



POLK COUNTY, WISCONSIN

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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, June 19, 2018

Regular Business Meeting, 6:00 p.m.

Open Session

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 May 15, 2018 County Board Meeting
 - b. Resolution No. 45-18: Resolution to Grant a Zoning District Change & to Amend Zoning District Map for Town of Alden
 - c. Resolution No. 46-18: Resolution to Grant a Zoning District Change & to Amend Zoning District Map for Town of Black Brook
8. Public Comments –3 minutes per person –not to exceed 30 minutes total
9. County Board Chair Report
 - a. Confirmation of Chair Appointments to Various Committees
 - b. Supervisor's Reports from Outside Committee Meetings Attended
10. Administrator's Report, Jeff Fuge
 - a. Confirmation of Appointments

**Following the Administrator's Report, 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 recommended by the Committee of the Whole, only upon two-thirds majority vote of members present to take up and act upon such matters.

11. Committee of the Whole:
 - a. Discussion of Resolutions and Ordinances Noticed on the Agenda

Polk County Board of Supervisors

- b. Update on Highway Facility
- c. 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:

- 12. Reconvene as County Board
- 13. Motion to Act on Matters Considered and Recommended by the Committee of the Whole, as noticed in number 16, above.
- 14. Committee Reports and Proposed Resolutions and Ordinances:
 - On Recommendation by Environmental Services Committee:
 - a. Environmental Services Committee Report
 - Zoning Ordinances:
 - b. Ordinance No. 15-18: Amended Polk County Shoreland Protection Zoning Ordinance
 - c. Ordinance No. 17-18: Amended Polk County Comprehensive Land Use Ordinance
 - d. Ordinance No. 20-18: Amended Polk County Board of Adjustment Procedures Ordinance

On Recommendation by General Government Committee:

- e. General Government Committee Report
- f. Resolution No. 42-18: Resolution for Approval of Lakes Improvement Fund Capital Project
- g. Resolution No. 49-18: Resolution to Accept Ambulance and Monetary Donation for Mobile Command Center
- h. Resolution No. 50-18: Resolution to Authorize Write Off of Certain Uncollectible Accounts of Community Services Division; Lime Quarry and Golden Age Manor
- i. Resolution No. 51-18: Resolution Authorizing Entry into an Intergovernmental Cooperation Agreement Relating to the "Wisconsin Investment Series Cooperative" and Authorizing Participation in the Investment Programs of the Fund.

On Recommendation or No Recommendation by Public Safety & Highway Committee:

- j. Public Safety & Highway Committee Report
- k. Resolution No. 47-18: Resolution to Develop Uniform Rural Addressing and Road Numbering Ordinance

On Recommendation or No Recommendation by Health and Human Services Board:

- l. Health & Human Services Board Report

15. Supervisors Announcements

16. 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.



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

Minutes of the Regular Meeting
Tuesday, May 15, 2018

Chairman Dean Johansen called the regular May 15, 2018 meeting of the Polk County Board of Supervisors to order at 5:30 PM.

Chairman Johansen recognized the Deputy County Clerk for purposes of receiving evidence of proper notice. The Deputy County Clerk stated that the notice of meeting was properly posted in the Government Center building, posted on the County website, and published in a legal newspaper in accordance with Wisconsin Statute Section 985.02 the week of May 4, 2018. In addition, the Office of the County Clerk distributed on May 4, 2018 copies of such notice of meeting and proposed resolutions to supervisors via e-mail and mail in accordance with Article 3, Section 2 of the County Board Rules of Order.

The County Board received verbal legal opinion of Interim County Administrator/Corporation Counsel Fuge that the initial advance written notice, posted and published as described by the Deputy Clerk satisfied the applicable provision of Wisconsin Open Meetings Law and the applicable procedural provisions of the Polk County Board Rules of Order.

Chairman Johansen recognized the Deputy County Clerk for purposes of taking roll call. Roll call was taken with 11 members present. Supervisors Olson, Luke, Jepsen, and Bonneprise were absent and excused at time of roll call, but arrived later.

Chairman Johansen led the pledge of Allegiance.

Supervisor Jepsen joined the meeting at 5:36 p.m.

Chairman Johansen called for a Time of Reflection. Supervisor Masters offered thanks for a clean bill of health and being cancer free. He thanked the Board of Supervisors for their support during his long battle.

Chairman Johansen mentioned that the County Board is remembering and supporting County Clerk Sharon Jorgenson as her father passed away. She has had a stressful period over the last few years. He indicated that the County Board wishes her well.

Chairman declared meeting in recess to tour the highway facilities at 5:38 p.m.

Supervisor Luke joined the meeting at 6:12 p.m. Supervisor Bonneprise joined the meeting at 6:15 p.m.

Chairman Johansen called the board back in legislative session after the tour at 6:22 p.m. Supervisor Olson joined the meeting at 6:30 p.m.

Chairman Johansen called for a motion to approve the agenda as noticed. **Motion** (Bonneprise/Jepsen) to approve the agenda as noticed. Chairman Johansen called for a voice vote on the motion. **Motion** carried by unanimous voice vote.

Chairman Johansen called for a motion to approve the consent agenda as noticed. **Motion** (Jepsen/Luke) to approve consent agenda. Chairman Johansen called for a voice vote on the motion. **Motion** carried by unanimous voice vote.

Time was given for public comment. No public comment offered.

Chairman Johansen recognized Vince Netherland for the presentation of the Economic Development Corporation Public Partnership Award for 2018. Mr. Netherland outlined Polk County's involvement in economic development that resulted in selection of Polk County for the award. Mr. Netherland also announced that the Public Service Commission had approved the County's application for Broadband Forward! Certification.

Chairman Johansen recognized Julie Fox of the Wisconsin Department of Tourism for the purpose of receiving a Polk County Tourism Presentation. The Board received a Power Point presentation outlining the value of tourism to Polk County and to the State of Wisconsin.

Chairman Johansen called upon Todd Demers, IT Director, to distribute new electronic tablets to each Supervisor. The Board received an electronic presentation from Todd Demers, showing how the tablets function and how they can be used in conjunction with the smart board that will be installed in the County Board room. Interim County Administrator Fuge advised the County Board Supervisors that all activity conducted on the tablets will be subject to the open records laws. Chairman Johansen further reminded them to be careful to avoid conducting walking quorums.

Chairman Johansen called for a recess at 7:52 p.m. Chairman Johansen called the Board back in legislative session at 8:02 p.m.

County Board received Chairman's report. He reviewed meetings he had attended during the last month. He acknowledged Joe Demulling for selection as Chairman of the ADRC Board.

County Board received the Administrator's report. Interim County Administrator Fuge presented several awards and letters to Chairman Johansen and the County Board. A letter received from U.S. Senator Ron Johnson congratulated Polk County on their partnership with public and private organizations and for receiving the Polk County Economic Development 2018 Public Partnership Award.

Polk County Economic Development Corporation awarded Polk County the 2018 Public Partnership Award and expressed thanks to the County Board and county employees. Two providers in the county received broadband assistance grants.

A plaque with a Citation by the Assembly, State of Wisconsin, was presented commending Polk County for Broadband community efforts and assistance grants, for working with WITC to establish the WITC – Polk County Outreach Center, a satellite campus in Balsam Lake, and for Support of Workforce Resources by collaboratively hosting a Construction Skills Academy and a High School Career Day. The Legislative Citation was issued by the Assembly and sponsored by Representative Adam Jarchow, 28th Assembly District; Senator Patty Schachtner, 10th Senate District; Representative Romaine Quinn, 75th Assembly District; Representative Robin Vos, Assembly Speaker and Representative Tyler August, Speaker Pro Tempore.

Interim County Administrator Fuge presented a Certificate of Achievement from The State of Wisconsin, Office of the Governor, to Polk County as a Broadband Forward! Community which was signed by Governor Scott Walker.

Interim County Administrator Fuge noted that former Health and Human Services Director Gretchen Sampson has been granted a lifetime achievement award and will be recognized by the Wisconsin Department of Health at a meeting in Green Bay on May 22nd.

Interim County Administrator Fuge advised that requests for proposals (RFP) for demolition of the old highway facility will go out in June.

Erosion caused the earthen embankment on the downstream side of the DD Kennedy Dam to slide into the river. The County received a DNR drawdown order to allow for repairs on the embankment dam. The County has requested engineering proposals to design the repairs needed.

Fairground grandstand demolition is progressing with some demolition completed by the Fair Society. The County has coordinated with the Fair Society and the demolition contractor to remove and salvage as available construction materials. The Fair Society will develop an inventory and sell the materials with proceeds going to the funding effort for the replacement or rebuild of the fairground grandstand. Demolition fence is in place as of May 9, and completion of demolition is slated for the week of May 21, 2018.

The south entry (100 Polk County Plaza) will be closed for parking lot resurfacing on May 31 and June 1. The west entrance should be used during that time. All entities on the county campus will be advised of the paving work and entrance closing.

County Forester interviews will be conducted next Thursday, May 24, 2018.

The deadline for submitting names for Lake District Appointments is 5/22/18. The Environmental Services Committee will be considering nominees at its May 23 2018 meeting. Nominees will be offered for confirmation at the June 19, 2018 regular County Board meeting.

Chairman Johansen called for a motion to convene as Committee of the Whole at 8:25 p.m. **Motion** (Demulling/Masters) to convene as Committee of the Whole. Chairman Johansen called for a voice vote on said motion. **Motion** to convene as Committee of the Whole carried by unanimous voice vote.

Supervisor O'Connell provided an update on the Polk County Recreational Trail Plan, indicating the Environmental Services Committee will be appointing the Trail Planning Sub-Committee on 5/23/18. Supervisor Edgell indicated there are 20 applicants for the sub-committee on trails. The Polk County Trail Recreational Plan will be finalized after the Cattail and Stower Seven Lakes Trail plans are finalized.

The Board received a list of organizations affiliated with Polk County from Interim Administrator Fuge and an overview of the different organizations as to whether it is mandatory for the county to appoint a representative to the various organizations/committees.

Suggestions for obtaining feedback from supervisors attending outside meetings were discussed and the topic may be addressed at a future Board meeting.

Chairman Johansen asked for a motion to adjourn the Committee of the Whole meeting and reconvene in legislative session of the Board. **Motion** (Larsen/Demulling) to adjourn the Committee of the Whole. Chairman Johansen called for a vote on the motion. **Motion** carried by unanimous voice vote. Committee of the Whole adjourned 8:55 p.m.

Chairman Johansen declared the County Board back in legislative session at 8:55 p.m.

Chairman Johansen called to the floor, Ordinance No. 43-18: Amendment to Polk County Board of Supervisors Rules of Order Ordinance. Chairman Johansen called for a motion to adopt Ordinance No. 43-18. **Motion** (Jepsen/Masters) to adopt Ordinance No. 43-18. The County Board received a memo from Interim County Administrator requesting an amendment to the rules to correct certain typographical errors and to remove reference to outside organizations which are no longer affiliated with the County. **Motion** (Bonneprise/Olson) to amend Ordinance No. 43-18 consistent with recommendations received, as follows:

At page 7, line, line 23: Add "made" between "receipt" and "public".

At page 7, line 30: add "the" after the word "with".

At page 9, line 5: to read: “member of the committee is allowed to present information that is related to a”.

At page 9 Line 32: Strike “7. Renewable Energy Committee” and at line 34, Strike “9. River Country Resource Conservation & Development Council” and renumber the remaining committees, accordingly

Chairman Johansen called for a vote on the motion to amend Ordinance No. 43-18. **Motion** to amend passed by unanimous voice vote. Chairman Johansen called for a vote to adopt Ordinance No. 43-18 as amended. **Motion** to adopt Ordinance No. 43-18 carried by unanimous voice vote. Ordinance No. 43-18: Amendment to Polk County Board of Supervisors Rules of Order Ordinance enacted as amended.

Motion (Olson/Luke) to adopt the following ordinances in aggregate: Ordinance No. 15-18: Amended Polk County Shoreland Protection Zoning Ordinance; Ordinance No. 16-18: Amended Polk County Private Onsite Wastewater Treatment System (POWTS) Ordinance; Ordinance No. 17-18: Amended Polk County Comprehensive Land Use Ordinance; Ordinance No. 18-18: Amended Polk County Small Wind Energy System Ordinance; Ordinance No. 19-18: Amended Polk County Lower St. Croix Riverway Ordinance; Ordinance No. 20-18: Amended Polk County Board of Adjustment Procedures Ordinance; and Ordinance No. 21-18: Amended Telecommunication Towers, Antennas and Related Facilities Ordinance.

Chairperson Johansen recognized Supervisor Nelson. Motion to (Nelson/Olson) to amend proposed Ordinance No. 20-18 to transfer from the Board of Adjustment to the Environmental Services Committee the authority to consider and determine conditional use permits under the Shoreland Protection Ordinance and Comprehensive Land Use Ordinance. Chairperson Johansen declared said motion out of order on account the motion to adopt was made in aggregate on all ordinances offer for amendment.

Motion (Olson/Route) to amend Ordinance No. 17-18; section 10.5.6 Travel Trailers, Section 4, to correct scrivener’s error by deleting September 15th, and inserting December 1st. Chairman Johansen called for a vote to adopt the amendment. **Motion** carried by unanimous voice vote.

Chairman Johansen called for a voice vote on the motion to adopt Ordinances No. 15-18 through 21-18 in aggregate with the amendment to Ordinance No. 17-18. **Motion** carried by majority voice vote with 2 voting no (Voting no: Olson/Nelson).

Chairman Johansen called to the floor Resolution No. 36-18: Resolution Authorizing Leasing Office Space to Wisconsin Department of Natural Resources-Forestry Staff. **Motion** (Jepsen/Masters) to adopt the motion. Chairman Johansen called for a voice vote on Resolution No. 36-18. **Motion** carried by unanimous voice vote. Resolution No. 36-18: Resolution Authorizing Leasing Office Space to Wisconsin Department of Natural Resources-Forestry Staff adopted.

Chairman Johansen called to the floor Resolution No. 39-18: Resolution approving mid-year Budget Adjustment for 2018 in ADRC Fund. **Motion** (Demulling/Jepsen) to adopt Resolution No. 39-18. Chairman Johansen called for a voice vote on Resolution No. 39-18. **Motion** carried

by unanimous voice vote. Resolution No. 39-18: Resolution approving mid-year Budget Adjustment for 2018 in ADRC Fund adopted.

Chairman Johansen called to the floor Resolution No. 40-18: Resolution to Amend 2018 Budget to Incorporate Carry-forward Funds. **Motion** (Masters/Arcand) to adopt Resolution No. 40-18. **Motion** (Arcand/Bonneprise) moved to amend Resolution No. 40-18 on lines 42 and 43 to read "\$120,223 in ADRC for State of Wisconsin transportation account as designated 'for purchase of adaptive mobility devices at an estimated cost of \$50,000'". Chairman Johansen called for the vote on the motion to amend Resolution No. 40-18. **Motion** to amend adopted by unanimous voice vote. Chairperson Johansen called for a voice vote on Resolution No. 40-18, as amended. **Motion** carried by unanimous voice vote. Resolution No. 40-18: Resolution to Amend 2018 Budget to Incorporate Carry-forward Funds adopted as amended.

Chairman Johansen called to the floor Resolution No. 41-18: Resolution to Authorize Cancellation of Outstanding Orders. **Motion** (Jepsen/Prichard) moved to adopt Resolution No. 41-18. Chairman Johansen called for a voice vote on Resolution No. 41-18. **Motion** carried by unanimous voice vote. Resolution No. 41-18: Resolution to Authorize Cancellation of Outstanding Orders adopted.

Chairman Johansen called to the floor Resolution No. 42-18: Approval of Lakes Improvement Fund Capital Project. **Motion** (Arcand/Masters) to adopt Resolution No. 42-18. **Motion** (Arcand/Bonneprise) to send Resolution No. 42-18 back to the committee. Chairman Johansen called for a vote on the motion to send Resolution No. 42-18 back to committee. **Motion** to send Resolution No. 42-18 back to committee carried by unanimous voice vote.

Motion (Arcand/Nelson) to reconsider Zoning Ordinances as passed in aggregate listed as b-h on the agenda: Ordinance No. 15-18: Amended Polk County Shoreland Protection Zoning Ordinance; Ordinance No. 16-18: Amended Polk County Private Onsite Wastewater Treatment System (POWTS) Ordinance; Ordinance No. 17-18: Amended Polk County Comprehensive Land Use Ordinance; Ordinance No. 18-18: Amended Polk County Small Wind Energy System Ordinance; Ordinance No. 19-18: Amended Polk County Lower St. Croix Riverway Ordinance; Ordinance No. 20-18: Amended Polk County Board of Adjustment Procedures Ordinance; and Ordinance No. 21-18: Amended Telecommunication Towers, Antennas and Related Facilities Ordinance. Chairman Johansen recognized the motion to be in order. Chairman Johansen called for a voice vote on the motion to reconsider. **Motion** to reconsider said zoning ordinances carried by majority voice vote .

Chairperson Johansen declared that the Board would consider separately each ordinance offered or amendment.

Chairman Johansen called to the floor Ordinance No. 15- 18: Amended Polk County Shoreland Protection Zoning Ordinance. **Motion** (O'Connell/Demulling) to reconsider Ordinance No. 15-18 **Motion** (Arcand/Olson) to refer proposed Ordinance No. 15-18 to the Environmental Services Committee.

Chairman Johansen declared motion to refer in order. Chairman Johansen called for a voice vote on said motion. **Motion** to return Ordinance No. 15-18 back to committee carried by unanimous voice vote.

Chairman Johansen called to the floor Ordinance No. 16-18: Amended Polk County Private Onsite Wastewater Treatment System (POWTS) Ordinance. **Motion** (Olson/Masters) to adopt Ordinance No. 16-18. Chairman Johansen called for a voice vote on said motion. **Motion** to adopt Ordinance No. 16-18 carried by unanimous voice vote. Ordinance No. 16-18: Amended Polk County Private Onsite Wastewater Treatment System (POWTS) Ordinance enacted.

Chairman Johansen called to the floor Ordinance No. 17-18: Amended Polk County Comprehensive Land Use Ordinance, as amended by the Olson/Route amendment that extended to December 1 the regulation allowing travel trailers. **Motion** (O'Connell/Larsen) to reconsider. **Motion** (Arcand/Olson) to send Ordinance No. 17-18, as amended, back to committee. Chairman Johansen called for a voice vote on the motion to send Ordinance No. 17-18 back to committee. **Motion** to send Ordinance No. 17-18 as amended back to committee carried by unanimous voice vote.

Chairman Johansen called to the floor Ordinance No. 18-18: Amended Polk County Small Wind Energy System Ordinance. **Motion** (Olson/O'Connell) to adopt. Chairman Johansen called for a voice vote on said motion. **Motion** to adopt Ordinance No. 18-18 carried by unanimous voice vote. Ordinance No. 18-18: Amended Polk County Small Wind Energy System Ordinance enacted.

Chairman Johansen called to the floor Ordinance No. 19-18: Amended Polk County Lower St. Croix Riverway Ordinance. **Motion** (Bonneprise/Luke) to adopt. Chairman Johansen called for a voice vote on said motion. **Motion** to adopt Ordinance No. 19-18 carried by unanimous voice vote. Ordinance No. 19-18: Amended Polk County Lower St. Croix Riverway Ordinance enacted.

Chairman Johansen called to the floor Ordinance No. 20-18: Amended Polk County Board of Adjustment Procedures Ordinances. **Motion** (Jepsen/O'Connell) to reconsider. **Motion** (Arcand/Route) to send Ordinance No. 20-18 back to committee. Chairman Johansen called for the vote on the motion to send Ordinance No. 20-18 back to committee. **Motion** to refer back to committee carried by unanimous voice vote.

Chairman Johansen called to the floor Ordinance No. 21-18: Amended Polk County Telecommunications Towers, Antennas and Related Facilities Ordinance. **Motion** (Masters/Olson) to adopt. Chairman Johansen called for a voice vote on the motion to adopt Ordinance No. 21-18. **Motion** to adopt Ordinance No. 21-18 carried by unanimous voice vote. Ordinance No. 21-18: Amended Polk County Telecommunications Towers, Antennas and Related Facilities Ordinance enacted.

Chairman Johansen called to the floor Ordinance No. 11-18: Amending Self-Organized Ordinance to Repeal Meeting Limitation on Per Diem Compensation. **Motion** (Jepsen/Luke) to adopt Ordinance No. 11-18. Chairman Johansen called for a Roll call vote on said motion with two thirds majority required for adoption. **Motion** to adopt Ordinance No. 11-18 failed by roll call vote with 8 voting yes and 7 voting no (Voting No: Supervisors Olson, Route, Nelson, Masters, Prichard, Edgell, and O'Connell). Ordinance No. 11-18: Amending Self-Organized Ordinance to Repeal Meeting Limitation on Per Diem Compensation defeated/failed.

Chairman Johansen called for a recess at 10:00 p.m. Chairman Johansen called the Board back in legislative session at 10:06 p.m.

Chairman Johansen called to the floor Resolution No. 44-18: Resolution Concerning Compensation of Supervisors and Persons for Service on Boards, Committees and Commissions of Outside Organizations. A point of order was raised by Supervisor Jepsen requesting the resolution be referred to committee consistent with the pertinent rule adopted under Ordinance No. 43-18. Chairman Johansen declared that consideration of Resolution No. 44-18 was in order on the basis that the Executive Committee had already consider the resolution as required under Ordinance No. 43-18 irrespective of the recommendation to make no recommendation. **Motion** (Edgell/O'Connell) to adopt Resolution No. 44-18. Chairman Johansen called for a roll call vote on said motion as requested by Supervisor Masters. **Motion** to adopt Resolution No. 44-18 failed on unanimous roll call vote. Resolution No. 44-18: Resolution Concerning Compensation of Supervisors and Persons for Service on Boards, Committees and Commissions of Outside Organizations defeated/failed.

Chairman Johansen and Interim County Administrator offered for confirmation the following appointments:

Polk County Economic Development Corporation-Chris Nelson
 Polk County Tourism Council-Joe Demulling
 Gandy Dancer Trail Commission-Michael Prichard
 Polk County Housing Authority-Jim Edgell
 WITC Board Nominating Committee-Dean Johansen
 Northern Region Trail Advisory Council (NoRTAC)-Chris Nelson, Deb Peterson
 Local Emergency Planning Committee (LEPC)-John Bonneprise
 Aging and Disability Resource Center Board (ADRC)-Dean Johansen, Tracy LaBlanc, Joe Demulling
 Greater Wisconsin Agency on Aging Resources (GWAAR)-Larry Jepsen
 West Central Wisconsin Regional Planning Commission (WCRPC)-William Johnson, Tracy LaBlanc, Joe Demulling
 WestCAP Representative-Larry Jepsen
 Indianhead Federated Library System (IFLS)-Michael Prichard
 Library Plan for Service- appointment deferred

Revolving Loan Fund-Kim O'Connell
County Board Consortium-Jay Luke
Momentum West-deferred
Workforce Development Board-appointment deferred
Northwest Regional Planning- appointment deferred
Arnell Memorial Humane Society-Michael Larsen (assigned as County Board liaison)
Polk County Fair Society-John Bonneprise(Bonneprise (Assigned as County Board Liaison
ITBEC- appointment deferred

Chairperson Johansen declared that confirmation of noted appointments and assignments would be subject to confirmation at the June Board meeting. Interim Administrator Fuge provided the clarification that supervisors and citizens appointed or assigned will serve immediately with confirmation by the Board at the June 2018 meeting. Additional Administrator appointments will be offered for confirmation made in June, 2018.

