POLK COUNTY, WISCONSIN

WWW.CO.POLK.WI.US

SECOND AMENDED Notice of Meeting and Agenda
Polk County Board of Supervisors

[2] 5:00 p.m. ~~6:00 p.m.~~ Tuesday, April 21, 2020

[1] Virtual, Open Meeting via Webex Video Conference or Phone

Amendments:

[1] Matters Added, Revised or Struck by Initial Amended Notice of Meeting

[2] Time of meeting changed to 5:00 p.m. on Second Amended Notice of Meeting

Webex Virtual Meeting Info:

Meeting Number (access code): **263 372 116**

Password: **PolkCoBoard15**

- Join Online: https://polkwi.webex.com
- Join by Phone: 1-408-418-9388

[1] *Because of the nature of this virtual meeting, there will not be an option for public comment*; however, members of the public who would like to make a written comment prior to the meeting may email their comments to: countyclerk@co.polk.wi.us You may also mail in comments to the topics, however they may not be received and provided to the Supervisors by the date of the meeting. The mailing address is: POLK COUNTY GOVERNMENT CENTER
100 POLK PLAZA, STE. 110
BALSAM LAKE, WI 54810

Order of Business:

1. Call to Order
2. Receipt of Evidence and Opinion on Proper Notice
3. Roll Call
4. Pledge of Allegiance
5. Time of Reflection
6. Approval of Agenda
7. Matters Offered For Adoption on Consent Agenda:
   a. Consideration/corrections to the published minutes from February 20, 2020 County Board Meeting
   b. Consideration/corrections to the published, corrected minutes from March 20, 2020 County Board Meeting
8. Public Comments –3 minutes per person –not to exceed 30 minutes total
9. County Board Chair Report
   a. Supervisor's Reports from Outside Meetings Attended
10. Administrator's Report – Vince Netherland
11. Confirmation of Appointment(s)
12. Organizational Matters for the Board Term 2020-2022:
    a. Election of County Board Officers:
       i. County Board Chairperson
       ii. 1st Vice Chairperson
       iii. 2nd Vice Chairperson

**Following the Election of County Board Officers, the County Board will convene as the Committee of the Whole on matters noticed herein. The Committee of the Whole may receive information, deliberate and provide the County Board with recommendation concerning such noticed Subject

matters. The Committee of the Whole may not take final action on such matter. Once the Committee of the Whole adjourns and the County Board reconvenes to conduct legislative activity, the County Board may take action on such matters noticed herein and consider recommendations of the Committee of the Whole.

13. Committee of the Whole:
    a. Discussion of Revisions to Polk County Board of Supervisors Rules of Order
    b. Organizational Matters: Recommendations Concerning Committee Duties, Responsibilities and Assigned Functions
    c. Discussion of Resolutions and Ordinances Noticed on the Agenda
    d. Adjournment of Committee of the Whole

Following adjournment of the Committee of the Whole, the County Board will reconvene as a legislative body to take up, consider and act upon the subject matters identified herein, as follows:

14. Reconvene as County Board
15. Continue Organizational Matters for the Board Term 2020-2022
    a. Develop and Adopt Revisions to Polk County Board of Supervisors Rules of Order Ordinance No. 17-16),
    b. Establishing Duties, Responsibilities and Assigned Functions of County Board Standing Committees
    c. Nomination, Appointment and Confirmation of Supervisors to County Board Standing Committees
    d. Confirmation of Administrator's Appointments of Citizen Members to Standing Committees, Other County Committees, Boards and Commissions
16. Proposed Resolutions, Ordinances Offered for Adoption or Enactment at April 21, 2020, meeting:

On Recommendation by Environmental Services Committee:

Zoning Ordinances:

a. **Ordinance No. 08-20**: To Enact Amended Polk County Shoreland Protection Zoning Ordinance

On Recommendation by General Government Committee:

a. [1] ~~Resolution 04-20: Resolution Declaring Polk County Wisconsin A Second Amendment Sanctuary County~~

b. [1] ~~Resolution 06-20: Resolution In Support Of Mandatory Minimum Sentences And A Three Strikes Law In Wisconsin~~

c. **Resolution 07-20:** Resolution Directing The County Administrator To Investigate Options For Saving The Clam Falls Dam

17. Supervisors Announcements
18. Adjourn

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.

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Notice of Meeting and Agenda

Polk County Board of Supervisors

100 Polk County Plaza, Balsam Lake, Wisconsin
Polk County Government Center - County Board Room
Tuesday, April 21, 2020
Regular Business Meeting, 6:00 p.m.
Open Session via Webex Virtual Video Conference

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Polk County Board of Supervisors

Polk County Government Center - County Board Room
100 Polk County Plaza, Balsam Lake, Wisconsin

Minutes of the Regular Meeting of the Board of Supervisors
Thursday February 20, 2020

Vice Chairman Luke called the February 20, 2020 regular session of the Polk County Board of Supervisors to order at 6:02 p.m.

Vice Chairman Luke recognized the County Clerk for purposes of receiving evidence of proper notice. The County Clerk stated that the notice of meeting was properly posted in the Government Center Building in two places, and was published electronically on the County website February 9, 2020. The Amended Agenda and Notice of meeting was posted on February 11, 2020 in the Government Center Building in two places, and on the County website. In addition, the Office of the County Clerk distributed copies of such notice of meeting and proposed resolutions to supervisors and media via e-mail or mail in accordance with Article 3, Section 2 of the County Board Rules of Order (February 11, 2020). The Amended notice of meeting was published in a legal newspaper in accordance with Wisconsin Statute Section 985.02 on the week of February 10, 2020.

The County Board received opinion from Corporation Counsel Malone that the initial advance written notice, posted and published as described by the Clerk satisfied the applicable provision of Wisconsin Open Meetings Law and the applicable procedural provisions of the Polk County Board Rules of Order.

Vice Chairman Luke recognized the County Clerk for purposes of taking roll call. Twelve County Board Supervisors were present representing a quorum. Absent and excused were Supervisor Masters, Supervisor Prichard and Chairman Johansen.

Vice Chairman Luke led the County Board in the Pledge of Allegiance.

Vice Chairman Luke called to the floor for a time of reflection. No time of reflection was received.

Vice Chairman Luke called to the floor consideration and approval of the Agenda as published. **Motion** (Bonneprise/Jepsen) to adopt the Agenda. Vice Chairman Luke called for a voice vote on the motion to adopt the Agenda as published. **Motion** carried by unanimous voice vote.

Vice Chairman Luke called to the floor for approval of the Consent Agenda. **Motion** (O'Connell/Demulling) to adopt the Consent Agenda as noticed carried by unanimous voice vote. Matters adopted under the Consent Agenda: Minutes from January 21, 2020 County Board session adopted as published.

County Board received point of clarification from Corporation Counsel, Malia Malone, regarding an error made on a packet attachment for the Environmental Services Agenda. Corporation Counsel provided a wrong draft of Resolution 03-20: Resolution Extending Moratorium on Swine Concentrated Animal Feeding Operations. The correct draft of Resolution 03-20 was re-distributed to the Environmental Services Committee prior to their meeting.

Time was given for public comment. Nine public comments were received by County Board.

Vice Chair Luke called upon Supervisor Nelson for comment. **Motion** (Nelson/Route) to move item #14 on the agenda, Resolution 03-20: Resolution Extending Moratorium on Swine Concentrated Animal Feeding Operations to be addressed before item #9 Polk County Public Libraries' Presentation on the agenda. **Motion** carried by unanimous voice vote.

Motion (Nelson/Arcand) to adopt Resolution 03-20: Resolution Extending Moratorium on Swine Concentrated Animal Feeding Operations. County Board engaged in discussion regarding the resolution. **Motion** (Route/Olson) to amend Resolution 03-20 by striking at line 38 "on a month-by-month basis" and by striking at lines 41-42, "month-to-month extensions contemplated herin shall only continue." To add verbiage at line 44 to read, "33-19; and once per month to be on the Environmental Services Committee agenda." Vice Chair Luke called for a voice vote on the friendly motion to adopt proposed amendments and adopt Resolution 03-20. **Motion** to adopt Resolution 03-20: Resolution Extending Moratorium on Swine Concentrated Animal Feeding Operations as amended carried by majority voice vote

County Board received a presentation from Su Leslie, Library Director the Saint Croix Falls Public Library on behalf of the Polk County Public Libraries regarding the 2020 Census and current Library Activities.

Time was given for the County Board Chairperson's report. No report information was received.

Vice Chairman Luke called upon Administrator Netherland for the Administrator's report. The County Board received information from Administrator Netherland regarding a new Leadership Academy for Polk County new and existing management teams. An orientation will be held for new and existing Board Supervisors on 6-8pm on May 12, 2020 to assist in defining roles of Supervisors and staff as well as providing education on the parliamentary process and Supervisor decorum.

