission services and wireless communication service facilities shall also include:
   a) For transmission services a plan showing the location of proposed facilities, and if not placed underground, documentation of why this is technically infeasible, and a plan outlining design and construction methods to minimize adverse visual impacts to the Riverway District.
   b) For wireless communication service facilities, a plan showing the location of proposed facilities and an illustration of the methods to be used to meet design requirements for the appropriate stealth, camouflage, and height requirements.
6) Applications for a permit for stairways and lifts shall also include a plan showing the stairway or lift location, design, dimensions, color, construction materials, erosion control measures and vegetation removal and replacement. The plan shall contain a certification by a registered professional engineer or architect that the stairway or lift components are securely anchored to prevent them from shifting and from causing erosion.
7) For variances, a detailed written explanation of how the requested variance meets the following requirements:
   a) The request is not contrary to public interest.
   b) The variance request is within the spirit of the ordinance.
   c) That special conditions exist and that the literal enforcement of the ordinance will result in unnecessary hardship.
   d) Substantial justice shall be done by granting the variance.
   e) No variance shall have the effect of granting or increasing any use of the property which is prohibited in the Riverway District.

3. Amendment Procedures

a. An amendment to this Ordinance shall not be subject to approval or disapproval or action by any town board.
b. Upon enactment of an amendment to this Ordinance, the Zoning Administrator shall submit two copies to the WDNR.
c. Applications for text amendments or rezonings (map amendments) shall include:

1) A survey certified by a professional engineer or registered land surveyor showing:
   a) Property location, boundaries, and dimensions.
   b) Location of all existing and proposed structures and impervious surfaces with distances measured from the lot lines and centerline of all abutting streets or highways.
   c) Contours on an established datum at vertical intervals of not more than two feet.
   d) Blufflines, slope preservation zones, OHWM, floodway and flood fringe boundaries, and all applicable setbacks.
   e) Utility and roadway corridors.
   f) Adjoining land and water-oriented uses.
   g) The location of existing and proposed alterations of vegetation and topography, including grading limits and vegetation removal and replacement that are proposed.
2) Photos of the site taken from the river slightly upstream and downstream of the property, and directly offshore.
3) Other relevant information that the Zoning Authority requests. If the Zoning Authority requests additional information, it shall be submitted by the applicant to the Zoning Authority **prior to** any hearing on the application.
4) The procedures and application requirements in this paragraph do not apply to proposals to change the management zone boundaries established in NR 118.04. The management zone boundaries in NR 118.04 may only be changed by revision of NR 118.04.

4. Public Hearing Procedures

a. A public hearing shall be held before any conditional use permit, any variance, or any amendment is approved or denied.

b. In addition to any other notice requirements, notice of all public hearings and a copy of all application materials shall be provided to the following for review and comment at least 30 days prior to the public hearing:
   1) Wisconsin Department of Natural Resources (WDNR)
   2) West Central Wisconsin Regional Planning Commission
   3) The town board of a town within which the affected parcel of land is located.
   4) National Park Service

c. Any plan submitted with an application shall be approved, or modified and approved, and included as part of the permit, variance or amendment application. The Zoning Administrator shall submit a summary of all proceedings, including a copy of any written decision, to the WDNR within five working days after the date of the decision.

d. Where additional information is introduced at any stage of the proceeding by the applicant or where the applicant may wish to review the WDNR's opposition or town's opposition if applicable, the proceeding may be postponed for a reasonable period of time to review the information.

e. A conditional use permit may not be granted if the town board objects to the issuance as a part of the hearing.
   1) Such objection shall explain where the proposed project is inconsistent with this Ordinance, Wisconsin Statute § 30.27, Wisconsin Administrative Code Chapter NR 118, or town ordinances.

5. Decisions

a. All land use permit decisions shall be in writing and shall include facts and reasons for the decisions.

b. The final disposition of an application for a conditional use permit or variance ~~to the Board of Adjustment~~ shall be ~~in the form of a written decision~~ a final decision in writing, made within a reasonable time after the public hearing, signed by the ~~Board of Adjustment chairperson.~~ Environmental Services Committee chairperson with respect to conditional use permits or by the Board of Adjustment chairperson with respect to variances.

1) Such decision shall state the specific facts and reasons that are the basis of such determinations. ~~the Board of Adjustment's determination.~~
2) A copy of such decision shall be mailed to the applicants and the appropriate district office of the WDNR within 10 days after the decision is issued.

6. Reasonable Accommodation for Disabled Persons

a. Ramps, walkways or decks to provide a disabled person with reasonable access to their property as required by the Federal Americans with Disabilities Act, the Federal Fair Housing Act and the Wisconsin Fair Housing Act are allowed by land use permit, subject to the following standards:

1) Only the minimum relaxation of dimensional, density or other standards needed to provide reasonable access may be approved.
2) No use, structure or other relaxation of standards may be approved that would violate or undermine the stated purposes of this Ordinance.
3) The land use permit will expire and the structure removed once the property is no longer primarily owned by a disabled person. Subsequent landowners no longer needing disabled access shall not replace or expand the facilities. Routine maintenance is allowed.
4) The applicant may be required to provide a written statement of disability.

b. An affidavit describing the approved land use permit shall be executed and recorded with the County Register of Deeds by the property owner within 14 days after approval of the permit.

1) The affidavit shall state that the ramp, walkway, or deck must be removed as required above, and shall alert subsequent purchasers of the land of the requirements of the land use permit.

7. Expiration

a. Activities authorized by a permit issued under this Ordinance shall commence within one year from the date of approval and be completed or implemented within two years, after which time the permit expires.

8. Compliance, Revocation, and penalties

a. Where the terms or conditions on any permit are violated, the permit may be revoked. The Zoning Administrator may revoke a land use permit and a conditional use permit.

b. Any development, any building or structure constructed, moved or structurally altered, or any use established after the effective date of this Ordinance contrary to the provisions of this Ordinance, by any person, firm, association, corporation (including building contractors or their agents) shall be deemed a violation. As authorized by Wis. Stat. CHAPTER 66, the Zoning Administrator or the County Zoning Agency shall issue citations for any violations of this Ordinance. Any person, firm, association, or corporation who violates or refuses to comply with any of the provisions of this ordinance shall be subject to a forfeiture of not less than fifty ($50.00) dollars nor more than one-thousand ($1000.00) dollars per offense, together with the taxable costs of action. Each day of continued violation shall constitute a separate offense. Every violation of this Ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance there may be abated by action at suit of the county, the state, or any citizen thereof pursuant to Section 87.30(2), Wisconsin Statutes. The County also retains the summons and complaint avenue for forfeitures and remedial action as provided by Wis. Stat. Section 59.69(11).

c. There shall be a penalty fee of two (2) times the regular permit fee in those cases where building is commenced without first obtaining a land use permit, providing the structure is in conformance with the provisions of this Ordinance. In cases where the project cannot be permitted without a variance, the penalty fee shall be applied towards the variance application fee.

Appendix A Legal description of boundary

All of the Boundary in Polk County is Part of the Federal Boundary.

1. **Township 32 North, Range 19 West**

Sec. 5: That portion of Government Lot 1 lying North and West of the following described line: beginning at the northeast corner of said Lot 1; thence, Southwesterly, to a point, said point being 330 feet North and 660 feet East of the southwest corner of said Lot 1; thence, South, 330 feet to the south line of said Lot 1; all of Government Lots 2 and 3, the N½ NW¼ SW¼ NE¼, the N½ N½ SE¼ NW¼, all that part of the NW¼ NW¼ SW¼ lying westerly of the easterly right-of-way line of the Canadian National Railway, the W½ SW¼ NW¼ SW¼ , and the W½ W½ SW¼ SW¼.

Sec. 6: Government Lots 5, 6, and 7 and the SE¼ SE¼.

Sec. 7: Government Lots 1, 2, and 3.

Sec. 8: Government Lot 1, the W½ W½ NW¼ NW¼, the W½ NW¼ SW¼ NW¼, the S½ SW¼ NW¼, the W½ SW¼ NE¼ SW¼, the NW¼ SW¼, and the W½ NW¼ SE¼ SW¼.

Sec. 17: Government Lots 1, 2, and 3, the W½ SW¼ SW¼, and the W½ E½ SW¼ SW¼.

Sec. 18: Government Lot 1.

Sec. 19: Government Lot 1, 2, 3, and 4.

Sec. 20: the W½ NW¼ NW¼, W½ E½ NW¼ NW¼, W½ NE¼ SW¼ NW¼, NW¼ SW¼ NW¼, S½ SW¼ NW¼, SW¼ SE¼ NW¼, W½ SW¼, and the W½ E½ SW¼.

Sec. 29: Government Lot 1, SW¼ NW¼ NE¼, W½ SW¼ NE¼, NW¼, N½ SW¼, SE¼ SW¼, and the W½ W½ SE¼.

Sec. 30: Government Lots 1, 2, and 3.

Sec. 31: SE¼ SE¼ (Government Lot 5).

Sec. 32: Government Lots 1, 2, and 3, that portion of Government Lot 4 lying North and West of the centerline of a County Road, W½ W½ NE ¼, E½ NW¼, that portion of the E½ SW¼ lying North and West of the following described line: commencing at the northeast corner E½ SW¼; thence, South, along the east line E½ SW¼, 875 feet, more or less, to the point of intersection of said east line with the centerline of a County Road, said point being the point of beginning; thence, southwesterly, to a point on the west line E½ SW¼, said point being the intersection of said west line with the centerline of a County Road, that portion of the W½ NW¼ SE¼, lying north and west of the centerline of a County Road.

2. Township 33 North, Range 19 West

Sec. 10 Government Lots 5, 6, and 7.

Sec. 11 Government Lots 2 and 3, W ½ W ½ NW ¼ NE ¼, W ½ W ½ SW ¼ NE ¼, SE ¼ NW ¼ and the SW ¼.

Sec. 14 N ½ NE ¼ NW ¼ and the W ½ W ½ SW ¼.

Sec. 15 Government Lots 1, 2, 3, 4 and 5 and the SE ¼ NE ¼.

Sec. 22 That portion of Government Lots 1 and 2 lying west of the centerline of State Highway 35, all of Government Lots 3 and 4.

Sec. 28 That portion of Government Lots 5 and 6 and the SE ¼, SE ¼, lying North and West of the centerline of a County Road.

Sec. 32 That portion of Government Lot 4 lying North and West of a line described as follows: beginning at a point on the south line of said Lot 4, said point being 1320 feet West of the southeast corner of said Lot 4: thence, Northeasterly, 2150 feet more or less, to a point on the east line of said Lot 4, said point being 1700 feet North of the southeast corner of said Lot 4.

Sec. 33 That portion of Government Lot 2 lying North and West of a line described as follows: beginning at the northwest corner NE ¼ SW ¼ of said Section 33; thence, West, 99 feet; thence, South 34° 20' West, 388.1 feet; thence, South 87° 00' West, 170 feet; thence, Southwesterly to a point on the west line of said Lot 2, said point being 1700 feet North of the southwest corner of said Section 33, that portion of Government Lots 3 and 4 lying North and West of the centerline of a County Road.

POLK COUNTY CHAPTER 18 SUBDIVISION ORDINANCE

Ordinance No. 13-17
Polk County Chapter 18 Subdivision Ordinance
Enacted: March 21, 2017; Published: March 29, 2017
Effective Date: March 29, 2017

~~Text~~=Removed
Text= Proposed

Polk County Land Information Department
Polk County Government Center
100 Polk County Plaza, Suite 130
Balsam Lake, WI 54810
715-485-9111
715-485-9246 Fax
www.co.polk.wi.us/landinfo/zoning

Table of Contents

18.01 PURPOSE **1**
18.02 AUTHORITY **2**
18.03 DEFINITIONS **2**
18.04 COMPLIANCE AND REQUIREMENTS **5**
18.05 EXEMPTIONS **6**
18.06 ABROGATION AND GREATER RESTRICTIONS **7**
18.07 INTERPRETATION **7**
18.08 DISCLAIMER OF LIABILITY **7**
18.09 SEVERABILITY **7**
18.10 SURVEY REQUIRED **7**
18.11 APPLICATION AND REVIEW OF PRELIMINARY PLATS **8**
18.12 PROCEDURE FOR PRELIMINARY PLAT REVIEW ..... **15~~14~~**
18.13 APPLICATION AND REVIEW OF FINAL PLATS ..... **16~~15~~**
18.14 MINOR SUBDIVISIONS ..... **18~~17~~**
18.15 REPLATS **18**
18.16 DESIGN STANDARDS FOR SUBDIVISIONS ..... **19~~18~~**
~~18.17 REQUIRED LAND DEDICATIONS OR PAYMENTS IN LIEU OF DEDICATIONS~~ ..... **24~~23~~**
18.18 REQUIRED INSTALLATIONS FOR SUBDIVISIONS **24**
~~18.19 CONSTRUCTION AND MAINTENANCE GUARANTEES~~ ..... **25~~24~~**
18.20 CONSTRUCTION WITHIN SUBDIVISIONS ..... **26~~25~~**
18.21 VARIANCES TO DESIGN STANDARDS AND APPEAL PROCESS ..... **27~~26~~**
18.22 FEES **27**
18.23 VIOLATION AND PENALTIES ..... **28~~27~~**
18.24 AMENDMENTS ..... **28~~27~~**
~~APPENDIX~~ ..... **30~~28~~**

18.01 PURPOSE

The purpose of this Ordinance is to regulate and control subdivision development within Polk County in order to promote public health, safety, general welfare, water quality, and aesthetics. This can be accomplished by requiring an orderly layout and use of land, providing safe access to highways, roads and streets, facilitating adequate provision of water, sewer, transportation and surface drainage systems and parks, playgrounds and other public facilities.

18.02 AUTHORITY

This Ordinance is adopted under the authority granted by Chapters 59.69, 87.30, 92, 145, 236, and 281, Wisconsin Statutes.

18.03 DEFINITIONS

The definitions set forth in Chapter 236 of the Wisconsin Statutes are incorporated into this Ordinance. In addition, ~~F~~for purposes of this Ordinance, certain words or phrases used herein are defined as follows:

(A) County. The County of Polk, a political subdivision of the State of Wisconsin.

(B) Committee. The subcommittee of the Polk County Board of Supervisors responsible for the administration of land use regulations including subdivisions. The name of the Committee at the time of the adoption of this ordinance is the Environmental Services Committee. The Committee is the County planning agency under Chapter 236 and Chapter 59 of the ~~s 236.02(3), 236.45(2)(a), and 59.69~~ Wisconsin Statutes.