Motion (Demulling/Larsen) to adjourn. Chairman Johansen called for a voice vote on the motion to adjourn. **Motion** carried by unanimous voice vote.
Chairman Johansen declared meeting adjourned at 10:35 p.m.

Respectfully submitted,

Marilyn M. Blake
Deputy County Clerk

RESOLUTION 45 - 2018

Resolution to Grant a Zoning District Change & to Amend Zoning District Map for Town of Alden

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

1. WHEREAS, Robert Norlander has petitioned the Polk County Board of Supervisors
2. requesting that a parcel of real estate be rezoned Residential-Agricultural (RA-5) district, thereby
3. removing said parcel from the Farmland Preservation district; and
4. WHEREAS, the Town Board of Alden has not objected to said District Change; and
5. WHEREAS, a public hearing was held on Wednesday, May 9th, 2018, at 9:30am, at the Polk
6. County Government Center by the Environmental Services Committee of the Polk County Board of
7. Supervisors as required by the provisions of Wisconsin Statute Section 59.69(5)(e) regarding said
8. District Change; and
9. WHEREAS, at said public hearing no objections were filed with regard to said proposed Zoning
10. District Change; and
11. WHEREAS, the Environmental Services Committee of the Polk County Board of Supervisors has
12. reviewed said proposed Zoning District Change, and has recommended that the Polk County Board of
13. Supervisors grant said proposed change.
14. NOW, THEREFORE, BE IT RESOLVED that the Polk County Board of Supervisors grant the
15. proposed zoning change.
16. BE IT FURTHER RESOLVED that, pursuant to Wisconsin Statute Section 59.69(5)(e), the Polk
17. County Board of Supervisors does hereby amend the Polk County Comprehensive Land Use
18. Ordinance to provide that the following described parcel of real estate be removed from the
19. Farmland Preservation District and be rezoned to the RA-5 District:
20. NW ¼ of the NE ¼ of Section 16/T32N/R18W, Town of Alden, Polk
21. County, WI, parcel #002-01402-0000, 40.25 acres.
22. BE IT FURTHER RESOLVED that said district change to be recorded on the Zoning District map
23. of the Town of Alden, which is on file in the office of the Polk County Zoning Administrator
24. pursuant to Section 10.4.1 of the Polk County Comprehensive Land Use Ordinance.

Funding Amount & Source: Not applicable
Finance Committee Recommendation: Not applicable
Effective Date: Upon Passage & Publication

Submitted & sponsored by the Environmental Services Committee:

Bruce Olson
James J. Edgell
[Signature]

Inaay LaBlanc
Doug Rounte

Review By County Administrator:

- Recommended
- Not Recommended
- Reviewed Only

~~Dana Frey, County Administrator~~

Review By Corporation Counsel:

- Approved As to Form
- Recommended
- Not Recommended
- Reviewed Only

Jeffrey B. Fuge
Jeffrey B. Fuge, Corporation Counsel

Interim County Corporation Interim County Administrator / Corporation Counsel

At its regular business meeting on Tuesday, June 19th, 2018, the Polk County Board of Supervisors adopted the above-entitled resolution, Resolution 15 -18: Resolution to Grant a Zoning District Change and to Amend Zoning District Map for the Town of Alden, by a simple majority vote of ___ in favor and ___ against.

Dated this 19th day of June, 2018 at Polk County Wisconsin.

Dean Johansen, County Board Chairperson

Attest: Sharon Jorgenson, Polk County Clerk

Polk County Land Information Department

Zoning | Planning | Mapping | Surveyor



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

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

Sara McCurdy, Director

TO: County Board Supervisors
FROM: Zoning Administration
DATE: May 9, 2018
RE: District Change from Farmland Preservation to Residential-Agricultural-5
NW ¼ NE ¼, Section 16/T32N/R18W, Town of Alden, 40.25 acres
Parcel #002-01402-0000

On Wednesday, May 9, 2018, Robert Norlander petitioned the Polk County Environmental Services Committee to rezone 40.25 acres from Farmland Preservation to Residential-Agricultural-5 located on the above captioned property. At the public hearing, no objections were filed and the committee recommends the proposed change. If approved, the following uses will be allowed:

- Single, two-family & multi-family dwelling, including manufactured homes.
- Accessory structures.
- Gardening including nurseries for the propagation of plants only.
- Municipal parks and playgrounds including swimming pools, golf courses, tennis courts and picnic grounds, provided the parking requirements are met.
- Home businesses, provided the parking requirements are met.
- Agricultural Uses --Crop or forage production; Keeping livestock; Beekeeping; Nursery, sod, or Christmas tree production; Floriculture; Aquaculture; Forest management ; Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program; Accessory structure that is an integral part of, or is incidental to, an agricultural use; Roadside Stand; Personal Stable.
- Conservation Design Development when done in accordance with density standards, Section 10.3.8 of this ordinance and the Polk County Subdivision Ordinance.
- Schools
- Churches
- Municipal Buildings
- Manufactured Home Park with conditions found in Section 10.5.5

CHANGES IN USE THAT REQUIRE A LAND USE PERMIT

- Tourist Rooming Houses
- Bed & Breakfasts
- A Bunkhouse
- Cemeteries/Burial Sites
- Contractor Storage Yard, when the design standards of Section 10.5.1 are applied.

Jason Kjeseth

From: Keith Karpenski <kkarpenski@aol.com>
Sent: Tuesday, May 08, 2018 1:12 PM
To: Jason Kjeseth; alden@townofalden.com; johnsont@frontiernet.net
Subject: Norlander - Rezone

Jason,

Regarding Robert Norlander's request rezone 40.25 acres:

I looked at this piece and while it is a large field that is currently farmed, it is not what I would consider land that meets criteria for Exclusive Ag Zoning. It appears to be highly erodible with some significant slopes as well as quite being quite sandy. Just to the North there is also a housing development that has existed for a number of years. I'm not sure how or why this remained Zoned as Exclusive Ag after the majority of the Town of Alden was removed and mostly zoned Ag/Res 5.

I see no reason to object to the request. However, in the future the Town of Alden would like any request for rezone to be brought to our Planning Commission and then the Town Board for review before action by Polk County.

Thanks for your time and consideration.

Sincerely,

Keith Karpenski
Chairman
Town of Alden

Exhibit 1

RESOLUTION 46-2018

Resolution to Grant a Zoning District Change & to Amend Zoning District Map for Town of Black Brook

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

1. WHEREAS, Harold Wolvert has petitioned the Polk County Board of Supervisors
2. requesting that a parcel of real estate be rezoned Commercial (B-1) district, thereby
3. removing said parcel from the Residential-Agricultural (RA-5) district; and
4. WHEREAS, the Town Board of Black Brook has not objected to said District Change; and
5. WHEREAS, a public hearing was held on Wednesday, May 9th, 2018, at 9:30am, at the Polk
6. County Government Center by the Environmental Services Committee of the Polk County Board of
7. Supervisors as required by the provisions of Wisconsin Statute Section 59.69(5)(e) regarding said
8. District Change; and
9. WHEREAS, at said public hearing no objections were filed with regard to said proposed Zoning
10. District Change; and
11. WHEREAS, the Environmental Services Committee of the Polk County Board of Supervisors has
12. reviewed said proposed Zoning District Change, and has recommended that the Polk County Board of
13. Supervisors grant said proposed change.
14. NOW, THEREFORE, BE IT RESOLVED that the Polk County Board of Supervisors grant the
15. proposed zoning change.
16. BE IT FURTHER RESOLVED that, pursuant to Wisconsin Statute Section 59.69(5)(e), the Polk
17. County Board of Supervisors does hereby amend the Polk County Comprehensive Land Use
18. Ordinance to provide that the following described parcel of real estate be removed from the
19. RA-5 District and be rezoned to the B-1 District:
20. Part of the NE ¼ of the NE ¼, described in Vol 476/pg 381, Section
21. 8/T32N/R16W, lands outside of the Shoreland General Purpose District,
22. Town of Black Brook, Polk County, WI, part of parcel #010-00189-
23. 0000, approximately 2.21 acres.
24. BE IT FURTHER RESOLVED that said district change to be recorded on the Zoning District map
25. of the Town of Black Brook, which is on file in the office of the Polk County Zoning Administrator
26. pursuant to Section 10.4.1 of the Polk County Comprehensive Land Use Ordinance.

Polk County Land Information Department



Zoning | Planning | Mapping | Surveyor

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

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

Sara McCurdy, Director

TO: County Board Supervisors
FROM: Zoning Administration
DATE: May 9, 2018
RE: District Change from Residential-Agricultural-5 to Commercial (B-1)
485 State Hwy 46, part of S ½ of the NE ¼ NE ¼, Section 8, Town of Black Brook
Parcel #010-00189-0000

On Wednesday, May 9, 2018, Harold Wolvert petitioned the Polk County Environmental Services Committee to rezone approximately 2.21 acres from Residential-Agricultural-5 to Commercial (B-1) located on the above captioned property. At the public hearing, no objections were filed and the committee recommends the proposed change. If approved, the following uses will be allowed:

- Appliances Sales/Service
- Antique stores
- Art Galleries
- Auto Sales and Service
- Banks, Credit Unions or other financial institutions
- Barber/Beauty Shop
- Bars/taverns
- Bowling Alleys
- Car Washes
- Clothing stores
- Community Center
- Coffee Shop
- Convenience stores
- Day Care Center
- Drug Store or Pharmacy
- Essential Services
- Farm implement - repair & sales
- Feed Mill
- Florist
- Firework Stands
- Fruit and Vegetable Market, Grocery, Meat and Fish Market or other food products store
- Funeral Homes
- Furniture, Office Equipment stores
- Gas stations
- Gyms/exercise facilities
- Hardware and Paint Store
- Indoor Storage Facilities
- Internet Cafe
- Jewelry Store
- Landscaping Sales
- Laundromat Business & Professional offices or clinics
- Liquor Store
- Lumber Yard
- Manufacture or storage in connection with any of the above uses, when clearly incidental to the conduct of the retail business on the premises.
- Marine Sales and service
- Motels/Hotels
- Museums
- Music sales/service
- Pet shop
- Radio, Televisions & other electronics sales/service
- Real Estate Offices
- Restaurant, Drive-In Food Service, Supper Club, and Catering
- Sporting Goods and Accessories
- Small engine repair
- Truck Stop
- Theater
- Veterinarians
- Video Sales and Rental
- There may be one single-family dwelling unit on the premises, either attached or detached in connection with any of the above uses.

Conditional Uses: Airport, hospital, breweries, brew-pubs, wineries, outdoor storage facilities and other similar and compatible use as determined by the Board of Adjustment.



Polk County Department of Land Information

19

Planning | Zoning | GIS | Surveyor

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

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

Sara McCurdy, Director

June 7, 2018

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

Re: Report on petition to amend:

- Polk County Shoreland Protection Zoning Ordinance
- Polk County Comprehensive Land Use Ordinance
- Polk County Board of Adjustment Procedures Ordinance

Dear Ms. Jorgenson:

Pursuant to Wisconsin Statute Section 59.69(5)(e)5., the Polk County Zoning Administrator files this letter as a report on the petition to amend the Polk County land use ordinances listed above. Some of these amendments are necessary to comply with state statute and allow the county to issue permits and enforce each ordinance lawfully. The Environmental Services Committee held a public hearing on each of the proposed ordinances on March 7, 2018, and received public comment from eight people regarding the shoreland ordinance amendments.

On May 23, 2018, the Environmental Services Committee undertook a review of the proposed amendments to the ordinances as directed by the County Board referring said ordinance amendments back to committee. At said meeting, the committee reviewed the ordinance language for consistency with committee recommendations as made during its meeting on March 21, 2018. The committee determined on consensus that the language contained in the copies of the ordinances sent out by the Clerk to in the packet for the County Board May 15, 2018 meeting did not contain the revisions then recommended by the committee. After reaching that consensus, the committee made a recommendation for two additional amendments – 1) to provide language that would allow for accessory structures on Class III waters without the number limitation as applicable on Class I and Class II waters; and 2) to allow seasonal travel trailers without a well to install non-plumbing sanitary system (privy/composting toilet) instead of a complete sewer system in the comprehensive ordinance. Below are the proposed amendments as recommended by Environmental Services Committee, including those made at the May 23, 2018 meeting.

Polk County Board of Adjustment Procedures Ordinance:

- Section 13.0(5) is amended as follows: *Special Exception:* ~~A use that is permitted as well as listed by ordinance provided certain conditions specified in the ordinance are met and that a permit is granted by the Board of Adjustment.~~ Conditional Use: means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by the county, but does not include a variance. Conditional uses, listed by ordinance, are subject to certain conditions specified in the ordinance and/or designated by the Board of Adjustment.
- Section 13.0(8) is added as follows: 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.
- Section 13.0(10) is added as follows: 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.
- Section 13.0(11) is amended as follows: ~~Variance:~~ means an action, which authorizes the construction or maintenance of a structure in a manner inconsistent with the dimensional requirements of a zoning ordinance. ~~A variance may only be granted in cases of unnecessary hardship and when the spirit of the ordinance is not violated.~~ 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.
- Other term changes throughout the ordinance: ~~special exception/~~ conditional use; ~~Land Information Committee/~~ Environmental Services Committee

Polk County Shoreland Protection Zoning Ordinance:

- Article 4. definition of “Farm Animal” is amended as follows: ~~“FARM ANIMALS” means cattle, hogs, sheep, goats, poultry, horses, ponies and mules, or similar animals raised or kept for agricultural purposes.~~ “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.
- Article 4. definition of “Farm Building” is added as follows: “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.
- Article 4. definition of “Land Use Runoff Rating” is amended as follows: “LAND USE RUNOFF RATING” The land use runoff rating is a tool used to determine if mitigation

~~is required and~~ how much mitigation is needed to reduce the effects of development, particularly impervious surfaces, on water quality.

- Article 4. definition of “Substantial Evidence” is added as follows: **“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.
- Article 4. definition of “Travel Trailer” is amended as follows: **“TRAVEL TRAILER”** means any vehicle, house car, camp car, or any portable or mobile vehicle either self-propelled or propelled by other means which is used or designed to be used for residential living or sleeping purposes as defined in Wisconsin Administrative Code ~~HFS178~~ ATCP 79.
- Article 4. definition of “Use, Conditional” is amended as follows: **“USE, CONDITIONAL”** ~~means a use that is permitted as well as listed by ordinance provided certain conditions specified in the ordinance are met or designated by the Board of Adjustment and a permit is issued.~~ “Use, Conditional” means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by the county, but does not include a variance. Conditional uses, listed by ordinance, are subject to certain conditions specified in the ordinance and/or designated by the Board of Adjustment.
- Article 4. definition of “Use, Variance” is added as follows: **“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.
- Article 4. definition of “Variance” is amended as follows: **“VARIANCE”** ~~means an action, which authorizes the construction or maintenance of a structure in a manner inconsistent with the dimensional requirements of a zoning ordinance. A variance may only be granted in cases of unnecessary hardship and when the spirit of the ordinance is not violated.~~ “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.
- Article 5.G. is added as follows: 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 8.C.3. is amended as follows: 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 No more than two (2) accessory buildings, including a boathouse, ~~shall be allowed on a lot~~ within 300 feet of the OHWM.
- (b) Accessory buildings are allowed on class 3 waterways without the limitation listed sub (a) above.
- Article 8.C.9. is amended as follows: 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 ~~code~~ code 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 ~~September 15th~~ 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.
 - Article 8.C.10 is removed from the ordinance: ~~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 limitation reference is in Article 11.G.~~
 - Article 8.E.1. is amended as follows: ~~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/burial sites.~~
 - Article 8.E.3. is amended as follows: 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, ATCP 78, Wisconsin Administrative Code and campgrounds shall conform to Chapter HFS 178 ATCP 79, Wisconsin Administrative Code.

- Article 8.E.7.(g) is amended as follows: The park shall conform to the requirements of Chapter HFS 178 ATCP 79, Wisconsin Administrative Code.
- Article 9.C. is amended as follows: Class 1 waters are those that are least vulnerable the most developed; Class 2 waters are those that are moderately vulnerable developed and includes all rivers and streams; and Class 3 waters are those that are most vulnerable 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.
- Article 11.C. Table 1 is amended as follows:

<p>If setback averaging does not apply, then setback reduction formula does apply</p>	<p>If a 30-foot deep building site cannot be achieved as a result of required roadway, rear yard, and shoreline setbacks, then:</p> <p>Step 1: Reduce roadway setback by up to 50% with township approval.</p> <p>Step 2: Reduce shoreline setback by up to 33%.</p> <p>Step 3: Mitigation.</p>
----------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

- Article 11.E.3 is amended as follows: 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.
- Article 12.F.5. is amended as follows: Nonconforming principal structures: The following shall apply to ~~preexisting nonconforming~~ principal structures:
- Article 11.G. is removed from the ordinance: ~~Size Limitations—School bus shelters and tree houses that have a footprint greater than 64 sq. ft. or a height greater than 11 feet and doghouses that have a footprint greater than 16 sq. ft. or a height greater than 6 feet shall require a permit.~~
- Article 11.J. is removed from the ordinance: ~~Conditional Use Permit—A conditional use permit to develop a reduced lot size and width may be granted when subdividing an existing riparian lot that was created prior to the effective date of this ordinance provided:~~
 - ~~1. The existing lot has enough frontage to provide that one new lot meet the minimum lot dimension as to frontage and acreage for its Lake Classification, and any new lot created must be at least 75% of the minimum dimensions as to width and acreage for its Lake Classification;~~
 - ~~2. The landowner applies for a conditional use permit. The Board of Adjustment shall~~

~~hold a public hearing on a request for a conditional use permit. A Class 2 notice shall be published for the hearing. Additionally, notice shall be mailed to the town(s) and Lake District (if applicable) in which the proposed subdivision is located, any municipality with extraterritorial subdivision approval jurisdiction, and adjacent landowners. The Land Records Director shall be responsible for providing all notices. The applicant shall pay a hearing fee before the hearing is scheduled;~~

~~3. The Board of Adjustment shall make a decision of the application for conditional use permit within ten (10) days of the hearing. Written findings of fact, conclusions, and the reasons for the decision shall be prepared, and signed by the members of the Board of Adjustment. The original decision shall be filed in the Land Records Director's office. A copy of the decision shall be mailed to the landowner, the town(s), lake districts, and municipalities;~~

~~4. Any persons that are affected by the decision on the application of conditional use permit may commence an action in circuit court seeking the remedy available by certiorari. The procedures in Section 59.694(10), Wisconsin Statutes, apply to this action.~~

- Article 12.B.6. is amended as follows: 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.

- Article 12.C.1. is amended as follows: 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 schedule 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 2" DBH-1 tree or greater needed 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.
1. Article 14.A.1. is amended as follows: 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 that portion of the lot that is within three hundred (300) feet of the ordinary high water mark, 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.
 - Article 15.A.1.(c) is amended as follows: 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.

- Article 15.A.1.(c)(1) is amended as follows: 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:
- Article 18.E.4. is amended as follows: ~~Public Hearings.~~ Variances
- Article 20.B. is amended as follows: ~~There shall be a penalty fee of five hundred (\$500.00) dollars added to the regular 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.~~ 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.

Polk County Comprehensive Land Use Ordinance:

- Section 10.1.2(B)(1) is amended as follows: Polk County Comprehensive Land Use Ordinance, Initially Enacted on April 21, 1971; and Amended on April 21, 1976; June 3, 1981; April 21, 1987; July 21, 1998; November 12, 2002; May 15, 2007; and March 16, 2010, and September 15, 2016.
- Section 10.2. is amended to include the following new definitions:
 - “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.
 - “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.
 - “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.
- Section 10.2 definition of “Use, Variance” is added as follows: “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.

- Section 10.2 definition of “Variance” is amended as follows: ~~Variance: means an action, which authorizes the construction or maintenance of a structure in a manner inconsistent with the dimensional requirements of a zoning ordinance. A variance may only be granted in cases of unnecessary hardship and when the spirit of the ordinance is not violated.~~ “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.
- Section 10.3.1(F) is amended as follows: Structures including ~~but not limited to,~~ 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.
- Section 10.3.2(F) is removed from the ordinance: ~~Noneconforming principal structures are allowed vertical expansion, unless otherwise indicated in this ordinance.~~
- Section 10.3.2(G) is amended as follows: Nonconforming principal structures are allowed maintenance and repair, renovation, rebuilding, remodeling, and vertical expansion unless otherwise indicated in this ordinance.
- Section 10.3.2(H) is removed from the ordinance: ~~Noneconforming principal structures are allowed structural alterations up to 25% of the linear perimeter of the exterior walls, of each floor, of the nonconforming part of the structure, over the life of the structure, unless otherwise indicated in this ordinance.~~
- Section 10.3.2(I) is amended as follows: Nonconforming accessory structures are ~~only~~ allowed maintenance and repair, renovation, rebuilding, remodeling, but no expansion, unless otherwise indicated in this ordinance.
- Section 10.3.5(C)(2) is added as follows: A permit may be issued for a reduced town road setback once written Town approval (i.e. minutes, letter, resolution) is received if all of the other ordinance requirements are met.
- Section 10.4.4(B)(8) is removed as follows: ~~Cemeteries~~
- Section 10.4.4(B)(14) is added as follows: Cemeteries/Burial Sites
- Section 10.4.5(B)(8) is removed as follows: ~~Cemeteries~~
- Section 10.4.5(B)(13) is added as follows: Cemeteries/Burial Sites
- Section 10.4.12(C)(10) is amended as follows: Utility-scale energy generation including but not limited to: solar farms/fields, large wind generators, and power plants.
- Section 10.5.6(B) is amended as follows: NON-STORAGE USE OF TRAVEL TRAILERS:
 - 1) The zoning district must allow a single family residence on that lot as an allowable use;
 - 1) The subject lot has no existing principal structure;
 - 2) A travel trailer is allowed to be used on a lot 14 out of every 60 days without a permit, unless 4 or 5 below apply.

- 3) 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~~ December 1st 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)~~ A non-plumbing sanitary system is installed. If there is a well, a state sanitary system must be installed in compliance with the Polk County Private Onsite Wastewater (POWTS) Ordinance.
 - b. Must meet all setbacks on property for an accessory structure
 - c. Must be removed once season is over;
- 4) A travel trailer may be placed on a property for more than 14 days in any sixty consecutive days if a land use permit is obtained and all the following criteria are met:
- a. The property owner has at least 25 acres in one parcel or parcels adjacent to each other with common ownership
 - b. The travel trailer will not be used as a permanent residence
 - c. The setbacks required for an accessory building are met
 - d. A non-plumbing sanitary system is installed. If there is a well, a state sanitary system must be installed in compliance with the Polk County Private Onsite Wastewater (POWTS) Ordinance.
- A) Section 10.6.6 is amended as follows: ~~There shall be a penalty fee of five hundred (\$500.00) dollars added to the regular 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.~~ 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.

Please note the enclosed public 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 proposed ordinances, minutes to the May 23, 2018 Environmental Services Committee meeting, and a map of the property affected by said amendments.