The County Board received an update regarding the Corona Virus from Administrator Netherland, there is no threat to our area at this time. Polk County Public Health Department is closely monitoring the situation and will update the website with any important changes.

Administrator Netherland also provided the Board with an update regarding the continued increase of Broadband and Internet service to Polk County residents.

Administrator Netherland provided an update to the County Board announcing he has appointed Corporation Counsel, Malone as Deputy Administrator.

Administrator Netherland also provided a handout and report to the County Board from Veteran's Services Officer, Andrew Butzler, regarding the new Federally approved Honor and Remember Flag that will now be flown at all of Polk County's government buildings.

Administrator Netherland introduced and announced the appointments of: Rita McKee, CNP, as a citizen member of the Health and Human Service Board and Philip Everhart to the Aging Advisory Committee. **Motion** (Bonneprise/Demulling) to approve appointments of both McKee to the Health & Human Services Board and Everhart to the Aging Advisory Committee together at one time. **Motion** passed by unanimous voice vote.

Vice Chairman Luke called to the floor Resolution 02-20: Resolution in Support of Polk County's Agreement to Pay Cost Share for the 2020-2022 Municipal Dam Grant Program – Atlas Dam**.** **Motion** (Bonneprise/Jepsen) to adopt Resolution No. 02-20: Resolution in Support of Polk County's Agreement to Pay Cost Share for the 2020-2022 Municipal Dam Grant Program – Atlas Dam. Vice Chair Luke called upon Supervisor O'Connell; Bob Kazmierski, Environmental Services Division Director; and Corporation Counsel Malone to provide information to the County Board regarding the resolution. County Board engaged in discussion regarding the resolution. Vice Chair Luke called for a voice vote on the motion to adopt Resolution No. 02-20. **Motion** to adopt Resolution No. 02-20: Resolution in Support of Polk County's Agreement to Pay Cost Share for the 2020-2022 Municipal Dam Grant Program – Atlas Dam carried by majority voice vote with one opposed (Arcand).

County Board received information from Supervisor Olson and Supervisor Nelson regarding a proposal for a resolution to be sent to the state of Wisconsin in support of stronger Methamphetamine sentencing guidelines for repeat offenders. The board had discussion regarding possible resolution. Corporation Counsel Malone has drafted preliminary resolution on said matter that is presently in the process of being reviewed and edited by the Chief Deputy Roberts, Sheriff Waak, and District Attorney, Kemp.

County Board received information from Supervisor Jepsen regarding purpose and importance of Polk County's involvement in the following key events, meetings and groups that will be reassigned to new Supervisors following the 2020 Spring Election on April 7:

International Trade Business and Economic Development Council (ITBEC)
Northern Regional Trail Advisory Committee (NoRTAC)
County Boards Consortium (aka. Workforce Development)
West Central Wisconsin Community Action Agency, Inc. (West Cap)
Tourism Council
Wisconsin County Highways Association (WCHA)
Wisconsin Counties Association (WCA)
Legislative Exchange Events
Capitol Ambassadors Program (CAP)

Various Steering Committees

Time was given for Supervisors Comments. Supervisor Edgell commented on Polk County resident on the game show Jeopardy. Supervisor O'Connell confirmed receipt of budget handout. Supervisors Bonneprise and Jepsen provided comments regarding committees that impact the WI State legislature.

Vice Chairman Luke called for a motion to adjourn. **Motion** (Bonneprise/Larsen) to adjourn. Vice Chairman Luke called for a voice vote on the motion to adjourn. **Motion** to adjourn carried by unanimous voice vote. Vice Chairman Luke declared meeting adjourned 8:21 p.m.

Next Meeting: 6:00 p.m., Tuesday, March 17, 2020

Respectfully submitted,

Lisa R. Ross, Polk County Clerk

STATE OF WISCONSIN)
) SS
COUNTY OF POLK)

I, Lisa R. Ross, County Clerk for Polk County, do hereby certify that the foregoing minutes are a true and correct copy of the County Board Proceedings of the Polk County Board of Supervisor's Session held on February 20, 2020.

Lisa R. Ross
Polk County Clerk

STATE OF WISCONSIN)
) SS
COUNTY OF POLK)

I, Lisa R. Ross, County Clerk for Polk County, do hereby certify that the foregoing corrected minutes are a true and correct copy of the County Board Proceedings of the Polk County Board of Supervisor's Session held on March 20, 2020.

Lisa R. Ross

Lisa R. Ross
Polk County Clerk

POLK COUNTY DIVISION OF ENVIRONMENTAL SERVICES
DEPARTMENT OF LAND INFORMATION

100 Polk County Plaza, Suite 130
Balsam Lake, Wisconsin 54810
www.co.polk.wi.us/landinfo

Vince Netherland, County Administrator
Steve Geiger, Director of Environmental Services
Office: (715) 485-9279

TO: Town Clerks – certified mail
FROM: Zoning Department
RE: Public Hearing – Wednesday, December 18, 2019
DATE: November 29, 2019

On Wednesday, December 18, 2019 the Polk County Environmental Services Committee will hold a public hearing at 10:00 am at the Polk County Government Center (County Board Room) in Balsam Lake, WI, on the proposed text and map amendments to the Polk County Shoreland Protection Zoning Ordinance. All of the existing shoreland zoning standards will still apply, but comprehensive zoning districts under the shoreland overlay will designate the allowed, permitted, conditional, and prohibited uses of each property. A copy of the existing and proposed ordinances, new zoning maps, and a map of the properties affected are accessible in the Department of Land Information, 100 Polk County Plaza Suite 130, Balsam Lake, WI 54810 and on the County website at: http://www.co.polk.wi.us/.

All interested parties have a right to either support or oppose the request(s) by appearing in person at time of hearing or by writing a letter to the Department of Land Information. For any questions you may call our office Monday through Friday, 8:30 am - 4:30 pm, at (715) 485-9248, FAX: (715) 485-9246.

Cc or email: Town Chairmen
Department of Natural Resources (Eau Claire, Balsam Lake)
County Board Supervisors (w/petition & ordinance)
Land & Water Resources Department
Brian Hobbs, Environmental Health Specialist
Tim Anderson, County Planner
Malia Malone, Corporation Counsel (w/petition & ordinance)
Vince Netherland, County Administrator (w/petition & ordinance)

POLK COUNTY
SHORELAND PROTECTION
ZONING ORDINANCE

Ordinance No. 38-19
Polk County Shoreland Protection Zoning Ordinance
Enacted: September 17, 2019; Published: September 25, 2019
Effective Date: September 25, 2019

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: September 25, 2019)

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 9
Article 6. Shoreland Zoning District Boundaries 10
Article 7. Shoreland-Wetland District 11
Article 8. General Purpose District 14
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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 29
Article 15. Mitigation 29
Article 16. Filling, Grading, and Ditching 31
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Article 18. Administrative Provisions 33
Article 19. Changes and Amendments 37
Article 20. Enforcement and Penalties 37

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 subordinate building which is incidental to and customarily found in connection with the primary use of the property limited to 35' in height.
"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.
"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 a single family dwelling in which sleeping accommodations are offered for pay to a maximum of 2 tourists or transients per bedroom based on the sanitary system serving the dwelling up to a total of 8 from 11:00 pm to 7:00 am. A

maximum of 12 occupants are allowed from 7:00 am to 11:00 pm regardless of the number of bedrooms.
"TRANSIENT LODGE" means any single family dwelling rented on a short term basis and has a maximum occupancy of more than 8 people.
"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 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 with up to 8 people from 11:00 pm to 7:00 am. A yearly license is required to continue to operate with a planned rental schedule for the upcoming year. A maximum of 12 occupants are allowed from 7:00 am to 11:00 pm regardless of the number of bedrooms,, provided they meet the following conditions:
      (a) Accessory building must not have sleeping accommodations.
      (b) No RVs or campers allowed for overnight stay.
      (c) All parking to be on an impervious surface and must be contained on the property.
      (d) Applicant must obtain all proper licensing.
      (e) All fires & embers are to be extinguished by 11:00 p.m., with no unattended fires.
      (f) Applicant must have 24-hour contact number available to the public.
      (g) Property must remain free from citation and charges for nuisance, disorderly conduct, or any other illegal activity.
      (h) Quiet hours shall be imposed from 11:00 p.m. to 7:00 a.m.
      (i) Applicant and renters must comply with ALL applicable laws and regulations:

1) Department of Natural Resources lake regulations to be included in rental information.
2) Lake association rules to be included in rental information.
3) Owner is responsible to state and local jurisdictions for compliance with firework regulations.