(C) CSM. A Certified Survey Map showing division of land prepared in accordance with sec. 236.34, Wisconsin Statutes, and this Ordinance.

(D) Director. The county staff person responsible for the implementation and administration of land use ordinances in Polk County.

(E) DNR. The Wisconsin Department of Natural Resources. Wisconsin Administrative Code rules promulgated by DNR are preceded by “NR”, as in NR 115.

(F) DOA. The Wisconsin Department of Administration. Wisconsin Administrative Code rules promulgated by DOA are preceded by “Adm”, as in Adm 47.

(G) DSPS. The Wisconsin Department of Safety and Professional Services. Wisconsin Administrative Code rules promulgate by DSPS are preceded by “SPS”, as in SPS 383.

(H) DOT. The Wisconsin Department of Transportation. Wisconsin Administrative Code rules promulgated by DOT are preceded by “Trans”, as in Trans 233.

(I) Driveway. An access used for purposes of ingress and egress serving not more than two (2) lots.

(J) Dwelling. A main building or principle structure designed for human habitation. This includes manufactured homes, mobile homes, camping units, travel trailers, bunkhouses, and other temporary sleeping units.

(K) Easement. Part of a lot so designated on a CSM or plat and utilized for a specific purpose.

(L) Extraterritorial subdivision approval jurisdiction. The unincorporated area or within one and one half (1-1/2) miles of the corporate limits of a city of the fourth class or a village if the city or village has a subdivision ordinance or official map.

(M) FEMA. The Federal Emergency Management Agency responsible for implementing the National Flood Insurance Program.

(N) Flag Lot. A lot where access to the public road system is by a narrow strip of land, easement, or private right-of-way, greater than 100 feet in length.

(O) Impervious Surface. An area that releases as runoff all or a majority of the precipitation that falls on it. Impervious surface excludes frozen soil but includes rooftops, sidewalks, driveways, parking lots, and streets unless specifically designed, constructed, and maintained to be pervious. Roadways as defined in Wis. Stat. § 340.01(54) ~~s. 340.01(54), Wis. Adm. Code,~~ or sidewalks as defined in Wis. Stat. § ~~s.~~ 340.01(58)~~), Wis. Adm. Code,~~ are not considered impervious surfaces.

(P) Lot. A parcel of land occupied or designed to provide space necessary for one principal 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 County Register of Deeds, or any part of a large parcel when such part complies with the requirements of this O~~o~~rdinance as to width and area for the district in which it is located.

(Q) LWRD. The Polk County Land and Water Resources Department.

(R) Navigable waters. Waters deemed navigable under the navigable-in-fact principle of Chapter 30, Wisconsin Statutes.

(S) Net project area. The area of a lot exclusive of wetlands, ponds, lakes, drainage ways, dedicated road rights-of-way or road easements, floodplains, and slopes of 20% or greater. (Note: Building within floodplains and on slopes of 20% or greater is not restricted, however, further erosion control measures may be necessary)

(T) NRCS. The Natural Resource Conservation Service, a division of the USDA.

(U) OHWM. The ordinary high water mark is the point on the banks or shore up to which the presence and action of water is so continuous as to have a distinct mark either by erosion, destruction of terrestrial vegetation, or other easily recognized characteristics.

(V) Outlot. A lot remnant or parcel of land within a plat remaining after platting, which is intended for open space use, for which no development is intended other than that which is accessory to the open space use. An Outlot may not be developed for any use or structure that requires a private, onsite wastewater treatment system.

(W) Parcel. Contiguous land not separated by road or railroad rights-of-way.

(X) Plat. A map of a major or state subdivision pursuant to Wis. Stat. _____.

(Y) Road. A public or private way for vehicular traffic that includes the following:

(1) Cul-de-sac roads have a turn-around at one end.
(2) Dead-end roads are closed at one end.

(Z) Shoreland area. All land within 300 feet of the OHWM of a navigable river or stream and within 1,000 feet of the OHWM of a navigable lake, pond, or flowage or to the landward side of the flood plain, whichever is greater.

(AA) Subdivider. Any person, partnership, corporation or other entity that submits to the County a proposed Subdivision for review and approval, or any person, partnership, corporation or other entity that executes the final Subdivision Plat or CSM which is recorded and effectuates the Subdivision.

~~(AA)~~(BB) Subdivision. A division of a lot, parcel or tract of land existing on June 30, 1996, by the owner or the owner's agent for the purpose of transfer of ownership or building development where the act of division creates or results in one or more parcels, lots, outlots, or building sites. Subdivisions are further defined as:

(1) Major S~~s~~ubdivision. A subdivision creating five (5) or more lots and/or outlots, within a 5-year period from a parcel of land existing on June 30, 1996. Subdivisions that have five (5) or more lots or outlots of 1½ acres or less shall be considered state subdivisions.

(2) Minor S~~s~~ubdivision. A subdivision creating one (1) to four (4) lots and/or outlots, within a 5-year period from a parcel of land existing on June 30, 1996.

(3) State S~~s~~ubdivision. The division of a lot, parcel, or tract of land by the owners thereof, or their agents, for the purpose of transfer of ownership or building development where the act of division creates five (5) or more parcels or building sites of one and one-half (1-1/2) acres each or less in area, or where the act of division creates five (5) or more parcels or building sites of one and one-half (1-1/2) acres each or less in area by successive division within a period of five (5) years.

A subdivision can be created by the following means (not an exclusive list):

Recording a state or major subdivision plat or a ~~CSMcertified survey map~~ CSM.

Recording any other document or instrument that creates a parcel not previously created pursuant to this Ordinance or its predecessor.

Foreclosure of a mortgage or a land contract if the foreclosure creates and/or conveys a parcel not previously created pursuant to this Ordinance.

(CC) Subdivider. Any person, partnership, corporation, or other entity creating a subdivision.

(DD) Town. Any town within the County.
~~(BB)~~

~~(CC)~~(EE) USDA. The United States Department of Agriculture.

~~(DD)~~(FF) USGS. The United States Geological Survey, a division of the United States Department of the Interior.

~~(EE)~~(GG) Wetland. An area where water is at, near, or above the land surface long enough to support aquatic or hydrophytic (water-loving) vegetation and has soils indicative of wet conditions.

18.04 COMPLIANCE AND REQUIREMENTS

No person, partnership, corporation or other entity shall subdivide any land in the unincorporated areas of the County subject to this Ordinance without complying with the applicable rules and regulations listed below:

(A) Chapters 59~~.69~~, 87~~.30~~, 92, 15, 236, and 281, Wisconsin Statutes.

(B) For state plats, the rules of the Wisconsin Department of Administration (DOA) regarding that agency's administration of Chapters 236.13(2m), 236.15, 236.16, 236.20, and 236.21(1) and (2), Wisconsin Statutes.

(C) Statutory requirements ~~Rules of the DOT~~ relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the subdivider abuts on a state trunk highway or connecting road (TRANS~~rans~~ 233, Wisconsin Administrative Code).

(D) Statutory requirements ~~Rules of the DNR~~ regulating development within floodplain, wetland, shoreland areas, and Standard Best Management Practices, including Chapter 30, Wisconsin Statutes, and NR 102, 103, 115, 116, 118, and 151 Wisconsin Administrative Code.

(E) All County land use regulations, including this Ordinance, and all other applicable local and County regulations and plans.

(F) Dedication of lands for streets, highways, and parkways, parks, playgrounds, trails, waterways, and public transit facilities pursuant to an adopted comprehensive plan or County development plan. Whenever a parcel of land to be divided within the jurisdiction of this Ordinance encompasses all or any part of a road, highway, parkway, park, playground, trail, waterway, or public transit facility that has been designated on a duly adopted city, village, town or County comprehensive plan, public facilities plan, or park plan, it shall be made a part of the subdivision and dedicated in the locations and dimensions indicated in said plan and as set forth in Section 18.17 of this Ordinance.

(G) Regulations applicable to the St. Croix Riverway district and/or to the banks, bluffs and blufftops of the Lower St. Croix River, as provided in the Polk County Lower St. Croix Scenic Riverway Ordinance.

18.05 EXEMPTIONS

(A) The following subdivisions are exempt from Sections 18.11-14, 18.18(B) &(C), 18.20, and 18.22 of this Ordinance:

(1) The single division of a fractional or full quarter-quarter section into two (2) equal parcels. (Ex. North ½ SE1/4, NW1/4 and South ½ SE1/4, NW1/4)

(2) Lots created by CSM for utility and/or telephone transmission facilities not to exceed 10,000 square feet in size.

(3) The sale or exchange of parcels of land between owners of abutting property if additional lots are not thereby created and the parcels resulting are not reduced below minimum lot sizes required by this Ordinance or other applicable laws or regulations.

(4) Transfers of land by will or court order except when a division of land occurs in said transfer.

(5) Leases creating less than five parcels for terms not to exceed ten years;

(6) Easements; or

(6)(7) Mmortgages;.

(7)(8) Cemetery plats made under Chapter 157.07, Wisconsin Statutes.

(8)(9) Assessors' plats made under Chapter 70.27, Wisconsin Statutes.

(B) The document, P~~p~~lat, or CSM~~survey map~~ shall identify the specific exemption claimed. Anyone using an exemption described in this section shall be subject to prosecution under this Ordinance if the Committee subsequently determines that the exemption was not available.

(C) A parcel created by virtue of any exemption under this section is not exempt from other applicable regulations. Any parcel that does not satisfy the standards of any regulation or law as to characteristics, such as parcel size or dimension, standards governing waste disposal, or the like, shall not be eligible for relief from such standards by variance.

18.06 ABROGATION AND GREATER RESTRICTIONS

This Ordinance does not repeal, abrogate, annul, impair, or interfere with easements, covenants, agreements, rules, regulations, local ordinances, or permits. Where this Ordinance or local regulations or ordinances imposes greater restrictions, those greater restrictions shall govern.

18.07 INTERPRETATION

In their interpretation and application, the provisions of this Ordinance shall be construed in favor of the County and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes.

18.08 DISCLAIMER OF LIABILITY

The County does not guarantee, warrant, nor represent that only those areas delineated as floodways or flood fringe areas on plats and CSM's will be subject to periodic inundation. Nor does the County guarantee, warrant, nor represent that the soils shown to be unsuitable for a given land use from tests required by this Ordinance are the only unsuitable soils on the parcel. The County asserts that there is no liability on the part of the County, its agencies, or employees for flooding problems, sanitation problems, or structural damages that may occur as a result of reliance upon, and conformance with, this Ordinance.

18.09 SEVERABILITY

If any section, provision or portion of this Ordinance is determined to be invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

18.10 SURVEY REQUIRED

(A) Any division of a parcel of land creating a lot or outlot shall be implemented using a CSM or ~~p~~Plat prepared as required pursuant to this Ordinance by a Wisconsin registered land surveyor unless it is exempted under Section 18.05. Any applicable

Town regulations or County standards that may have been adopted by a Town as its standards shall apply. ~~If such division requires the construction of a road, the design standards found in Section 18.16(C) (Design Standards for Subdivisions) shall apply.~~

(B) A survey is not required for the sale or exchange of parcels of land between owners of abutting property if additional lots are not thereby created and the parcels resulting are not reduced below the minimum lot sizes required by this Ordinance or other applicable laws or regulations. However, the legal description or preliminary map of such lot line adjustment shall be reviewed by the County prior to recording any document evidencing the contemplated sale or exchange of real estate under this exemption. The legal description or preliminary map shall clearly describe or indicate the parcel to which it is to be attached.

(C) Whenever a subdivision requires the perpetuation, restoration, or use of a U.S. Public Land Survey System corner the Land Surveyor shall comply with Wisconsin Administrative Code A-E 7.08, U.S. Public Land Survey Monument Record as each may be amended, and any other applicable law or regulation, prior to the County granting final approval.

18.11 APPLICATION AND REVIEW OF PRELIMINARY PLATS

(A) Pre-application meeting.

(1) Before applying for approval of a preliminary plat, the subdivider or agent shall meet with the Director and other County staff for a pre-application meeting to receive advice and assistance, and review the procedures and requirements of this Ordinance, other regulations, and any plans or data that may affect the proposed land division and/or development. All subdivisions must reference bearings to the Polk County Coordinate System.

(2) ~~(~~County Staff may require the subdivider to bring a sketch-concept drawing of the proposed subdivision to the pre-application meeting, along with a USGS quadrangle map and County soils map for the proposed subdivision and relevant adjacent land. As part of the pre-application review, the proposal may be referred to DNR or other appropriate state agencies for review and comment. Pre-application procedures may include a site visit by County staff.

(3) A principal function of the pre-application procedure shall be to review the concept of the proposed subdivision, the characteristics of the parcel proposed to be subdivided and relevant adjacent land to identify and document suitability questions. The assignment of the vertical datum will be discussed at the pre-application meeting.

(B) Preliminary plat application.

(1) The preliminary plat shall cover the entire contiguous area owned or controlled by the subdivider even if only a portion is proposed for development. The preliminary plat application shall show or identify the original parcel of which the proposed subdivision was part on the effective date of this Ordinance, and the present status of the remainder of the original parcel as it existed on the effective date of this Ordinance. Each preliminary plat shall be based upon a boundary survey by a Wisconsin registered land surveyor at a scale of not more than 100 feet to one inch and shall show, at a minimum, the data identified below on its face or in accompanying materials:

(a) The date, graphic scale and north point.

(b) The name of the proposed plat.

(c) The name, address and telephone number of the subdivider and, if different, the person to be contacted regarding the plat.

(d) The owner of record.

(e) A scale drawing of the exterior boundaries of the proposed subdivision referenced to a line established in the U.S. Public Lands Survey, and the total acreage encompassed thereby.

(f) The location and names of adjacent plats, certified survey maps, parks, and cemeteries, underscored with a dotted or dashed line.

(g) The location, right-of-way width and names of any existing roads or other public ways, easements, railroad or utility rights-of-way, and any existing access control limitations included within or adjacent to the proposed plat, underscored with a dotted or dashed line.

(h) ~~The location, construction plans, and specifications for all public and private roads. In addition, t~~ The preliminary plat ~~subdivider~~ shall identify areas suitable for driveways and shall require the subdivider to dedicate access restrictions and such restrictions shall be explained within the application material, and noted on the face of the plat.

(i) Dimensions, size and numbers of all lots contained within the preliminary plat. Where applicable, size shall be indicated with inclusion and exclusion of rights-of-way and areas below the OHWM of navigable waters.