Respectfully,



Jason Kjeseth
Polk County Zoning Administrator

Attachments:

1. Proposed Polk County Shoreland Protection Zoning Ordinance
2. Proposed Polk County Comprehensive Land Use Ordinance

3. Proposed Polk County Board of Adjustment Procedures Ordinance
4. Map of properties affected by ordinance amendments
5. Proof a notice of the public hearing held by the Environmental Services Committee
6. Proof of notice to each town clerk by certified mail
7. May 23, 2018 Environmental Services Committee meeting minutes



POLK COUNTY, WISCONSIN

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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, May 23, 2018

Member Attendance

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

Also present were Stephanie Fansler, Deputy County Clerk; Jeff Fuge, Interim County Administrator; Tim Anderson, County Planner; Debbie Peterson, Director of Parks and Buildings; Tina Riley, Office Manager-Parks and Buildings; Malia Malone, Interim Corporation Counsel; Tim Ritten, Director of Land and Water; members of the public and of the press.

Meeting called to order by Chair O'Connell at 9:07 A.M.

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

Approval of Minutes – Chairman O'Connell called for a motion to approve the minutes of the May 9, 2018 meeting as published. **Motion** (LaBlanc/Olson) to approve the minutes of May 9, 2018. **Motion** to approve minutes as published carried by unanimous voice vote.

Public Comment- Public comments were received by committee.

Chairman O'Connell called to the floor, for Discussion or Action

Land Conservation, Agriculture and Extension Education, Lime Quarry:

- a. Chair O'Connell recognized Tim Ritten, Director of Land and Water for the purpose of receiving information. Ritten presented and overview of the Department's annual report. The program review was postponed until a later date.

- b. Ritten distributed, to the committee, a list of Lake Districts with current appointments. Suggestions were presented for vacant positions. This will be brought back to committee at their next meeting for action.

Parks, Recreation, Trails and Forestry:

- a. Stower Seven lakes State Trail/Cattail Trail Planning Process: Chair O'Connell recognized Tim Anderson and Deb Peterson to facilitate the processes.
 - Anderson explained to the committee that their task was to select a Chair and members for the sub-committee. Peterson distributed a list of applicants by usage interest, for the committee's consideration. Chair O'Connell asked for nominations for the position of Chair of the sub-committee. **Motion** (Route/LaBlanc) to appoint Brad Olson as Chair of the sub-committee passed by unanimous voice vote. Discussion. **Motion** (Olson/Route) to appoint Jon Fogelberg to represent the Friends of Stower Seven Lakes Trail. Discussion. **Motion** (LaBlanc/Edgell) to appoint Doug Johnson to represent the Snowmobile/ATV Council. Discussion. **Motion** (Olson/Route) to appoint Brandon Whittaker to represent Governmental interests. Discussion. **Motion** (O'Connell/LaBlanc) to appoint Rick McGuiggan to represent Motorized users. Discussion. **Motion** (Olson/LaBlanc) to appoint Katie Bruns to represent Non-motorized users. Discussion. **Motion** (Olson/Route) to appoint Ronald Minnick to represent General Use.
 - Anderson explained the role of the sub-committee and presented a sample work plan for the committee's consideration. Discussion. **Motion** (Edgell/Route) to adopt the work plan as presented (subject to change if needed) passed by unanimous voice vote.
- b. Peterson offered status report on the selection of County Forester, noting there were 19 applicants and interviews are scheduled.

Chairman O'Connell called for a break at 10:20 A.M. Chairman O'Connell declared the meeting back in session at 10:37 A.M.

Planning and Zoning:

- a. Chair O'Connell recognized Assistant Corporation Council Malia Malone for the purpose of receiving information. Malone stated that both the County and Towns are allowed to have subdivision ordinance, but only Towns may require improvements to private driveways/roads as a part of their ordinances. Malone is working on a legal opinion and hopes to have it done for the next meeting.
- b. Chair O'Connell called to the floor **Resolution 15-18**. Discussion. **Motion** (Olson/LaBlanc) to amend the amended Shoreland Protection Zoning to include Article 8.C.3.(b) passed by unanimous voice vote. **Motion** (Olson/Route) to approve the amended Shoreland Protection Zoning Ordinance as amended and to recommend passage to the full County Board passed by unanimous voice vote.
- c. Chair O'Connell called to the floor **Resolution 17-18**. Discussion. By consensus, the committee amended the resolution to strike 10.5.6.(B)(3)a. and insert the same

language as 10.5.6.(B)(4)d. in its place. **Motion** (Olson/LaBlanc) to approve the amendment to the amended Polk County Comprehensive Land Use Ordinance and recommend passage to the full County Board passed by Unanimous voice vote.

d. Chair O'Connell called to the floor **Resolution 20-18**. Discussion.

Chair O'Connell called for a motion to recommend passage of Resolutions 15-18, 17-18, and 20-18 and move to the full County Board. Motion (Edgell/Route) to approve the amended ordinances and recommend passage to the Full County Board passed by Unanimous voice vote.

Chairman O'Connell called for a break at 11:40 A.M. Chairman O'Connell declared the meeting back in session at 11:50 A.M.

Tax Delinquent Properties:

a. Chair O'Connell recognized Debbie Peterson, Director of Parks and Buildings for the purpose of receiving information. Peterson presented a list of Tax Delinquent Lands. Discussion.

Supervisor Edgell was excused from the meeting at 12:30 P.M.

b. **Motion** (LaBlanc/Route) to sell the properties at the price set by the committee passed by voice vote. (Schedule of properties attached here and made a part hereof).

Identification of Subject matters for Upcoming Meetings. The next meeting will be held on June 13, 2018. Agenda items include: program overview-Land & Water, nominations for Lake Districts, Trail Plan update, tax Foreclosure Ordinance, Forester hiring up-date, sub-division ordinance, update 2018 work plan, and in July, Woodley Dam property.

Motion (Olson/Route) to adjourn. Motion carried by unanimous voice vote. Chair O'Connell declared meeting adjourned at 1:10 PM

Respectfully submitted,

Stephanie Fansler
Deputy Polk County Clerk

Ordinance No. 15-18

Ordinance To Enact Amended Polk County Shoreland Protection Zoning Ordinance

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

Ladies and Gentlemen:

WHEREAS, the Polk County Board of Supervisors enacted Ordinance No. 87-17 on December 18, 2017, 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, the Wisconsin Legislature enacted 2017 Wisconsin Act 67 & 68, which in part, modified criteria of conditional uses and variances in a county zoning ordinance; and

WHEREAS, on February 15, 2018, 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; and

WHEREAS, the amendment incorporates changes to comply with Wisconsin Administrative Code NR 115; and

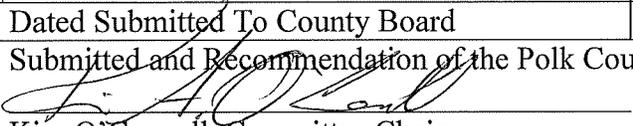
WHEREAS, on March 7, 2018, the Polk County Environmental Services Committee, as the planning and zoning committee, opened and held a public hearing on the petition to amend the Polk County Shoreland Protection Zoning Ordinance; and

WHEREAS, after considering public input received in the public hearing and incorporating such public input and recommendations, as appropriate, the Polk County Environmental Services Committee recommends that 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, attached hereto and incorporated herein, is 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 87-17 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.

- 31 4. Pursuant to Wisconsin Statute Sections 59.14(1) and 985.01(5), the County Clerk is
 32 directed to cause to be published the ordinance enacted herein.
- 33 5. The Amended Polk County Shoreland Protection Zoning Ordinance shall be effective
 34 upon passage and publication.

Funding Source/ Funding Amount:	Not Applicable
Date Reviewed as to Appropriations:	Not Applicable
Committee Recommendation as To Appropriation:	Not Applicable
Effective Date:	Upon passage and publication
Dated Submitted To County Board	April 17, 2018
Submitted and Recommendation of the Polk County Environmental Services Committee:  Kim O'Connell, Committee Chair	

Review By Corporation Counsel

Approved as to Form
 Recommended


 Jeffrey B. Fuge, Corporation Counsel
 Interim County Administrator

County Board Action

At its regular business meeting on April 17, 2018 the Polk County Board of Supervisors enacted the above-entitled ordinance: Ordinance No. 15-18: Ordinance To Enact Amended Polk County Shoreland Protection Zoning Ordinance, by majority vote of the entire membership of a vote of ___ in favor and ___ against.

Dean Johansen, County Board Chairperson

Dated: _____

Attest: _____
Sharon Jorgenson, Polk County Clerk

Dated: _____

Certification of Publication

The above-enacted ordinance, Ordinance No. 15-18: Ordinance To Enact Amended Polk County Shoreland Protection Zoning Ordinance was published in the Inter-County Leader on the _____ day of _____, 2018.

Sharon Jorgenson, County Clerk

Dated: _____

PROPOSED AMENDED
POLK COUNTY
SHORELAND PROTECTION
ZONING ORDINANCE

Ordinance No. 15-18
Polk County Shoreland Protection Zoning Ordinance
Enacted _____; Published _____
Effective Date: _____

TEXT: PROPOSED TEXT

~~TEXT~~: REMOVED TEXT

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

**POLK COUNTY
SHORELAND PROTECTION ZONING ORDINANCE
(Effective: _____)**

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

Article 1.	Title.....	0
Article 2.	Statutory Authorization.....	0
Article 3.	Purpose and Intent.....	0
Article 4.	Definitions.....	1
Article 5.	General Provisions.....	9
Article 6.	Shoreland Zoning District Boundaries.....	10
Article 7.	Shoreland-Wetland District.....	10
Article 8.	General Purpose District.....	13
Article 9.	Classification of Waters.....	19
Article 10.	Reclassification of Waters.....	19
Article 11.	Lot Requirements, Setbacks,.....	19
	& Minimum Shoreland Lot Dimensional Requirements.....	19
Article 12.	Shoreland Protection Area.....	25
Article 13.	Open Structures in Shoreland Setback Area.....	28
Article 14.	Impervious Surface.....	28
Article 15.	Mitigation.....	29
Article 16.	Filling, Grading, and Ditching.....	31
Article 17.	Off-Street Parking and Loading.....	32
Article 18.	Administrative Provisions.....	32
Article 19.	Changes and Amendments.....	36
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, and land uses; and preserve shore cover and natural beauty. For those reasons, development and alterations that may affect the natural function of the shore lands of Polk County shall be controlled and regulated so as to cause no harm. The Shoreland

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

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

Article 4. Definitions

The following definitions apply to the provisions of this ordinance:

“ACCESSORY BUILDING” see “Building, Accessory”

“ACCESSORY STRUCTURE” see “Structure, Accessory”

“ATTACHED STRUCTURE” means a structure connected to another structure by a common wall or roof.

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

“BOATHOUSE” means a structure designed solely for boat storage and storage of related marine equipment and not used by humans as a place of settled residence or habitat in any manner or form.

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

“BUILDING, ACCESSORY” means a detached, subordinate building which is incidental to and customarily found in connection with the primary use of the property limited to 25’ in height beyond the shoreland setback area.

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

“BUILDING FOOTPRINT” means the perimeter square footage of enclosed building space

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

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

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

“CONDITIONAL USE” see “Use, Conditional”

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

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

“DECK” (Patio) An unenclosed exterior accessory structure that has no roof or sides

“DEVELOPMENT” means any man-made change to real estate, including, but not limited to, the construction of buildings, principal structures or accessory structures; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of mobile homes; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of earthen materials.

“DIRECT DRAINAGE” means runoff from riparian areas within 300 feet that flow directly into a surface water resource as defined within the ordinance.

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

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

“DWELLING, TWO-FAMILY” means a structure, or that part of a structure, which is used or intended to be used as a home, residence or sleeping place by two-families, to the exclusion of all others.

“DWELLING, MULTIPLE-FAMILY” means a structure, or that part of a structure, which is used or intended to be used as a home, residence or sleeping place by more than two families.

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

“EXCAVATING” means to remove by scooping or digging out.

“EXISTING DEVELOPMENT PATTERN” means that principal structures exist within 250 feet of a proposed principal structure in both directions along the shoreline.

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

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

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

“FARM ANIMALS” ~~means cattle, hogs, sheep, goats, poultry, horses, ponies and mules, or similar animals raised or kept for agricultural purposes.~~ means dairy cattle, beef cattle, swine, sheep, horses, ducks, chickens, turkeys and animals or fowl of similar character and customarily maintained in a large parcel setting for food, recreational, breeding, zoological or similar purposes.

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

“FARM RESIDENCE” means any of the following structures that are located on a farm:

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

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

“FEEDLOT” means a lot or building, or combination of contiguous lots and buildings, intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which animal waste may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of these parts, open lots used for feeding and rearing of poultry (poultry ranges) and barns, dairy facilities, swine facilities, beef lots and barns, horse stalls, mink ranches and domesticated animal zoos, shall be considered to be animal feedlots.

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

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

“FRONTAGE” means all the property abutting on one side of a road or street between two intersecting roads or streets or all of the property abutting on one side of a street between an intersecting street and the dead end of a street.

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

“GENERAL PURPOSE DISTRICT” means district that includes all shorelands subject to regulation under this ordinance and not designated wetland areas on a shoreland zoning map.

“GRADING” means the filling, placing or moving of rock and soil material.

“HANDICAP/ADA ACCESS” means any temporary deck extension, walkway, ramp, elevator, or any mechanical device used as a means of movement or access by a handicapped person, which is deemed medically necessary.

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

“HOME BUSINESS” means a gainful occupation operated out of a residence or accessory structure, when such occupation is:

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

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

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

“IMPERVIOUS SURFACES” means surfaces that do not allow the infiltration of water to occur.

“INDUSTRIAL USE” means industrial district or restricted as defined within Polk County Comprehensive Land Use Ordinance.

“INOPERABLE” means not able to perform its normal function.

“IMPERVIOUS SURFACE” means an area that releases as runoff all or a majority of the precipitation that falls on it. Impervious surface excludes frozen soil but includes rooftops, sidewalks, driveways, parking lots, and streets unless specifically designed, constructed, and maintained to be pervious. Roadways as defined in s. 340.01(54), Wis. Adm. Code, or sidewalks as defined in s. 340.01(58), Wis. Adm. Code, are not considered impervious surfaces.

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

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

“LANDSCAPING” means the removal or alteration of topsoil.

“LAND USE RUNOFF RATING” The land use runoff rating is a tool used to determine if ~~mitigation is required and~~ 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 Statutes, and Chapter NR 115, Wisconsin Administrative Code do not apply to lands adjacent to:

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

“NONCONFORMING STRUCTURE” see “Structure, Nonconforming”

“NONCONFORMING USE” see “Use, Nonconforming”

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

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

“ORDINARY HIGH-WATER MARK” (OHWM) means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

“ORDINARY MAINTENANCE AND REPAIR” means those activities necessary to maintain the structural integrity and current function of the existing structure. Ordinary maintenance and repair may include replacement of windows, doors, siding, insulation, roofing, and roof replacement provided the pitch does not exceed the pitch necessary to match the existing roof.

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

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

“PARKING LOT” means a lot where automobiles are parked or stored temporarily, but not including the wrecking of automobiles or other vehicles or storage for the purpose of repair or wrecking.

“PATIO” See “deck”

“PERMIT” means a written form issued by the Zoning Department (See Article 18.B.).

“PERMITTED USE” see “Use, Permitted”

“PREEXISTING USE” means a building, structure, or use, which lawfully existed on the effective date of this ordinance as revised and the use of which has been continued uninterrupted and that does not conform to this ordinance.

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

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

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

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

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

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

“SHORELAND PROTECTION AREA” means a vegetative strip of land 35 feet measured perpendicular from the ordinary high water mark.

“SHORELAND-WETLAND DISTRICT” means the zoning district, created as a part of this shoreland zoning ordinance, comprised of shorelands that are designated as wetlands on the Wisconsin Wetland Inventory maps.

“SIGN” means any device visible from a public place whose essential purpose and design is to convey either commercial or non-commercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Non-commercial flags or any flags displayed from flagpoles or staffs will not be considered to be signs.

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

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

“SIGN, ON PREMISE” means a sign at a business location advertising a business that is conducted on the property and that is located in the immediate vicinity of the business.

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

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

“SIGN, TEMPORARY” means a sign intended to display either commercial or non-commercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, not permanently affixed to a building, or attached to a sign structure that is permanently embedded in the ground, are considered temporary signs.

“STORY” means the vertical distance between the surface of any floor and the floor next above it, or if there be no floor above it, the space between such floor and the ceiling next above it.

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

“STRUCTURE” means a principal structure or any accessory structure including a garage, shed, boathouse, sidewalk, stairway, walkway, patio, deck, retaining wall, porch, or fire pit.

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

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

“STRUCTURE, PRINCIPAL” (principal building) means a building that is utilized for the primary use of a lot.

“SUBSTANTIAL EVIDENCE” means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant

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

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

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

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

“TRAVEL TRAILER” means any vehicle, house car, camp car, or any portable or mobile vehicle either self-propelled or propelled by other means which is used or designed to be used for residential living or sleeping purposes as defined in Wisconsin Administrative Code ~~HFS-178~~ 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 that is permitted as well as listed by ordinance provided certain conditions specified in the ordinance are met or designated by the Board of Adjustment and a permit is issued.~~ means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by the county, but does not include a variance.

Conditional uses, listed by ordinance, are subject to certain conditions specified in the ordinance and/or designated by the Board of Adjustment.

“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” means an action, which authorizes the construction or maintenance of a structure in a manner inconsistent with the dimensional requirements of a zoning ordinance. A variance may only be granted in cases of unnecessary hardship and when the spirit of the ordinance is not violated.~~ (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 ~~No~~ more than two (2) accessory buildings, including a boathouse, ~~shall be allowed on a lot~~ 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 or d~~ 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 ~~September 15th~~ 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 of 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. 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 limitation 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 (R-1) zoning district under Section 10.5.3 of the Polk County Comprehensive Land Use Ordinance.

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

1. Tourist Rooming House provided they meet the following conditions:

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

2. Bed and Breakfast

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

3. A Bunkhouse with the conditions in Article 8.C. 5 at a minimum

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

1. Hotels, ~~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/burial sites.
2. Institutions of a philanthropic or educational nature.
3. Recreational camps and campgrounds provided all buildings are more than 100 feet from the side lot line. Recreational camps shall conform to Chapter ~~HFS 175,~~ ATCP 78, Wisconsin Administrative Code and campgrounds shall conform to Chapter ~~HFS 178~~ ATCP 79, Wisconsin Administrative Code.
4. Businesses customarily found in recreational areas.
5. Marinas, boat liveries, sale of bait, fishing equipment, boats and motors, forest industries, snowmobile sales, service and maintenance, recreational archery, custom rod building, indoor archery range, storage units, and licensed daycare centers.
6. Mobile home parks, provided that:
 - (a) The minimum size of mobile home parks shall be 5 acres.
 - (b) The maximum number of mobile homes shall be 8 per acre.
 - (c) Minimum dimensions of a mobile home site shall be 50 feet wide by 100 feet long.

- (d) All drives, parking areas and walkways shall be hard surfaced or graveled, maintained in good condition, have natural drainage, and the driveways shall be lighted at night.
 - (e) In addition to the requirements of Article 11, there shall be a minimum setback of 40 feet from all other lot lines and a minimum shoreline setback of 150 feet.
 - (f) The park shall conform to the requirements of Chapter ATCP 125 Wisconsin Administrative Code.
 - (g) No mobile home site shall be rented for a period of less than 30 days.
 - (h) Each mobile home site shall be separated from other mobile home sites by a yard not less than 15 feet wide.
 - (i) There shall be 2 surfaced automobile parking spaces for each mobile home.
 - (j) Unless adequately screened by existing vegetation cover, the mobile home park shall be screened by a temporary planting of fast growing plant material capable of reaching 15 feet or more, and so arranged that, within 10 years, there shall be formed a screen equivalent in screening capacity to a solid fence or wall. Such permanent planting shall be grown and maintained to a height of not less than 15 feet.
 - (k) The mobile home park site shall meet all applicable town and county subdivision regulations.
 - (l) Any mobile home site shall not have individual onsite soil absorption sewage disposal system unless it meets the minimum lot size specification as stated in Article 11.
7. Travel trailer parks provided that:
- (a) The minimum size of the travel trailer park shall be 5 acres.
 - (b) The maximum number of travel trailers shall be 15 per acre.
 - (c) Minimum dimensions of a travel trailer site shall be 25 feet by 40 feet.
 - (d) Each travel trailer site is separated from other travel trailer sites by a yard not less than 15 feet wide.
 - (e) There shall be 1½ automobile parking space for each trailer site.
 - (f) In addition to the requirements of Article 11, there shall be a minimum setback of 40 feet from all other exterior lot lines.
 - (g) The park shall conform to the requirements of Chapter ~~HFS 178~~ ATCP 79, Wisconsin Administrative Code.
 - (h) The screening provisions for mobile home parks shall be met.
 - (i) The travel trailer park site shall meet all applicable town and county subdivision regulations.
8. Nonmetallic mining - The extracting of the material consisting of, but not limited to, stone, clay, peat, and topsoil.
9. Industrial Use:
- (a) Light and general manufacturing including, but not limited to:
 - Metal, glass, plastic and wood assembly, fabrication and manufacturing
 - Electronics assembly, fabrication and manufacturing
 - Clothing
 - Bottling facilities
 - (b) General warehousing and storage directly connected with the uses listed above provided they are not a nuisance

- (c) There may be one single-family dwelling unit and an associated residential accessory building on the premises, either attached or detached in connection with any of the above Industrial uses.
- F. Prohibited Uses - Any use not specifically enumerated in Article C and D above is prohibited.

Article 9. Classification of Waters

- A. Navigable waters in Polk County are classified according to criteria established in the Polk County Lakes Classification System, which was adopted by the Polk County Board of Supervisors on April 20, 1999 and is hereby incorporated herein and made part of this ordinance in Appendix A.
- B. Polk County waters are classified into three (3) classes.
- C. Class 1 waters are those that are ~~least vulnerable~~ the most developed; Class 2 waters are those that are moderately ~~vulnerable~~ developed and includes all rivers and streams; and Class 3 waters are those that are ~~most vulnerable~~ 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 width50 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 width90 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 width60 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 width100 feet
- (b) Lots served by public sanitary sewer:
 - (1) Minimum lot area.....20,000 sq. feet
 - (2) Minimum lot width90 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	<ol style="list-style-type: none"> 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	<p>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:</p> <ol style="list-style-type: none"> 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. 			

If setback averaging does not apply, then setback reduction formula does apply	If a 30 foot deep building site cannot be achieved as a result of required roadway, rear yard, and shoreline setbacks, then: Step 1: Reduce roadway setback by up to 50% with township approval. Step 2: Reduce shoreline setback by up to 33%. Step 3: Mitigation.
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*Minimum lot size and average width for lots served by a public sewer system.

**New lots are also subject to the requirements of the Polk County Subdivision Ordinance

1. The county shall review, pursuant to s. 236.45, Stats, all land divisions in shoreland areas which create 3 or more parcels or building sites of 5 acres each or less within a 5-year period. In such review all of the following factors shall be considered:
 - (a) Hazards to the health, safety or welfare of future residents.
 - (b) Proper relationship to adjoining areas.
 - (c) Public access to navigable waters, as required by law.
 - (d) Adequate storm water drainage facilities.
 - (e) Conformity to state law and administrative code provisions.

D. Private Access Outlots

1. After the effective date of this ordinance, no new access lots shall be allowed to be created.
2. Any existing lot created to provide lake access prior to the effective date of this ordinance shall meet the following requirements:
 - (a) Such access strip must be a minimum of 50 feet in width for its entire depth.
 - (b) No private access strip may serve more than five single-family dwellings or five backlots.
 - (c) No camping or RV parking is allowed on such access strip.
 - (d) No structures are allowed on such access strip.
 - (e) Private access strips must be at least 1,000 feet apart.