(j) All pets must be contained on the rental property unless they are on public property.
(k) Property lines must be surveyed with boundaries clearly staked by a professional land surveyor.
(l) All conditions that apply to renters shall be included in rental information.
(m) Existing septic system to be inspected and approved
(n) Local uniform building inspector shall be hired by the applicant to determine the number of legal bedrooms in the dwelling.
(o) Any advertisement shall include the land use permit number and the health department license number.
(p) Max rental of up to 24 weeks or 174 days per year unless a conditional use permit is obtained to rent more days per year.

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. Transient Lodge with a maximum occupancy of 20 tourists/transients. Transient lodges shall meet the setbacks in Article 11.C. Table 1.
3. Institutions of a philanthropic or educational nature.
4. 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.
5. Businesses customarily found in recreational areas.
6. 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.

7. 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 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 <u>both</u> 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, unless the Town board approves a reduced setback. A permit shall be issued for a reduced setback once Town approval (i.e. minutes, letter, or resolution) is received if all other ordinance requirements are met.
   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 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 or a variance are violated, the same are

deemed revoked.

1. Conditional and Permitted Uses: A warning shall be issued when a documented violation is received and verified by the zoning office directly related to the conditional/permitted use. If the zoning office receives a second documented violation within 6 months of the first violation, the zoning office shall revoke the permit. A property with a revoked permit shall be required to wait 3 months before they may apply for another conditional/permitted use. If a use is revoked twice within three years, another conditional/permitted use permit shall not be issued within a year of the second revocation. A 30 day stay period shall be provided as part of the revocation process before the revocation becomes effective, unless a human health hazard exists.

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. 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.

4. 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.

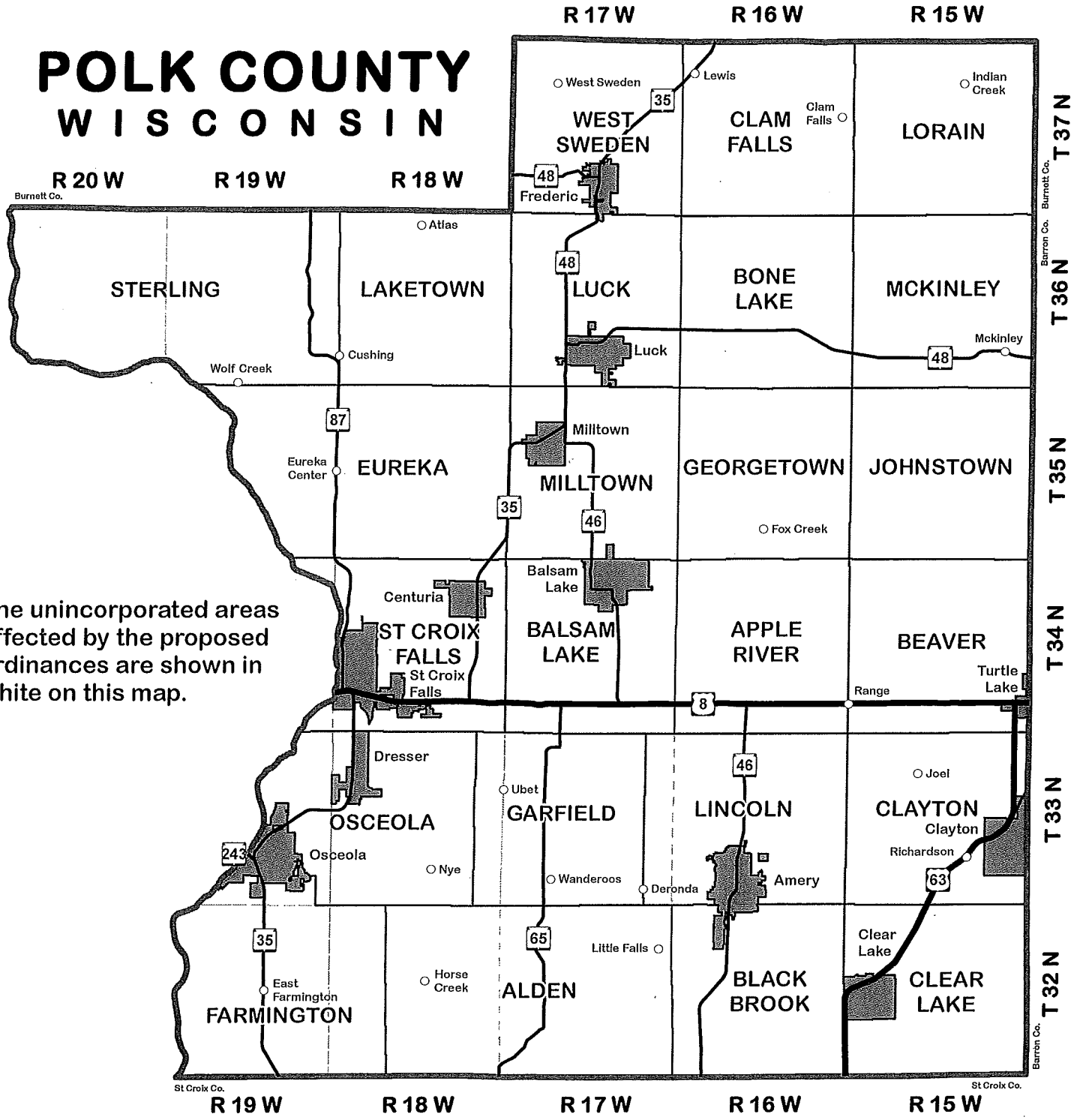
Article 20. Enforcement and Penalties

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.



The unincorporated areas affected by the proposed ordinances are shown in white on this map.

POLK COUNTY DIVISION OF ENVIRONMENTAL SERVICES
DEPARTMENT OF LAND INFORMATION

100 Polk County Plaza, Suite 130
Balsam Lake, Wisconsin 54810
www.co.polk.wi.us/landinfo

Vince Netherland, County Administrator
Steve Geiger, Director of Environmental Services
Office: (715) 485-9279

November 27, 2019

Inter County Leader

Dear Editor:

Please print the following public notice in the Inter County Leader newspaper the weeks of December 4th and 11th, 2019.

Please use 30 point heading, 2 columns wide, 8 point news text, single space and NO space between paragraphs OR AS NECESSARY – Thank-you!

PUBLIC NOTICE

On December 18, 2019 the Polk County Environmental Services Committee will hold a public hearing at 10:00 am at the Polk County Government Center (County Board Room) in Balsam Lake, WI, on the proposed text and map amendments to the Polk County Shoreland Protection Zoning Ordinance. All of the existing shoreland zoning standards will still apply, but comprehensive zoning districts under the shoreland overlay will designate the allowed, permitted, conditional, and prohibited uses of each property. A copy of the existing and proposed ordinances, new zoning maps, and a map of the properties affected are accessible in the Department of Land Information, 100 Polk County Plaza Suite 130, Balsam Lake, WI 54810 and on the County website at: http://www.co.polk.wi.us/.

All interested parties have a right to either support or oppose the request(s) by appearing in person at time of hearing or by writing a letter to the Department of Land Information. For any questions you may call our office Monday through Friday, 8:30 am - 4:30 pm, at (715) 485-9248, FAX: (715) 485-9246):

PROPOSED AMENDED POLK COUNTY SHORELAND PROTECTION ZONING ORDINANCE

Ordinance No. _____
Polk County Shoreland Protection Zoning Ordinance
Enacted_____; Published _____
Effective Date: _____

~~TEXT~~=REMOVED
TEXT=PROPOSED

DRAFT

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

DRAFT

POLK COUNTY
SHORELAND PROTECTION ZONING ORDINANCE
(Effective: _____)

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

Article 1. Title 1
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Article 4. Definitions 2
Article 5. General Provisions 10
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Article 9. Classification of Waters 19
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Article 1. Title

This ordinance shall be known as the Polk County Shoreland Protection Zoning Ordinance, hereinafter referred to as "this ordinance."

Article 2. Statutory Authorization

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

A. 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.

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B. 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.

C. This Ordinance shall constitute a comprehensive revision, as described in s. 59.69(5)(d), Wis. Stats., of the Polk County Shoreland Protection Zoning Ordinance, effective September 15, 2016.

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~~s~~ 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 shorelands 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.

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"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 subordinate building which is incidental to and customarily found in connection with the primary use of the property limited to 35' in height.
"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.

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"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.

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"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.
"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.

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"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

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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.

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"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.

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"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 a single family dwelling in which sleeping accommodations are offered for pay to a maximum of 2 tourists or transients per bedroom based on the sanitary system serving the dwelling up to a total of 8 from 11:00 pm to 7:00 am. A maximum of 12 occupants are allowed from 7:00 am to 11:00 pm regardless of the number of bedrooms.
"TRANSIENT LODGE" means any single family dwelling rented on a short term basis and has a maximum occupancy of more than 8 people.
"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 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.