(j) A general statement indicating the existing land use and zoning designation and any proposed or anticipated changes to the land use and/or zoning designation. Each lot description shall identify the net

project area and the driveway access to the abutting road. In some cases, the County may require the subdivider to show all required setbacks for each lot.

(k) The locations of all soil borings shall be shown with cross-reference to test results within soil test forms (SBD-8330) or other report documents.

(l) Specific identification of all proposed outlots, indicating purpose and proposed ownership and control. Any lot or outlot owned by a homeowners association or commonly owned, and any private road shall have deed restrictions or covenants against all lots within the subdivision providing for assessments against the lots within the subdivision for taxes ~~and maintenance of the road.~~ The plat shall reference these deed restrictions.

(2) County staff shall conduct an on-site review. The following information may be required by the County based on that review:

(a) ~~(~~The surveyed location of existing property lines, buildings, streams, rivers, watercourses, ponds, and lakes as identified in the DNR "Inland Waters Inventory". The locations of other significant features within the proposed subdivision such as, wetlands, rock outcrops, wooded areas, etc.

(b) ~~(T~~The water elevations referenced to the assigned datum, of on-site lakes, ponds or streams at the date of the survey, the OHWM, and depicted flood areas from "FEMA" maps and floodplain zoning maps.

(c) The contours at vertical intervals of not more than two (2) feet for a slope less than 20% and five (5) feet for a slope of 20% or more. Land areas with 20% slope or greater shall be shaded or otherwise clearly indicated.

(d) The location and dimensions of all land proposed to be dedicated for parks, playgrounds, trails, and drainage ways.

(e) Stormwater Management and Erosion and Sediment Control plans. The Director may waive the requirements of Sections 18.11 (B)(2)(c) and (e), and Section 18.12 (B)(1) for LWRD review, under authority of Sections 18.11 (B)(2), and 18.14(A)(2).

1. Stormwater Management and Erosion and Sediment Control Plans shall meet or exceed the design criteria, standards, specifications and Best Management Practices identified in

paragraphs (2) through (9) below and in the following documents or their subsequent revisions:

a. NR 151 Subchapters I, III, and IV.

b. The Wisconsin Stormwater Manual, DNR WR-349-94.

c. The Wisconsin Construction Site Best Management Practices Handbook, DNR WR-222-93.

d. DOT Erosion Control Product Acceptability List.

e. DOT Standard Specifications for Highway and Structure Construction Manual.

f. DOT Facilities Development Manual~~, Chapter 10~~..

g. USDA Technical Guide 4.

h. LWRD Policy Procedures.

i. Any erosion and sediment control measures shall be installed before land disturbing activities commence.

2. Stormwater management and erosion and sediment control plans shall be certified by a registered professional engineer.

3. A developer's agreement (if required) shall contain a provision that requires the registered professional engineer to do the following:

a. Commit to oversee installation of all stormwater management and erosion and sediment control features shown on the approved plans.

b. Submit a set of record drawings upon completion.

c. Certify that all required improvements have been installed in substantial conformance with the approved plans. (This certification shall not release the subdivider from the responsibility to construct improvements in accordance with approved plans until Town and County inspections have been made, and approval of the substantial conformance conditions has been given by the respective public agencies).

4. Post development runoff volume must be maintained or reduced compared to pre-development conditions for the 25-year, 24-hour, Type II storm event.

5. Peak runoff discharge rates must be maintained or reduced compared to pre-development conditions for the 2-, 10-, and 100-year, 24-hour, Type II storm event.

6. A maintenance plan shall be submitted for all designed stormwater ponds.

7. Perennial and intermittent streams, springs, and drainage ways that contain concentrated flow water or during a 10-year, 24-hour, Type II storm event shall be required to have a minimum filter strip for sediment trapping as defined in NRCS Filter Strip Practice Standard, Code 393.

8. Constructed drainage swales shall be designed at a minimum to accommodate a 10-year, 24-hour, Type II storm event.

(f) Wetlands, floodplains and lands within shoreland jurisdiction proposed for filling and grading.

(Note: Wetland depictions on final plats shall be based on field identification and on-site staking performed by a wetland delineator hired by the subdivider and may be reviewed for accuracy by the DNR and/or County. Floodplain boundaries are to be based on maps approved by the County.)

(3) In addition to the above information, the subdivider must submit a completed T~~t~~own government checklist for each requested Subdivision. The checklist shall include, but not be limited to, the questions set forth in sections (a)-(d) below, and may include additional standards if so required by the Town or County. The checklist shall be a standard form established by the Committee and shall communicate the judgment of the Town Board on the questions listed below. The purpose of the checklist for each requested Subdivision is to involve a ~~t~~Town ~~b~~Boards in the land division review early in the review process and to advise the County and subdivider of all ~~t~~applicable Town ~~Board~~ standards. The checklist shall bear the signature of the three Town Board members or of the Town Clerk. The Town Clerk shall attest that his/her signature represents the official position of the Town ~~Board~~ on the questions listed below. The checklist does not relieve the Town ~~Board~~ of acting formally upon proposed land divisions as required under State law or Town ordinances.

(a) Whether the Town Board will, on behalf of the Town, accept ownership and responsibility for all or specified portions of the streets and roads involved in the land division.

(b) Whether the subdivider will be obliged to construct roads to standards specified by the Town Board.

~~(c) The standards the Town wants applied to any culverts involved in the land division.~~

(d) Whether the Town Board wants each lot in a land division to be tested for ability to meet the Sanitary Code requirements for installation of an on-site waste disposal system prior to approval of the land division.

(4) If a subdivider or the surveyor engaged by the subdivider demonstrates to the satisfaction of the Committee that the appropriate Town officials were or should have been aware of a request to complete a checklist and the Town officials failed, refused or neglected to complete the checklist, despite diligent efforts by the subdivider or surveyor to convince the Town officials to do so, the Committee shall waive the requirement of the checklist. The Committee shall not, however, waive the site testing requirement described in Section 18.11(B)(3)(~~e~~d) without written approval of the waiver by the Town.

(5) The Committee may require additional data or details relevant for proper review. Descriptive data shall be sufficiently precise to allow the Committee to determine compliance. Existing features shall be shown as such by distinctive underscoring or other identifiers.

(C) Condominiums

(1) A condominium plat prepared pursuant to Wisconsin Statutes § 703.11, and other applicable statutes, shall be subject to this Ordinance. The condominium plat shall be reviewed by the Director in the same manner as a subdivision plat, comply with applicable design standards, and provide for the installation of required improvements.

(a) Common facilities and open space may be held as common elements described in condominium instruments. The condominium instruments shall conform to the requirements of Wisconsin Statutes Chapter 703, as amended.

(b) The applicant shall provide to the Director a description of the condominium association, including draft condominium

instruments, and all documents governing maintenance and use of common facilities and common open space.

(c) The condominium plat shall follow the same design and installation standards for the common open space that are found in this Ordinance.

18.12 PROCEDURE FOR PRELIMINARY PLAT REVIEW

(A) The subdivider shall submit two (2) legible copies of the preliminary plat or survey to the Director and the required number of legible copies for each of the reviewing agencies, as deemed necessary by the Director, listed in (B), below. In addition to the procedures set forth below, any state subdivision must comply with the provisions of Section 18.11 and Chapter 236.12 of the Wisconsin Statutes.

(B) The Director shall transmit copies of the preliminary plat as follows:

(1) Two (2) copies to the following:

(a) the LWRD;

(b) the ttown(s) within which the proposed subdivision is located;

(c) if the Subdivision is not made pursuant to a CSM, the DOT if the subdivision abuts or adjoins a state trunk highway or a connecting road; and

(d) the DNR if shorelands or floodplains are contained within the proposed subdivision.

(2) One (1) copy to the following:

(a) the Lake Protection and Rehabilitation District if within the District's sub-watershed; and,
~~(a)~~

(b) any city or village having extraterritorial subdivision approval jurisdiction.

(A) With the exception of state subdivisions, the agencies listed above are not considered to be objecting agencies, however, the County reserves the right to consider all comments and/or reports received by the above, in the County's review process. In addition, the County shall determine compliance of the plat with Chapters 236.16, 236.20, and 236.21, Wisconsin Statutes, for plats that are not reviewed by the DOA.

(B) The Director shall notify each agency listed above when the copies are sent that it has 45 days from receipt to submit comments and/or reports to the Director.

(C) The Director shall compile comments and/or reports from (B) above, and issue a written evaluation report on all relevant aspects of the preliminary plat within 60 days of submittal of the preliminary plat, with copies made available to the town(s), the Committee, the Lake District (if applicable), and the subdivider.

(F) The subdivider may include a phasing plan for a preliminary plat, subject to approval by the Committee. All future phases of the plan must be approved and recorded as final plats within the timeframe of the phasing plan, not to exceed five (5) years. If any portions of a preliminary plat have not been approved and recorded as a final plat within five (5) years, the remaining unrecorded portions of the preliminary plat are null and void, and must be resubmitted as a preliminary plat, subject to any and all regulations in effect at the time of re-submittal.

(G) Within ninety (90) days from the date of submittal of the preliminary plat, the Committee shall approve, approve conditionally, or reject the preliminary plat. The Committee shall not approve a state subdivision or plat unless the state agencies have issued approvals or have notified the Committee that the agencies have no objection to the plat or unless the approval or non-objection has been deemed to occur by state law. Action by the Committee may be postponed past the 90-day limit by written agreement between the Committee and the subdivider, or upon a determination by the Committee that additional information is required. A postponement shall not exceed 40 days. The Committee's action shall be provided, in writing, to the Town(s), Lake District (if applicable), and subdivider. (Note: Postponements shall not constitute approval. Plats meeting the statewide definition of subdivision in Chapter 236.02(12), Wisconsin Statutes, shall be subject to the provisions of Chapter 236.11, Wisconsin Statutes, with respect to time available for review and approval of the preliminary plat.)

18.13 APPLICATION AND REVIEW OF FINAL PLATS

(A) A final plat shall substantially conform to the preliminary plat. An exception to this is the incorporation of written recommendations by the review committee. The subdivider may submit a final plat on a portion of the preliminary plat as part of a phased development. Subsequent final plats of a phased development shall conform to the approved preliminary plat, and shall be submitted within a timeframe approved by the Committee (or earlier), not to exceed five (5) years. Any final plat of a phased development submitted after five (5) years of the initial approval of the preliminary plat shall be reviewed as a new preliminary plat and shall conform to any and all regulations in effect at the time of the new submittal. Wetlands shall be shown on the final plat and be based upon on-site staking by a wetland delineator that may be reviewed by the County and/or DNR. CSM’s shall not be accepted for final plats of major subdivisions, or for intermediate phases of phased final plats.

(B) The subdivider shall submit two (2) legible copies of the final plat, accompanying materials, and whenever a subdivision requires the perpetuation or restoration of a U.S. Public Land Survey System corner(s), the U.S. Public Land Survey Monument Record of each corner set, to the Director. The final plat shall conform to the standards of Chapter 236.20, Wisconsin Statutes regarding the legibility of documents. For state subdivisions, the subdivider shall comply with the provisions of Chapter 236.12, Wisconsin Statutes, as they apply to the submission of final plats. Additional requirements can be found in Appendix B.

(C) The subdivider shall submit all proposed restrictive covenants or deed restrictions in the final draft version. It is a condition of approval of a final plat that the Director receives one (1) copy of such instrument after they are recorded, along with one (1) copy of the recorded plat.

(D) If the final plat not subject to a phasing agreement is not submitted within twelve (12) months of the approval of the preliminary plat, the Committee may refuse to approve the final plat, based on major land use changes affecting the plat, significant ordinance revisions, or legal implications. Final plats shall be submitted within eighteen (18) months of the approval of the preliminary plat. If the final plat is not submitted within eighteen (18) months of the approval of the preliminary plat, the plat shall be reviewed as a new preliminary plat.

(E) The agencies to whom the final plat is sent shall be notified in writing that their comments or reviews must be submitted to the Director within 30 days of receipt unless a shorter deadline is established for "objecting agencies" under state law. The Director shall compile all comments and reviews and incorporate them into a comprehensive report on the proposed final plat to the Committee.

(F) The Committee shall examine the final plat for conformance with the approved preliminary plat, any conditions of approval of the preliminary plat, this Ordinance, and all laws, rules, regulations, comprehensive plans and comprehensive plan components which apply to it. The Committee shall approve, approve conditionally or reject the plat within 45 days of its submission. Failure of the Committee to take action on the plat within 45 days shall be deemed approval unless other agencies have not responded within the allowable time, there remain unsatisfied objections by other agencies, or unless the Committee's review time has been extended by written agreement with the subdivider.

(G) The Committee shall, at the time it approves, approves conditionally, or rejects the final plat, give written notice of its decision to the T~~t~~own(s) and Lake District (if applicable) where the proposed plat is located and any municipality having extraterritorial subdivision approval jurisdiction. For state subdivisions, the Committee shall not approve the plat unless the State agencies have issued approvals or have notified the Committee that the agencies have no objection to the plat or unless the approval or non-objection has been deemed to occur by state law.

(H) After the Committee approves a final plat, ~~and required improvements have either been installed, or an agreement and sureties insuring their installation has been filed,~~ the Director shall certify the approval upon the plat. After certification of approval, the subdivider shall record the plat and all documents relating to the plat with the County Register of Deeds. The subdivider must provide to the Director, one (1) copy of the recorded plat and recorded documents. If copies of the recorded plat and other recorded documents are not provided to the Director within 30 days of the date of certification of final approval, the County approval of the plat is terminated.

18.14 MINOR SUBDIVISIONS

(A) Minor subdivisions accomplished by CSM shall be processed under this section:

(1) County staff may require ~~A~~a pre-application conference ~~may be required~~ between the subdivider and County staff.

(2) Subdivider shall submit to the County ~~A~~a preliminary CSM and accompanying application materials shall be submitted for review and approval~~l~~.

(a) The content of the submittal and the process of review by the County shall be the same as for a preliminary plat, except that the Director shall have the authority to take action on the preliminary CSM, unless the subdivider requests Committee review.

(b) Based upon the on-site review required under Section 18.11 (B)(2), and any other relevant information, the Director may waive the requirements of Sections 18.11 (B)(2)(b), (c), and (e), and Section 18.12 (B)(1) for the LWRD review.

(c) The procedures and standards of Chapter 236.34, Wisconsin Statutes, shall apply to a minor subdivision.

(d) The Director must take action on the preliminary CSM within 45 days of submittal, unless waived in writing by the subdivider.