E. For all properties located within the Shoreland Zoning District, the following setback requirements shall apply:

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

shall be measured as the shortest horizontal distance from the structure to the OHWM.

6. The following structures are exempt from shoreline, drainage way, and wetland setback requirements:
 - (a) Shoreline protection structures permitted by the Department of Natural Resources;
 - (b) Broadcast signal receivers, including satellite dishes or antennas that are one meter or less in diameter and satellite earth station antennas that are 2 meters or less in diameter.
 - (c) Pedestrian walkways, stairways, and railings essential to access the shore due to steep slopes or wet soils and which comply with Article 12. Such stairways or walkways may be no more than five (5) feet in width and landings may not exceed 50 square feet;
 - (d) Erosion control projects designed to remedy significant, existing erosion that cannot otherwise be controlled provided the project is received prior to project start and approved by the Land and Water Resource Department.
 - (e) Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pump house covers, private on-site wastewater treatment systems that comply with SPS 383, Wis. Adm. Code, and other utility structures that have no feasible alternative location outside of the minimum setback and that employ best management practices to infiltrate or otherwise control storm water runoff from the structure.
 - (f) Open structures listed in 59.69(1v) or Article 13.
 8. Boathouses shall be set back at least ten (10) feet from the ordinary high water mark of non-navigable streams and drainage ways.
 9. All buildings and structures except for those permitted to be within wetland areas shall be setback at least 25 feet from the boundary of mapped wetlands.
- F. For nonconforming principal structures located within the applicable setback areas, the following will apply:
1. If a nonconforming use is discontinued for a period of 12 months, any future use of the building, structure or property shall conform to this ordinance.
 2. An existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the nonconforming structure or is limited by another provision of this ordinance.
 3. An existing principal structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level or is limited by another provision of this ordinance.
 4. A structure, of which any part has been authorized to be located within the shoreland setback area by a variance granted before July 15³, 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~~ 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. Size Limitations—School bus shelters and tree houses that have a footprint greater than 64 sq. ft. or a height greater than 11 feet and doghouses that have a footprint greater than 16 sq. ft. or a height greater than 6 feet shall require a permit.~~

H. 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.

I. 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.

~~J. Conditional Use Permit—A conditional use permit to develop a reduced lot size and width may be granted when subdividing an existing riparian lot that was created prior to the effective date of this ordinance provided:~~

- ~~1. The existing lot has enough frontage to provide that one new lot meet the minimum lot dimension as to frontage and acreage for its Lake Classification, and any new lot created must be at least 75% of the minimum dimensions as to width and acreage for its Lake Classification;~~
- ~~2. The landowner applies for a conditional use permit. The Board of Adjustment shall hold a public hearing on a request for a conditional use permit. A Class 2 notice shall be published for the hearing. Additionally, notice shall be mailed to the town(s) and Lake District (if applicable) in which the proposed subdivision is located, any municipality with extraterritorial subdivision approval jurisdiction, and adjacent landowners. The Land Records Director shall be responsible for providing all notices. The applicant shall pay a hearing fee before the hearing is scheduled;~~
- ~~3. The Board of Adjustment shall make a decision of the application for conditional use permit within ten (10) days of the hearing. Written findings of fact, conclusions, and the reasons for the decision shall be prepared, and signed by the members of the Board of Adjustment. The original decision shall be filed in the Land Records Director's office. A copy of the decision shall be mailed to the landowner, the town(s), lake districts, and municipalities;~~
- ~~4. Any persons that are affected by the decision on the application of conditional use permit may commence an action in circuit court seeking the remedy available by certiorari. The procedures in Section 59.694(10), Wisconsin Statutes, apply to this action.~~

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 schedule 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 2" DBH <u>1 tree or greater needed</u> per 6" DBH of the removed trees.
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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 that portion of the lot that is within three hundred (300) feet of the ordinary high water mark, and multiplied by one hundred (100). If an Outlot lies between the ordinary high water mark and the developable lot or parcel and both are in common ownership, the lot or parcel and the Outlot shall be considered one lot or parcel for the purposes of calculating the percentage of impervious surface. Treated impervious surfaces described below shall be excluded from the calculation of impervious surface on the lot or parcel.
2. Treated impervious surfaces- Impervious surfaces that can be documented to demonstrate they meet either of the following standards shall be excluded from the impervious surface calculations:
 - (a) The impervious surface is treated by devices such as storm water ponds, constructed wetlands, infiltration basins, rain gardens, bio-swales or other engineered systems.
 - (b) The runoff from the impervious surface discharges to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil.
 - (c) The treatment system, treatment device or internally drained area must be properly maintained; otherwise the impervious surface is no longer exempt from the impervious surface calculations.
3. Impervious surface standards- ANY development within 300ft of the ordinary high water mark of a navigable waterbody is permitted up to 15% impervious surface on the lot. Impervious surfaces from 15-30% on the lot are permitted, provided that mitigation is completed and a mitigation agreement is recorded in the Register of Deeds. The maximum amount of impervious surface allowed on a lot is 30%. Mitigation options are listed in Article 15.
4. Existing impervious surfaces exceeding 30%- For existing impervious surfaces that were lawfully placed when constructed but exceeds 30% impervious surface the property owner may do any of the following:
 - (a) Maintenance and repair of all impervious surfaces;
 - (b) Replacement of existing impervious surfaces with similar surfaces within the existing building envelope;
 - (c) Relocation or modification of existing impervious surfaces with similar or different impervious surfaces, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed on the effective date of the county shoreland ordinance, and meets the applicable setback requirements.

Article 15. Mitigation

- A. The following sections of the ordinance are subject to the mitigation requirements listed here, and the options listed in this article shall be used to satisfy the mitigation requirements of the shoreland overlay section of the ordinance, including: Article 11.F.4(a) lateral expansion of a nonconforming structure, Article 11.F.4(c) relocation of a nonconforming structure, and

when the impervious surface standards in Article 14.A.3 are exceeded. These properties shall mitigate to ensure that no additional runoff is discharged to the water body. A single option or a combination of options shall be selected by the land owner to satisfy the mitigation requirements with review by the Zoning Department to ensure the appropriate amount of mitigation is installed.

1. Mitigation options:

- (a) Install and/or maintain a full shoreland buffer with allowed viewing corridor
- (b) Removal or replacement of nonconforming structures and/or other impervious surfaces of equal or greater square footage
 - (1) Non-conforming structures get an additional bonus of 1.25 square feet per 1 square foot removed.
 - 1. Example: A property owner needs to remove 500 sq. ft. of impervious surface in order to add a 500 sq. ft. addition to their house. If the impervious surface that the property owner wanted to remove was a non-conforming structure, then they would only need 400 sq. ft. to qualify.

(c) Pre equals Post Calculation:

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

- (1) Land Use Runoff Rating – A rating number is determined for the entire impervious surface on the lot within 300 feet of the ordinary high water mark for Lake Classes 1, 2, 3 and rivers. To calculate the runoff rating the landowner/agent must complete the following steps:
 - I. Measure each land use of the lot and draw them to dimension or scale. Convert the land use areas into percentages of the lot.
 - II. Determine the Hydrologic Soil Type (HST) from a map that will be provided by the Zoning Department which indicates the assigned HST number.
 - III. Multiply each land use percentages by the HST number, and add the products of all the land uses resulting in the land use rating applied to the lot.
 - IV. Point Credits:

- a. One point credit will be applied for the lots with public sewage and a 1.5 point credit for landowners who establish continuous vegetative cover starting from the OHWM and continuing landward.
 - b. Other practices or measures that the county determines adequate to offset the impacts of the impervious surface on water quality, near shore aquatic habitat, upland wildlife habitat and natural and scenic beauty. (i.e. practices found in Wisconsin Field Office Technical Guide or NRCS Technical Standards)
2. Additional mitigation requirements
 - a. Mitigation plans, including existing mitigation options, must be recorded by an affidavit in the Register of Deeds.
 - b. Mitigation plans will have two calendar years to be installed. If mitigation options are not installed and established within two years of issuance of a permit, then citations shall be issued and a new permit could be required.
 - c. For each mitigation plan, dated photo documentation of the mitigation area during and/or after the mitigation installation, as appropriate to show compliance, must be submitted as part of the application. Mitigation must be maintained and is subject to periodic compliance checks.

Article 16. Filling, Grading, and Ditching

- A. Filling, grading, lagooning, dredging, ditching, or excavating which does not require a permit may be allowed in the Shoreland-Wetland Zoning District Area provided that:
 1. Such activities are implemented in a manner designed to minimize erosion, sedimentation, and impairment of fish and wildlife habitat.
 2. All applicable federal, state, and local permits are obtained.
 3. An erosion control plan shall be required and reviewed by the Land Information Department.
- B. Except as provided in Article 16.A, a filling and grading plan and permit is required before filling or grading of any area which is within 300 feet of the ordinary high water mark of a navigable water and which has surface drainage toward the water and on which such activities will occur:
 1. On areas having slopes of 20% or more.
 2. Areas of 1,000 square feet or more on slopes of 12% to 20%.
 3. Areas of 2,000 square feet or more on slopes of 12% or less.
 4. A landscaping permit may be required for any disturbance under the thresholds listed in 1-3 above.
- C. Excavating for dwellings and sanitary systems in addition to soil conservation practices including, but not limited to, terraces, runoff diversions, and grassed waterways which are used for sediment retardation shall not require a permit provided:
 1. Soil conservation practices that are planned and supervised by the Land and Water Resources Department are implemented. Soil conservation practices examples include, but are not limited to, terraces, runoff diversions, and grassed waterways, which are

designed to retard sediment or control animal waste runoff.

2. Excavation for dwellings and sanitary systems are exempted from a permit under Article 16.B. if the excavation plan has been approved by the Zoning Office prior to construction. A landscaping permit shall be required unless a land use permit for the structure or state sanitary permit has been issued.
- D. Filling and grading plans shall be submitted to, reviewed and approved by the Land Information Department for activities in Article 16.B. In order to determine if a filling and grading permit may be granted, a site plan is required and must contain the following information:
1. Location of buildings on the property
 2. Property lines
 3. Location of surface waters
 4. Slope
 5. North Arrow
 6. Legend
 7. Location of the filling and grading activities on the property
 8. Property owner name and address
 9. Erosion control practices implemented and locations on the property
 10. Revegetation/stabilization plan
 11. Site plan shall be at a scale of 1 inch represents 10 feet

Article 17. Off-Street Parking and Loading

- A. Loading Space - All commercial uses shall provide sufficient maneuvering, loading, and parking space on the premises for pick-up, delivery and service vehicles necessary for normal operations.
- B. Off-Street Parking - Each parking space shall be 200 square feet in area. Each use shall provide the following minimum off-street parking spaces:
1. Dwellings - one space for each dwelling unit.
 2. Restaurants, taverns and similar establishments - one space for each 50 square feet of floor space devoted to patrons. Drive-in eating stands offering car service - five spaces for each person employed to serve customers.
 3. Motels and tourist cabins - one space per unit.
 4. Retail businesses and service establishments--one space for each 200 square feet of floor area.
 5. Warehouses - one space for each two employees on the premises at a maximum employment on the main shift.

Article 18. Administrative Provisions

- A. Zoning Administrator - The Zoning Department staff shall have the following duties and powers and the Land & Water Resources Department staff shall assist in the same:
1. Advise applicants on the provisions of this ordinance and assist them in preparing permit applications and appeal forms.
 2. Issue permits and inspect properties for compliance with this ordinance.
 3. Keep records of all permits issued, inspections made, work approved and other official

actions.

4. Must have permission to access any premises between 8:00 a.m. and 6.00 p.m. for the purpose of performing duties set forth in this ordinance.
5. Submit copies of variances, conditional uses and decisions on appeals for map or text interpretation and map or text amendments within 10 days after they are granted or denied to the Department of Natural Resources.
6. Investigate and report all violations of this ordinance to the Environmental Services Committee.

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

1. When Required - Except where another section of this ordinance specifically exempts certain types of activities, development from this requirement, a zoning permit shall be obtained from the Zoning Administrator before any said activity or development, structural alteration, or repair, as defined in Article 8, is initiated. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply when s. 13.48(13), Stats, applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when s. 30.2022(1), Stats, applies.
2. Application - An application for a zoning permit shall be made to the Zoning Administrator upon forms furnished by the County and shall include, for the purpose of proper enforcement of these regulations, the following data:
 - (a) Name and address of applicant and property owner.
 - (b) Legal description of the property and type of proposed use.
 - (c) A to-scale sketch of the dimensions of the lot and location of buildings from the lot lines, centerline of abutting highways and the ordinary high water mark at the day of the sketch.
 - (d) Whether or not a private water or septic system is to be installed.
3. Land Use Permits for land use changes shall expire twelve months from their date of issuance where no action has been taken to accomplish such changes or two (2) years after issuance.

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

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

1. Powers and Duties - The Board of Adjustment shall have the following powers and duties:
 - (a) The Board of Adjustment shall adopt such additional rules as it deems necessary and may exercise all of the powers conferred on such boards by Section 59.694 Wisconsin Statutes.

- (b) It shall hear and decide appeals where it is alleged there is an error in any order, requirements, decision or determination made by an administrative official in the enforcement or administration of this ordinance.
- 2. It may authorize upon application, in specific cases, such variances from the terms of the ordinance as shall not be contrary to the public interest, where owing to special conditions, and a literal enforcement of the ordinance will result in unnecessary hardship.
 - (a) In the issuance of a variance, the spirit of the ordinance shall be observed and substantial justice done. No variance shall have the effect of granting or increasing any use of property, which is prohibited in that zoning district by this ordinance.
- 3. Conditional Use Permits - the following shall apply to conditional use permits:
 - (a) Application for a Conditional Use Permit- Any use listed as a conditional use in this ordinance shall be permitted only after an application has been submitted and an appropriate application fee paid to the Zoning Administrator and a conditional use permit has been granted by the Board of Adjustment.
 - (b) Standards Applicable to All Conditional Uses - In passing upon a conditional use permit, the Board of Adjustment shall evaluate the effect of the proposed use upon the following criteria:
 - (1) The maintenance of safe and healthful conditions.
 - (2) The prevention and control of water pollution including sedimentation.
 - (3) Existing topographic and drainage features and vegetative cover on the site.
 - (4) The location of the site with respect to floodplains and floodways of rivers and streams.
 - (5) The erosion potential of the site based upon degree and direction of slope, soil type, and vegetative cover.
 - (6) The location of the site with respect to existing and future access roads.
 - (7) The need of the proposed use for a shoreland location.
 - (8) Its compatibility with uses on adjacent land.
 - (9) The amount of septic waste to be generated and the adequacy of the proposed disposal system.
 - (10) Location factors that:
 - I. Domestic uses shall be generally preferred;
 - II. Uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source; and
 - III. Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility.
 - (c) Conditions Attached to Conditional Use Permit - Upon consideration of the factors listed above, the Board of Adjustment shall attach such conditions, in addition to those required elsewhere in this ordinance as are necessary to further the purposes of this ordinance. Violations of any of these conditions shall be deemed a violation of this ordinance and result in immediate revocation of the conditional use permit. Such conditions may include, without limitation of a specific enumeration: type of shore cover; increased setbacks and yards; specific sewage disposal and water supply

- facilities; landscaping and planting screens; period of operation; operational control; sureties; bonding; deed restrictions; location of piers, docks, parking and signs; and type of construction. To secure information upon which to base its determination, the Board of Adjustment may require the applicant to furnish, in addition to the information required for a conditional use permit, the following information:
- (1) A plan of the area showing contours, soil types, ordinary high water marks, ground water conditions, bedrock, slope and vegetative cover.
 - (2) Location of buildings, parking areas, traffic access, driveways, walkways, piers, open space and landscaping.
 - (3) Plans of buildings, sewage disposal facilities, water supply systems and arrangements of operations.
 - (4) Specifications for areas of proposed filling, grading, lagooning or dredging.
 - (5) Other pertinent information necessary to determine if the proposed use meets the requirements of this ordinance.
- (d). Notice and Public Hearing - Before passing upon an application for a conditional use permit; the Board of Adjustment shall hold a public hearing. Notice of such public hearing, specifying the time, place, and matters to come before the Board of Adjustment, shall be given as a Class 2 notice under Chapter 985, Wisconsin Statutes, and notice shall be provided to the appropriate district office of the Department of Natural Resources at least 10 days prior to the hearing as well as all property owners within 300 feet of the site under consideration. The Board of Adjustment shall state in writing the grounds for refusing a conditional use permit.
- (e) Recording - When a conditional use permit is approved, an appropriate record shall be made of the land use and structures permitted and such permit shall be applicable solely to the structures, use and property so described. A copy of any decision on a conditional use permit shall be provided to the appropriate district office of the Department of Natural Resources within 10 days after application for the conditional use permit is granted or denied.
- (f) Revocation - Where the conditions of a conditional use permit are violated, the conditional use permit shall be revoked by the Zoning Department
- (g) Expiration - Conditional use permits for construction, alteration or removal of structures shall expire twelve months from their date of issuance if no building activity has begun within such time.
4. Appeals to the Board of Adjustment - Appeals to the Board of Adjustment may be taken by any person aggrieved or by an officer, department, board or bureau of the county affected by any decision of the Zoning Administrator or other administrative officer. Such appeal shall be taken within 30 days, as provided by the rules of the Board of Adjustment, by filing with the officer from whom the appeal is taken, and with the Board of Adjustment, a notice of appeal specifying the ground thereof. The Zoning Administrator or other officer from when the appeal is taken shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appeal was made.
5. Hearing Appeals - The following procedures shall be taken in hearing any appeals:
- (a) The Board of Adjustment shall fix a reasonable time for the hearing of the appeal.

- The Board shall give public notice thereof by publishing a Class 2 notice under Chapter 985, Wisconsin Statutes, specifying the date, time and place of hearing and the matters to come before the Board, and shall provide notices to the parties within 300 feet of the site under consideration and the appropriate district office of the Department of Natural Resources at least 10 days prior to the public hearing.
- (b) A decision regarding the appeal shall be made as soon as practical and a copy shall be submitted to the Department of Natural Resources within 10 days after the decision is issued.
 - (c) The final disposition of an appeal or application to the Board of Adjustment shall be in the form of a written resolution or order signed by the chairman and secretary of the Board. Such resolution shall state the specific facts which are the basis of the Board's determination and shall either affirm, reverse, vary or modify the order, requirement, decision or determination appealed in whole or in part, dismiss the appeal for lack of jurisdiction or persecution or grant the application.
 - (d) At the public hearing, any party may appear in person or by agent or by attorney.
 - (e) All decisions may be reviewed by a court of competent jurisdiction.
- E. 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. ~~Public Hearings.~~ 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 five hundred (\$500.00) dollars added to the regular 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.~~ 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.

Effective Date: ~~This Polk County Shoreland Protection Zoning Ordinance shall take effect upon passage and publication, effective on the 15th day of September, 2016.~~

Ordinance No. 17 -18

1 Ordinance To Enact Amended Polk County Comprehensive Land Use Ordinance

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

Ladies and Gentlemen:

2 WHEREAS, the Polk County Board of Supervisors enacted Ordinance No. 32-16 on August 16,
3 2016, entitled as Polk County Comprehensive Land Use Ordinance, regulating the
4 unincorporated lands outside of the shoreland areas in towns with county zoning under
5 Wisconsin Statute Section 59.69; and

6 WHEREAS, the Wisconsin Legislature enacted 2017 Wisconsin Act 67, which in relevant part,
7 modified conditional use, variance, and nonconforming structure provisions of the statute; and

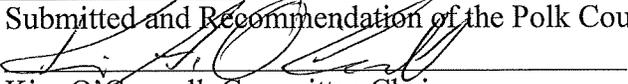
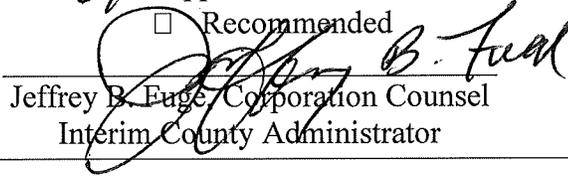
8 WHEREAS, on February 15, 2018, the Polk County Zoning Administrator filed pursuant to
9 Wisconsin Statute Section 59.69(5)(e) a petition sought to amend the Polk County
10 Comprehensive Land Use Ordinance through the enactment of the proposed Amended Polk
11 County Comprehensive Land Use Ordinance; and

12 WHEREAS, on March 7, 2018, the Polk County Environmental Services Committee, as the
13 planning and zoning committee, opened and held a public hearing on the petition to amend the
14 Polk County Comprehensive Land Use Ordinance; and

15 WHEREAS, after considering public input received in the public hearing and incorporating such
16 public input, as appropriate, the Polk County Environmental Services Committee recommends
17 the Polk County Board of Supervisors to enact as and for the county's comprehensive land use
18 ordinance under Section 59.69, the attached proposed ordinance entitled "Amended Polk County
19 Comprehensive Land Use Ordinance."

20 NOW, THEREFORE, pursuant to Wisconsin Statute Sections 59.69(5)(e), the Polk County
21 Board of Supervisors ordains as follows:

- 22 1. The Amended Polk County Comprehensive Land Use Ordinance attached hereto and
23 incorporated herein is enacted.
- 24 2. The Amended Polk County Comprehensive Land Use Ordinance shall supersede the
25 related provisions of Ordinance No. 32-16 Polk County Comprehensive Land Use
26 Ordinance.
- 27 3. Pursuant to Wisconsin Statute Sections 59.14(1) and 985.01(5), the County Clerk is
28 directed to cause to be published the ordinance enacted herein.
- 29 4. Pursuant to Wisconsin Statute Section 59.69(5)(e), the Amended Polk County
30 Comprehensive Land Use Ordinance shall be effective upon passage and publication.

Funding Source/ Funding Amount:	Not Applicable
Date Reviewed as to Appropriations:	Not Applicable
Committee Recommendation as To Appropriation:	Not Applicable
Effective Date:	Upon passage and publication
Dated Submitted To County Board	August 17, 2018
Submitted and Recommendation of the Polk County Environmental Services Committee:  Kim O'Connell, Committee Chair	
Review By Corporation Counsel: <input checked="" type="checkbox"/> Approved as to Form <input type="checkbox"/> Recommended  Jeffrey B. Euge, Corporation Counsel Interim County Administrator	

County Board Action

At its regular business meeting on April 17, 2018 the Polk County Board of Supervisors enacted the above-entitled ordinance: Ordinance No. 17-18: Ordinance To Enact Amended Polk County Comprehensive Land Use Ordinance, by majority vote of the entire membership of a vote of ___ in favor and ___ against.

Dean Johansen, County Board Chairperson

Dated: _____

Attest: _____
Sharon Jorgenson, Polk County Clerk

Dated: _____

Certification of Publication

The above-enacted ordinance, Ordinance No. 17-18: Ordinance To Enact Amended Polk County Comprehensive Land Use Ordinance was published in the Inter-County Leader on the _____ day of _____, 2018.