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"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 & ACCESS 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.

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, 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.~~ The provisions of the shoreland and wetland regulations and all the provisions of any county zoning ordinance apply to the shorelands. However, where an ordinance adopted under a statute other than s. 59.692, Stats, does not solely relate to shorelands and is more restrictive than this ordinance, for example a floodplain ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions. 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. The provisions of any easement, covenant,

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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. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail.

4. 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.
5. Wherever the provisions of this Ordinance conflict with the provisions of Ch. 91, Wis. Stats., Farmland Preservation, the provisions of Ch. 91 shall prevail.
6. It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any permit previously issued pursuant to law.

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. No more than two (2) accessory buildings, including a boathouse, shall be allowed on a riparian lot within 300 feet of the OHWM of a class 1 or 2 water body. This limitation does not apply to riparian lots on class 3 water bodies. If a riparian lot is over five (5) acres on a navigable river or stream, up to four (4) accessory buildings are allowed on the property.

G. Structures shall not be deemed an accessory structure or use and do not require permits unless greater than 64 square feet in size.

H. 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).

I. Farm 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. Non-farm residences shall not be located within 300 feet of any feedlot or structure housing farm animals.

J. Signs allowed in a Residential (R-1) zoning district under Section 10.5.3 of the Polk County Comprehensive Land Use Ordinance.

K. 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. A boathouse may be constructed within the shoreland areas if it

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meets the following conditions:

1. The maximum dimension is: 14' in width by 26' in depth. The width dimension runs parallel to the water.
2. 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.
3. The roof must pitch away from the lake.
4. Designed solely for boat storage and storage of related marine equipment and not used by humans as a place of settled residence or habitat.
5. Shall not extend below the OHWM.
6. Structure cannot contain any plumbing
7. Must be at least 10 feet landward of the OHWM.
8. Must be located within the allowed access and viewing corridor.
9. Boathouses shall be a single story with a 14' maximum sidewall height.

L. A single (one per lot) bunkhouse will be permitted with the following conditions:

1. 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.
2. All of the setback requirements for an accessory structure are met.
3. Leasing, rental or use as a residence is strictly prohibited.
4. Sanitary systems must be sized for the total number of bedrooms on the lot after the bunkhouse is built. No affidavits allowed for undersized sanitary systems
5. 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.
6. A separate sanitary system for a bunkhouse is prohibited
7. 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.
8. Plumbing, if installed, conforms to the Polk County Sanitary Code.
9. Height of the structure is limited to 25 feet
10. Maximum of 1 bathroom allowed per bunkhouse
11. Cannot be split from original property
12. Cooking facilities are prohibited
13. Cannot be built on an Outlot
14. Cannot be the first building on a lot
15. An affidavit is recorded in the Register of Deeds outlining use restrictions.
16. Boathouses cannot become bunkhouses
17. Only allowed in zoning districts where single-family residential uses are allowed
18. Must meet minimum lot size requirements at time of lot creation
19. 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

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use of a structure to a bunkhouse counts as the same additional square footage of impervious surface.

20. 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.

M. The more restrictive setback based on lake classification or zoning district shall always apply.

Article 6. Shoreland Zoning District Boundaries

A. All land within the shoreland area shall be placed within one of the zoning districts listed below. Uses within the shorelands shall conform to requirements of those respective districts and in addition, each use and property shall be subject to the other requirements of this Ordinance. The shorelands of Polk County are hereby divided into the following Districts with a Shoreland or Shoreland-Wetland overlay:

1. Residential (R-1)
2. Hamlet (H-1)
3. Residential-Agricultural 5 (RA-5)
4. Agriculture 10 (A-1)
5. Agriculture 20 (A-2)
6. Farmland Preservation (A-3)
7. Natural Resources (N-1)
8. General Business and Commercial (B-1)
9. Recreational Business and Commercial (B-2)
10. Small Business and Commercial (B-3)
11. Industrial (I-1)
12. Mining (M-1)

~~2. General Purpose District~~

B. The locations and boundaries of the primary zoning districts established by this 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.

C. Class 1 water bodies as identified in the Polk County Lakes Classification List shall have the first 300 feet back from the ordinary high water mark zoned Residential (R-1) unless approved otherwise.

D. 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

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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, <u>and</u> 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

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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,

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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,

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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. Zoning Districts

A. RESIDENTIAL (R-1)

1. 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.

2. Allowed and permitted uses

   (a) Single family dwelling, Two family dwellings, including manufactured homes
   (b) Accessory structures, clearly incidental to the residential use of the property.
   (c) Gardening including nurseries for the propagation of plants only
   (d) Municipal parks and playgrounds including swimming pools, golf courses, tennis courts and picnic grounds, provided the parking requirements are met
   (e) Home Business, provided the parking requirements are met

3. Changes in use that require a land use permit

   (a) Tourist Rooming House with up to 8 people from 11:00 pm to 7:00 am. A maximum of 12 occupants are allowed from 7:00 am to 11:00 pm regardless of the number of bedrooms, provided they meet the following conditions:

      1) Accessory building must not have sleeping accommodations.
      2) No RVs or campers allowed for overnight stay.

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3) All parking to be on an impervious surface and must be contained on the property.
4) Applicant must obtain all proper licensing.
5) All fires & embers are to be extinguished by 11:00 p.m., with no unattended fires.
6) Applicant must have 24-hour contact number available to the public.
7) Property must remain free from citation and charges for nuisance, disorderly conduct, or any other illegal activity.
8) Quiet hours shall be imposed from 11:00 p.m. to 7:00 a.m.
9) Applicant and renters must comply with ALL applicable laws and regulations:
(1) Department of Natural Resources lake regulations to be included in rental information.
(2) Lake association rules to be included in rental information.
(3) Owner is responsible to state and local jurisdictions for compliance with firework regulations.
10) All pets must be contained on the rental property unless they are on public property.
11) Property lines must be surveyed with boundaries clearly staked by a professional land surveyor.
12) All conditions that apply to renters shall be included in rental information.
13) Existing septic system to be inspected and approved
14) Local uniform building inspector shall be hired by the applicant to determine the number of legal bedrooms in the dwelling.
15) Any advertisement shall include the land use permit number and the health department license number.
16) Max rental of up to 24 weeks or 174 days per year unless a conditional use permit is obtained to rent more days per year.

17) Bed and Breakfast
(1) No RVs, campers, tents or other means of overnight stay allowed.
(2) All sleeping accommodations must be within the dwelling unit.
(3) All parking must be contained on the property.
(4) Applicant must obtain all proper licensing.
(5) Applicant must have 24-hour contact number available to the public.
(6) 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.

18) A Bunkhouse with the conditions in Article 5.L.

4. Conditional uses

(a) Schools
(b) Churches
(c) Municipal buildings, except sewage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance equipment.

5. Height, yard, & setbacks requirements

(a) Side Yard Setback = 10 ft. for principal structures; 5 ft. for accessory structures

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(b) Rear Yard Setback = 25 ft. for principal structures; 5 ft. for accessory structures
(c) Road setback regulations shall apply to all corner lots

B. HAMLET DISTRICT (H-1)

1. 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. In addition, this district will allow for mixed uses of residential and commercial as was typical of the historical development pattern of rural hamlets.

2. Allowed and permitted uses

(a) All Allowed and Permitted Uses in R-1
(b) Two-Family Dwelling and Multi-Family Dwelling, including a manufactured home
(c) All uses in the B-3 District
(d) Manufactured Home Park with conditions found in Article 18.

3. Changes in use that require a land use permit

(a) Tourist Rooming Houses with conditions in R-1
(b) Bed & Breakfasts with conditions in R-1
(c) A Bunkhouse with the conditions in Article 5.L. at a minimum

4. Conditional uses

(a) All Conditional Uses in R-1
(b) Other similar and compatible use as determined by the Environmental Services Committee.

5. Height, yard, & setbacks requirements

(a) Maximum Commercial Use Building Height = 35 ft within the setback area or 45ft/3 stories beyond the setback area.
(b) Side Yard Setback = 10 ft. for principal structures; 5 ft. for accessory structures
(c) Rear Yard Setback = 25 ft. for principal structures; 5 ft. for accessory structures

C. RESIDENTIAL-AGRICULTURAL DISTRICT 5 (RA-5)

1. 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.

2. Allowed and permitted uses

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(a) All Allowed and Permitted uses in the R-1 District
(b) Two-Family Dwelling
(c) Multi-Family Dwelling, when in compliance with density standards of this district
(d) Agricultural Uses found in A-1, except fur farming and a second farm residence
(e) Schools
(f) Churches
(g) Cemeteries
(h) Municipal Buildings
(i) Manufactured Home Park with conditions found in Article 18.