(3) Subdivider shall submit to the County a~~A~~ final CSM shall be submitted for each minor subdivision.

(a) Any applicable procedures and standards of Section 18.13 shall apply to a minor subdivision.

(b) The Director shall have the authority to take action on the final CSM.

(c) The form of the CSM shall comply with Chapter 236.34, Wisconsin Statutes, and shall also contain any additional information required by the Director at either the preliminary or final review stage.

(d) The Director must take action on the final CSM within 30 days of submittal, unless waived in writing by the subdivider. If approved, the Director shall certify the approval on the final CSM.

18.15 REPLATS

(A) A replat is a change to the exterior boundaries of a previously platted subdivision or part thereof.

(B) A replat does not include the ~~C~~changing the interior boundaries within a previously recorded subdivision shall be deemed a subdivision under this O~~o~~rdinance, if the change creates one or more lots or outlots ~~of nineteen (19) acres or less and is not a replat~~.

(C) A replat that does not alter areas dedicated to the public, or lots and/or outlots owned in common by the owners of lots and/or outlots within the subdivision, shall be processed as a ~~s~~Subdivision under this O~~o~~rdinance. Whether it is processed as a M~~m~~ajor or M~~m~~inor S~~s~~ubdivision depends on the number of lots and/or outlots created.

(D) A replat that proposes to alter lands dedicated to the public, or lots or outlots owned in common by the owners of lots within the subdivision, shall be processed as a subdivision under this Ordinance. The approval of the replat by the Committee shall be conditioned upon approval by a court of the alterations of the areas dedicated to the public, pursuant to Chapters 236.40 - 236.44, Wisconsin Statutes.

18.16 DESIGN STANDARDS FOR SUBDIVISIONS

(A) The purpose of subdivision design is to create a functional and attractive development, to minimize adverse effects on persons and land, and to ensure that a project will be an asset to the community. To promote this purpose, the S~~s~~ubdivision shall conform to the standards of this section.

(B) General Design Standards.

(1) Subdivision design shall take into consideration existing local, County and regional plans and existing and proposed developments in the surrounding areas.

(2) Design shall be based on a site analysis. To the maximum extent practicable, the design shall: preserve the natural features of the site; avoid adverse effects on ground water and aquifer recharge; minimize effects of cut and fill; and prevent flooding.

(C) Roads and Driveways.

(1) The road system shall be designed to meet the following objectives: to permit the safe, efficient, and orderly movement of traffic; to respect natural features and topography; and to permit proper drainage.

(2) The Town Board shall determine the applicable public and private road standards for any subdivisions within their jurisdiction. ~~In the absence of any~~

~~local standards, the provision of Chapter 82.50 Wisconsin Statutes and the standards contained within Appendix A to this ordinance shall apply. The Town Board shall also approve the construction standards for private roads. All private roads must meet the same construction standards as public roads as required by the Town. Under no circumstances will the minimum width of right-of-way or easement for any public or private road be less than 66 feet.~~

(3) ~~Any public road shall be located within a 66-foot right-of-way, which has been dedicated to the Town.~~ Any private road serving more than two (2) lots shall be located within a 66-foot wide outlot or road easement. Any driveways serving not more than two (2) lots shall be located within an outlot or a driveway easement that is ~~no more than~~ at least 20 feet wide.

(4) Proposed roads shall extend to the boundary lines of the lot, parcel, or site being subdivided or developed unless prevented by topography or other physical conditions, or unless, in the opinion of the Committee, such extension is not necessary nor desirable for the coordination of the layout of the land division or for the advantageous development of adjacent lands.

~~(5) All road extensions shall be constructed to the boundary lines of each phase at the time of the development's initial road construction for phased development plats.~~

~~(6) The termination of roads to be extended at a later date shall be accomplished with the construction of a temporary "T"-shaped turnabout contained within the road right-of-way.~~

(7) Roads may be dedicated to a public entity provided they meet said entity's road specifications. If a road is kept as private, then it shall be recorded that each lot shall hold a fractional interest in the private road (i.e. 1/40th interest in the private road when there is a 40-lot subdivision).

~~(8) A resolution acknowledging a town road right-of-way width less than 66 feet but at least 49.5 feet from the Town Board may be required for a subdivision review at the discretion of the Director.~~

(9) Road Numbering.

(a) The existing County program for numbering shall be used.

(b) Where a road maintains the same general direction except for curvilinear changes for short distances, the same number shall be used for the entire length of the road.

(c) A road that is not presently a through road due to intervening land over which a road extension is planned shall use the same number for existing and planned sections.

~~(D) Utility Easements.~~

~~(1) The subdivider shall provide the Committee with correspondence from all relevant utility companies identifying their needs, if any, for easements. Easement areas shall be identified on the plat or certified survey map unless the Committee determines that the easement is not necessary or consolidates easement areas.~~

~~(2) As a general rule, the width of easements shall be 12 ft., 6 ft. of which shall be on each side of the joint lot line.~~

~~(3) Utility lines and equipment within an easement, whether overhead or underground, shall not be closer than one (1) ft. to a lot line or three (3) ft. to any survey monument.~~

~~(4) Vegetative screens shall not be planted in utility easements and vision triangles.~~

~~(E) Drainage easements.~~

~~(1) Drainage easements may be required to accommodate preexisting and post-development runoff identified in the stormwater management plan under Section 18.11 (B)(2)(e).~~

~~(2) Drainage easements may include designed stormwater ponds, drainage swales, closed depressions, and other natural watercourses.~~

~~(3) In most instances, the property covered by a drainage easement shall be privately owned as part of a lot(s).~~

~~(4) All regional stormwater ponds shall be located on outlots.~~

~~(5) The County shall approve the terms of a drainage easement.~~

~~(6) The County shall be granted authority to enforce easement rights, covenants, and/or deed restrictions regarding drainage easements.~~

(F) Lots.

(1) Design criteria for any lot or lots shall meet the following minimum requirements unless local standards are more restrictive.

(2) The size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

(3) The minimum lot size of each lot created shall conform to the following minimum dimensions for each zoning district in the Polk County Comprehensive Land Use and Polk County Shoreland Protection Zoning Ordinance. The density standards must also be met along with the minimum lot size for each district. (If a Town has not adopted county zoning, the Residential or Shoreland (if applicable) area dimensions apply):

Zoning District		**Without public sewer**		**With public sewer**	
		Area			
Residential (R-1)		1 acre			
Hamlet (H-1)		30,000 sq. ft.		10,000 sq. ft.	
General Business/Commercial (B-1)		1 acre		.5 Acre (21,780 sq. ft.)	
Recreational Business/Commercial (B-2), Small Business/Commercial (B-3), Industrial (I-1)		1 acre			
Residential-Agricultural 5 (RA-5)		1 acre min.	**Density Standard**		
			8 dwellings/forty acres		
Agricultural 10 (A-1)		1 acre min.	4 dwellings/forty acres		
Agricultural 20 (A-2)		1 acre min.	2 dwellings/forty acres		
Farmland Preservation (A-3)		35 acres			
Natural Resources (N-1)		1 acre			
Mining District (M-1)		5 acres			
Shoreland		**Area**	**Width(ft.)**	**Area**	**Width (ft.)**
Shoreland	Non-Riparian	1 acre	100	20,000	90
Shoreland Riparian	Class I	1 acre	100	20,000	90
	Class II	60,000 ft^2	150		
	Class III	100,000 ft^2	250		

(4) Each lot shall have a minimum contiguous net project area of 30,000 square feet (20,000 square feet minimum with a soil loading test rate of .5 or greater), unless served by a public sewer system. The Committee may require that the plat or certified survey map contain notice to prospective purchasers that wetlands, floodplains, or steep slopes within lots may limit building or driveway locations.

(5) All lots shall front on a public or private road or driveway easement. No more than two (2) lots may be served by a driveway easement. A lot not on a cul-de-sac shall have a minimum frontage of 66 ft. to facilitate the possible development of a public right-of-way that could service additional lots. A lot

on a cul-de-sac shall have a minimum of 33 ft. of frontage on the cul-de-sac. No lot shall be approved that does not have access as specified in this Ordinance.

(6) Lot width as measured at the building setback line, and lot area for improvements, shall conform to the requirements of the County Comprehensive Land Use Ordinance, Shoreland Protection Ordinance, or any other Ordinance regulating lot size.

~~(7) A reduction of the lot size requirement via a Special Exception Permit, **may** be granted when subdividing an existing riparian lot that was created prior to September 15, 2016, provided that the subdivider comply with the provisions of Article 11(J) of the Polk County Shoreland Protection Zoning Ordinance regarding the Special Exception Procedure, and pay the applicable fee for a Special Exception Permit hearing.~~

(8) The ratio of depth to width of a lot shall not exceed 4.5:1.

(9) Side lot lines shall be substantially at right angles or radial to street lines.

(10) A corner lot shall have extra width over the minimum requirement to permit adequate building setbacks from side streets. As a general rule, the side yard setback under this circumstance shall equal the front yard setback for the side street.

(11) To the extent feasible, lot lines shall follow political, school district, local jurisdictional and zoning boundary lines rather than cross them.

(12) Lots having frontage on two non-intersecting roads shall be avoided except where essential to provide separation of residential development from arterial roads or to overcome specific disadvantages of topography and orientation. Direct access from an arterial road to a lot with double frontage is prohibited.

(13) Flag lots are allowed. The access strip must be a minimum of 66 feet in width (33 feet on a cul-de-sac) or 33 feet in width when developed adjacent to another flag lot. The area of the access strip shall not be included in the calculation for minimum lot size nor net project area.

(14) An impervious surface calculation of 2,500 square feet must be included for each lot when calculating storm water volumes for stormwater management plans. If more than 2,500 square feet of impervious surface is proposed for a lot, additional runoff reduction measures approved by the LWRD will be required.

(G) ~~Parks, Parkways, and Trails.~~

~~As set forth in Section 18.04 (G), the Committee may require the subdivision to have parks, parkways, or trails, and shall determine whether such areas are to be shown as lots, outlots or dedication areas upon a determination that the parks or parkways are reasonably required to serve the needs generated by the subdivision or by subdividing within the area. The Committee shall designate the site, configuration and shape of parks, parkways, and trails within the subdivision.~~

(H) Design standards may be increased for those subdivisions intended for Commercial or Industrial use. The appropriateness of a commercial or industrial use within unincorporated portions of the County is primarily addressed through land use planning and zoning.

~~18.17 REQUIRED LAND DEDICATIONS OR PAYMENTS IN LIEU OF DEDICATIONS~~

~~(A) All public road rights-of-way that are included within the design of a subdivision shall be dedicated to the town or other designated local unit of government. The Committee shall approve such designation. Once dedicated, the unit accepting the dedication may control vegetation within the right-of-way.~~

~~(B) The Committee, in consultation with the Town in which the subdivision is located, may require that not more than 10 percent of the total area of a subdivision be dedicated to the town or County to provide appropriate sites for parks, playgrounds, public access points, trails, or other public open spaces. The Committee shall specify the unit of government that will receive the dedication. Such dedication shall be required only upon a determination of need, consistent with approved plans as set forth in Section 18.04(G), subject to acceptance by the unit of government to whom the dedication is to be made. The subdivider may dedicate more than 10% of the total area of the subdivision upon approval of the government unit that will receive the dedication.~~

~~(C) In lieu of a land dedication, the Committee shall require payment by the subdivider as determined by the current fee schedule applicable to this ordinance per residential unit. The funds will be used for park or open space land acquisition and/or improvements or equipment that meet the requirements of the Park Fund Redistribution (PFR) Policy adopted by the Parks, Buildings, and Solid Waste Committee, and approved by the County Board. The County shall deposit the funds in a segregated account and shall keep a record of payments for each town and subdivision.~~

~~(D) If a Town has a subdivision ordinance, and requires payment in lieu of a land dedication, the Committee shall reduce the Town portion of the park fee by the amount paid directly to the Town.~~

18.18 REQUIRED INSTALLATIONS FOR SUBDIVISIONS

(A) The subdivider shall install survey monuments in accordance with the requirements of Chapter 236.15, Wisconsin Statutes, or as may be required by the County.

~~(B) The subdivider shall install all required storm water drainage features, ponds, alterations to wetlands and improvements within conservancy areas.~~

(C) The subdivider shall construct or install all erosion control measures specified in the approved stormwater management plan, when required. If the erosion control features are damaged or altered by any means, the maintenance or restoration of them shall be the responsibility of the subdivider unless the subdivider has, by written agreement, assigned responsibility for maintenance to the lot owner(s).

~~(D) Any public road intersecting with another public road shall be improved by the subdivider, including necessary bridges, culverts and ditches, to standards established by the town or standards found within 18.16(C), whichever is more exacting. Paving shall be required by the County.~~

~~18.19 CONSTRUCTION AND MAINTENANCE GUARANTEES~~

~~(A) Guarantees shall be provided to ensure the proper construction, installation and maintenance of required roads, utilities, erosion control measures, wetland mitigation, and other improvements. The nature and duration of the guarantee shall be structured to achieve this requirement without adding unnecessary costs to the subdivider. If a Town has a requirement for performance guarantees under their own subdivision ordinance, the Committee shall not require guarantees for the same improvements, but will require guarantees for any improvements required by the Committee that are not required by the Town. The time allowed for installation of the improvement for which the performance guarantee has been provided may be extended by the Committee, in consultation with the Town, if applicable.~~

~~(B) Before the construction of a required improvement, or as a condition of preliminary subdivision approval, the Committee may require the following guarantees:~~

~~(1) A performance guarantee in an amount not to exceed 120% of the cost of installing an improvement;~~

~~(2) A maintenance guarantee for a period not to exceed two (2) years after final acceptance of an improvement, in an amount not to exceed 15% of the cost of the improvement. In the event that other governmental agencies or public utilities will automatically own the improvement, or the improvement is covered by a maintenance agreement or other guarantee to another governmental agency, no maintenance guarantee shall be required by the Committee.~~

~~(C) The performance or maintenance guarantees shall be secured. The Committee may select from a variety of means including, but not limited to, the following:~~

~~(1) A surety bond from a bonding company authorized to do business in this state;~~

~~(2) An irrevocable letter of credit from a bank or lending institution acceptable to the Committee;~~

~~(3) Cash or an instrument readily convertible into cash.~~

~~(D) Upon substantial completion of all required improvements, the subdivider shall notify the Director of the completion of the improvements in writing, by certified mail. The Director, in consultation with staff and appropriate experts, shall inspect the improvements and shall file a written report with the Committee or Town recommending approval, partial approval, or rejection of such improvements, and a statement of reasons for rejection and corrective action.~~

~~(E) After notice and opportunity for the subdivider to be heard, the Committee or Town shall approve, partially approve, or reject the improvements. If a Town is reviewing the improvements, they shall forward their decision to the Committee. The subdivider shall receive notice in writing, by certified mail, of the Committee action not later than 10 days after the action is taken. If the Committee or Town takes no action to approve, partially approve, or reject the improvements within 30 days of receipt of the notice of substantial completion, the improvements shall be deemed to have been approved, and the subdivider and/or surety, if any, shall be released from the performance guarantees for such improvements.~~

~~(F) If the improvements are rejected, the Committee or Town Board, after consultation with the subdivider and Director, may extend the time limit in which to complete the improvements provided that the performance guarantee remains in force.~~

~~(G) Where partial approval is granted, the subdivider shall be released from liability under the performance guarantee to the extent of the approval.~~

~~(H) If approval is denied, the Committee or Town shall utilize the performance guarantee to see that improvements are properly completed.~~

18.20 CONSTRUCTION WITHIN SUBDIVISIONS

(A) No land grading or site preparation, alteration ~~of drainage ways,~~ waterways or water features, ~~or commencing the construction of any roads, ditches, ponds, swales, drainage ways or the like,~~ shall occur prior to approval of the preliminary plat or preliminary certified survey map~~, including~~ by the Town and Committee ~~approval of all plans for improvements, drainage and erosion control measures, ditches and culverts.~~

(B) Any activity listed in paragraph (A) that is conducted prior to preliminary plat approval is taken at the Subdivider's own risk. The subdivider shall comply with approved plans and mitigate, restore, or otherwise repair the parcel to conditions outlined in the approved plan. The subdivider may be subject to fines and/or other remedial action in accordance to Section 18.23 Violation and Penalties.