Sharon Jorgenson, County Clerk

Dated: _____

Proposed Amended
**Polk County Comprehensive
Land Use Ordinance**

Ordinance No. 17-18
Polk County Comprehensive Land Use Ordinance
Enacted _____; Published _____
Effective Date: _____

TEXT: PROPOSED TEXT

~~TEXT: REMOVED TEXT~~

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

10.1 Article 1: Title, Authority, and Introductory Provisions	
10.1.1 Title.....	3
10.1.2 Authority and Scope of Regulation.....	3
10.1.3 Contents.....	3
10.1.4 Purpose.....	3
10.1.5 Compliance and Applicability.....	4
10.1.6 Jurisdiction, Force, and Effective Date.....	4
10.1.7 Abrogation and Greater Restrictions.....	5
10.1.8 Interpretation and Application.....	5
10.1.9 Severability.....	6
10.1.10 Warning and Disclaimer of Liability.....	6
10.1.11 Vesting of Rights.....	6
10.1.12 Commentary, Illustrations, and Examples.....	6
10.1.13 Headings.....	6
10.2 Article 2: Definitions.....	7
10.3 Article 3: General Provisions.....	15
10.3.1 General Provisions.....	15
10.3.2 Non-Conforming Uses and Structures.....	16
10.3.3 Height and Area Exceptions.....	17
10.3.4 Substandard Lots.....	17
10.3.5 Setbacks and Setback Averaging.....	18
10.3.6 Vision Clearance Triangle.....	19
10.3.7 Essential Services.....	20
10.3.8 Conservation Design Development.....	20
10.4 Article 4: Zoning Districts.....	21
10.4.1 Official Zoning Map.....	21
10.4.2 Residential (R-1).....	22
10.4.3 Hamlet (H-1).....	23
10.4.4 Residential-Agricultural 5-acre density (RA-5).....	24
10.4.5 Agricultural 10 (A-1).....	26
10.4.6 Agricultural 20 (A-2).....	28
10.4.7 Farmland Preservation (A-3).....	30
10.4.8 Natural Resources (N-1).....	33
10.4.9 General Business/Commercial (B-1).....	34
10.4.10 Recreational Business and Commercial (B-2).....	36
10.4.11 Small Business and Commercial (B-3).....	37
10.4.12 Industrial (I-1).....	38
10.4.13 Mining District (M-1).....	39

Table of Contents	Page #
10.5 Article 5: Additional Regulations	41
10.5.1 Design Standards.....	41
10.5.2 Parking Standards.....	43
10.5.3 Sign Standards.....	44
10.5.4 Manufactured Homes and Mobile Homes.....	48
10.5.5 Manufactured Home Parks.....	48
10.5.6 Travel Trailers.....	48
10.5.7 Bunkhouses.....	49
10.5.8 Campgrounds.....	50
10.6 Article 6: Administrative Procedural Regulations	50
10.6.1 Zoning Administrator.....	50
10.6.2 Zoning Permits.....	51
10.6.3 Revocation.....	51
10.6.4 Board of Adjustment.....	52
10.6.5 Fees.....	54
10.6.6 Enforcement and Penalties.....	55
Appendices	
Appendix A: Record of Ordinance Provisions Affected by Changes, Repeals and Amendments	

**POLK COUNTY COMPREHENSIVE LAND USE
ORDINANCE
~~SEPTEMBER 15, 2016~~**

10.1 ARTICLE 1: TITLE; AUTHORITY; AND INTRODUCTORY PROVISIONS

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

10.1.1 TITLE

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

10.1.2 AUTHORITY AND SCOPE OF REGULATION

- A) This Ordinance is adopted pursuant to the authority expressed in ss. 30.12(3)(c), 30.13(2), 59.03, 59.69, 59.692, 59.694, 59.696, 87.30, 281.31 and Chapters 91, 236, 287, 289 and 823, Wis. Stats.
- B) This Ordinance shall constitute a comprehensive revision, as described in s. 59.69(5)(d), Wis. Stats., of the following land use ordinances:
- 1) Polk County Comprehensive Land Use Ordinance, Initially Enacted on April 21, 1971; and Amended on April 21, 1976; June 3, 1981; April 21, 1987; July 21, 1998; November 12, 2002; May 15, 2007; ~~and~~ March 16, 2010, and September 15, 2016.

10.1.3 CONTENTS

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

10.1.4 PURPOSE

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

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

10.1.5 COMPLIANCE AND APPLICABILITY.

- A) No land or water shall hereafter be used and no structure or part thereof shall hereafter be used, located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without full compliance with the provisions of this Ordinance or applicable local, county or state regulatory provision.
- B) State agencies are required to comply when s. 13.48(13), Wis. Stats., applies. The Wisconsin Department of Transportation is exempt from the requirements of this Ordinance when s. 30.12(4), Wis. Stats., applies.
- C) The provisions of this Ordinance shall be administered and enforced pursuant to the procedural regulations of this Ordinance, s. 10.6.

10.1.6 JURISDICTION, FORCE AND EFFECTIVE DATE.

- A) The jurisdiction of this Ordinance is the unincorporated areas of the Polk County. This Ordinance shall affect the unincorporated areas of Polk County, or applicable portions thereof, as provided in 10.1.6(B)(2).
- B) Effect. Upon enactment and publication by the County Board of Supervisors of the County of Polk, this Ordinance shall go into full force and effect as follows:

- 1) This Ordinance shall be effective on ~~September 15, 2016~~, subject to Wisconsin Statute Sections 59.69(5)(d) and 59.692(2)(a).
- 2) The Polk County Comprehensive Land Use Ordinance shall continue to remain in effect in a town until the date in (B)(1), above, or until this Ordinance is approved by respective town board, whichever period is shorter.
- C) If a town board wishes to withdraw from county zoning prior to a comprehensive zoning ordinance rewrite, they may do so by filing a resolution with the County Clerk and Governing Committee at least one year prior to the effective date of the withdrawal. However, this withdrawal can only happen when a Comprehensive Plan for the town is developed or revised as required by state law and no more frequently than once every ten (10) years from the original resolution approving the county zoning ordinance and filed with the county clerk.

10.1.7 ABROGATION AND GREATER RESTRICTIONS.

- A) The ordinance identified in s. 10.1.2(b) of this Ordinance, is hereby repealed consistent with s. 10.1.6(B)(2) of this Ordinance.
- B) Except as this Ordinance may conflict with Ch. 91, Wis. Stats., Farmland Preservation, wherever this Ordinance imposes greater restrictions than other similar regulations, the provisions of this Ordinance shall govern.
- C) Wherever the provisions of this Ordinance conflict with the provisions of Ch. 91, Wis. Stats., Farmland Preservation, the provisions of Ch. 91 shall prevail.
- D) It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easement, covenant, deed restriction, or agreement. The provisions of any easement, covenant, deed restriction or like agreement are a matter of private property interest not within the scope of the regulations contained in this Ordinance. The County of Polk shall not enforce any easement, covenant, deed restriction, or agreement to which it is not a party.
- E) It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any permit previously issued pursuant to law.

10.1.8 INTERPRETATION AND APPLICATION.

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

the purposes of this Ordinance and any adverse effects that an interpretation may have upon such purposes.

10.1.9 SEVERABILITY.

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

10.1.10 WARNING AND DISCLAIMER OF LIABILITY.

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

10.1.11 VESTING OF RIGHTS.

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

10.1.12 COMMENTARY, ILLUSTRATIONS, AND EXAMPLES.

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

10.1.13 HEADINGS.

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

otherwise applicable statute, the text of such statute shall apply, regardless of statutory number.

10.2 ARTICLE 2: DEFINITIONS

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

"ACCESSORY BUILDING" see "Building, Accessory"

"ACCESSORY STRUCTURE" see "Structure, Accessory"

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

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

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

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

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

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

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

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

"CAMPGROUND" means any lot or tract of land owned by a person, the state or a local government, which is designed, maintained, intended or used for the purpose

of providing sites for nonpermanent overnight use by 4 or more camping units, or by one to 3 camping units if the lot or tract of land is represented as a campground.

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

“CONDITIONAL USE” see “Use, Conditional”

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- A. A single-family dwelling or two-family dwelling that is the only residential structure on the farm or is occupied by any of the following:
 1. An owner or operator of the farm.
 2. A parent or child of an owner or operator of the farm.
 3. An individual who earns more than 50 percent of his or her gross income from the farm.
- B. A migrant labor camp that is certified under State Statute 103.92.

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

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

"FRONTAGE" means all the property abutting on one side of a road or street between two intersecting roads or streets or all of the property abutting on one side of a street between an intersecting street and the dead end of a street.

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

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

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

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

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

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

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

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

“LANDSCAPING” means the removal or alteration of topsoil.

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

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

“LOT, CORNER” means a lot located at the intersection of two streets, any two corners of which have an angle of 120 degrees or less, or if bounded by a curved street in which case the chord within the limits of the lot lines form an angle of 120 degrees or less.

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

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

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

“MANUFACTURED HOME” means any structure, HUD certified and labeled under the National Manufactured Home Construction and Safety Standards Act of 1974 (U.S.C. Title 42, Chapter 70), that is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; and includes the manufactured home structure, its plumbing, heating, air conditioning and electrical systems, all appliances and all other equipment therein, any additions, attachments, annexes, foundations and appurtenances.

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

“MOBILE HOME” means any structure, not HUD certified and labeled under the National Manufactured Home Construction and Safety Standards Act of 1974 (U.S.C. Title 42, Chapter 70) or manufactured or assembled before June 15, 1976, that is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; and includes the mobile home structure, its plumbing, heating, air conditioning and electrical systems, all appliances and all other equipment therein, any additions, attachments, annexes, foundations, and appurtenances.

“MOTEL” see “Hotel/Motel”

“NONCONFORMING STRUCTURE” see “Structure, Nonconforming”

“NONCONFORMING USE” see “Use, Nonconforming”

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

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

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

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

“PARKING LOT” means a lot where automobiles are parked or stored temporarily, but not including the wrecking of automobiles or other vehicles or storage for the purpose of repair or wrecking.

“PATIO” See “deck”

“PERMITTED USE” see “Use, Permitted”

“PRIME FARMLAND” means any of the following:

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

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

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

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

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

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

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

“SIGN” means any device visible from a public place whose essential purpose and design is to convey either commercial or non-commercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Non-commercial flags or any flags displayed from flagpoles or staffs will not be considered to be signs.

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

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

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

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

“SIGN, TEMPORARY” means a sign intended to display either commercial or non-commercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, not permanently affixed to a building, or attached to a sign structure that is permanently embedded in the ground, are considered temporary signs.

“STORY” means the vertical distance between the surface of any floor and the floor next above it, or if there be no floor above it, the space between such floor and the ceiling next above it.

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

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

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

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

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

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

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

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

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

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

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

“USE, CONDITIONAL” ~~means a use that is permitted as well as listed by ordinance provided certain conditions specified in the ordinance are met or designated by the Board of Adjustment and a permit is issued.~~ means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by the county, but does not include a variance. Conditional uses, listed by ordinance, are subject to certain conditions specified in the ordinance and/or designated by the Board of Adjustment.

“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” means an action, which authorizes the construction or maintenance of a structure in a manner inconsistent with the dimensional requirements of a zoning ordinance. A variance may only be granted in cases of unnecessary hardship and when the spirit of the ordinance is not violated. (Area) means a modification to a dimensional, physical, or locational requirement such as the setback, frontage, height, bulk, or density restriction for a structure that is granted by the Board of Adjustment. A variance may only be granted in cases of unnecessary hardship and when the spirit of the ordinance is not violated.

“VISION CLEARANCE TRIANGLE” means an unoccupied triangular space at the intersection of highways or streets or railroads. Such vision clearance triangle shall be bounded by the intersecting highway, road or railroad right-of-way lines and a setback line connecting points located on such right-of-way lines by measurement from their intersection as specified in General Provisions Section 10.3.6 of this ordinance.

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

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

10.3 ARTICLE 3: GENERAL PROVISIONS

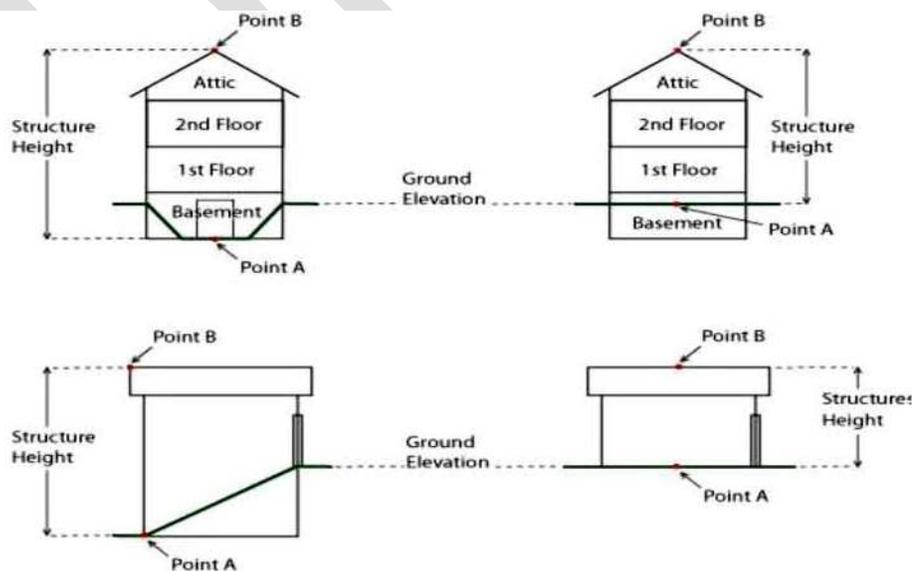
10.3.1 GENERAL PROVISIONS

- A) The use and height of buildings hereafter erected, converted, enlarged or structurally altered and the use of any land shall be in compliance with the regulation established herein for the district in which such land or building is located.
- B) No lot area shall be so reduced that the yards and open spaces shall be smaller than is required by this ordinance, nor shall the density of population be increased in any manner except in conformity with the area regulations hereby established for the district in which a building or premise is located. No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this ordinance shall be included as part of a yard or other open space required for another building.
- C) Every dwelling hereafter erected in Polk County shall provide not less than 400 square feet of floor area for a one-story building for each family dwelling therein,

nor less than 700 square feet for a two-story building for each family dwelling therein.

- D) Nothing herein contained shall require any change in the plans, construction, size or designated use of any building or structure or part thereof on which construction has started or a particular use has been commenced, or for the construction of a building or structure or part thereof upon which a bona fide contract has been entered into before the effective date of this ordinance.
- E) There shall be no more than 1 dwelling per lot, unless otherwise indicated in another part of this ordinance.
- F) Structures including ~~but not limited to~~, school bus stop shelters, deer stands, dog houses, tree houses and ice-fishing shacks with a footprint of less than 64 sq. feet shall not be deemed an accessory structure or use, do not require permits, and shall conform to the setbacks and cannot be used for storage.
- G) Any use not specified herein shall be unpermitted and considered a violation of this ordinance.
- H) The height of a structure is the measurement of the vertical line segment starting at the lowest point of any exposed wall and it's intersect with the ground (point "A" in Figure #1) to a line horizontal to the highest point of the a structure (point "B" in Figure #1), unless specified in another part of this ordinance.

Figure #1



10.3.2 NONCONFORMING USES AND NONCONFORMING STRUCTURES

- A) If a nonconforming use of building, premise or lot of land is discontinued for a period of 12 months, any future use of the building, premise or lot of land shall conform to the regulations for the district in which it is located.
- B) Legal uses and structures that pre-exist the adoption of this ordinance and do not conform to this ordinance shall be considered as a legal nonconforming uses.
- C) Nonconforming uses shall not be expanded or extended beyond the scope of such use existing at the time of the adoption of this ordinance. In the case in which a landowner proposes to expand or extend a nonconforming use, the landowner must apply for and obtain a change to a zoning district such that the use conforms to current provision of the ordinance.
- D) Expansion of the nonconforming principal structure cannot make it more non-conforming (cannot expand towards what is making the structure non-conforming).
- E) Nonconforming principal structures are allowed to horizontally expand up to 50% of the original footprint of the structure over the life of the structure, unless otherwise indicated in this ordinance.
- F) ~~Nonconforming principal structures are allowed vertical expansion, unless otherwise indicated in this ordinance.~~
- G) Nonconforming principal structures are allowed maintenance and repair, renovation, rebuilding, remodeling, and vertical expansion unless otherwise indicated in this ordinance.
- H) ~~Nonconforming principal structures are allowed structural alterations up to 25% of the linear perimeter of the exterior walls, of each floor, of the nonconforming part of the structure, over the life of the structure, unless otherwise indicated in this ordinance.~~
- I) Nonconforming accessory structures are ~~only~~ allowed maintenance and repair, renovation, rebuilding, remodeling, but no expansion, unless otherwise indicated in this ordinance.
- J) Decks and patios that are attached or immediately adjacent to a nonconforming principal structure may be repaired or replaced, but not expanded vertically or horizontally.
- K) Nonconforming structure may be restored to the size, location, and use, including enlargement only if necessary for the structure to comply with applicable state or federal requirements, that it had immediately before the

damage or destruction occurred, without limits on the costs of the repair, reconstruction, renovation, or improvement if all of the following apply:

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

10.3.3 HEIGHT AND AREA EXCEPTIONS

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

- A) Churches, schools and other public and quasi-public buildings may be erected to a height not exceeding 60 feet or 5 stories.
- B) Chimneys, cooling towers, church steeples or spires, tanks, water towers, television antennas, micro-wave radio relay or broadcasting towers, masts or aerials, necessary mechanical appurtenances, farm buildings, and silos for asphalt and concrete mixing plants are hereby exempted from the height regulations of this ordinance and may be erected in accordance with other regulations or ordinances of Polk County, Wisconsin.

10.3.4 SUBSTANDARD LOTS

- A) A legally created lot that met minimum area and minimum average width requirements when created, but does not meet current lot size requirements, may be used as a building site if all of the following apply:
 - 1) The substandard lot was never reconfigured or combined with another lot by plat, survey, or consolidation by the owner into one property tax parcel.
 - 2) The substandard lot has never been developed with one or more of its structures placed partly upon an adjacent lot.
 - 3) The substandard lot is developed to comply with all other ordinance requirements.
 - 4) In the A-4 district the property must be rezoned or a CUP issued according to 91.46(2) prior to construction commencing.

10.3.5 SETBACKS

A) Road Setbacks

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

Table 1

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

B) Setback Averaging

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

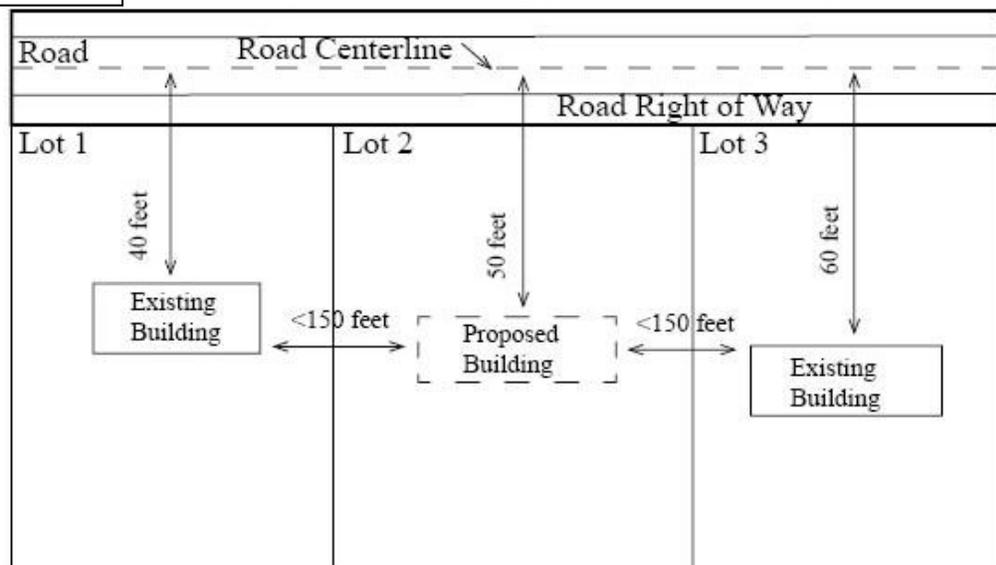
- 1) The reduced setback established building setback line must be in existence prior to the adoption of this ordinance
- 2) There must be two buildings, one on each side adjoining property
- 3) There must not be more than 150 feet between the proposed building and a building being used to establish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

C) Setback Exemptions

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

Figure 2

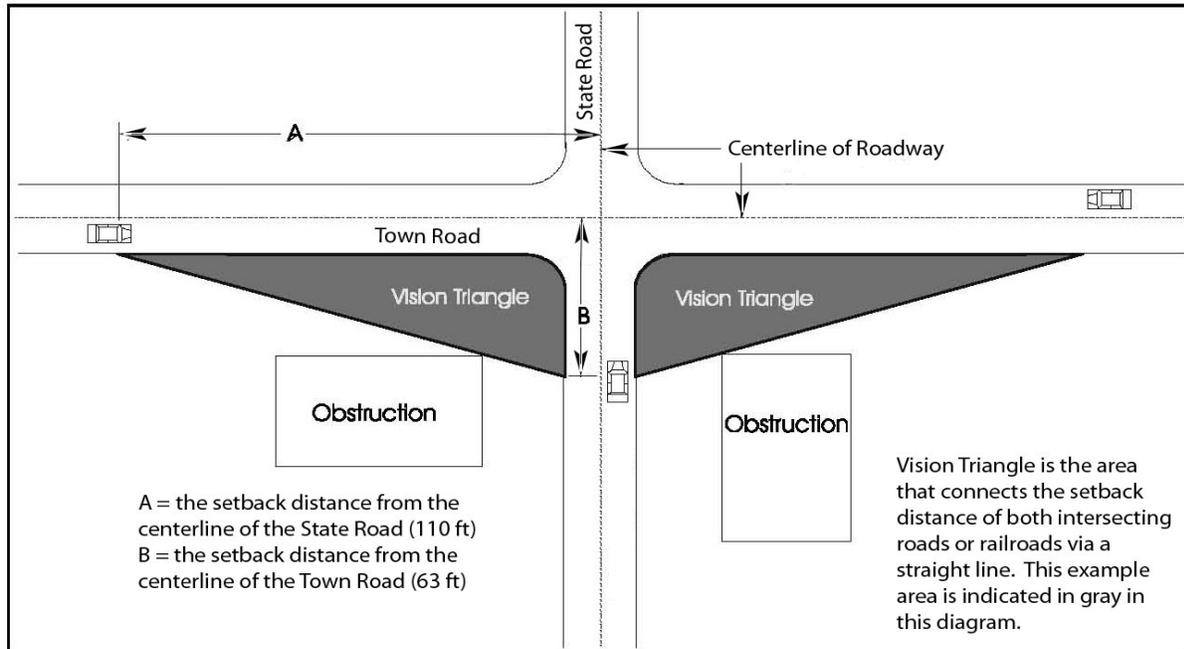
Setback Averaging from Road



10.3.6 VISION CLEARANCE TRIANGLE

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

Figure 3



10.3.7 ESSENTIAL SERVICES

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

10.3.8 CONSERVATION DESIGN DEVELOPMENT

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

- A) PERMITTED USES. Land within a Conservation Design Development (CDD) may be used for the following purposes:
- 1) Permitted uses in the residential portion, not the common open space portion, of the Conservation Design Development:
 - a. All Permitted Uses in the underlying zoning district
 - 2) Permitted uses in the Common Open Space portion of the Conservation Design Development shall include:
 - a. All uses permitted in the Natural Resources District, except #7.
 - b. Drainfields for common sewers with associated easements with the subdivision governing authority and maintenance agreements.