3. Changes in use that require a land use permit

(a) Tourist Rooming Houses with conditions in R-1
(b) Bed & Breakfasts with conditions in R-1
(c) A Bunkhouse with the conditions in Article 5.L. at a minimum
(d) Contractor Storage Yard

4. Lot sizes

(a) Traditional Development
1 dwelling unit per 5-acres density standard

(b) 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. 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

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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

5. Height, yard, & setbacks requirements

   (a) Farm buildings are exempt from the height restrictions beyond the setback area
   (b) Side Yard Setback = 10 ft. for principal structures; 5 ft. for accessory structures
   (c) Rear Yard Setback = 25 ft. for principal structures; 5 ft. for accessory structures
   (d) Road setback regulations shall apply to all corner lots

E. **AGRICULTURAL 10 DISTRICT (A-1)**

1. 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.

2. Allowed and permitted uses

   (a) Agricultural Uses, including any of the following:
      (1) Crop or forage production
      (2) Keeping livestock
      (3) Beekeeping
      (4) Nursery, sod, or Christmas tree production
      (5) Floriculture
      (6) Aquaculture
      (7) Fur farming
      (8) Forest management
      (9) Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program
      (10) Accessory structure that is an integral part of, or is incidental to, an agricultural use
      (11) Roadside Stand
      (12) Personal Stable
   (b) A single-family and two-family dwelling, when in compliance with the density standards of this district
   (c) Accessory buildings incidental to the residential use of the property
   (d) Home Business
   (e) Schools
   (f) Churches
   (g) Cemeteries
   (h) Undeveloped natural resource and open space areas.

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(i) 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.
(j) Contractor Storage Yard

3. Changes in use that require a land use permit

(a) Tourist Rooming Houses with conditions in R-1
(b) Bed & Breakfasts with conditions in R-1
(c) A Bunkhouse with the conditions in Article 5.L. at a minimum

4. Conditional uses

(a) Agriculturally-related businesses, such as, but not limited to:
(1) Feed Mills
(2) Commercial Stables
(3) Implement Dealers
(4) Agricultural Cooperatives
(5) Veterinarians
(6) Wineries
(7) Composting Sites
(8) Burial Sites under Wisconsin Statute Chapter 157
(9) Other similar and compatible agriculturally-related businesses
(b) Kennels when at least 300 ft. from property lines
(c) Animal Shelters when at least 300ft from property lines
(d) Junkyards/salvage yards
(e) Airports/Airstrips
(f) Large, Outdoor Commercial Events

5. Lot restrictions

(a) Target density standard for the Agricultural 10 District is 4 residential lots per 40 acres

(b) 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. 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

6. Height, yard, & setbacks requirements

   (a) Farm buildings are exempt from the height restrictions beyond the setback area
   (b) Side Yard Setback = 25 ft. for all structures
   (c) Rear Yard Setback = 25 ft. for all structures
   (d) Road setback regulations shall apply to all corner lots

E. **AGRICULTURAL 20 DISTRICT (A-2)**

1. 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.

2. Allowed and permitted uses

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

3. Conditional uses

   (a) All Conditional Uses in A-1

4. Lot restrictions

   (a) Density standard for the Agricultural 20 District is a maximum of 2 lots/principal structures per 40 acres
   (b) 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. 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

5. Height, yard, & setbacks requirements

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(a) Farm buildings are exempt from the height restrictions beyond the setback area
(b) Side Yard Setback = 25 ft. for all structures
(c) Rear Yard Setback = 25 ft. for all structures

F. FARMLAND PRESERVATION DISTRICT (A-3)

1. 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.

2. Allowed and permitted uses

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

3. Changes in use that require a land use permit

(a) Tourist Rooming Houses with conditions in R-1
(b) Bed & Breakfasts with conditions in R-1
(c) A Bunkhouse with the conditions in Article 5.L. at a minimum
(d) Contractor Storage Yard

4. Conditional uses

(a) Agriculturally-related businesses, such as:

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(1) Feed Mills
(2) Commercial Stables
(3) Implement Dealers
(4) Agricultural Cooperatives
(5) Veterinarians
(6) Wineries
(7) Composting Sites

(b) 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.

(1) 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.

(2) 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.

(3) 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:

(A) 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.

(B) Significantly impair or limit the current or future agricultural use of other protected farmland.

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

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

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

(1) The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
(2) 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.
(3) 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.

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(4) 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.

(5) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

5. Lot requirements

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

6. Height, yard, & setbacks requirements

(a) Farm buildings are exempt from the height restrictions beyond the setback area
(b) Side Yard Setback = 25 ft. for all structures
(c) Rear Yard Setback = 25 ft. for all structures

7. Rezoning land out of a farmland preservation zoning district

(a) 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:

(1) The rezoned land is better suited for a use not allowed in the farmland preservation zoning district.

(2) The rezoning is consistent with any applicable comprehensive plan.

(3) The rezoning is substantially consistent with the Polk County Farmland Preservation Plan, which is in effect at the time of the rezoning.

(4) The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.

(b) Subsection (1) does not apply to any of the following:

(1) A rezoning that is affirmatively certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection under Ch. 91, Wis. Stats.

(2) 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.

(c) 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.

G. NATURAL RESOURCES DISTRICT (N-1)

1. 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

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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:

(a) Grazing
(b) The harvesting of wild crops such as wild hay, ferns, moss, berries, fruit trees and seeds
(c) Hunting, fishing, trapping
(d) 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
(e) Sustainable logging, pulping and other forest crop harvesting
(f) Public or private parks
(g) Temporary residential uses by permit such as hunting cabins or travel trailers with conditions listed in Article 19.

2. Conditional uses

(a) Licensed game farms

3. Height & yard requirements

(a) Side Yard setback = 25 ft.
(b) Rear Yard setback = 25 ft.

H. GENERAL BUSINESS/COMMERCIAL (B-1)

1. Purpose and intent

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

2. 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

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(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 use

3. Conditional uses

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(a) Airport
(b) Hospital
(c) Breweries, Brew-Pubs, Wineries
(d) Outdoor Storage facilities
(e) Other similar and compatible use as determined by the Environmental Services Committee

4. Lot, height, yard requirements, & setbacks

(a) Maximum Structures Lot Coverage = 30%
(b) Minimum Landscaped Area = 10%
(c) Maximum Commercial Building Height: 35ft within setback area or 3 stories/45ft beyond setback area
(d) Commercial Principal Building Rear/Side Minimum Setbacks: 10ft
(e) Accessory Structures Rear/Side Yard Minimum Setback = 5 ft.
(f) Residential Principal Structure Side Yard Setback = 10 ft.
(g) Residential Principal Structure Rear Yard Setback = 25 ft.

I. RECREATIONAL BUSINESS AND COMMERCIAL (B-2)

1. Purpose and intent

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

2. 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:

(a) Sporting Goods
(b) Recreational Sales and Service
(c) Restaurants and Taverns
(d) Resorts
(e) Marinas, including sales and service
(f) Bait Shops
(g) Miniature Golf
(h) Recreational Camps
(i) Campgrounds with conditions in Article 19
(j) Manufactured Home Park with conditions in Article 18
(k) There may be one single-family dwelling unit on the premises, either attached or detached in connection with any of the above uses.

3. Conditional uses

(a) Ski Resorts
(b) Paint Ball
(c) Go-Cart Tracks
(d) Archery Range

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(e) Gun Range
(f) Sportsmen's Clubs
(g) Stock Car, ATV, and Dirt Bike raceways and courses
(h) Other similar and compatible use as determined by the Environmental Services Committee

4. Height, yard requirements, & setbacks

(a) Maximum Building Lot Coverage: 30%
(b) Minimum Landscaped Area: 10%
(c) Principal Building Rear/Side Minimum Setbacks: 25ft

J. SMALL BUSINESS/COMMERCIAL DISTRICT (B-3)

1. Purpose and intent

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

2. 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:

(a) All Uses Allowed and Permitted in B-1 with a building footprint up to 20,000 sq. ft.

3. Conditional uses

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

4. Height, yard requirements, & setbacks

(a) Maximum Building Lot Coverage: 30%
(b) Minimum Landscaped Area: 10%
(c) Principal Building Rear/Side Minimum Setbacks: 25ft

K. INDUSTRIAL (I-1)

1. PURPOSE

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

2. ALLOWED AND PERMITTED USES

(a) Light and general manufacturing including, but not limited to:
(1) Metal, glass, plastic and wood assembly, fabrication and manufacturing
(2) Electronics assembly, fabrication and manufacturing
(3) Clothing

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(4) Bottling facilities

(b) General warehousing and storage directly connected with the permitted uses under this section and 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 uses.