(C) No building, zoning, or sanitary permit shall be issued for any lot until all the requirements of this Ordinance have been satisfied.

18.21 VARIANCES TO DESIGN STANDARDS AND APPEAL PROCESS

(A) The Committee may grant variances to design standards during the review and approval stages upon a showing that the subdivider will suffer unnecessary hardship if strict compliance with the standard is required. The granting of a variance shall not violate the spirit or intent of this Ordinance or other county land use regulations.

(B) Unnecessary hardship can be defined as whether compliance with the strict letter of the restrictions governing area, setback, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with these restrictions unnecessarily burdensome.

(C) The Committee shall hold a public hearing on a request for a variance. A Class 2 notice shall be published for the hearing. Additionally, notice shall be mailed to the Town(s) and Lake District (if applicable) in which the proposed S~~s~~ubdivision is located, any municipality with extraterritorial subdivision approval jurisdiction, and adjacent landowners to the proposed Subdivision for which the variance is sought. The Director shall be responsible for providing all notices. The subdivider shall pay the applicable hearing fee as established by the Committee or Polk County Board of Supervisors before the hearing is scheduled.

(D) The Committee shall make a decision on the request for variance within ten (10) days of the hearing. Written findings of fact, conclusions, and the reasons for the decision shall be prepared, and signed by the Committee Chair. The original decision shall be filed in the Director's office. A copy of the decision shall be mailed to the subdivider, the Town(s), the Lake District, adjacent landowners and municipality(ies) which were required to receive notice of the public hearing.

(E) Any person aggrieved by the decision of the Director and/or the Committee may commence an action in circuit court seeking the remedy available by certiorari. The procedures in Chapter 59.69(10), Wisconsin Statutes, apply to this action.

18.22 FEES

Application and review fees as set forth by the Committee or the Polk County Board of Supervisors shall be paid in full at the time of application. Payments in lieu of dedications

must be submitted prior to recording of final plats or CSM's. The Director shall not certify the approval upon any plat or CSM until payments are submitted.

18.23 VIOLATION AND PENALTIES

(E) Any ~~person, partnership, corporation or other entity~~ Subdivider who fails to comply with the provisions of this Ordinance shall, upon adjudication of violation, be subject to penalties and forfeitures as provided in Chapters 236.30, 236.31, 236.32, 236.335, and 236.35, Wisconsin Statutes. These sections provide penalties for:

(1) Improperly recording or causing to be recorded a final plat that does not comply with submittal requirements of state statutes or County regulations.

(2) Offering for sale lots in a final plat that has not been recorded unless the offer or contract for sale includes language making the sale contingent upon approval of the final plat, and the sale void if the plat is not approved.

(3) Disturbing survey monuments in violation of state law or County regulations, or not placing survey monuments as prescribed by state law or County regulations.

(4) Subdividing lots that fail to conform to Chapter 236, Wisconsin Statutes, or any applicable DOA, DSPS, or DNR administrative rules, or this Ordinance.

(5) Selling land that abuts on a road that has not been accepted as a public road unless the seller informs the purchaser in writing that the road is not a public road and maintenance is not required to be performed by the County or Town.

(F) Any ~~person, partnership, corporation or other entity~~Subdivider who fails to comply with any provisions of this Ordinance that are not covered by the statutory sections identified in paragraph (A) shall, upon adjudication of violation, be subject to court costs, to a forfeiture of not less than $500 nor more than $5,000 and/or to an injunction. Each day that a violation exists shall constitute a separate offense.

(G) Any Subdivider who fails to comply with any provisions or conditions of approval for a Subdivision shall, upon adjudication of violation, be subject to court costs, to a forfeiture of not less than $500 nor more than $5,000 and/or to an injunction, and the actual costs incurred by the County to cure or otherwise remedy the noncompliance with the conditions of approval. Each day that a violation exists shall constitute a separate offense.

18.24 AMENDMENTS

The Polk County Board of Supervisors may make amendments to this Oordinance in the manner prescribed by the Wisconsin Statutes.

~~APPENDIX A~~ ~~**MINIMUM ROAD STANDARDS**~~

~~The following are the **minimum road standards adopted as part of this ordinance. Where Town road standards are more restrictive,** they shall apply.~~

~~(A) All public and private roads shall be designed and constructed in accordance with road standards adopted by the Town or standards set forth in Chapter 82.50, Wisconsin Statutes, and shall also satisfy the following:~~

~~(1) Sixty-six (66) foot (4-rod) right-of-way minimum;~~

~~(2) Eighteen inch (18") culverts, or as otherwise specified, with a minimum cover of one foot to the top of the sand lift. All culverts shall be constructed of materials in conformance with DOT and American Association of State Highway Transportation Officials' (AASHTO) specifications;~~

~~(3) Widths, radii and grades.~~

	~~Arterial & Collector Roads~~	~~Local Roads* Serving More Than One Lot~~
~~Min. Width of ROW~~	~~80 feet~~	~~66 feet~~
~~Min. Radius of Curvature from Centerline for deflections of 7° or More~~	~~300 feet~~	~~200 feet~~
~~Maximum Grade~~	~~8%~~	~~10%~~
~~Maximum Grade within 50 feet of "T" Intersection~~	~~2%~~	~~2%~~

~~* Includes public and private local roads.~~

~~(4) 3' to 5' ditch bottom;~~

~~(5) 31' minimum road width before gravel or base course;~~

~~(6) 27' road width after base course;~~

~~(7) 22' surface excluding shoulders paved with a minimum of 2" of bituminous mix, exact pavement widths and thickness may be adjusted by specific town standards;~~

~~(8) 2' shoulders;~~

~~(9) 12" sub base of sand, measured after being compacted;~~

~~(10) 6" base of crushed limestone or 7" base of Wisconsin grade #2 gravel, measured after being compacted;~~

~~(11) Decomposable material shall not be used in construction;~~

~~(12) Shoulder slopes of 3:1 on fills to 3'; 2:1 maximum below the top 3';~~

~~(13) Fill slopes of 3:1 on fills to 3'; 2:1 maximum below top 3';~~

~~(14) Back slopes 3:1 or flatter desirable; 2:1 maximum.~~

~~(B) The Director shall examine the design of roads and the location of driveways to assure that lots are laid out in a way that will produce intersections, grades and other features satisfying the following standards:~~

~~(1) The intersection angle of a driveway to a road, and a road to a road, shall not be less than 75 degrees.~~

~~(2) The Director shall require intersection vision clearances.~~

~~(3) Roads at the perimeter of the subdivision shall extend to the subdivision boundary. Narrow strips of land between the road and the subdivision boundary (spite strips) shall not be permitted unless conditions under which the adjacent parcel can be connected to the road are established.~~

~~(4) The vertical alignment of the centerline shall be based on the minimum safe stopping sight distance in accordance with the design standards of the DOT and the AASHTO.~~

~~(5) A dead-end road or cul-de-sac shall not exceed 1,320 feet in length unless it is part of a phased development, under the same ownership, that will eventually have an outlet. The Committee may require that provision be made for the extension of the dead-end road to the boundary of the subdivision. If the committee requires the extension to the boundary, it shall not fall under the 1,320-foot length restriction. This provision is made to allow for future extensions of road to neighboring properties to provide possibilities for future through roads. This is in addition to the requirement that arterial and collector roads be built to the boundary of the subdivision.~~

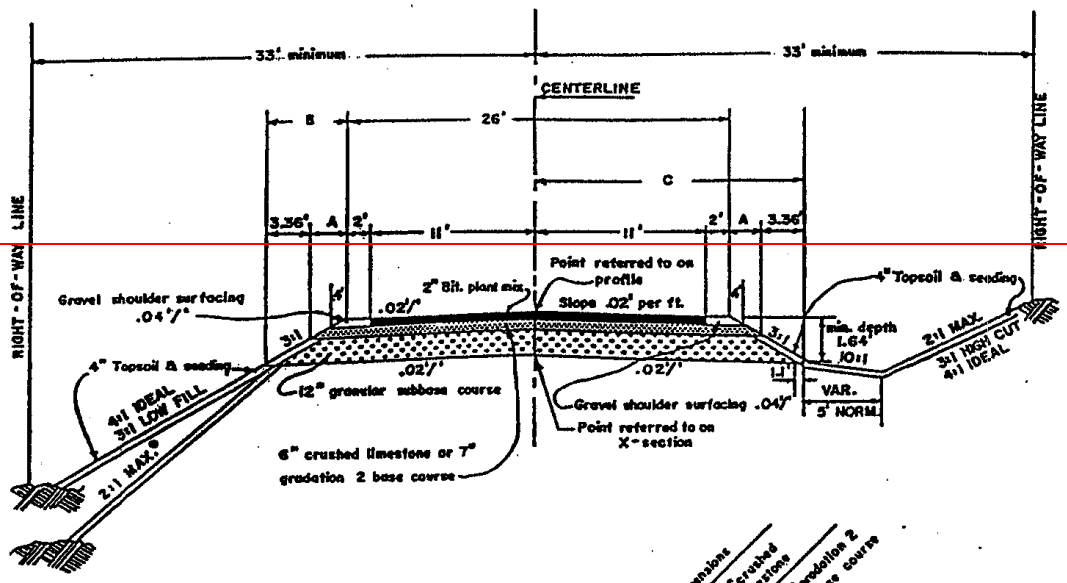
~~(6) A dead-end road serving three or more lots shall have a cul-de-sac turn-around with a minimum right-of-way radius of 80 ft. The traveled way within the cul-de-sac shall provide a minimum radius of 50 ft. Appropriate arrangements shall be made for those parts of a temporary turn-around~~

~~outside of a road right-of-way to revert to the abutting lot owners at such time as the road shall be extended. Where cul-de-sacs are provided, the right-of-way line connecting the road right-of-way with the 80 ft. cul-de-sac bulb radius shall be 80 feet in radius. Towns may require a "T"-shaped turnaround instead of cul-de-sac. If the town requires a "T"-shaped turnaround, a cul-de-sac is not required.~~

~~(7) The planning, location and designations of roads in an area shall not allow the continuation of traffic from residential developments directly into commercial or industrial developments or vice versa.~~

~~(8) The Committee may require joint driveways.~~

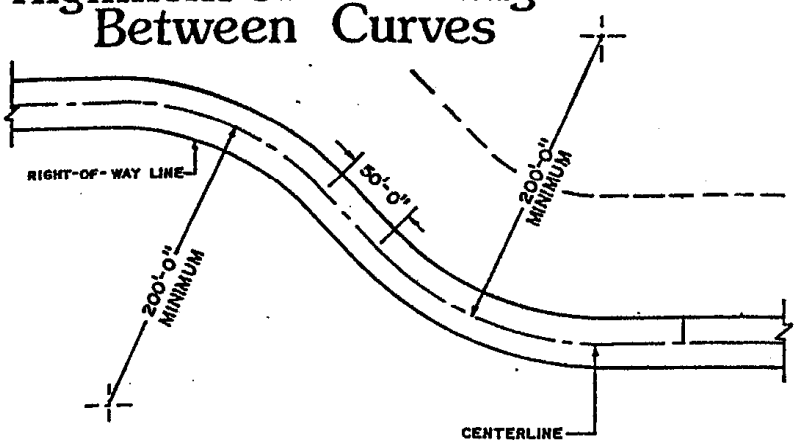
ROAD CONSTRUCTION STANDARDS



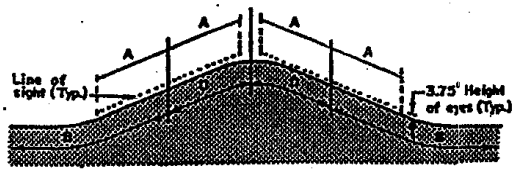
Dimensions	6" crushed limestone	7" gradation 2 base course
A	2.12'	2.39'
B	5.48'	5.75'
C	18.48'	18.75'

TYPICAL FINISHED SECTION

1. Alignment of and Tangent Between Curves



3. Vertical Sight Distance

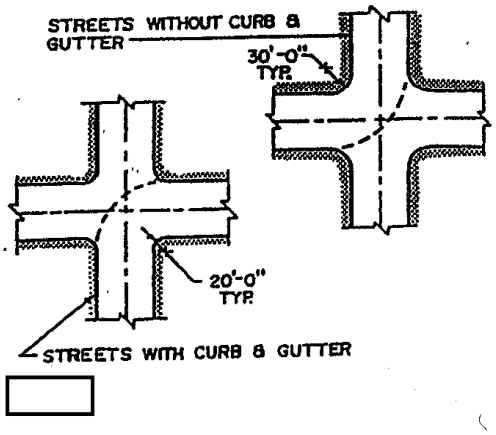


A = 250'-0" MINIMUM SIGHT DISTANCE

SUBDIVISION ROAD ACCESS PERMISSIBLE ALONG B AND AT POINT C.