- c. Silent Sport activities, including but not limited to: hiking trails, biking trails, etc.
- B) **CONDITIONAL USES.** The following uses, upon issuance of a Conditional Use Permit as provided in Section 10.6.4, and provided that the use shall not adversely impact the rural character of the development and shall be consistent with the design objectives listed in the Polk County Subdivision Ordinance, may be allowed:
- 1) Conditional Uses in the residential portion, not the common open space portion of the Conservation Design Development.
 - a. All Conditional Uses in the underlying zoning district
 - 2) Conditional Uses in the Common Open Space portion of the Conservation Design Development.
 - a. Conditional Uses allowed in the Natural Resources District.
 - b. Equestrian boarding and riding facilities available only to development residents. A manure management plan approved by the Polk County Land and Water Resources Department is required.
 - c. Swimming pools available only to development residents.
 - d. Golf Courses
 - 3) Conditional uses will be approved as part of the Conservation Design Development approval process.
- C) **DENSITY STANDARDS.** The total number of dwelling units allowed in a Conservation Design Development is referred to as the Residential Gross Density.
- 1) Residential Base Density. The Residential Base Density, or the base number of allowable dwelling units, is determined by the zoning district in which the property resides. Existing dwellings that may or may not be part of a farmstead that will be retained shall be counted toward the base density.
 - 2) Residential Gross Density. The Residential Gross Density, or the total number of dwelling units allowed in a Conservation Design Development, is the Residential Base Density plus 25 percent of the number of dwelling units prescribed by the Residential Base Density.
- D) Companion standards for Conservation Design Development can be found in the Polk County Subdivision Ordinance

10.4 ARTICLE 4: ZONING DISTRICTS

LIST OF ZONING DISTRICTS

- Residential (R-1)
- Hamlet (H-1)
- Residential-Agricultural 5 (RA-5)
- Agriculture 10 (A-1)

Agriculture 20 (A-2)
 Farmland Preservation (A-3)
 Natural Resources (N-1)
 General Business and Commercial (B-1)
 Recreational Business and Commercial (B-2)
 Small Business and Commercial (B-3)
 Industrial (I-1)
 Mining (M-1)

OTHER ZONING REGULATIONS

Shoreland Overlay
 Floodplain Ordinance
 Lower St. Croix Riverway Ordinance
 Polk County Sanitary Ordinance

10.4.1 OFFICIAL ZONING MAP

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

10.4.2 RESIDENTIAL (R-1)

A) PURPOSE AND INTENT

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

B) ALLOWED AND PERMITTED USES

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

CHANGES IN USE THAT REQUIRE A LAND USE PERMIT

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

C) CONDITIONAL USES

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

D) LOT, HEIGHT, YARD, & SETBACKS REQUIREMENTS

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

E) OTHER REQUIREMENTS

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

10.4.3 HAMLET DISTRICT (H-1)

A) PURPOSE AND INTENT

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

B) ALLOWED AND PERMITTED USES

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

CHANGES IN USE THAT REQUIRE A LAND USE PERMIT

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

C) CONDITIONAL USES

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

D) LOT, HEIGHT, YARD, & SETBACKS REQUIREMENTS

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

E) OTHER REQUIREMENTS

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

10.4.4 RESIDENTIAL-AGRICULTURAL DISTRICT 5 (RA-5)

A) PURPOSE AND INTENT

The R-A District 5 is meant to allow for limited residential development in areas that transition from incorporated areas to rural areas and farmland preservation areas. The target density for this district is 1 residential dwelling per 5 acres of land or 8 dwellings per 40 acres.

B) ALLOWED AND PERMITTED USES

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

CHANGES IN USE THAT REQUIRE A LAND USE PERMIT

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

C) LOT SIZES

1) Traditional Development

1 dwelling unit per 5-acres density standard

Minimum Lot Size = 1 acre except in Conservation Development Design

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

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

number of acres owned at the time of the adoption of this ordinance. Round up if any fractional amount is equal to ½ or greater. Example Calculations:

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

Table 2

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

D) HEIGHT, YARD, & SETBACKS REQUIREMENTS

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

E) OTHER REQUIREMENTS

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

10.4.5 AGRICULTURAL 10 DISTRICT (A-1)

A) PURPOSE AND INTENT

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

B) ALLOWED AND PERMITTED USES

- 1) Agricultural Uses, including any of the following:
 - a. Crop or forage production
 - b. Keeping livestock
 - c. Beekeeping
 - d. Nursery, sod, or Christmas tree production
 - e. Floriculture
 - f. Aquaculture
 - g. Fur farming
 - h. Forest management
 - i. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program
 - j. Accessory structure that is an integral part of, or is incidental to, an agricultural use
 - k. Roadside Stand
 - l. Personal Stable
- 2) A single-family and two-family dwelling, when in compliance with the density standards of this district
- 3) Accessory buildings incidental to the residential use of the property
- 4) Home Business
- 5) Conservation Design Development when done in accordance with density standards, Section 10.3.8 of this ordinance, and the Polk County Subdivision Ordinance
- 6) Schools
- 7) Churches
- 8) Cemeteries
- 9) Undeveloped natural resource and open space areas.
- 10) 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.
- 11) Contractor Storage Yard

CHANGES IN USE THAT REQUIRE A LAND USE PERMIT

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

C) CONDITIONAL USES

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

D) LOT RESTRICTIONS

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

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

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

Table 3

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

E) HEIGHT, YARD, & SETBACKS REQUIREMENTS

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

F) OTHER REQUIREMENTS

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

10.4.6 AGRICULTURAL 20 DISTRICT (A-2)

A) PURPOSE AND INTENT

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

B) ALLOWED AND PERMITTED USES

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

C) CONDITIONAL USES

- 1) All Conditional Uses in A-1

D) LOT RESTRICTIONS

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

Table 4

Calculation of Residential Lots Allowed in A-20	
Size of Base Tract (initial lot at time or ordinance adoption) of Land	Number of Dwelling Lots Allowed
Less than 30 acres	1
30 acres or greater	2

E) HEIGHT, YARD, & SETBACKS REQUIREMENTS

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

F) OTHER REQUIREMENTS

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

10.4.7 FARMLAND PRESERVATION DISTRICT (A-3)

A) PURPOSE

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

B) ALLOWED AND PERMITTED USES

- 1) Agricultural Uses, meaning any of the following activities conducted for the purpose of producing an income or livelihood:
 - a. Crop or forage production
 - b. Keeping livestock
 - c. Beekeeping
 - d. Nursery, sod, or Christmas tree production
 - e. Floriculture
 - f. Aquaculture
 - g. Fur farming
 - h. Forest management

- i. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program
 - j. Any other use that the Wisconsin Department of Agriculture, by rule, identifies as an agricultural use
- 2) A farm residence including a manufactured home
 - 3) Accessory buildings incidental to the residential use of the property
 - 4) Accessory structure that is an integral part of, or is incidental to, an agricultural use
 - 5) Home Business that meet 91.01(1)
 - 6) Undeveloped natural resource and open space areas.
 - 7) Transportation, utility, communication, or other use that is required under state or federal law to be located in a specific place or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a special use permit for that use.
 - 8) Other uses identified by Wisconsin Department of Agriculture rule.

CHANGES IN USE THAT REQUIRE A LAND USE PERMIT

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

C) CONDITIONAL USES

- 1) Agriculturally-related businesses, such as:
 - a. Feed Mills
 - b. Commercial Stables
 - c. Implement Dealers
 - d. Agricultural Cooperatives
 - e. Veterinarians
 - f. Wineries
 - g. Composting Sites
- 2) Creation of a nonfarm residence or conversion of a farm residence to a nonfarm residence through a change in occupancy, subject to the following requirements.
 - a. The ratio of nonfarm residential acreage to farm acreage on the base farm tract on which the residence is or will be located will not be greater than 1:20 after the residence is constructed or converted to a nonfarm residence.
 - b. There will not be more than four dwelling units in nonfarm residences, nor more than five dwelling units in residences of any kind, on the base farm tract after the residence is constructed or converted to a nonfarm residence.

- c. The location and size of the proposed nonfarm residential lot, and, for a new nonfarm residence, the location of the nonfarm residence on that nonfarm residential lot, will not do any of the following:
 - 1. Convert prime farmland from agricultural use or convert land previously used as crop land, other than a woodlot, from agricultural use if on the farm there is a reasonable alternative location or size for a nonfarm residential lot or a nonfarm residence.
 - 2. Significantly impair or limit the current or future agricultural use of other protected farmland.
- 3) Creation of a nonfarm residential cluster that covers more than one nonfarm residence if all of the following apply:
 - a. The lots on which the nonfarm residences would be located are contiguous.
 - b. Each nonfarm residence constructed in the nonfarm residential cluster must satisfy the requirements of Conditional Use #2 above
- 4) Governmental, institutional, religious, nonprofit community uses, transportation, communication, pipeline, electric transmission, utility, or drainage uses, if all of the following apply:
 - a. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
 - b. The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
 - c. The use is reasonably designed to minimize conversion of land at and around the site of the use, from agricultural use or open space use.
 - d. The use does not substantially impair or limit the current or future agricultural use of surrounding lots of land that are zoned for or legally restricted to agricultural use.
 - e. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

D) LOT REQUIREMENTS

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

E) HEIGHT, YARD, & SETBACKS REQUIREMENTS

- 1) Maximum Principal Building Height = 35ft
- 2) Maximum Accessory Building Height = 25ft
- 3) Farm buildings are exempt from these height restrictions
- 4) Side Yard Setback = 25 ft for all structures

- 5) Rear Yard Setback = 25 ft for all structures
- 6) Road setback regulations shall apply to all corner lots

F) OTHER REQUIREMENTS

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

G) REZONING LAND OUT OF A FARMLAND PRESERVATION ZONING DISTRICT.

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

10.4.8 NATURAL RESOURCES DISTRICT (N-1)

A) ALLOWED AND PERMITTED USES

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

- 1) Grazing
- 2) The harvesting of wild crops such as wild hay, ferns, moss, berries, fruit trees and seeds
- 3) Hunting, fishing, trapping
- 4) Nonresidential buildings and structures used solely in conjunction with the raising of wildlife and fish and the practice of forestry, including buildings and structures used by public or semi-public agencies or groups for research in or the rehabilitation of natural resources
- 5) Sustainable logging, pulping and other forest crop harvesting
- 6) Public or private parks
- 7) Temporary residential uses by permit such as hunting cabins or travel trailers with conditions listed in Section 10.5.6

B) CONDITIONAL USES

- 1) Licensed game farms

C) LOT, HEIGHT & YARD REQUIREMENTS

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

D) OTHER REQUIREMENTS

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

10.4.9 GENERAL BUSINESS/COMMERCIAL (B-1)

A) PURPOSE AND INTENT

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

B) ALLOWED AND PERMITTED USES

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

Commercial buildings and uses including, but not limited to:

- 1) Appliances Sales and Service
- 2) Antique stores
- 3) Art Galleries
- 4) Auto Sales and Service
- 5) Banks, Credit Unions or other financial institutions
- 6) Barber Shop, Beauty Shop
- 7) Bars/taverns
- 8) Bowling Alleys
- 9) Business & Professional offices or clinics
- 10) Car Washes
- 11) Clothing stores
- 12) Community Center
- 13) Coffee Shop
- 14) Convenience stores
- 15) Day Care Center
- 16) Drug Store or Pharmacy
- 17) Essential Services
- 18) Farm implement - repair & sales
- 19) Feed Mill
- 20) Florist
- 21) Firework Stands
- 22) Fruit and Vegetable Market, Grocery, Meat and Fish Market or other food products store
- 23) Funeral Homes
- 24) Furniture, Office Equipment stores
- 25) Gas stations
- 26) Gyms and exercise facilities
- 27) Hardware and Paint Store
- 28) Indoor Storage Facilities
- 29) Internet Cafe
- C) CONDITIONAL USES
 - 1) Airport
 - 2) Hospital
 - 3) Breweries, Brew-Pubs, Wineries
 - 4) Outdoor Storage facilities
 - 5) Other similar and compatible use as determined by the Board of Adjustment

- 30) Jewelry Store
- 31) Landscaping Sales
- 32) Laundromat
- 33) Liquor Store
- 34) Lumber Yard
- 35) Manufacture or storage in connection with any of the above uses, when clearly incidental to the conduct of the retail business on the premises.
- 36) Marine Sales and service
- 37) Motels/Hotels
- 38) Museums
- 39) Music and musical instrument sales and service
- 40) Pet shop
- 41) Radio, Televisions, and other electronics sales & service
- 42) Real Estate Offices
- 43) Restaurant, Drive-In Food Service, Supper Club, and Catering
- 44) Sporting Goods and Accessories
- 45) Small engine repair
- 46) Truck Stop
- 47) Theater
- 48) Veterinarians
- 49) Video Sales and Rental
- 50) There may be one single-family dwelling unit on the premises, either attached or detached in connection with any of the above uses.

D) LOT, HEIGHT, YARD REQUIREMENTS, & SETBACKS

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

E) OTHER REQUIREMENTS

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

10.4.10 RECREATIONAL BUSINESS AND COMMERCIAL (B-2)

A) PURPOSE AND INTENT

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

B) ALLOWED AND PERMITTED USES

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

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

C) CONDITIONAL USES

- 1) Ski Resorts
- 2) Paint Ball
- 3) Go-Cart Tracks
- 4) Archery Range
- 5) Gun Range
- 6) Sportsmen's Clubs
- 7) Stock Car, ATV, and Dirt Bike raceways and courses
- 8) Other similar and compatible use as determined by the Board of Adjustment

D) LOT, HEIGHT, YARD REQUIREMENTS, & SETBACKS

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

E) OTHER REQUIREMENTS

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

10.4.11 SMALL BUSINESS/COMMERCIAL DISTRICT (B-3)A) PURPOSE AND INTENT

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

B) ALLOWED AND PERMITTED USES

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

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

C) CONDITIONAL USES

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

D) LOT, HEIGHT, YARD REQUIREMENTS, & SETBACKS

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

E) OTHER REQUIREMENTS

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

10.4.12 INDUSTRIAL (I-1)

A) PURPOSE

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

B) ALLOWED AND PERMITTED USES

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

C) CONDITIONAL USES

- 1) Acid, ammonia, bleach, chlorine or soap manufacture
- 2) Ammunition or explosives manufacture or storage
- 3) Asphalt, coal, coal tar or coke manufacture; asphalt and hot mix asphalt plants

- 4) Cement or lime manufacture; cement or concrete mixing plants
- 5) Bone distillations, fat rendering or any other form of dead animal reduction
- 6) Fertilizer manufacture
- 7) Forge plant
- 8) Gelatin or glue manufacture
- 9) Inflammable gasses or liquids, refining or manufacture of; overground tank farms
- 10) Utility-scale energy generation including but not limited to: solar farms/fields, large wind generators, and power plants.
- 11) Salvage and Recycling Facilities
- 12) Solid waste disposal operations, sanitary landfill sites
- 13) Slaughterhouse, stockyard
- 14) Smelting or foundry operations
- 15) Any similar or compatible industrial enterprise subject to the approval of the Board of Adjustment

D) LOT SIZES, DIMENSIONS, AND SETBACKS

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

E) OTHER REQUIREMENTS

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

10.4.13 MINING DISTRICT (M-1)

A) PURPOSE

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

B) ALLOWED AND PERMITTED USES

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

C) CONDITIONAL USES

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

D) LOTS SIZES, DIMENSIONS AND SETBACKS

- 1) Minimum Lot Size = 5 acres

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

E) OTHER REQUIREMENTS

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

10.5 ARTICLE 5: ADDITIONAL REGULATIONS

10.5.1 DESIGN STANDARDS

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

A) LIGHTING STANDARDS

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

- 1) All lighting must be fully shielded in a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where the light is emitted.
- 2) Lighting must be directed away from adjacent properties to prevent light from trespassing or spilling on to those properties.
- 3) There shall be no flashing, revolving or intermittent lighting, which could be considered a nuisance or distraction to vehicular traffic.
- 4) There shall be no search lights, laser source lights, or any similar high-intensity light, except in emergencies by police and fire personnel or at their direction.

- 5) Outdoor athletic fields, courts, tracks, ski resorts, and airports are exempt from these lighting requirements, but may have restrictions on hours of operation.
- 6) Temporary lighting, which does not conform to the provisions of this section, may be allowed for a total period of no longer than 30 days within a year without a permit.

B) VEGETATION AND SCREENING STANDARDS

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

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

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

OPTIONS FOR SCREENING:

The following are options for providing required screening where applicable:

- 1) Rows of trees: Trees and other screening shrubs shall be planted in such a manner and of such spacing that the vegetation covers up to 6 feet tall with 75% opacity upon installation. No species on the State of Wisconsin's invasive species list may be used. The lot owner shall maintain such planting and any dead trees/shrubs that are part of the approved screening plan shall be replaced within one year. Alternate species or planting plan may be substituted if prior approval is received from the Zoning Administrator.
- 2) Existing vegetation: The maintenance of existing native vegetation that, from off the property during full foliage conditions, provides the appearance of a solid wall of vegetation. The final determination as to acceptability of the existing vegetative screen shall be by the Zoning Administrator.
- 3) Fencing: The construction of a minimum 6-foot high solid fence with at least 90% opacity. The finished fence side of the fence must be facing outward.

- 4) Earthen berm: The construction of an earthen berm to the minimum height of 6 feet which is to be seeded and/or landscaped with shrubs or trees and maintained by the owner.
- 5) Distance Requirements: Purposely planted trees or shrubs, as measured from its center, shall be a minimum of 5 feet off a driveway or public street right-of-way or easement.
- 6) Vision Clearance Triangle: All screening and landscaping must be kept out of the vision clearance triangle

C) LANDSCAPING STANDARDS (GENERAL YARD LANDSCAPING).

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

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

10.5.2 PARKING

A) OFF-STREET PARKING REQUIREMENTS

- 1) One off-street parking space shall be 220 square feet of area, exclusive of adequate ingress and egress driveways to connect with a public thoroughfare. A single stall in any garage may replace any single required parking space.

- 2) No parking spaces required under this ordinance may be used for any other purpose; provided, however, that open spaces required by this ordinance for setback and side yards may be used for such parking spaces or approaches thereto except that on corner lots there shall be no parking in the vision clearance triangle.
- 3) All parking spaces shall be graded and drained so as to prevent the accumulation of surface water.
- 4) All parking spaces in the Commercial or Industrial Districts and residential parking lots in the Residential and Agricultural District containing 3 or more parking spaces shall be provided with a dust-free surface.
- 5) Parking lots containing 5 or more parking spaces which are located in the Residential District or adjacent to residential lots, shall be screened along with the side or sides of such lots which abut the lot lines of residential lots by a solid wall, fence, evergreen planting or equivalent plantings or equally effective means built or maintained at a minimum height of 4 feet. If parking lots so located are lighted, the lights shall be so shielded as to prevent undesirable glare or illumination of adjoining residential property.

B) PARKING SPACES REQUIRED

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

10.5.3 SIGNS

A) GENERAL PROVISIONS

- 1) Any sign hereafter erected shall conform to the provisions of this ordinance and the provisions of any other ordinance or regulation of the county.
- 2) No sign other than an official traffic sign or similar sign shall be erected within the right-of-way lines of any street, road, highway, or public way unless specifically authorized by other ordinances or regulations of the county or by specific authorization of the zoning administrator.
- 3) Signs projecting over public walkways may do so subject to a minimum clearance height of ten (10) feet from grade level to the bottom of the sign.
- 4) Notwithstanding the provisions of Section 10.5.3(D), no sign or structure shall be erected at the intersection of any road in such a manner as to obstruct the free and clear vision of a driver of any motor vehicle, nor at any location where by its position, shape or color it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device.
- 5) If a commercially or industrially zoned premises contains more than one property usage, the sign area(s) for each unique usage will be computed separately.
- 6) Every sign permitted by this ordinance must be kept in good condition and repair. When any sign becomes insecure, in danger of falling, or is otherwise deemed unsafe by the Zoning Administrator, or if any sign shall be unlawfully installed, or erected, in violation of any of the provisions of this ordinance or State Laws, the owner thereof and/or the person or firm using the sign shall, upon written notice of the Zoning Administrator forthwith in the case of immediate danger and in any case within not more than ten (10) days, remove or repair said sign. If the order is not complied with, the Zoning Administrator may remove or cause such sign to be removed at the expense of the owner and/or the user of the sign.
- 7) Any sign legally existing at the time of passage of this ordinance that does not conform to the provisions of this ordinance, shall be considered a protected non-conforming use and may continue in such status until such time as it is either abandoned or removed by its owner. Maintenance of the sign for purposes of changing the sign message shall not be considered an alteration requiring conformance with the ordinance.
- 8) A double faced sign shall only be allowed with the two faces displayed back to back or with an interior angle of no greater than 30 degrees. Such sign will be considered one sign structure. Each face of a double faced sign shall be considered a separate sign for purposes of display area size restrictions.
- 9) Temporary signs, unless otherwise regulated by specific provisions of this ordinance related to size, use, and district in which placed, shall be subject to the following regulations:

- a. No temporary sign shall be permitted to be displayed for a period in excess of ninety (90) days in any one period of three hundred sixty-five (365) days, unless a longer span of display time is approved by the Zoning Administrator.
 - b. The size and spacing of any temporary sign shall conform to requirements of Sections 10.5.3(D)(1) and 10.5.3(D)(2)
 - c. Subdivision development signs: The Zoning Administrator may issue a special permit for a temporary sign in any district in connection with the marketing of lots or structures within a subdivision provided the sign is located entirely on the property being developed, and must apply to all applicable building setback requirements specified in this Ordinance. The signs must not exceed 96 square feet. One sign is allowed for each major road adjacent to the subdivision. Such permits may be issued for a period of one year and may be reviewed for additional periods of up to one year upon written application at least thirty (30) days prior to its expiration.
- 10) All signs are prohibited from all zoning districts in Polk County unless specifically authorized to be located in the district in accordance with the provisions of this ordinance.

B) SIGN PLACEMENT

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

C) PROHIBITED SIGNS

- 1) Lighting shall be sufficiently shielded to prevent stray light from becoming a nuisance to neighboring property, or to the enjoyment of a body of water.
- 2) No sign shall contain, include, nor be composed of any conspicuous animated or moving parts.
- 3) No sign shall be painted upon or attached to trucks or other vehicles, or parts thereof, and parked on a lot for purposes of visual display. Vehicles operating

- in the normal course of business (other than used solely for the display of signs) are exempt from this provision.
- 4) Electronic, internally illuminated signs greater than 40 square feet

D) SIGN DIMENSIONS AND SPACING

- 1) Off Premise Signs (Table 7):

Table 7

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

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

- 2) On Premise Signs (Table 8):

Table 8

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

E) SIGN PERMITS

- 1) A permit must be obtained from the Zoning Administrator for the erection of all signs or sign structures, except for those noted in Section 10.5.3(E)(4)
- 2) Before any permit is granted for the erection of a sign or sign structure requiring such permit, plans and specification shall be filed with the Zoning Administrator showing the dimensions and materials to be used. The permit

- application shall be accompanied by the written consent of the owner or lessee of the premises on which the sign is to be erected.
- 3) No sign or sign structure shall be enlarged or relocated except in conformity to the provisions herein, nor until a proper permit, if required has been secured. The changing of copy, display and/or graphic matter, or the content of any sign shall not be deemed an alteration.
 - 4) Signs not requiring a permit:
 - a. Vehicular signs on trucks, trailers buses or other vehicles while operating in the normal course of business, which is not in the display of signs.
 - b. Interior window signs in commercial or industrial districts which are visible from a public right of way.
 - c. On premise temporary advertising banners provided the banners do not exceed 32 square feet and displayed for no more than 30 consecutive days.
 - d. Any size sign that meets the criteria for a temporary sign in Section 10.5.3(A)(9).
 - e. A single faced sign equal to or less than 16 square feet in size.