3. CONDITIONAL USES

(a) Acid, ammonia, bleach, chlorine or soap manufacture
(b) Ammunition or explosives manufacture or storage
(c) Asphalt, coal, coal tar or coke manufacture; asphalt and hot mix asphalt plants
(d) Cement or lime manufacture; cement or concrete mixing plants
(e) Bone distillations, fat rendering or any other form of dead animal reduction
(f) Fertilizer manufacture
(g) Forge plant
(h) Gelatin or glue manufacture
(i) Inflammable gasses or liquids, refining or manufacture of; overground tank farms
(j) Utility-scale energy generation including but not limited to: solar farms/fields, large wind generators, and power plants
(k) Salvage and Recycling Facilities
(l) Solid waste disposal operations, sanitary landfill sites
(m) Slaughterhouse, stockyard
(n) Smelting or foundry operations
(o) Any similar or compatible industrial enterprise subject to the approval of the Environmental Services Committee.

4. LOT SIZES, DIMENSIONS, AND SETBACKS

(a) Maximum Industrial Use Building Height =35 ft within shoreland setback area and 50 feet beyond setback area.
(b) Side Yard Setbacks for Residential Uses = R-1 side yard setbacks apply
(c) Side Yard Setbacks for lots adjacent to residentially zoned lots = 25 ft.
(d) Side Yard Setbacks for Industrial Uses = 0 ft.; except:
    (1) 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.
(e) Rear Yard Setback = 25 feet; except:
    (1) No rear yard setback shall be required when abutting a railroad R.O.W.
    (2) 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.

L. **MINING DISTRICT (M-1)**

1. Purpose

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

2. Allowed and permitted uses
   (a) All Allowed and Permitted Uses in the Agricultural 10 district. (A-1)
   (b) 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.
   (c) Limited, short-term non-metallic mining activities. Limited short-term non-metallic mining activities are those operations which:
      (1) Do not satisfy the definitions and standards for preexisting non-metallic mining activities, and;
      (2) Will be commenced and completed within a one year period from the date of the permit, and;
      (3) 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*

3. Conditional uses
   (a) Non-metallic mining activities that do not meet the definition outlined in Article 8.L.2.(c)(2) and 8.L.2.(c)(3) above.
   (b) Applications for conditional use permits to conduct mining and/or processing activities shall include all information required by the county approved application form.
      (1) Reapplication to the Environmental Services Committee for renewal shall be required with alterations to operational plans or noncompliance with the standards of the district.
      (2) Requests for additional information prior to a decision being made on the conditional use permit may be made by the Environmental Services Committee. Upon determination by the Committee that additional information is required, on behalf of the Committee, the Committee may employ independent technical experts to review materials submitted by the applicant.

4. LOTS SIZES, DIMENSIONS AND SETBACKS
   (a) Minimum Right of Way Setback = 200 ft.
   (b) Minimum Property Line Setback = 100 ft.
      (1) 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.
   (c) Setback and Height restrictions for Agricultural 10 (A-1) District uses:
   (d) Maximum Height for Mining related Structures = 35 ft within shoreland setback area and 50 ft beyond shoreland setback.

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~~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:~~

N. ~~Any use allowed under Article 7.~~
O. ~~Single-family dwelling for owner occupancy, rent or lease.~~
P. ~~Accessory buildings, incidental to the primary use of the property provided that:~~

~~(a) No more than two (2) accessory buildings, including a boathouse, shall be allowed on a lot within 300 feet of the OHWM.~~

Q. ~~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:~~
~~10. The maximum dimension is: 14' in width by 26' in depth. The width dimension runs parallel to the water.~~
~~11. 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.~~
~~12. The roof must pitch away from the lake.~~
~~13. Designed solely for boat storage and storage of related marine equipment and not used by humans as a place of settled residence or habitat.~~
~~14. Shall not extend below the OHWM.~~
~~15. Structure cannot contain any plumbing~~
~~16. Must be at least 10 feet landward of the OHWM.~~
~~17. Must be located within the allowed access and viewing corridor.~~
~~18. Boathouses shall be a single story with a 14' maximum sidewall height.~~

R. ~~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~~

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(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.

S. 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.

T. 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.

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~~(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 have received written approval from the Department of Natural Resources.~~

~~9. Travel Trailers~~

~~1. 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 or d applies below.~~

~~2. 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.~~

~~3. 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.~~

~~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 September 15th annually. In order to obtain the above seasonal permit, the following requirements apply:~~

~~(a) Must have an approved sanitary system installed by a Wisconsin licensed plumber (privies are not an allowed system)~~

~~(b) Must meet all setbacks on property for an accessory structure~~

~~(c) Must be removed once season is over~~

~~10. Structures, including, school bus stop shelters, deer stands, dog houses, tree houses and ice fishing shacks shall not be deemed an accessory structure or use, do not require permits unless size limitations are exceeded, shall conform to the setbacks, and cannot be used for storage. Size limitations reference is in Article 11.G.~~

~~11. Any other structures that are customarily associated with a dwelling.~~

~~12. 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.~~

~~13. Signs allowed in a residential 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.~~

~~(e) Tourist Rooming House with up to 8 people from 11:00 pm to 7:00 am. A maximum of 12 occupants are allowed from 7:00 am to 11:00 pm regardless of the number of bedrooms, provided they meet the following conditions:~~

~~(1) Accessory buildings shall not have sleeping accommodations.~~

~~(2) No RVs or campers allowed for overnight stay.~~

~~(3) All parking must be contained on the property.~~

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~~(4) Applicant must obtain all proper licensing.~~
~~(5) All fires & embers are to be extinguished by 11:00 p.m., with no unattended fires.~~
~~(6) Applicant must have 24-hour contact number available to the public.~~
~~(7) Property must remain free from citation and charges for nuisance, disorderly conduct, or any other illegal activity.~~
~~(8) Quiet hours shall be imposed from 11:00 p.m. to 7:00 a.m.~~
~~(9) Applicant and renters must comply with ALL applicable laws and regulations:~~

~~a. Department of Natural Resources lake regulations to be included in rental information.~~
~~b. Lake association rules to be included in rental information.~~
~~c. Owner is responsible to state and local jurisdictions for compliance with firework regulations.~~

~~(10) All pets shall be contained on the rental property unless they are on public property.~~
~~(11) Property lines must be surveyed with boundaries clearly staked by a professional land surveyor.~~
~~(12) All conditions that apply to renters shall be included in rental information.~~
~~(13) Existing septic system to be inspected and approved~~
~~(14) Local uniform building inspector shall be hired by the applicant to determine the number of legal bedrooms in the dwelling.~~
~~(15) Any advertisement shall include the land use permit number and the health department license number.~~

~~(f) 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.~~
~~(g) 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, transient lodging, including 2 or more single family dwellings for rent or lease, motels, restaurants, dinner clubs, taverns, private clubs, power generating stations, churches and cemeteries~~
~~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 HFS 175, Wisconsin Administrative Code and campgrounds shall conform to Chapter HFS 178 Wisconsin~~

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~~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, 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.~~

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~~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 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 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

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Administrator shall not issue a permit unless the subject property meets Shoreland and side yard setbacks in Article 8, 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.

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(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 <u>both</u> 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.			

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	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

***The side yard setbacks above only apply if more restrictive than the side yard setbacks listed under the respective zoning district in Article 8.

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 shall be issued for the reduced setback once written Town approval (i.e. minutes, letter, 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, unless

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the Town Board approves a reduced setback. A permit shall be issued for the reduced setback once written Town approval (i.e. minutes, letter, resolution) is received if all of the other ordinance requirements are met.

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) Temporary 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.

7. Boathouses shall be set back at least ten (10) feet from the ordinary high water mark of non-navigable streams and drainage ways.
8. 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.

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4. A structure, of which any part has been authorized to be located within the shoreland setback area by a variance granted before July 13, 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 preexisting 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.

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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.

I. Structures that were granted variances or illegally constructed structures are not considered nonconforming structures, and are not allowed to be expanded under Article 11. F.

J. 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.

5. 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.

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(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 (2" DBH)**
< 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 1tree 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 lot area, 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.

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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.5(a) lateral expansion of a nonconforming structure, Article 11.F.5(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.