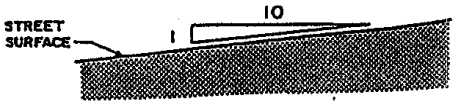
SUBDIVISION ROAD ACCESS PROHIBITED ALONG D.

2. Corner Radii

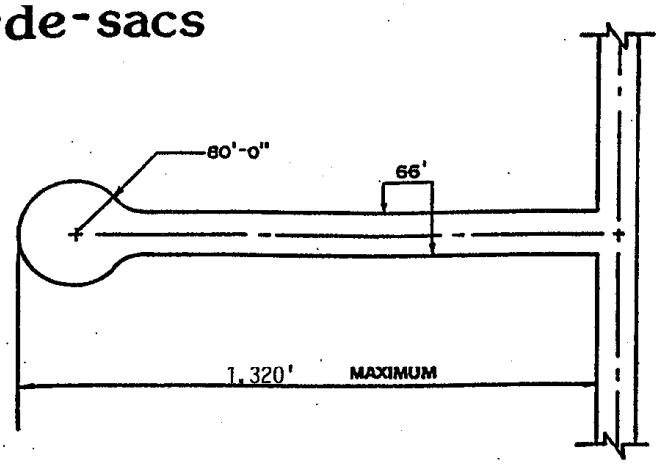


4. Grades

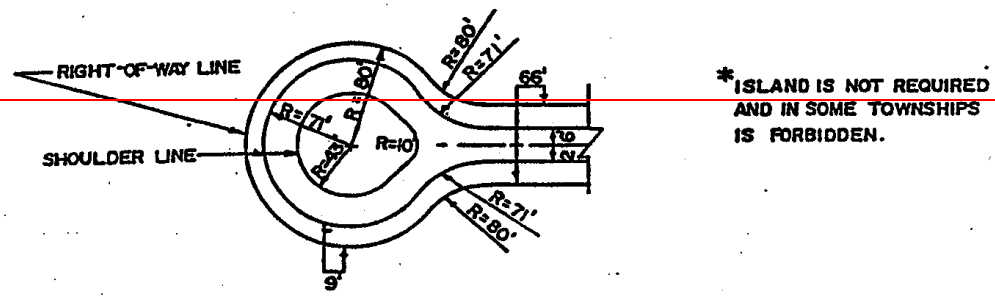
CALCULATED GRADE = 10%



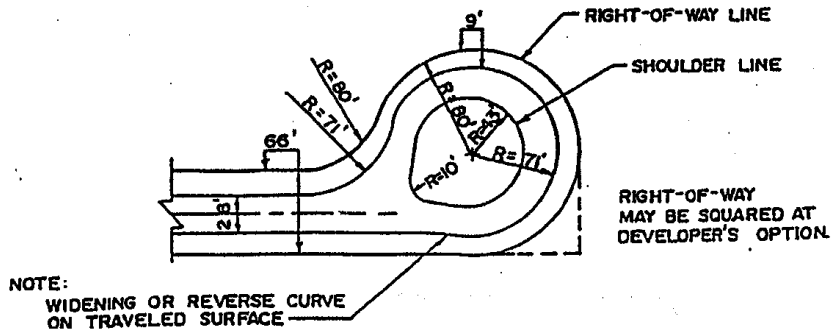
Cul-de-sacs



TYPICAL CUL-DE-SAC

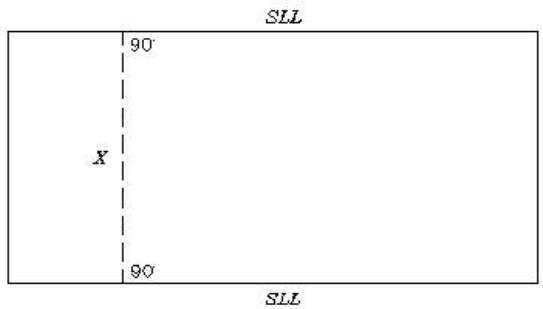


ASYMMETRICAL CUL-DE-SAC



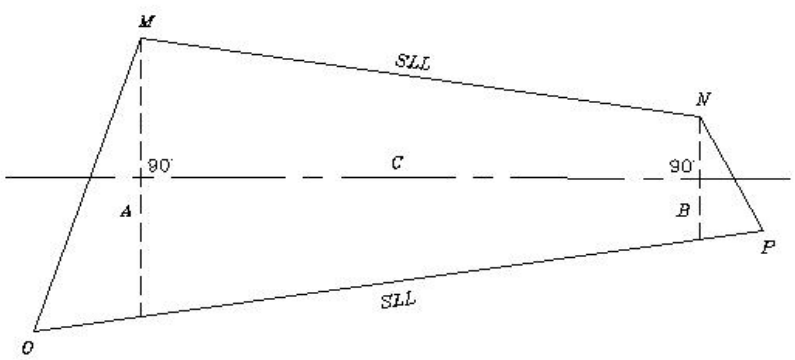
APPENDIX B LOT WIDTH DETERMINATIONS

(a) Parallel Lot Lines



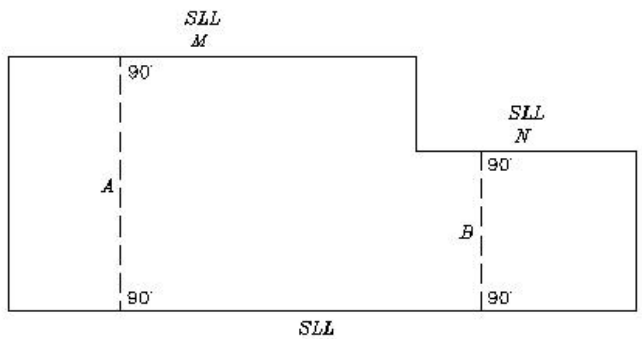
AVERAGE LOT WIDTH IS THE PERPENDICULAR DISTANCE (*X*) BETWEEN SIDE LOT LINES (*SLL*)

(b) Nonparallel Lot Lines



AVERAGE LOT WIDTH IS $\frac{A + B}{2}$ AND LINE *C* BISECTS ANGLE FORMED BY LINES *MN* AND *OP* EXTENDED

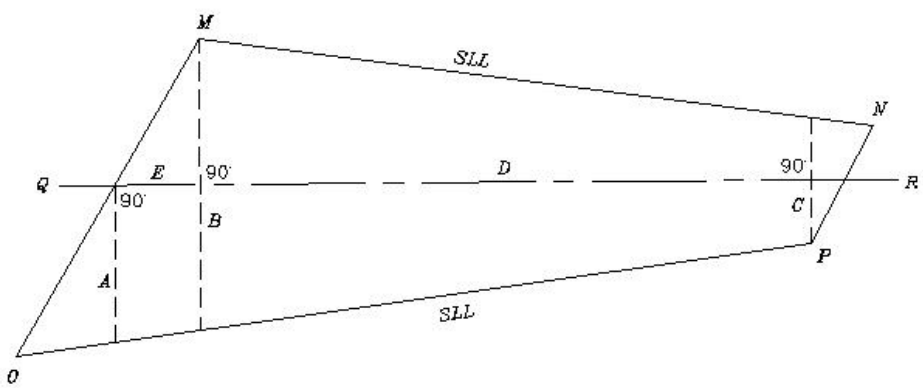
(c) Parallel Lot Lines, Alternate



AVERAGE LOT WIDTH IS $A \times \frac{M}{M + N} + B \times \frac{N}{M + N}$

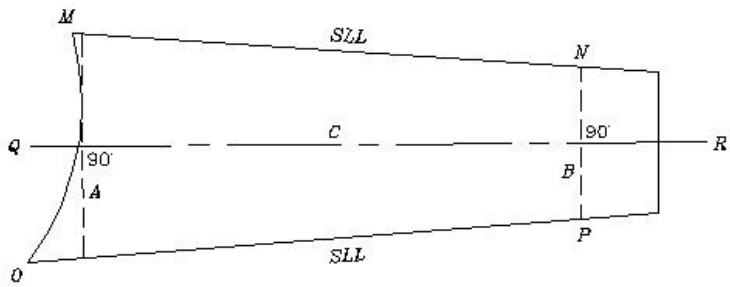
USE ONLY THAT PART OF LENGTH N THAT, WHEN ADDED TO AREA OF M PORTION OF LOT, SATISFIES MINIMUM AREA REQUIREMENTS.

(d) Nonparallel Lot Lines, Alternate 1



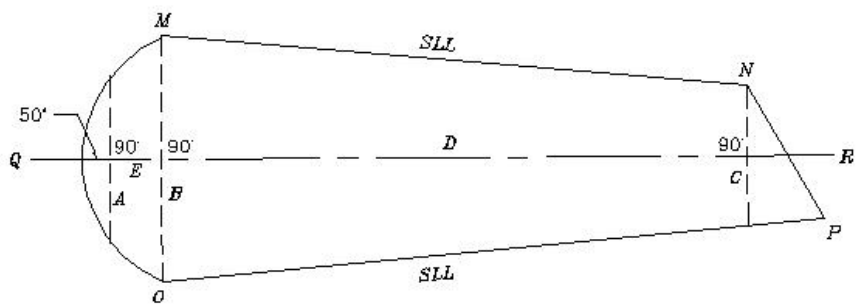
AVERAGE LOT WIDTH IS $\frac{A + B}{2} \times \frac{E}{E + D} + \frac{B + C}{2} \times \frac{D}{E + D}$ AND LINE QR BISECTS ANGLE FORMED BY LINES MN AND OP EXTENDED. D IS THE PERPENDICULAR DISTANCE BETWEEN LINES B AND C. E IS THE PERPENDICULAR DISTANCE BETWEEN LINES A AND B.

(e) Nonparallel Lot Lines, Alternate 2



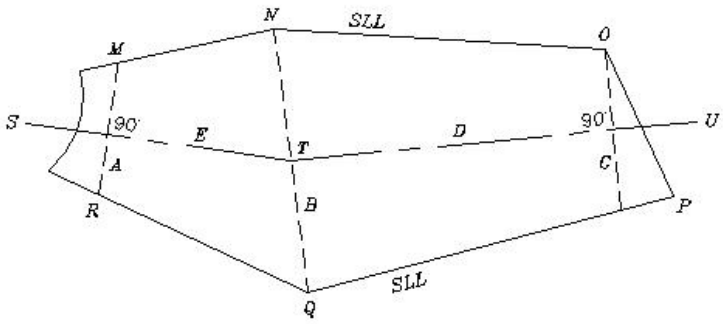
AVERAGE LOT WIDTH IS $\frac{A + B}{2}$ AND LINE *QR* BISECTS ANGLE FORMED BY LINES *MN* AND *OP* EXTENDED. *C* IS THE PERPENDICULAR DISTANCE BETWEEN LINES *A* AND *B* . LINE *NP* MAY COINCIDE WITH LOT LINE.

(f) Nonparallel Lot Lines, Alternate 3



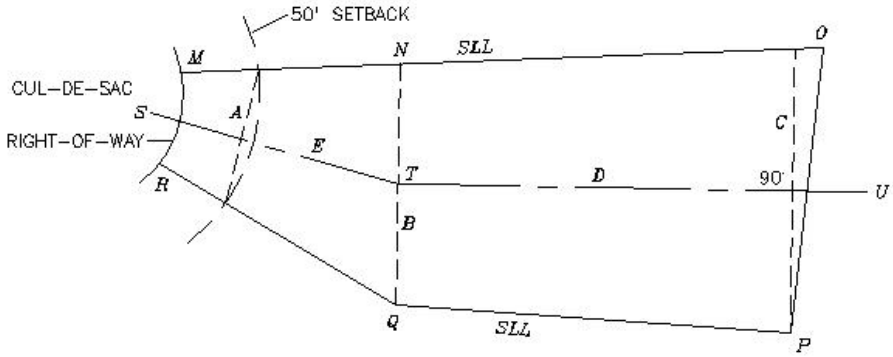
AVERAGE LOT WIDTH IS $\frac{A + B}{2} \times \frac{E}{E + D} + \frac{B + C}{2} \times \frac{D}{E + D}$ AND LINE *QR* BISECTS ANGLE FORMED BY LINES *MN* AND *OP* EXTENDED. *D* IS THE PERPENDICULAR DISTANCE BETWEEN LINES *B* AND *C* . *E* IS THE PERPENDICULAR DISTANCE BETWEEN LINES *A* AND *B* .

(g) Nonparallel Lot Lines, Alternate 4



AVERAGE LOT WIDTH IS $\frac{A + B}{2} \times \frac{E}{E + D} + \frac{B + C}{2} \times \frac{D}{E + D}$. LINE *ST* BISECTS ANGLE FORMED BY LINES *MN* AND *QR* EXTENDED AND LINE *TU* BISECTS ANGLE FORMED BY LINES *NO* AND *PQ* EXTENDED. *D* IS THE DISTANCE BETWEEN *B* AND *C*. *E* IS THE DISTANCE BETWEEN *A* AND *B*. *M* OR *R*, WHICHEVER IS AT SETBACK LINE WILL DETERMINE POSITION OF *MR*.