10.5.4 MANUFACTURED HOMES AND MOBILE HOMES

The following conditions shall apply for all manufactured homes:

- A) The area beneath a manufactured or mobile home must be completely enclosed with a skirting material of a quality and strength which assures the durability of said skirting material and which does not distract from the general aesthetic quality of the manufactured or mobile home and the surrounding area.
- B) All manufactured and mobile homes which are abandoned, burned or otherwise destroyed or substantially damaged must be removed from the lot or site on which they are located within one year after abandonment, burning, destruction or substantial damage occurred.
- C) Cannot be used for storage

10.5.5 MANUFACTURED HOME PARKS

The following conditions shall apply for all manufactured home parks:

- A) The minimum lot size for manufactured home parks shall be 5 acres
- B) The maximum number of manufactured homes shall be 8 per acre
- C) The minimum dimensions of a manufactured home site shall be 50 feet wide by 100 feet long
- D) In addition to the setback requirements set forth in the General Provisions section (Section 10.3) of this ordinance, there shall be a minimum setback of 40 feet from all other lot lines

- E) Each manufactured home site shall be separated from any other manufactured home site by a yard of at least 15 feet.
- F) All drives, parking areas and walkways shall be hard surfaced or graveled, maintained in good condition, have natural drainage, and the driveways shall be lighted at night.
- G) There shall be two hard-surfaced automobile parking spaces provided for each manufactured home site
- H) Screening requirement of Section 10.5.1 apply

10.5.6 TRAVEL TRAILERS

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

A) STORAGE OF TRAVEL TRAILERS:

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

B) NON-STORAGE USE OF TRAVEL TRAILERS:

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

d. A non-plumbing sanitary system is installed. If there is a well, a state sanitary system must be installed in compliance with the Polk County Private Onsite Wastewater (POWTS) Ordinance.

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

10.5.7 BUNKHOUSES

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

- A) The bunkhouse shall not exceed 50% of the square footage of the accessory structure with a maximum of 400 square-foot floor area. The 50% square footage limitations will not apply when loft or attic truss type area is being used; however, the area shall not exceed 400 square feet. Stand-alone bunkhouses cannot exceed 400 sq ft of floor area in total.
- B) All of the setback requirements for an accessory structure are met.
- C) Leasing, rental or use as a residence is strictly prohibited.
- D) Sanitary systems must be sized for the total number of bedrooms on the lot after the bunkhouse is built. No affidavits allowed for undersized systems
- E) Holding tanks are only allowed for the purposes of these regulations if absolutely no other system will work on the property (i.e. a mound system or conventional system). A soil test is required to prove the necessity of a holding tank.
- F) A separate sanitary system for a bunkhouse is prohibited
- G) The bunkhouse shall be built to Uniform Dwelling Code compliance. A copy of the completed and passed final inspection of the bunkhouse by the Town's Building Inspector is due to the zoning office within 2 years of obtaining the land use permit, as proof that this condition has been satisfied.
- H) Plumbing, if installed, conforms to the Polk County Sanitary Code.
- I) Height of the structure is limited to 25 feet
- J) Maximum of 1 bathroom allowed per bunkhouse
- K) Cannot be split from original property
- L) Cooking facilities are prohibited
- M) Cannot be built on an outlot
- N) Cannot be the first building on a lot
- O) An affidavit is recorded in the Register of Deeds outlining use restrictions.
- P) Boathouses cannot become bunkhouses
- Q) Only allowed in zoning districts where single-family residential uses are allowed
- R) Must meet minimum lot size requirements at time of lot creation
- S) Bunkhouses created on riparian lots shall be required to install and maintain mitigation as described in the Polk County Shoreland Protection Zoning

Ordinance. For the purposes of this ordinance, changing the use of a structure to a bunkhouse counts as the same additional square footage of impervious surface (in shoreland areas) as a vertical expansion.

- T) Use of accessory structures in a manner consistent with the definition of bunkhouse prior to enactment of this ordinance is prohibited by this ordinance and such use is not a nonconforming use as defined in Wisconsin Statute section 59.69(10)(ab) and (am) and Section 10.3.2 of this ordinance. Accordingly, any and all accessory structures that are to be used as bunkhouses must comply with the above conditions regardless of prior existing use.

10.5.8 CAMPGROUNDS

- A) The minimum size of the campground shall be 5 acres.
- B) The maximum number of sites shall be 20 per acre.
- C) Minimum dimensions of a site shall be 25 feet by 40 feet.
- D) Each site is separated from other camping units by a yard not less than 10 feet wide.
- E) There shall be 1½ automobile parking spaces for each site.
- F) There shall be a minimum setback of 40 feet from all other exterior lot lines.
- G) Applicant must obtain all proper licensing.
- H) The screening standards of Section 10.5.1 of this ordinance must be met.

10.6 ARTICLE 6: ADMINISTRATIVE PROCEDURAL REGULATIONS

10.6.1 ZONING ADMINISTRATOR

The Zoning Department staff shall have the following duties and powers

- A) Advise applicants on the provisions of this ordinance and assist them in preparing permit applications and appeal forms.
- B) Issue permits and inspect properties for compliance with this ordinance.
- C) Keep records of all permits issued, inspections made, work approved and other official actions.
- D) Must have permission to access any premises between 8:00 a.m. and 6:00 p.m. for the purpose of performing duties set forth in this ordinance.
- E) Submit copies of variances, Conditional Uses and decisions on appeals for map or text interpretation and map or text amendments within 10 days after they are granted or denied to the Department of Natural Resources.
- F) Report all violations of this ordinance to the Department Head and the Governing Committee.

10.6.2 LAND USE PERMITS

The following applies to the issuance and revocation of permits:

A) WHEN REQUIRED

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

B) APPLICATION

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

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

C) EXPIRATION

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

10.6.3 REVOCATION

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

10.6.4 BOARD OF ADJUSTMENT

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

A) POWERS AND DUTIES

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

- 1) Shall adopt rules as it deems necessary and may exercise all of the powers conferred on such boards by Section 59.69 Wisconsin Statutes.
Supplemental information is available in the Polk County Board of Adjustment Procedural Ordinance.

2) ADMINISTRATIVE APPEALS

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

- a. Appeals to the Board of Adjustment may be taken by any person aggrieved or by an officer, department, board or bureau of the county affected by any decision of the Zoning Administrator or other administrative officer.
- b. Appeals shall be taken within a feasible time, as provided by the rules of the Board of Adjustment.

3) VARIANCES

Authorize upon application, in specific cases, such variances from the terms of the ordinance as shall not be contrary to the public interest, where owing to special conditions, a literal enforcement of the ordinance will result in unnecessarily burdensome.

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

4) CONDITIONAL USES

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

- a. Standards Applicable to All Conditional Uses. The Board of Adjustment shall evaluate the effect of the proposed use upon the following criteria, including but not limited to:
 1. The maintenance of safe and healthful conditions.
 2. Creation or increase of smoke, dust, noxious and toxic gases and odors, noise or vibrations from heavy equipment.
 3. The prevention and control of water pollution including sedimentation.
 4. Existing topographic and drainage features and vegetative cover on the site.
 5. The location of the site with respect to floodplains and floodways of rivers and streams.
 6. The erosion potential of the site based upon degree and direction of slope, soil type, and vegetative cover.
 7. The location of the site with respect to existing and future access roads.
 8. Heavy vehicular traffic and increased traffic
 9. The need of the proposed use
 10. Its compatibility with uses on adjacent land.

11. The amount of septic waste to be generated and the adequacy of the proposed disposal system.

12. Location of uses that:

- i. Within an area, are not inherently a source of pollution, shall be preferred over uses that are or may be a pollution source; and
 - ii. Within an area, tend to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility.
- b. Conditions Attached to Conditional Use Permit. Upon consideration of the factors listed above, the Board of Adjustment shall attach such conditions, in addition to those required elsewhere in this Ordinance as are necessary to further the purposes of this Ordinance. Such conditions may include, but are not limited to: type of land cover; increased setbacks; landscaping and planting screens; period of operation; operational control; sureties; bonding; deed restrictions; location of piers, docks, parking and signs; and type of construction.
- c. Conditional Uses do not expire but remain with the property and all conditions remain in effect.

B) APPLICATION/REVIEW PROCESS/PROCEDURE

- 1) NOTICE OF PUBLIC HEARING. Before acting upon an application the Board of Adjustment shall hold a public hearing within a reasonable time. Notice of such public hearing, specifying the time, place, and matters to come before the Board of Adjustment, shall be given as a Class 2 notice under Chapter 985, Wisconsin Statutes, and notice shall be mailed to the appropriate district office of the Department of Natural Resources, when applicable, at least 10 days prior to the hearing as well as all property owners within 300 feet of the site under consideration.
- 2) PUBLIC HEARING. At the public hearing, any party may appear in person or by agent or by attorney. The Board of Adjustment may require the applicant to furnish, in addition to the information required for a Conditional Use Permit, the following information:
 - a. A plan of the area showing contours, soil types, ordinary high water marks, groundwater conditions, bedrock, slope and vegetative cover.
 - b. Location of buildings, parking areas, traffic access, driveways, walkways, piers, open space and landscaping.
 - c. Plans of buildings, sewage disposal facilities, water supply systems and arrangements of operations.
 - d. Specifications for areas of proposed filling, grading, lagooning or dredging.

- e. Other pertinent information necessary to determine if the proposed use meets the requirements of this ordinance.
- 3) RECORDING. An appropriate record shall be made of any decision made by the Board of Adjustment
 - a. A decision regarding the application appeal shall be made as soon as practical and a copy shall be submitted to the Department of Natural Resources when applicable within 10 days after the decision is issued.
 - b. The Board of Adjustment shall state in writing the grounds for their decision and shall state the specific facts which are the basis of the Board determination.
 - c. All decisions may be reviewed by a court of competent jurisdiction.

10.6.5 FEES

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

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

10.6.6 ENFORCEMENT AND PENALTIES

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

- A) As authorized by Wis. Stat. CHAPTER 66, the Zoning Administrator or the County Zoning Agency shall issue citations for any violations of this Ordinance. Any person, firm, association, or corporation who violates or refuses to comply with any of the provisions of this ordinance shall be subject to a forfeiture of not less than two-hundred (\$200.00) dollars nor more than one-thousand (\$1000.00) dollars per offense, together with the taxable costs of action. Each day of continued violation shall constitute a separate offense. Every violation of this Ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance there may be abated by action at suit of the county, the state, or any citizen thereof pursuant to Section 87.30(2), Wisconsin Statutes. The County also retains the summons and complaint avenue for forfeitures and remedial action as provided by Wis. Stat. Section 59.69(11).
- B) ~~There shall be a penalty fee of five-hundred (\$500.00) dollars added to the regular 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. 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.

Ordinance No. 20-18

Ordinance To Enact Amended Polk County Board of Adjustment Procedures Ordinance

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

Ladies and Gentlemen:

WHEREAS, the Polk County Board of Supervisors enacted Ordinance No. 15-10 on March 16, 2010, entitled as Polk County Board of Adjustment Procedures Ordinance, as rules of conduct for the business of the Board of Adjustment; and

WHEREAS, said ordinance is enacted under Wisconsin Statute Section 59.694; and

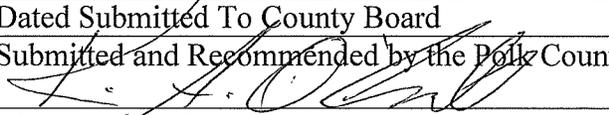
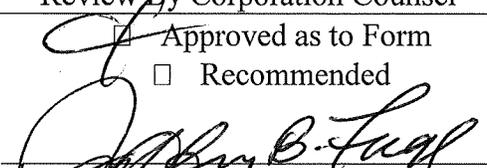
WHEREAS, on February 15, 2018, the Polk County Zoning Administrator filed pursuant to Wisconsin Statute Section 59.69(5)(e), a petition to amend the Polk County Board of Adjustment Procedures Ordinance, through the enactment of the proposed Amended Polk County Board of Adjustment Procedures Ordinance; and

WHEREAS, on March 7, 2018, 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 Board of Adjustment Procedures Ordinance; and

WHEREAS, after considering public input received in the public hearing and incorporating such public input and recommendations, as appropriate, the Polk County Environmental Services Committee recommends the Polk County Board of Supervisors to enact as and for the county's Board of Adjustment procedures ordinance under Section 59.694 the attached proposed ordinance, entitled "Amended Polk County Board of Adjustment Procedures Ordinance".

NOW, THEREFORE, pursuant to Wisconsin Statute Section 59.69, the Polk County Board of Supervisors ordains as follows:

1. The Amended Polk County Board of Adjustment Procedures Ordinance, attached hereto and incorporated herein, is enacted.
2. The provisions of the Amended Polk County Board of Adjustment Procedures Ordinance shall supersede the related provisions of Ordinance 15-10 Polk County Board of Adjustment Procedures Ordinance.
3. 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.
4. The Amended Polk County Board of Adjustment Procedures Ordinance will be effective upon passage and publication.

Funding Source/ Funding Amount:	Not Applicable
Date Reviewed as to Appropriations:	Not Applicable
Committee Recommendation as To Appropriation:	Not Applicable
Effective Date:	Upon passage and publication
Dated Submitted To County Board	April 17, 2018
Submitted and Recommended by the Polk County Environmental Services Committee:	
 Kim O'Connell, Committee Chair	
Review By Corporation Counsel	
<input checked="" type="checkbox"/> Approved as to Form <input type="checkbox"/> Recommended	
 Jeffrey B. Fuge, Corporation Counsel Interim County Administrator	

County Board Action

At its regular business meeting on April 17, 2018 the Polk County Board of Supervisors enacted the above-entitled ordinance: Ordinance No. 26-18: Ordinance To Enact Amended Polk County Board of Adjustment Procedures Ordinance, by majority vote of the entire membership of a vote of ___ in favor and ___ against.

Dean Johansen, County Board Chairperson

Dated: _____

Attest: _____
Sharon Jorgenson, Polk County Clerk

Dated: _____

Certification of Publication

The above-enacted ordinance, Ordinance No. 20-18: Ordinance To Enact Amended Polk County Board of Adjustment Procedures Ordinance was published in the Inter-County Leader on the _____ day of _____, 2018.

Sharon Jorgenson, County Clerk

Dated: _____

PROPOSED AMENDED POLK COUNTY BOARD OF ADJUSTMENT PROCEDURES ORDINANCE

Ordinance No. 20-18

Polk County Board of Adjustment Procedures Ordinance

Enacted _____; Published _____

Effective Date: _____

TEXT: PROPOSED TEXT

~~TEXT: REMOVED TEXT~~

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

POLK COUNTY BOARD OF ADJUSTMENT PROCEDURES ORDINANCE

Section 1.0 General Provisions..... 2

Section 2.0 Officers and Duties 3

Section 3.0 Meetings 4

Section 4.0 Powers and Duties of the Board..... 4

Section 6.0 Proceedings of Hearings 8

Section 7.0 Decisions of the Board..... 10

Section 8.0 Refiling and Rehearings..... 12

Section 9.0 Amendments of Rules..... 12

Section 10.0 Annual Report..... 13

Section 11.0 Staff 13

Section 12.0 Reimbursement..... 13

Section 13.0 Definitions..... 13

POLK COUNTY BOARD OF ADJUSTMENT PROCEDURES ORDINANCE

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

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

Section 1.0 General Provisions**1.1 Authority**

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

1.2 Title

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

1.3 Membership

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

1.4 Conflicts of Interest

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

1.5 Limitations

Nothing herein shall be construed to give or grant to the Board the power or authority to

alter or change the zoning ordinances or zones of other official maps of the County, which authority is reserved to the ~~Land Information~~ Environmental Services Committee and County Board of Supervisors.

1.6 **Board's Office**

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

Section 2.0 Officers and Duties

2.1 **Officers**

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

2.2 **Duties of Officers**

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

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

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

Section 3.0 Meetings

3.1 Time: How Called

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

3.2 Quorum

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

3.3 Robert's Rules of Order

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

Section 4.0 Powers and Duties of the Board

4.1 General Powers

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

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

- 4.12 To authorize, upon appeal in specific cases, such variance of the zoning ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the ordinances will result in unnecessary hardship and so that the spirit of the ordinance shall be observed, public welfare and safety secured, and substantial justice done. A variance:
- (a) Shall be consistent with the spirit and intent of the zoning ordinances.
 - (b) Shall not permit any change in the uses in the established zone districts.
 - (c) Shall not be granted unless it is shown that the variance will not be contrary to the public interest or damaging to the rights of other persons' property values in the area.
 - (d) Shall not be granted for actions which require an amendment to the ordinance.
 - (e) Shall not be granted on the basis of economic gain or loss.
 - (f) Shall not be granted for a self-imposed hardship.
- 4.13 Hear and decide appeals on the extensions of structures, buildings or premises devoted to nonconforming uses.
- 4.14 To hear and decide requests for ~~special exceptions~~ conditional uses from the terms of any land use ordinance that contains such provision.

4.2 Scope or Orders

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

Section 5.0 Application and Appeal Procedures

5.1 Who May File

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

5.2 Copies to be Sent

The Zoning Administrator shall transmit copies of the application or appeal as follows: Original to the Board of Adjustment; a copy to the applicant; a copy to the Zoning Administrator's files; a copy to the Clerk of the Town Board or Village Council, where applicable as to variances. In the case of applications or appeals affecting property within

the wetland/shorelands, one copy shall also be sent to the Department of Natural Resources and to any affected lake association or lake protection & rehabilitation district.

5.3 **Time to Appeal**

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

5.4 **Required Information**

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

5.5 **Reasons to Be Stated**

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

5.6 **Dismissal of Case**

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

5.7 **Owner's Consent**

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

5.8 **Notice of Hearing**

5.81 The Secretary of the Board shall give, or cause to be given, notice of each hearing as required by law and these rules. This shall include at least the following: (1) publication of a Class 2 hearing notice in the official County newspaper; (2) mailing a notice of the hearing to the applicant, and where required to the area office of the Department of Natural Resources at least ten (10) days before the hearing; (3)

mailing a notice of the hearing to the Town Clerk of the Town in which the property is located, no less than ten (10) calendar days before the date of the hearing; (4) mailing a notice of the hearing to the Village Clerk and Village President when the property affected lies within 1 1/2 air miles of the closest city or village limits, no less than ten (10) calendar days before the date of the hearing; (5) mailing a notice of the hearing to any affected lake association or lake protection & rehabilitation district, no less than ten (10) calendar days before the date of the hearing; (6) all property owners within 300 feet of the property affected by the request.

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

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

5.9 **Effect of Appeal**

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

5.10 **Representative Filing**

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

5.11 **Fee**

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

Section 6.0 Proceedings of Hearings

6.1 Appearances, Adjournments

At the time of the hearing, the applicant may appear in his own behalf or be represented by his counsel or agent. A motion passed to table a request or a recess or adjournment of a hearing, made at a noticed hearing date, to a time and place certain is adequate notice to the members and the public of a new hearing date.

6.2 Witnesses

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

6.3 Order of Hearings

Hearings on cases shall normally follow this order:

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

6.4 Preliminary Matters

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

determines by motion that it lacks jurisdiction, the secretary shall record the decision as a vote to deny the request.

6.5 Parties Not to Interrupt

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

6.6 Questions and Debate

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

6.7 Presentation of Evidence

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

6.8 Additional Evidence

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

6.9 Rules of Evidence

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

6.10 Chairperson to Rule on Admissibility

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

6.11 Interested Persons May Testify

Persons having an interest in the case may attend the hearing and may request an

opportunity to testify provided they identify themselves.

6.12 **Record of Hearing**

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

6.13 **Adjournments**

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

6.14 **Withdrawal of Application**

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

Section 7.0 Decisions of the Board

7.1 **Majority Vote Required**

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

7.2 **Decisions to be Written**

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

7.3 **Decisions to be Mailed**

Within ten (10) days of the close of the hearing to which the decision relates, written copies of such decision shall be mailed to the applicant, the local municipality, ~~Land Information~~ Environmental Services Committee, those sworn in, and if applicable to the following: adjoining local municipality, Department of Natural Resources, affected lake association or lake protection & rehabilitation district and State or Federal Highway Department. The

approval or granting by the Board is deemed to constitute an order to the zoning official to issue a permit. A denial of the application or appeal by the Board is deemed to be an order to deny the permit.

7.4 **Findings of Fact**

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

7.5 **Disqualification: Motions**

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

7.6 **Decision to Relate to Specific Property**

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

7.7 **Informal Advice Not Binding**

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

7.8 **Cases to be Determined Individually**

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

7.9 **Decisions to be filed with State**

Copies of decisions within the shorelands or affecting the Wetland/Shoreland One District

shall be sent to the appropriate district office of the Department of Natural Resources.

7.10 Action in Circuit Court

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

Section 8.0 Refiling and Rehearings

8.1 One Year Refiling Rule

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

8.2 Reopenings and Rehearings Limited

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

8.3 Closure of Case

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

8.4 Reconsideration on Board Motion

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

8.5 Reconsideration Tolls Appeal Period

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

Section 9.0 Amendments of Rules

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

Section 10.0 Annual Report

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

Section 11.0 Staff

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

Section 12.0 Reimbursement

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

Section 13.0 Definitions

Certain terms or words used herein are defined as follows:

- 1) *Aggrieved person*: Any person whose substantial interests are adversely affected by a determination. Aggrieved person may file appeals or appear in opposition to an application.
- 2) *Appeal*: A complaint of an injustice done or error committed in which both the facts and the law are reviewed. Board of Adjustment hear and decide appeals regarding interpretations of county zoning ordinances.
- 3) *Briefs*: A concise and brief statement expounding on the legal issues and the authorities.
- 4) *Certiorari*: A written order from a higher court to a lower court demanding a transcript of the proceedings of a case for review. Review of the Board's decision is by the Circuit Court in an action of certiorari. The records will be judged on the evidence presented and the procedures followed by the Board in hearing the case and reaching a decision.
- 5) *Conditional Use*: means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by the county, but does not include a variance.

Conditional uses, listed by ordinance, are subject to certain conditions specified in the ordinance and/or designated by the Board of Adjustment.

- 6) *Findings of fact:* A statement of the Board's rationale behind the decision and facts that support the decision.
- 7) *Hearing de novo:* To hear anew. The court may grant a hearing de novo if the decision was based on insufficient evidence or the findings of fact are insufficiently recorded.
- 8) ~~*Special Exception:* A use that is permitted as well as listed by ordinance provided certain conditions specified in the ordinance are met and that a permit is granted by the Board of Adjustment.~~ *Substantial Evidence:* means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.
- 9) *Unnecessary hardship:* For area variances, compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome. An unnecessary hardship must be based on conditions unique to the property rather than considerations personal to the property owner when reviewing a variance application.
 - a. *Self-imposed hardship:* A hardship created by oneself. Examples include excavating a pond on vacant lot and then arguing that there is no suitable location for a home; claiming hardship for a substandard lot after selling off portions that would have allowed building in compliance; and claiming hardship after starting construction without required permits or during a pending appeal.
- 10) *Use, Variance:* means an authorization by the board of adjustment under this subsection for the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable zoning ordinance.
- 11) ~~*Variance:* means an action, which authorizes the construction or maintenance of a structure in a manner inconsistent with the dimensional requirements of a zoning ordinance. A variance may only be granted in cases of unnecessary hardship and when the spirit of the ordinance is not violated.~~ *(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.

Resolution No. ~~42~~18

Resolution for Approval of Lakes Improvement Fund Capital Project

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

Ladies and Gentlemen:

WHEREAS, The Polk County Board of Supervisors approved the 2018 budget at the November 14, 2017 meeting.