            (A) 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

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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 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:

(A) Measure each land use of the lot and draw them to dimension or scale. Convert the land use areas into percentages of the lot.
(B) Determine the Hydrologic Soil Type (HST) from a map that will be provided by the Zoning Department which indicates the assigned HST number.
(C) 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.
(D) 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, may 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. Manufactured Homes & Manufactured Home Parks

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

D. Where allowed, manufactured home parks shall meet the following requirements:

1. The minimum size of mobile home parks shall be 5 acres.
2. The maximum number of mobile homes shall be 8 per acre.
3. Minimum dimensions of a mobile home site shall be 50 feet wide by 100 feet long.
4. 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.
5. In addition to the requirements of Article 8 & 11, there shall be a minimum setback of 40 feet from all other lot lines and a minimum shoreline setback of 150 feet.
6. The park shall conform to the requirements of Chapter ATCP 125 Wisconsin Administrative Code.
7. No mobile home site shall be rented for a period of less than 30 days.
8. Each mobile home site shall be separated from other mobile home sites by a yard not less than 15 feet wide.
9. There shall be 2 surfaced automobile parking spaces for each mobile home.
10. 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.
11. The mobile home park site shall meet all applicable town and county subdivision regulations.

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12. 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.

Article 19. Travel Trailers & Travel Trailer parks

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 Article 19.C. or Article 19.D. below applies.

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.

F. Licensed Travel Trailer Parks shall meet the following requirements:
   1. The minimum size of the travel trailer park shall be 5 acres.
   2. The maximum number of travel trailers shall be 15 per acre.
   3. Minimum dimensions of a travel trailer site shall be 25 feet by 40 feet.
   4. Each travel trailer site is separated from other travel trailer sites by a yard not less than 15 feet wide.
   5. There shall be 1½ automobile parking space for each trailer site.
   6. In addition to the requirements of Article 8 & 11, there shall be a minimum setback of 40 feet from all other exterior lot lines.
   7. The park shall conform to the requirements of Chapter ATCP 79, Wisconsin Administrative Code.
   8. The screening provisions for mobile home parks shall be met.
   9. The travel trailer park site shall meet all applicable town and county subdivision

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regulations.

Article 20. 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.

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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

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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

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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. 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.

4. 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

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Article 21. 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 22. 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 $500 variance application fee.

C. The Zoning Department may issue an on-site stop work order, as appropriate, whenever

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it determines that a violation of this Ordinance or the building permit is taking place.

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POLK COUNTY DIVISION OF ENVIRONMENTAL SERVICES
DEPARTMENT OF LAND INFORMATION

100 Polk County Plaza, Suite 130
Balsam Lake, Wisconsin 54810
www.co.polk.wi.us/landinfo

Vince Netherland, County Administrator
Robert Kazmierski Director of Environmental Services
Office: (715) 485-9279

April 3, 2020

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

Re: Report on petition to amend:

- Polk County Shoreland Protection Zoning Ordinance

Dear Ms. Ross:

Pursuant to Wisconsin Statute Section 59.69(5)(e)5, the Polk County Zoning Administrator files this letter as a report on the petition filed November 20, 2019 to amend the Polk County Shoreland Protection Zoning Ordinance. This amendment includes revisions to the ordinance text and zoning district maps for the areas within 1000 feet of a lake or pond and 300 feet of a river or stream.

The Environmental Services Committee held a public hearing on the proposed ordinance on December 18, 2019. At the public hearing, seven verbal and seventeen written comments were received. Some of these comments were in support of the amendment and some were in opposition. The Environmental Services Committee reviewed the comments at subsequent meetings and incorporated the necessary changes.

Under the proposed ordinance, all of the existing shoreland zoning regulations for boathouses, filling and grading, and impervious surfaces still apply. However, the proposed ordinance has comprehensive zoning districts under the shoreland overlay which will designate the allowed, permitted, conditional, and prohibited uses of each property. For example, if someone wanted to conduct a commercial business within the shoreland area under the current ordinance, they are required to obtain a conditional use permit. Under the proposed ordinance, they would seek approval from the Town and Environmental Services Committee to rezone their property into one of the commercial zoning districts. All of the towns were also given a chance to review and comment on the new zoning district maps for their town. The proposed ordinance also prohibits swine CAFOs within the shoreland area as a result of Resolution 03-20 passed during the February 20, 2020 County Board meeting.

Please note the enclosed notice published for the public hearing, and the notices sent to each town clerk via certified mail. Attached to and incorporated herein is a copy of the current and proposed ordinance, minutes to the December 18, 2019 Environmental Services Committee meeting, and a map of the properties affected by said amendments.

Respectfully,

Jason Kjeseth
Polk County Zoning Administrator

Attachments:

1. Current Polk County Shoreland Protection Zoning Ordinance
2. Proposed Polk County Shoreland Protection Zoning Ordinance
3. Map of properties affected by ordinance amendments
4. Proof a notice of the public hearing held by the Environmental Services Committee
5. Proof of notice to each town clerk by certified mail
6. December 18, 2019 Environmental Services Committee meeting minutes

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, December 18, 2019

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: Joleen Wiemann, Deputy County Clerk; Malia Malone, Corporation Counsel; Vince Netherland, County Administrator; Jason Kjeseth, Zoning Administrator; Tim Anderson, County Planner; Ben Elfelt, Parks and Trails Coordinator; Steve Geiger, Interim Director of Land Information; Eric Wojchik, Conservation Planner; Mark Gossman, County Forest Administrator; Paul Heimstead, WI DNR Forester; Chad Alberg, USDA Wildlife Services; and members of the public.

Meeting called to order by Chair O'Connell at 9:02 a.m.

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

Approval of Minutes – Chair O'Connell called for a motion to approve the minutes of the November 20, 2019 meeting. **Motion** (Olson/Route) to approve the minutes of the December 11, 2019 meeting as published, **Motion** carried by unanimous voice vote.

Public Comment – 2 public comments were received by the Committee.

Receipt of Information from Supervisors not seated as Committee Members on Matters Noticed – No information was received.

Parks, Recreation, Trails, and Dams

Trails update: Committee received information from Parks and Trails Coordinator Ben Elfelt, Parks and Trails Coordinator and Tim Anderson, County Planner, regarding the Stower Trail and local snowmobile trails.

Update regarding Atlas Dam: Committee received an update from Parks and Trails Coordinator, Ben Elfelt, regarding the Atlas Dam.

Forestry

Mark Gossman, County Forest Administrator, advised that the Sterling Tower Update will now be provided by the Zoning department.

Committee received an update from Mark Gossman regarding the 15 Year County Forest Comprehensive Land Use Plan, and provided Chapters 100 and 200 to the committee.

Paul Heimstead, WI DNR Forester provided an update on Timber Logging.

Zoning/Land & Water
Chairman O'Connell called to the floor discussion regarding WI Wildlife Damage Abatement and Claims Program and recognized Chad Alberg, USDA Wildlife Services for the purpose of receiving information to aide in setting crop prices for wildlife damage claims. Discussion. The committee set pricing as follows: Corn $3.10; Soybeans $8.00; Dry Hay $185.00/ton; Nursery Trees: Willow 1" $99.00; Flowing Crab 2" $126.00; Flowering Crab 3" $180.00; Mixed Maples 1" $90.00; Mixed Maples 1.25" $103.50; Mixed Maples 1.5" $126.00; Mixed Maples 2.5" $171.00.

Motion (LaBlanc/Doolittle) to approve the 2020 Polk County WDACP Crop Prices as set by the committee, **Motion** carried by unanimous voice vote.

Update Regarding CAFO and Health Department Testing – Jason Kjeseth, Zoning Administrator provided an update from Brian Kaczmarski, Public Health & Consortium Director, regarding Public Health Enforcement. Jason Kjeseth discussed testing materials that are available for ammonia and hydrogen sulfide.

Eric Wojchik, Conservation Planner and Jason Kjeseth, Zoning Administrator provided information on the posted CAFO Site Suitability Mapping.

Chair O'Connell called for a recess at 9:55 a.m. Chair O'Connell called the meeting back in session at 10:08 a.m.

PUBLIC HEARING

Chair O'Connell opened the Public Hearing, at 10:08 a.m. to consider text and map amendments to the Polk County Shoreland Protection Zoning Ordinance. All of the existing shoreland zoning standards will still apply, but comprehensive zoning districts under the shoreland overlay will designate the allowed, permitted, conditional, and prohibited uses of each property. Jason Kjeseth, Zoning Administrator, provided background information regarding the ordinance and summarized public comment received by staff. Chair O'Connell called for public comments. 7 public comments were offered. Chair O'Connell closed the Public Hearing at 10:52 a.m. Zoning Administrator Kjeseth provided further clarification and will provide an executive summary of the changes.

Update Regarding CAFO and Health Department Testing – Discussion resumed regarding the mapping for CAFO Site Suitability.

Divisional Form of Government – Committee received an update from County Administrator Vince Netherland regarding the hiring of the Environmental Services Division Director.

Tax Deed Properties/Tax Delinquent Properties – Steve Geiger, Interim Director of Land Information and Jason Kjeseth provided the committee with an update. Minimum Prices were set for the Woodley property as follows: Lot 1 $75,000; Lot 2 $30,000; and Lot 3 $500.00. Chair O'Connell gave authorization for the parcels to go to auction.