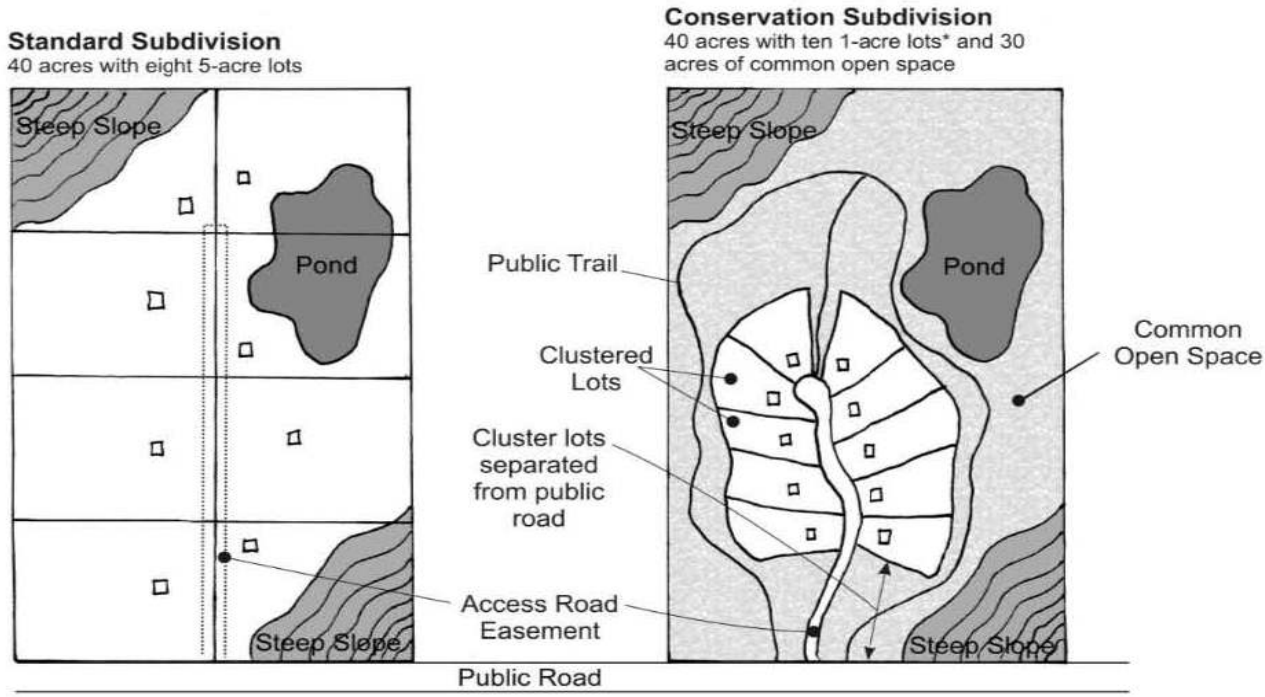
(h) Nonparallel Lot Lines, Alternate 5



AVERAGE LOT WIDTH IS $\frac{A + B}{2} \times \frac{E}{E + D} + \frac{B + C}{2} \times \frac{D}{E + D}$. LINE *ST* BISECTS ANGLE FORMED BY LINES *MN* AND *QR* EXTENDED AND LINE *TU* BISECTS ANGLE FORMED BY LINES *NO* AND *PQ* EXTENDED. *D* IS THE DISTANCE BETWEEN *B* AND *C*. *E* IS THE DISTANCE BETWEEN *A* AND *B*.

APPLICABILITY. Conservation Design Development (CDD) provides an alternative set of design objectives and standards for major subdivision for residential development.

(A) PURPOSE. In addition to the purposes outlined in SS 18.01, the purpose of Conservation Design Development is to allow for clustering of residential housing and permanently preserving open space. This protected open space can be any or all of the landscape elements the County feels are important, including but not limited to: woodlands, river and stream corridors, drainageways, wetlands, closed depressions, floodplains, shorelands, prairies, ridgetops, steep slopes, critical species habitat, scenic views, productive farmland, and other areas to be preserved as identified in the Polk County Comprehensive Plan by setting them aside from development. Also to provide greater design flexibility in siting dwellings and other development features than would be permitted by the application of standard regulations in order to minimize the disturbance of rural landscape elements and sensitive areas. To create groups of dwellings with direct visual and physical access to common open space.



**The conservation design development diagram also shows a 25% lot bonus of 2-lots for using these provisions.*

(B) DENSITY STANDARDS. The total number of dwelling units that are allowed in a Conservation Design Development is referred to as the Residential Base Density. See

Polk County Comprehensive Zoning Ordinance § 10.3.8(C). For the purposes of this provision in determining allowed density, two-family dwellings shall count as 2 dwellings and multi-family dwellings shall count for as many families as designed for (i.e. 4-plex = 4 dwellings).

(1) RESIDENTIAL BASE DENSITY. The base density or the base number of allowable dwelling units is determined by the yield plan pursuant to § 10.3.8(C) of the Polk County Comprehensive Zoning Ordinance. Existing dwellings that will be retained shall be counted toward the base density.

(2) RESIDENTIAL GROSS DENSITY. The residential gross density, or the total number of dwelling units that are allowed in a Conservation Design Development, is the residential base density plus 25 percent of the number of dwelling units prescribed by the residential base density.

(C) PRESCRIBED LOT AREA. The lot size allowed under Conservation Design Development (CDD) is called the prescribed lot area. The prescribed lot area of new lots shall be that which results from meeting all of the standards and requirements of Conservation Design Development and Chapter 10, Polk County Comprehensive Zoning Ordinance. The prescribed lot area cannot be less than one-half acre.

(D) MINIMUM COMMON OPEN SPACE AREA. For Conservation Design Development, the minimum amount of common open space of the total site area excluding existing rights-of-way and utility easements shall be as described in Table 1 below. The required common open space designated above can be reduced by the minimum amount necessary to prevent any allowable lot from being reduced to an area less than one-half acre in the attempt to meet those common open space requirements.

Table 1: Minimum Required Open Space Percentage

Zoning District	Minimum Open Space Percentage
Residential	40%
Residential-Agricultural 5	60%
Agricultural-1	70%
Agricultural-2	75%

(E) DESIGN AND DIMENSIONAL STANDARDS FOR CLUSTER GROUPS. All dwelling units shall be in cluster groups. The number of dwelling units in each cluster group shall be determined as follows:

(1) For Conservation Design Developments on a site 40 acres or smaller, each cluster group shall be no more than 40 percent of the total number of dwelling units in the development and no less than 15 percent of the total number of dwelling units in the development, except as provided in (3), below.

(2) For any Conservation Design Developments over 40 acres, each cluster group shall be between 6 and 16 dwelling units.

(3) A Conservation Design Development with a total number of 16 dwelling units or less may contain a single cluster group if all other standards in § B are met.

(4) The number of dwelling units in a cluster group may be decreased or increased and each cluster group may be assembled into smaller or larger groupings, provided that the applicant can demonstrate that such an alternative design is more appropriate for the site, and will meet both the general intent and design objectives of this ordinance and the goals and objectives of the Polk County Comprehensive Plan.

(5) A plat may contain one or more cluster groups.

(6) All lots in a cluster group shall take access from interior roads.

(7) Each cluster group shall be defined by the outer perimeter of contiguous lots or abutting roads and may contain lots, roads, and cluster group interior open space. When the development does not include individual lots, such as a condominium, the outer perimeter shall be defined as an area encompassed by a line drawn around the units, no point of which is closer to any unit than 75 feet.

(8) The outer boundaries of the lot lines of each cluster group shall conform to the separation distances in the following Table 2:

Table 2: Limiting Factor	**Separation Distance**
1. From other cluster group outer boundaries	100 ft.
2. From all subdivision site boundaries	100 ft.
3. From cropland or pastureland	100 ft.
4. From active recreation areas, such as courts or playing fields	100 ft.

(9) The dimensional standards specified in § F(8) may be reduced under the following circumstances:

(a) Separation distances in § F(8) may be reduced up to 50 percent if the applicant can demonstrate that such reduced setbacks are more appropriate for the site concerned and will improve the project's conformance with the design objectives in § B, the intent of this ordinance, and the goals, objectives and policies of the Polk County Comprehensive Plan.

(b) All separation areas for cluster groups along existing roads shall be landscaped in accordance with § H (landscaping and buffer standards)

(c) All cluster groups shall be surrounded by open space.

(d) All lots in a cluster group shall abut common open space to the front or rear. Cluster group internal open space and common open space across from a road shall qualify for this requirement.

(e) Cluster groups shall be defined and separated by common open space in order to provide direct access to common open space and privacy to individual lots or yard areas. Roads may separate cluster groups if the road right-of-way is designed as a vegetated center median.

(f) Cluster groups containing 11 or more dwelling units must provide internal open space at a minimum rate of 2,000 square feet per dwelling unit. Such open space shall meet the following standards:

1. Internal common open space located within cluster groups shall be counted toward meeting the overall minimum common open-space area requirement.

2. The internal open space should be configured as a cul-de-sac island, a loop lane, an island within a larger loop or an "eyebrow" (a semi-circular loop), an island in a center median road, a common green area, or other configurations that yield internal open space within cluster groups. Common green areas surrounded by lots on up to three sides shall be designed as a common space for use by all residents within the cluster group.

3. Internal open space may contain pervious surface parking areas, but these shall not be included in the required minimum 2,000 square feet of internal open space per dwelling unit or minimum common open space area requirement.

(g) Cluster groups smaller than 11 dwelling units may contain internal open space that is consistent with § F (9)(f)(2) Such internal open space may be included in the minimum common open-space area requirement if it contains at least 2000 square feet. Such internal open space may contain parking areas, but these shall not be included in the minimum common open-space area requirement.

(h) Internal open space within cluster groups is not subject to the design standards for common open space areas in § G.

(i) In locating cluster groups, disturbance to woodlands, hedgerows, and individual mature trees shall be minimized. When the objective is to preserve productive agricultural land and large areas of contiguous land suitable for agricultural use, dwellings may be located within

woodlands, provided that some of the canopy on individual wooded lots is maintained. See § G(8).

(F) DESIGN STANDARDS FOR COMMON OPEN SPACE AREAS. On all sites developed under the Conservation Design Development regulations, the minimum amount of common open space area, as set forth in § E, shall be set aside as protected common open space. Common open space shall comply with the following design standards:

(1) The location of common open space shall be consistent with the design objectives in § B, and the goals, objectives and policies of the Polk County Comprehensive Plan.

(2) All open space areas shall be part of a larger continuous and integrated open space system. At least 75 percent of the common open space areas shall be contiguous to another common open space area. For the purposes of this section, contiguous shall be defined as either physically touching or located within 100 feet across a public right-of-way, for example, on opposite sides of an internal road.

(3) Common open space shall, to the greatest extent possible, protect site features identified in the site inventory and analysis as having particular value in preserving rural character and conserving natural resources in compliance with the intent of this ordinance and consistent with the goals, objectives and policies of the Polk County Comprehensive Plan.

(a) The protection of rural natural and cultural resources and potentially productive agricultural land as identified in the Polk County Comprehensive Plan is particularly significant.

(b) It is recognized that there may be different open space preservation objectives that will result in different areas being set aside as open space. Developments designed to preserve rural character values may look much different from developments striving to preserve viable agricultural land.

(c) Applicants must provide an explanation of the open space objectives achieved with their proposed development.

(4) Natural features shall generally be maintained in their natural condition. If recommended by a professional with pertinent qualifications, the Director may authorize a modification to improve the natural features' appearance or restore their overall condition and natural processes, in compliance with a recorded management plan.

(5) All wetlands, floodplains, unique wildlife habitat areas, slopes 20 percent or greater, closed depressions and at least 80 percent of a prime farmland, as identified in the Polk County Comprehensive Plan and Polk County Farmland Preservation Plan, shall be contained in common open space. The

requirement that at least 80 percent of a prime farmland be contained in common open space can be reduced under the following conditions:

(a) The site is predominantly prime farmland and development at the permitted density would not be possible without encroaching further on the primary environmental corridor.

(b) It can be demonstrated that additional development within prime farmland meets the overall objectives of this ordinance.

(c) All wetlands, floodplains, unique wildlife habitat areas, slopes 20 percent or greater, and closed depressions remain in common open space.

(d) Any reduction of prime farmland included in common open space below 80 percent shall be the minimum needed to achieve maximum permitted density or a stated open space objective.

(6) Common boundaries with existing or future open space on adjacent sites shall be maximized.

(7) In order to preserve scenic views, ridgetops and hilltops should be contained within common open space wherever possible.

(8) At least 80 percent of the area of existing woodlands shall be contained within common open space; 20 percent of the area of existing woodlands may be used for lots and residential development. This limitation may be exceeded under the following conditions:

(a) The site is primarily wooded, and development at the permitted density would not be possible without encroaching further on the woodlands.

(b) It can be demonstrated that additional development within the woodlands meets the overall objectives of this ordinance.

(c) The stated objective is to preserve productive agricultural land.

(d) Any encroachment on the woodlands beyond 20 percent shall be the minimum needed to achieve maximum permitted density or a stated open space objective.

(9) Any development of woodlands 40 acres or larger with at least one-quarter mile of width shall have cluster groups arranged around the periphery of the woodlands to preserve as much of the woodlands interior habitat as possible. The arrangement of the cluster groups around the periphery shall preserve natural undisturbed corridors to the interior.

(10) No common open space area shall be less than 10,000 square feet in area and not less than 30 feet at its smallest dimension, with the exception of internal open space within cluster groups, as described in § F(9)(g) and (h). Open space not meeting this standard shall not be counted toward the total required minimum common open space area.

(11) Under no circumstances shall all common open space be isolated in one area of the development. Common open space shall be distributed appropriately throughout the development to properly serve and enhance all dwelling units, cluster groups, and other common facilities.

(12) Common open space shall include lands located along existing public roads in order to preserve existing rural landscape character as seen from these roads, and shall, in no case, contain less than the required buffer, setback area, or separation distance.

(13) To ensure adequate protection of natural and cultural features, no more than 25 percent of common open space shall be used for active recreational purposes.

(14) When common open space is utilized for some or all of the permitted sewer and water facilities, then an easement shall be granted which describes the right of the individual property owner to have access to the common open space to construct, maintain, gain access and/or replace a private sewer or water facility. Additionally, the restrictive agreement on the common open space utilized for sewer or water facilities will include appropriate limitations to prevent compaction of the soils used for sewage treatment.

(15) Safe and convenient pedestrian access and access for maintenance and emergency purposes shall be provided to common open space areas that are not used for agricultural purposes, in accordance with the following:

(a) At least one access point per cluster group shall be provided, having a width equal to or greater than 50 feet within the cluster group.

(b) This width may be reduced to no less than 16 feet if the applicant can demonstrate that, due to natural site conditions, meeting the above requirement would run counter to the objectives of this ordinance.

(c) This access may be in the form of an easement.

(d) Access to common open space used for agriculture may be restricted for public safety and to prevent interference with agricultural operations.

(16) The following areas shall not be included in common open space areas:

(a) Private lot areas.

(b) Road and highway rights-of-way, public or private.

(c) Railroad and utility rights-of-way, except underground pipeline rights-of-way.

(d) Parking areas.

(e) Areas not meeting the requirements of § G(10).

(G) LANDSCAPING FOR CONSERVATION DESIGN DEVELOPMENT

(1) Preservation of existing native vegetation.

(a) For the purpose of conserving native vegetation and in recognition of the time value of existing native vegetation, the preservation of existing native, noninvasive vegetation shall generally be preferred to the installation of new plant material, and the excavation of sites shall be minimized.

(b) Within all required separation areas between cluster groups and external roads and site boundaries, existing woodlands and hedgerows shall be retained to the maximum extent possible.