Woodley Property Update – Steve Geiger and Jason Kjeseth provided the committee with an update.

Lime Quarry Pricing – Discussion will be held at the January 8, 2020 meeting.

Outdoor Recreation Plan – Committee discussed missing items in the Outdoor Recreation Plan. Tim Anderson, County Planner and Ben Elfelt, Parks and Trails Coordinator, and Mark Gossman, County Forest Administrator, discussed updating the plan.

Sterling Tower Update - Steve Geiger, Interim Director of Land Information, gave an update on the Sterling Tower.

2020 Work Plan – Committee discussed items to be added to the 2020 Work Plan.

Committee Calendar & Identification of Subject Matters for Upcoming Meetings

JANUARY 22, 2020 AT 9:00 A.M. AGENDA ITEMS:
Tax delinquent properties: Update and Possible Action Woodley property, Updates on other tax delinquent properties/sales
Parks, Recreation, Trails and Dams: Trails updates, Update regarding Atlas Dam
Forestry: 15 Year County Forest Comprehensive Land Use Plan – review Ch. 300-400; Timber Sale Results
Zoning: Sterling Tower update
Zoning & Land & Water: Shoreland Protection Zoning Ordinance; CAFO Moratorium Development Work Updates, permit software demo from Land Information Office
Outdoor Recreation Plan: discussion
Divisional Form of Government: update

FEBRUARY 2020
Land & Water: Wildlife Damage Crop Claims

AGENDA ITEMS TO INCLUDE ON EACH AGENDA:
Tax delinquent properties: Update and Possible Action Woodley property, Updates on other tax delinquent properties/sales
Parks, Recreation, Trails and Dams: Trails updates, Update regarding Atlas Dam

Forestry: 15 Year County Forest Comprehensive Land Use Plan
Zoning & Land & Water: Shoreland Protection Zoning Ordinance; CAFO Moratorium Development Work Updates
Outdoor Recreation Plan: discussion
Divisional Form of Government: update

Chairman O'Connell called for a motion to adjourn. **Motion** (Edgell/Olson) to adjourn. **Motion** carried by unanimous voice vote. Chair O'Connell declared meeting adjourned at 11:51 a.m.

Respectfully submitted,

Joleen Wiemann
Deputy County Clerk

Resolution No. 07 -20

RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO INVESTIGATE OP. TIONS FOR SAVING THE CLAM FALL DAM

WHEREAS, the Clam Falls Dam is in need of major repair and is likely to be removed by the current owner, Northwestern Electric, and;

WHEREAS, Polk County contemplated taking over the Clam Falls Dam based upon a previous request by the current owner, and;

WHEREAS, the current owner withdrew the request for the county to take over the Dam based in part on information from the Wisconsin Department of Natural Resources and the high and unknown cost of Dam maintenance and repair, and;

WHEREAS, there has not been a meeting between the current owner and the County to discuss other possible options for saving the Dam, and;

WHEREAS, the current owner intends to remove the Dam, leaving the property owners and the tourists that visit the campground on the flowage with a significant loss of property values and recreational opportunities that currently exist because of the Dam, and;

NOW THEREFORE BE IT RESOLVED THAT, the Polk County Board of Supervisors hereby directs the Polk County Administrator, or his designee, to approach the current owner to discuss any options that may exist for the County to assist with saving the Clam Falls Dam and explore any options that could save the Dam, including litigation.

BY: Brad Olson

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

County Administrator's Note:
Matter of policy

Malia Malone
Interim County Administrator

Fiscal Impact Note: Discussion has no fiscal impact

Maggie Wickre, Finance Director

Approved as to Form and Execution:

Joseph Loso, Interim Corporation Counsel

Legal Impact Note: N/A

Excerpt of Minutes

At its regular business meeting on the ____of _____ 2020, the Polk County Board of Supervisors acted upon Resolution No. 07 -20: Resolution Directing the County Administrator to Investigate Options for Saving the Clam Falls Dam

- ☐ Adopted by a majority of the members present by a vote of _____ in favor and _____ against.
- ☐ Adopted by unanimous voice vote.
- ☐ Adopted as amended. See Below.
- ☐ Defeated
- ☐ Other:

Insert amendment to resolution according to minutes:

SIGNED BY:

Dean Johansen, County Board Chair

ATTEST:

Lisa Ross, County Clerk

Executive Summary

This Resolution simply directs staff to approach the current Dam owners to determine whether any options exist for the County to assist in saving the Dam. This Resolution does not bind the County in any way to take any particular action.

Ordinance No. 08-20

Ordinance To Enact Amended Polk County Shoreland Protection Zoning Ordinance

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

Ladies and Gentlemen:

WHEREAS, the Polk County Board of Supervisors enacted Ordinance No. 38-19 on September 25, 2019, entitled as Polk County Shoreland Protection Zoning Ordinance, to regulate the unincorporated shoreland areas of Polk County under Wisconsin Statute 281.31 and 59.692; and

WHEREAS, on November 29, 2019, the Polk County Zoning Administrator filed pursuant to Wisconsin Statute Section 59.69(5)(e), a petition to amend the Polk County Shoreland Protection Zoning Ordinance, through the enactment of the proposed Amended Polk County Shoreland Protection Zoning Ordinance with associated zoning maps; and

WHEREAS, the amendments incorporate the twelve zoning districts from the Polk County Comprehensive Land Use Ordinance; and

WHEREAS, on December 18, 2019, the Polk County Environmental Services Committee, as the planning and zoning committee, opened and held a public hearing on the petition to amend the Polk County Shoreland Protection Zoning Ordinance; and

WHEREAS, after considering DNR, town, and public input received in the public hearing and incorporating such input and recommendations, as appropriate, the Polk County Environmental Services Committee recommends the Polk County Board of Supervisors enact as and for the county's shoreland protection zoning ordinance under Section 59.692 the attached proposed ordinance, entitled "Amended Polk County Shoreland Protection Zoning Ordinance".

NOW, THEREFORE, pursuant to Wisconsin Statute Sections 59.692(2)(a), the Polk County Board of Supervisors ordains as follows:

1. The Amended Polk County Shoreland Protection Zoning Ordinance and zoning maps, attached hereto and incorporated herein, are enacted.

2. Pursuant to Wisconsin Statute Section 59.592(5), the provisions of the Amended Polk County Shoreland Protection Zoning Ordinance shall supersede the shoreland related provisions of Ordinance 38-19 Polk County Shoreland Protection Zoning Ordinance.

3. The Polk County Zoning Administrator is directed to forward the Amended Polk County Shoreland Protection Zoning Ordinance to the Wisconsin Department of Natural Resources.

4. Pursuant to Wisconsin Statute Sections 59.14(1) and 985.01(5), the County Clerk is directed to cause to be published the ordinance enacted herein.

5. The Amended Polk County Shoreland Protection Zoning Ordinance shall be effective upon passage and publication.

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

County Administrator's Note:

Vince Netherland
County Administrator

Fiscal Impact Note: No fiscal impact

Maggie Wickre, Finance Director

Approved as to Form and Execution:

MTMalone

Malia T. Malone, Corporation Counsel

Legal Impact Note:

Excerpt of Minutes

At its regular business meeting on the 21st of April 2020, the Polk County Board of Supervisors acted upon **Ordinance No. 08-20: Ordinance To Enact Amended Polk County Shoreland Protection Zoning Ordinance.**

_____

_____

- ☐ Adopted by a majority of the members present by a vote of _____ in favor and _____ against.
- ☐ Adopted by unanimous voice vote.
- ☐ Adopted as amended. See Below.
- ☐ Defeated
- ☐ Other: _____

Insert amendment to resolution according to minutes:

SIGNED BY:

_____

Dean Johansen, County Board Chairperson

ATTEST:

_____

Lisa Ross, County Clerk

Executive Summary

The 2015-2016 comprehensive rewrite of the zoning ordinances initiated the concept of putting general zoning districts within the shoreland area. This concept does not remove any of the protective shoreland regulations, but instead will make the shoreland regulations an overlay on one of the general zoning districts like Residential, Agricultural, or Commercial. This amendment will not affect the minimum lot sizes. The County provided the towns with a copy of the proposed zoning maps and allowed them to provide comments through this process. A public hearing was held on the proposed changes and the residents strongly supported a 300 foot buffer around class one water bodies, which was included in the proposed maps. The County Board adopted Resolution 03-20 extending the moratorium on Swine CAFO's, and prohibiting them within the shoreland area. This amended shoreland ordinance includes text that prohibits swine farming operations with 1000 animal units or more within the shoreland areas. The zoning office takes no position on the proposed amendment because it is a policy decision.