(c) Suitable existing native vegetation shall be credited toward the landscaping requirements of this ordinance when it would equal or exceed the desirable visual impact of the new required plant material after two years of growth.

(d) All new landscaping to be installed and existing native vegetation to be preserved shall be protected in accordance with the standards specified in this ordinance.

(2) Trees Along Roads.

(a) Trees of native species shall be planted along internal roads within cluster groups.

(b) Trees may be planted, but are not required, along internal roads passing through common open space.

(c) Informal, irregular or natural arrangements are encouraged for trees along roads, to avoid the urban appearance that regular spacing may evoke.

(d) Trees shall be located so as not to interfere with the installation and maintenance of utilities and paths, trails, or sidewalks that may parallel the road.

(e) Tree plantings shall comply with all applicable regulations in this ordinance.

(3) Buffers

(a) Within all required separation areas between external roads and cluster groups, a vegetated buffer area at least 25 feet in width shall be maintained or established. Where no natural trees and shrubs exist, native plant materials shall be planted.

(b) Where native vegetated buffers do not exist within separation areas between cluster groups, planted buffers using native species are encouraged, to enhance privacy and a rural appearance between cluster groups.

(c) Required buffers around wetlands, all waterbodies and drainageways, and closed depressions must be naturally vegetated or planted with native plant species appropriate to the surrounding landscape.

(d) Buffers consisting of an informal, irregular or natural arrangement of native plant species combined with infrequent or prescriptive mowing are strongly encouraged, to create a low-maintenance, naturalized landscape.

(H) ADDITIONAL SUBMITTAL REQUIREMENTS FOR CONSERVATION DESIGN DEVELOPMENT.

To aid the Director in determining whether the applicant has accomplished the design objectives for Conservation Design Development (CDD) as described in § B. and has met the design standards for cluster groups and common open space in Conservation Design Development as described in § E and F., the preliminary plat application shall include the following information:

(a) All the information required in § 18.11.

(b) Vegetation of the site by general land cover type, including woodland, brush, hedgerows, grasslands, rowcrop, non-rowcrop, stand-alone trees with a diameter at 4 ½ feet from the ground of 18 inches or more, native prairie remnants, and other relevant land cover types. Plant community or predominant species present, relative age and general condition shall be described.

(c) A written description of existing wildlife habitat and the likely species of birds, mammals, amphibians, fish, and reptiles present. The presence of rare or endangered species shall be noted.

(d) Visual resources, showing viewsheds onto the site from surrounding roads and public areas. Photographs can be used to demonstrate viewsheds.

(1) CONSERVATION DESIGN DEVELOPMENT SITE ANALYSIS. The information required in § 18.11. and (I), shall be the basis for an analysis of the site to determine principal conservation areas, secondary conservation areas, and potential development areas. Each result, (a) through (c) below, shall be mapped at a scale of no less than one inch equals 100 feet, accompanied with a narrative describing the information on the maps.

(a) Principal Conservation Areas are lands that shall be protected. No structures, buildings or developed facilities, except approved Best Management Practices are allowed in these areas. Principal Conservation Areas consist of:

1. All wetlands, including a 25 ft. buffer from any delineated wetland
2. Floodplains
3. All navigable waters, including a 75ft setback measured from

the ordinary high water mark of the water.

4. Perennial and intermittent streams, springs and drainage ways that contain running water during spring runoff, during storm events or when it rains, including filter strips as defined in the NRCS Filter Strip practice standard

5. Areas of steep slopes greater than 20 percent

(b) Secondary Conservation Areas. These are features of the site that should be protected or integrated into the development to enhance open space values such as:

1. Rural character, wildlife habitat, native vegetation and agricultural production.
2. Mature native woodlands.
3. Hedgerows and rock or boulder fences or walls.
4. Freestanding trees or groups of trees of native, non-invasive species.
5. Grasslands, pastures, meadows and identified native prairie remnants.
6. Farmland.
7. Historic or archeological features.
8. Old farmsteads and farm buildings.
9. Scenic views onto the site.
10. Geologic features.
11. Steep slopes 12 percent to 19.9 percent.
12. River or stream valleys.
13. Other natural or cultural elements of the site that have enough significance or value to be spared from cleaning, clearing, grading and development.

(c) Potential development areas.

1. These areas of the site completely avoid the principal conservation areas and are sensitive to the visual and physical impacts of development on the secondary conservation areas.

2. Potential development areas that do not comprise either principal or secondary conservation areas should be the first portions of the site to look to place development.

3. The remainder of the potential development area should be placed to meet minimum open-space area requirements, maximize open space views onto the site and protect the most significant natural and cultural features of the site

(2) CONSERVATION DESIGN DEVELOPMENT YIELD PLAN.

For the purposes of determining the number of allowable dwelling units and related lots for the Conservation Design Development, a yield plan is required. The applicant shall determine the yield plan using the following method, substantiated by sufficient plans and data to verify the calculations.

(a) The yield plan is a concept review sketch drawing of a conventional subdivision using the conventional subdivision and development regulations of the Polk County Subdivision Ordinance and the Polk County Comprehensive Zoning Ordinance. It will include: the sanitary, general zoning, shoreland zoning districts, floodplain overlay district and subdivision ordinances, minimum lot size, suitability of lands for subdivision, prescribed lot area for existing dwellings, contiguous buildable area, approximate building locations, and road layout. For sites that are in the Lower St. Croix Riverway Ordinance, the Lower St. Croix Riverway Ordinance regulations also apply to the yield plan.

(b) The number of allowable dwelling units and related lots under the conventional subdivision regulations determines the base number of allowable dwelling units and related lots of the Conservation Design Development subdivision.

(3) OPEN SPACE USES AND AMOUNT

(a) The minimum amount of common open space shall be 50 percent of the gross land area of the parcel to be subdivided, excluding existing rights-of-way and utility easements.

(b) A maximum of ten percent of the common open space area can be used for active recreational uses, including structures for facilities that serve such uses.

(c) All or part of the common open space area can be used as list in the Polk County Comprehensive Zoning Ordinance § 10.3.8(A)(2) and § 10.3.8(B)(2) and (3).

(d) Common open space shall be contained in an outlot or outlots

(4) RESTRICTIVE AGREEMENT ON COMMON FACILITIES AND COMMON OPEN SPACE.

(a) Common open space shall be restricted in perpetuity from further subdivision or land development by conservation easement pursuant to Wisconsin Statutes § 700.40, and such conservation easement shall be recorded in the office of the Polk County Register of Deeds.

(b) To ensure the permanence of the legal instrument designed to restrict the division, use or development of common open space, Polk County shall be a joint holder of a conservation easement that prohibits, in perpetuity, development of the common open space that does not conform to those uses allowed in Polk County Zoning Ordinance § 10.3.8

(c) The Director can consider other legal restrictive agreements for protecting common open space, such as deed restriction, only if such other restrictive agreements permanently restrict the use of common open space to those uses allowed in Polk County Zoning Ordinance § 10.3.8, and Polk County is only obligated to enforce the use restrictions of the restrictive agreement and County ordinances.

(5) OWNERSHIP OF COMMON FACILITIES AND OPEN SPACE.

(a) Ownership of common facilities and open space shall not be transferred to another entity except in compliance with this subsection.

(b) Documentation of the proposed ownership arrangement for the common facilities and open space shall accompany the preliminary plat, including any draft contracts, articles of incorporation, by-laws, etc.

(c) Ownership of common open space and facilities shall be in the form of a fractional interest in the common area assigned to each lot, based on the number of lots in the proposed subdivision, (i.e. 1/40th interest in the common open space per lot when there is a 40-lot subdivision).

(6) MAINTENANCE OF COMMON FACILITIES AND COMMON OPEN SPACE. To ensure adequate management, operation and/or maintenance of common facilities and open space a Management Plan shall be prepared and recorded for the property in the Polk County Register of Deeds Office.

(7) ADDITIONAL INFORMATION: CONCEPT, PRELIMINARY AND CONSERVATION DESIGN DEVELOPMENT REVIEW. The approving authority, either the Director or Committee, may require any additional data or detail relevant to review. Descriptive data shall be sufficiently precise to allow the approving authority to determine compliance. Existing features shall be shown as such by distinctive underscoring or other identifiers.

31386231_1.DOC

Ordinance No. 53-18
Acquisition and Sale of Tax Deeded Lands

TO THE HONORABLE CHAIRPERSON AND SUPERVISORS OF THE COUNTY BOARD OF THE COUNTY OF POLK:

Ladies and Gentlemen:

NOW, THEREFORE, BE IT ORDAINED that, pursuant to Sections 75.35, 75.521 and 75.69, Wisconsin Statutes, the Polk County Board of Supervisors repeals Ordinance Nos. 01-92; 3-96; and 1-12, and enacts this ordinance for the concerning the acquisition and sale of tax delinquent properties, as follows:

1. Title: This ordinance may be cited as the Acquisition and Sale of Tax Delinquent Properties.

2. Purpose:

   a. This ordinance is enacted to establish procedures for the acquisition of tax delinquent properties by the foreclosure of tax liens as provided for pursuant to Section 75.521, Wisconsin Statutes. This ordinance is also enacted to provide for procedures for the sale of tax deeded lands and create penalties for the failure to pay real property taxes in a timely manner.

   b. The Treasurer and the committee shall acquire and dispose of tax deeded lands so as to realize as much tax revenue as circumstances may permit, and without speculation as to the future sale value of such lands.

3. Definitions:

   a. "Certified Appraiser" means a certified appraiser as defined in Section 458.01(7), Wisconsin Statutes.
   b. "Clerk" means the Polk County Clerk.
   c. "Committee" means the Environmental Services Committee.
   d. "Director" means the Polk County Parks, Forestry, Building and Solid Waste Director.
   e. "Former owner" means the person, persons or business entity last holding title to lands which the County has taken by tax deed and includes the heirs and personal representatives of the estate of any such person or entity.
   f. "Tax deeded lands" means lands which have been acquired by Polk County through enforcement of the collection of delinquent taxes by tax deed, foreclosure of tax certificates, deed in lieu of tax deed, or other real estate tax collection means.
   g. "Treasurer" means the Polk County Treasurer.

4. Duties and Responsibilities:

   a. The Treasurer shall administer this ordinance in accordance with its provisions.
   b. The Committee shall oversee the administration of this ordinance. The Committee is empowered to authorize and direct the sale of tax deed lands in accordance with

Section 75.69. The Committee is empowered to determine the appraised value of tax deed lands and to retain a certified appraiser to set appraised value of tax deed lands.

c. The Director shall manage tax deed lands acquired by the County. The Director is empowered to conduct the sale of tax deed lands as authorized and approved by the Committee.

5. Procedures For Sale:

a. No tax deeded lands shall be offered for sale unless the procedures of this ordinance shall have been complied with. All costs and fees for professional services incurred by the County in the appraisal or sale of tax deeded lands shall be paid out of the tax deed expense account.

6. Preferences to Former Owners:

a. The treasurer is authorized to sell tax deeded lands to the former owner who had lost title to real property through delinquent tax collection enforcement procedures, or his or her heirs, pursuant to the authority provided in Section 75.35(3), Wisconsin Statutes. In so doing, the treasurer may, at the discretion of the treasurer, give such former owner preference over others in the purchase of said lands.

b. Under the preference provided in this paragraph, any former owner(s) or his or her heir(s) who has lost his or her title to land through delinquent tax collection enforcement procedure shall have the right to purchase such land back from the County as authorized in Section 75.35(3), Wisconsin Statutes. The preference to former owner shall in no manner create any right of first refusal in any former owner. Failure to give notice to the proper party as former owner shall not create a right in any person or persons to redeem tax deeded lands.

c. Any sale made to a former owner pursuant to this section shall be exempt from the operation of Section 75.69, Stats., but no such sale shall be approved by and authorized by the Committee, unless the former owners pay to the County all the delinquent taxes which were the basis for the taking of tax deed, plus interest, and any penalties established by law and all taxes owing to a taxing jurisdiction for special assessment, as defined in Section 75.36(1) Wisconsin Statutes, a pro rate share of the costs of the tax collection enforcement proceedings plus an additional sum of 3% of all the aforementioned amounts of $100, whichever is greater.

d. The former owner(s) or his or her heir(s) shall pay the taxes for the year in which the purchase from the County took place or the amount the taxes would have been in said year had the County not taken tax deed to the property.

e. Lapse of Preference: Any former owner(s) or his or her heir(s) who have lost title to property through the delinquent tax collection enforcement procedure shall have 90 days from the date that the court enters judgment that assigns title to the County to exercise their right under this ordinance. If those rights are not exercised within such specified time, they shall be forever lost.

Ordinance No. 53-18
Acquisition and Sale of Tax Deeded Lands

Fiscal Note: Enactment of this ordinances presents minimal fiscal impact.
Legal Note: Enactment of this ordinance presents no legal impact. This ordinance updates three ordinances concerning acquisition and sale of tax deeded lands.

Signed and sponsored by:

BY: _____
Brad Olson, Supervisor, District #1

_____
Doug Route, Supervisor, District #2

_____
Dean Johansen, Chair,
Supervisor, District #3,

_____
Chris Nelson, Supervisor, District #4

_____
Tracy LaBlanc. Supervisor, District #5

7/6/18
Brian Masters, Supervisor, District #6

_____
Michael Prichard, Supervisor, District #7

_____
James Edgell, Supervisor, District #8

_____
Kim O'Connell, Supervisor, District #9

_____
Larry Jepsen,
Supervisor, District # 10

_____
Jay Luke, 1st Vice Chair,
Supervisor, District #11

_____
Michael Larsen, Supervisor, District #12

_____
Russell Arcand, Supervisor, District #13

_____
John Bonneprise, 2nd Vice Chair
Supervisor, District #14

_____
Joe DeMulling, Supervisor, District #15

Reviewed and Approved as to Form:

_____
Jeffrey B. Fuge, Interim County Administrator/Corporation Counsel

At its regular business meeting on the _____ day of _____ 2018, the Polk County Board of Supervisors enacted Ordinance No. 53-18: Acquisition and Sale of Tax Deeded Lands, as follows:

- ☐ Adopted by majority voice vote
- ☐ Adopted by simple majority of the board of supervisors by a vote of _____ in favor and _____ against.
- ☐ Defeated: _____
- ☐ Other: _____

SIGNED BY:

_____
Dean Johansen, County Board Chairperson
Attest:_____

Certification of Publication

Ord. No. 53-18, as enacted the _____ day of _____, 2018 was published in the Inter-County Leader on the ____ day of _____, 2018.

_____
Sharon Jorgenson, County Clerk