WHEREAS, in the 2018 budget was approved expenditures for the 807 Lakes Improvement Fund as stated below. The approved budget was:

Fund	Expenditure	Amount
807 Lakes Improvement	Supplies & Expenses	\$15,000

WHEREAS, Buildings, Parks, and Solid Waste is requesting one project which is to complete Vaulted Toilets at Atlas Park for 2018 with the funding in the 807 fund balance (fund balance 807 fund was \$72,193 - 2016 audit) at a cost of \$29,000 capital outlay that was not approved in the original 2018 budget.

NOW, THEREFORE, BE IT RESOLVED, the Polk County Board of Supervisors review and approve the capital projects as well as approve the budget adjustment for fund 807 Lakes Improvement to the amount:

Fund	Expenditure	Amount
Increase :		
807 Lakes Improvement	Capital Outlay for Vaulted	\$29,000

Offered on the 15th day of May, 2018

Signed and sponsored by:

BY: _____
Brad Olson, Supervisor, District #1

Doug Route, Supervisor, District #2

Dean Johansen, Chair,
Supervisor, District #3,

Chris Nelson, Supervisor, District #4

Tracy LaBlanc, Supervisor, District #5
Brian Masters 5/3/18
Brian Masters, Supervisor, District #6

Michael Prichard, Supervisor, District #7

James Edgell, Supervisor, District #8

Kim O'Connell, Supervisor, District #9

Larry Jepsen, Supervisor, District #10

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

Michael Larsen, Supervisor, District #12

Russell Arcand, Supervisor, District #13

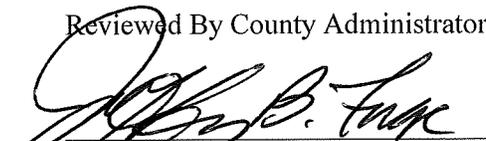
John Bonneprise, 2nd Vice Chair,
Supervisor, District #14

Joe DeMulling, Supervisor, District #15

Fiscal Impact Note: Added to the 2018 budget would be a capital project of Atlas Park Vaulted Toilets in the Lakes Improvement Fund (807) and funding out of the fund balance in such.

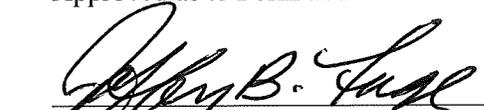
Legal Impact Note: If the resolution does not present legal impacts, so state. (Completed by Corporation Counsel).

Reviewed By County Administrator:



Name/County Administrator

Approved as to Form and Execution:



Name/Corporation Counsel

Excerpt of Minutes

At its regular business meeting on the ___ day of _____, 20___, the Polk County Board of Supervisors acted upon Resolution No. 42-18:

18 Resolution for Approval of Lakes Improvement Fund Capital Project as follows:

- Budget amended by two thirds vote of the County Board.
- Adopted by unanimous voice vote.
- Adopted as amended. See Below.
- Other: _____

Insert amendment to resolution according to minutes:

SIGNED BY:

ATTEST:

Dean Johansen, County Board Chairperson

Sharon Jorgenson, County Clerk

Resolution No. 49-18

Resolution to Accept Ambulance and Monetary Donation for Mobile Command Center

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

Ladies and Gentlemen:

WHEREAS, the Osceola Hospital has offered to donate a 2006 ambulance, having received a new ambulance from Robert C. Brown, Jr.; and

WHEREAS, Robert C. Brown, Jr., through the Robert C. Brown, Jr. Revocable Trust, has offered Polk County a monetary donation of \$10,000 to convert the ambulance into a mobile command center; and

WHEREAS, the Polk County Sheriff has a need for a mobile command center that provides for greater use than the mobile home that is presently in service for such purposes.

NOW, THEREFORE, BE IT RESOLVED, the Polk County Board of Supervisors is appreciative to the Robert C. Brown for the generous monetary donation of \$10,000 offered through the referenced trust.

BE IT FURTHER RESOLVED, the Polk County Board of Supervisors accepts on behalf of Polk County the monetary donation the Robert C. Brown, Jr. Revocable Trust in the sum of \$10,000.

BE IT FURTHER RESOLVED, pursuant to Section 65.90, Wis. Stats., the Polk County Board of Supervisors amends the 2018 Operating and Capital Budget to reallocate the donated sum of \$10,000 to the departmental budget of the Polk County Sheriff's Department and to authorize the expenditure of such sum for the purpose of converting the 2006 ambulance into a mobile command center.

BE IT FURTHER RESOLVED that this resolution is effective upon passage provided timely publication in accordance with law.

Fiscal Impact Note: The resolution accepts a monetary donation in the sum stated and amends the budget of the current budget to provide for the reallocation and expenditure for the purpose for which the donation was made.

Legal Impact Note: The resolution lawfully provides for the acceptance of the ambulance and monetary donations and sufficiency applies each donation consistent with the purpose for which the same were made.

Resolution No. 49-18

Resolution to Accept Ambulance and Monetary Donation for Mobile Command Center

Offered on the 19th day of June, 2018.

Signed and sponsored by:

BY:

Brad Olson, Supervisor, District #1

James Edgell, Supervisor, District #8

Doug Route, Supervisor, District #2

Kim O'Connell, Supervisor, District #9

Dean Johansen, Chair,
Supervisor, District #3,

Larry Jepsen, Supervisor, District #10

Chris Nelson, Supervisor, District #4

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

Tracy LaBlanc, Supervisor, District #5

Michael Larsen, Supervisor, District #12

Brian Masters 6/7/18
Brian Masters, Supervisor, District #6

Russell Arcand, Supervisor, District #13

Michael Prichard, Supervisor, District #7

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

Joe DeMulling, Supervisor, District #15

Reviewed By County Administrator:

Approved as to Form and Execution:

Jeffrey B. Fuge

Jeffrey B. Fuge

Interim County Administrator/Corporation Counsel

Excerpt of Minutes

31 At its regular business meeting on the ___ day of June 2018 the Polk County Board of Supervisors
32 acted upon Resolution No. 49-18: Resolution to Accept Ambulance and Monetary Donation for
33 Mobile Command Center as follows:

- Adopted by two-thirds majority of the members of the board of supervisors by a vote of _____ in favor and _____ against.
- Adopted by unanimous voice vote.
- Defeated: _____
- Other: _____

SIGNED BY:

ATTEST:

Dean Johansen, County Board Chairperson

Sharon Jorgenson, County Clerk

Resolution No. 50-18

Resolution to Write Off Uncollectable Accounts Receivable of Community Services Division,
Lime Quarry and Golden Age Manor Nursing Home

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

Ladies and Gentlemen:

WHEREAS, Subchapter 5.7, Section 1 Accounts Receivable in the County Finance policy describes
the procedures for Polk County Departments to extend services to citizens and create an account
receivable for these services; and

WHEREAS, the accounts of the Community Services Division, Lime Quarry and Golden Age Manor
Nursing Home, identified in the attached table of accounts have undergone a review consistent with
Subchapter 5.7, Section 1 (2.04(j)), Accounts Receivable provisions of the County Finance policy
and have been determined by the Finance Director in consultation with the Corporation Counsel as
uncollectible and recommended to be removed from Polk County Accounts Receivable.

NOW, THEREFORE, BE IT RESOLVED, pursuant to Section 59.52(12), Wis. Stats., the Polk
County Board of Supervisors approves the write-off of the accounts of the Lime Quarry, Golden Age
Manor Nursing Home, and Community Services Division, as identified on the attached table of
Uncollectible Accounts.

Offered on the 19th day of June, 2018.

Signed and sponsored by:

BY:

Brad Olson, Supervisor, District #1

James Edgell, Supervisor, District #8

Doug Route, Supervisor, District #2

Kim O'Connell, Supervisor, District #9

Dean Johansen, Chair,
Supervisor, District #3,

Larry Jepsen, Supervisor, District #10

Chris Nelson, Supervisor, District #4

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

Tracy LaBlanc, Supervisor, District #5

Michael Larsen, Supervisor, District #12

Brian Masters 6/7/18
Brian Masters, Supervisor, District #6

Russell Arcand, Supervisor, District #13

Michael Prichard, Supervisor, District #7

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

Joe DeMulling, Supervisor, District #15

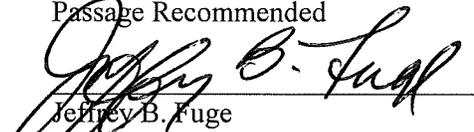
Resolution No. 50-18

Resolution to Write Off Uncollectable Accounts Receivable of Community Services Division,
Lime Quarry and Golden Age Manor Nursing Home

Fiscal Impact Note: The resolution, providing for the write-off of certain uncollectible accounts, authorizes accounting entries necessary to characterize such accounts as an uncollectible, rather than an asset.

Legal Impact Note: The resolution presents minimal legal impact, discontinuing collection efforts of the county with respect to those accounts specified.

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


Jeffrey B. Fuge
Interim County Administrator/Corporation Counsel

Excerpt of Minutes

At its regular business meeting on the ___ day of ____, 2018, the Polk County Board of Supervisors acted upon Resolution No. 50-18: Resolution to Write Off Uncollectable Accounts Receivable of Community Services Division, Lime Quarry and Golden Age Manor Nursing Home as follows:

- Adopted by majority voice vote
- Adopted by simple majority of the board of supervisors by a vote of _____ in favor and _____ against.
- Adopted by unanimous voice vote.
- Defeated: _____
- Other: _____

Insert amendment to resolution according to minutes:

SIGNED BY:

ATTEST:

Dean Johansen, County Board Chairperson

Sharon Jorgenson, County Clerk

Resolution No. 51 -18

Resolution Authorizing Entry into An Intergovernmental Cooperation Agreement Relating to the
“Wisconsin Investment Series Cooperative”
And Authorizing Participation in The Investment Programs Of The Fund

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

Ladies and Gentlemen:

WHEREAS, Wisconsin school districts, technical college districts, cities, villages, counties and towns may invest their monies as authorized by Wisconsin Statutes, Section 66.0603 (1m); and

WHEREAS, Wisconsin Statutes, Section 66.0301 (the “Intergovernmental Cooperation Act”) provides, among other things, that municipalities may contract with other municipalities for the joint exercise of any power or duty required or authorized by law, including investment of their monies; and

WHEREAS, the Wisconsin Investment Series Cooperative (formerly known as the Wisconsin School District Liquid Asset Fund) (the “Fund”) was formed as of June 23, 1988 pursuant to the Intergovernmental Cooperation Act by the adoption of an Intergovernmental Cooperation Agreement relating to the Wisconsin School District Liquid Asset Fund by Oregon School District and Sheboygan Area School District, as the initial participants of the Fund, which Agreement was amended as of July 15, 1994 and July 12, 2002 (the “Intergovernmental Cooperation Agreement”); and

WHEREAS, the Fund is governed by the Wisconsin Investment Series Cooperative Commission (the “Commission”) in accordance with the terms of the Intergovernmental Cooperation Agreement; and

WHEREAS, the Intergovernmental Cooperation Agreement has been presented to Polk County Board; and

WHEREAS, the Intergovernmental Cooperation Agreement authorizes municipalities to adopt and enter into the Intergovernmental Cooperation Agreement and become participants of the Fund; and

WHEREAS, it is in the interest of Polk County to enter into the Intergovernmental Cooperation Agreement and become a participant of the Fund for the purpose of exercising jointly with other municipalities the power to invest their monies, so as to enhance the investment earnings accruing to each such local governmental unit; and

WHEREAS, on recommendation of the General Government Committee, it to be advisable for Polk County to make use from time to time, in the discretion of those “Authorized County Officials”, below, of the Fixed Rate Investment Program available to participants of the Fund; and

WHEREAS, it is in the interest of the County to make use of, from time to time, the services provided by PMA Financial Network, Inc., PMA Securities, Inc., U. S. Bank National Association, and/or their affiliates and successors, in connection with the Municipality’s utilization of the Fund.

1 NOW, THEREFORE, BE IT RESOLVED:
2

3 Section 1. The Polk County Board of Supervisors agrees and authorizes on behalf of Polk County to
4 join with other Wisconsin municipalities in accordance with the Intergovernmental Cooperation Act
5 by becoming a participant of the Fund and adopting and entering into the Intergovernmental
6 Cooperation Agreement.
7

8 Section 2. The Polk County Board of Supervisors authorizes the investment of the available monies
9 of Polk County from time to time and the withdrawal of such monies from time to time in accordance
10 with the provisions of the Intergovernmental Cooperation Agreement, including investment in the
11 fixed-income program of the Fund through the intermediaries PMA Financial Network, Inc. and
12 PMA Securities, Inc.
13

14 Section 3. The Polk County Board of Supervisors designates and authorizes the following officers
15 and officials of Polk County, and their respective successors in office as "Authorized County
16 Officials" with full power and authority to effectuate the investment and withdrawal of monies of
17 Polk County from time to time in accordance with the Intergovernmental Cooperation Agreement
18 and pursuant to the Fixed Rate Investment Program available to participants of the Fund:
19

- 20 1. The Polk County Investment Committee, composed of Dean Johansen, Polk County Board
21 Chairperson; Jeffrey B. Fuge in the capacity of Interim County Administrator; Andrea
22 Jerrick, Deputy County Administrator; Maggie Wickre, County Finance Director; and
23 Amanda Nissen, County Treasurer. Said Committee shall exercise such authority only upon
24 consensus of the committee.
25

26 Section 4. Supervisors of the Polk County Board, the offices identified in the designation of
27 "Authorized County Officials", above, are authorized to serve as Commissioners of the Commission
28 from time to time if selected as such pursuant to the provisions of the Intergovernmental Cooperation
29 Agreement.
30

31 Section 5. Polk County is authorized to open depository accounts, enter into wire transfer
32 agreements, safekeeping agreements, and lockbox agreements, or other applicable or related
33 documents with U. S. Bank National Association, and any other institutions participating in the Fund
34 programs or programs of PMA Financial Network, Inc. and PMA Securities, Inc., pursuant to
35 Wisconsin Statutes, Section 34.05, Wisconsin Statutes, Section 120.12(7) (if applicable) and, when
36 directed by one of the Authorized Officials, Wisconsin Statutes, Section 66.0603. PMA Financial
37 Network, Inc. and/or PMA Securities, Inc. are authorized to act on behalf of this Municipality as its
38 agent with respect to such accounts and agreements.
39

40 Section 6. Credit unions, banks, savings banks, trust companies and savings and loan associations
41 authorized to transact business in the State of Wisconsin which qualify as depositories under
42 Wisconsin law and are included on a list approved and maintained for such purpose by the
43 Administrator of the Fund are designated as depositories of this Municipality pursuant to Wisconsin
44 Statutes, Section 120.12(7) (if applicable) and Wisconsin Statutes, Section 34.05.
45

46 Section 7. Monies of this Municipality may be deposited in such depositories, from time to time in
47 the discretion of the Authorized Officials, pursuant to the Fixed Rate Investment Program available
48 to participants of the Fund through the intermediary PMA Financial Network, Inc.

1 Section 8. The County Finance Director is authorized and designated to execute and administer on
 2 behalf of Polk County the Intergovernmental Cooperation Agreement consistent with the provisions
 3 of this resolution and those provisions of such Intergovernmental Cooperation Agreement.

Offered on the 19th day of June, 2018.

Signed and sponsored by:

BY:

 Brad Olson, Supervisor, District #1

 James Edgell, Supervisor, District #8

 Doug Route, Supervisor, District #2

 Kim O'Connell, Supervisor, District #9

 Dean Johansen, Chair,
 Supervisor, District #3,

 Larry Jepsen, Supervisor, District #10

 Chris Nelson, Supervisor, District #4

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

 Tracy LaBlanc, Supervisor, District #5

 Michael Larsen, Supervisor, District #12

Brian Masters 6/7/18

 Brian Masters, Supervisor, District #6

 Russell Arcand, Supervisor, District #13

 Michael Prichard, Supervisor, District #7

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

 Joe DeMulling, Supervisor, District #15

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

Jeffrey B. Fuge

 Jeffrey B. Fuge

Interim County Administrator Corporation Counsel

Fiscal Impact Note: The resolution presents no fiscal impact. Costs borne in the administration of the Fund are paid through income of the Fund.

Legal Impact Note: The resolution sufficiently provides for authorization of the County to enter into an intergovernmental agreement with Wisconsin school districts, technical college districts, cities, villages, counties and towns for the cooperative investment of their monies as authorized by Wisconsin Statutes, Section 66.0603 (1m).

Excerpt of Minutes

At its regular business meeting on the 19th day of June, 2018, the Polk County Board of Supervisors acted upon Resolution No. 51-18: Resolution Authorizing Entry into An Intergovernmental Cooperation Agreement Relating to the “Wisconsin Investment Series Cooperative” and Authorizing Participation in The Investment Programs of the Fund, as follows:

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

Insert amendment to resolution according to minutes:

SIGNED BY:

ATTEST:

Dean Johansen, County Board Chairperson

Sharon Jorgenson, County Clerk

Clerk’s Certification

It is hereby certified that Polk County Board of Supervisors, acting on behalf of Polk County, duly adopted the above resolution at a duly convened meeting, after giving proper notice of such meeting consistent with the Wisconsin Open Meetings Law, held on the _____ day of _____, 20_____, and that such resolution is in full force and effect on the date of passage; and that such resolution has not been modified, amended, or rescinded since its adoption.

I further certify that a true, accurate, and complete copy of an excerpt of the minutes of such meeting, pertaining to said resolution, is attached hereto and made part of this certification.

Sharon Jorgenson, County Clerk

SEAL

Resolution No. 47 -18

Resolution to Develop Uniform Rural Addressing and Road Numbering Ordinance

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

Ladies and Gentlemen:

WHEREAS, in 1978, the County Board established, as authorized by the Wisconsin Legislature, a countywide rural numbering system for the purpose of aiding in fire protection, emergency services, and civil defense; and

WHEREAS, in 1990, the County Board recognized in Resolution 90-94 that the County has invested in a gridded rural addressing system and resolved that future streets, avenues and addresses conform to the numbered grid system previously established by the County Board; and

WHEREAS, approximately 60 percent of the rural roads and rural addresses within Polk County conform to the rural numbering system;

WHEREAS, the Polk County rural addressing system has been developed without an ordinance that would otherwise clarify the public purposes of the rural addressing system, the responsibilities of land owners, the administration of the rural addressing system, and provide for a process for seeking exceptions or amendments to the ordinance provisions; and

NOW, THEREFORE, BE IT RESOLVED that the Polk County Board of Supervisors determines there is a continuing public safety need to establish an ordinance for the administration of a rural addressing and road numbering system in towns so as to aid in fire protection, emergency services and civil defense.

BE IT FURTHER RESOLVED that Polk County Board of Supervisors has received the draft Uniform Rural Addressing and Road Numbering Ordinance ("Ordinance"), attached hereto and incorporated herein.

BE IT FURTHER RESOLVED that said draft Ordinance is referred to the Public Safety and Highway Committee for review and public hearing.

BE IT FURTHER RESOLVED that the Public Safety and Highway Committee is directed to conduct a public hearing by June and file a committee report that contains the recommendation of the committee to enact the Ordinance as drafted or with revisions or modifications, as appropriate.

BE IT FURTHER RESOLVED that this resolution is effective on passage.

Fiscal Note: This resolution and its implementation do not require additional appropriation from the General Fund for the 2018 fiscal year. The costs to carry out the resolution can be covered with the budget of the County Board.

Legal Note: The resolution presents no legal impact.

Resolution No. 47-18

Resolution to Develop Uniform Rural Addressing and Road Numbering Ordinance

Signed and sponsored by:

BY: Brad Olson

Brad Olson, Supervisor, District #1

James Edgell, Supervisor, District #8

Doug Route, Supervisor, District #2

Kim O'Connell, Supervisor, District #9

Dean Johansen, Chair,
Supervisor, District #3,

Larry Jepsen, 2nd Vice Chair,
Supervisor, District # 10

Chris Nelson, Supervisor, District #4

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

Tracy LaBlanc, Supervisor, District #5

Kate Isaacson, Supervisor, District #12

Brian Masters, Supervisor, District #6

Russell Arcand, Supervisor, District #13

Michael Pritchard, Supervisor, District #7

John Bonneprise, Supervisor, District #14

Joe DeMulling, Supervisor, District #15

Reviewed and Approved as to Form:

Jeffrey B. Fuge
Jeffrey B. Fuge, Interim County Administrator/Corporation Counsel

At its regular business meeting on the _____ day of May, 2018, the Polk County Board of Supervisors adopted Resolution No. 47-18: Resolution to Develop Uniform Rural Addressing and Road Numbering Ordinance, as follows:

- Adopted by majority voice vote
- Adopted by simple majority of the board of supervisors by a vote of _____ in favor and _____ against.
- Defeated: _____
- Other: _____

SIGNED BY:

Dean Johansen, County Board Chairperson

Attest: _____
Sharon Jorgenson, County Clerk

Proposed Polk County Uniform Rural Addressing and Road Numbering Ordinance

Ordinance No. 48-18

**Polk County Uniform Rural Addressing and Road Numbering
Ordinance**

**Introduced: _____; Enacted: _____
Published: _____; Effective Date: _____**

2 **POLK COUNTY UNIFORM RURAL ADDRESSING AND ROAD NUMBERING**
 3 **ORDINANCE**

4 **Table of Contents.....1**

5 **Section 1.0 General Provisions.....2**

6 1.1 Authority.....2

7 1.2 Title.....2

8 1.3 Jurisdiction.....2

9 1.4 Purpose.....2

10 1.5 History.....2

11 1.6 Severability.....3

12 **Section 2.0**

13 **Definitions.....3**

14 **Section 3.0 Rural Addresses4**

15 3.1 Address Assignment.....4

16 3.2 Sign Standards.....5

17 3.3 Sign Placement.....5

18 3.4 Sign Maintenance.....6

19 **Section 4.0 Road Numbering6**

20 **Section 5.0 Administration7**

21 **Section 6.0 Fees.....7**

22 **Section 7.0 Amendments and Exceptions7**

23 7.1 Amendments.....7

24 7.2 Exceptions.....8

25 **Section 8.0 Enforcement and Penalties.....8**

Ordinance No. ____-18

26 POLK COUNTY UNIFORM RURAL ADDRESSING AND ROAD NUMBERING ORDINANCE

The Honorable Ladies and Gentlemen of the County Board of Supervisors for the County of Polk:

27 *NOW, THEREFORE, THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF POLK*
28 *DOES ORDAIN, AS FOLLOWS:*

29 **Section 1.0 General Provisions**

30 1.1 **Authority**

31 This ordinance is adopted pursuant to authorization in Section 59.54(4) and
32 59.54(4m) of the Wisconsin Statutes.

33 1.2 **Title**

34 This ordinance shall be known as the "Polk County Uniform Rural Addressing and
35 Road Numbering Ordinance," hereinafter referred to as "this ordinance."

36 1.3 **Jurisdiction**

37 This ordinance shall establish a county-wide rural address numbering system for
38 the unincorporated areas of Polk County, Wisconsin.

39 1.4 **Purpose**

40 This ordinance is to promote and aid in timely and efficient response of law
41 enforcement services, fire protection services, emergency services and civil defense.
42 This ordinance promotes public health and safety and welfare by providing an orderly
43 and uniform addressing and road numbering system for principal structures and
44 properties in the unincorporated areas of Polk County. This system will aid the timely
45 and efficient emergency response to all rural residents including police, fire, and
46 ambulances through proper coordination of 911/GIS data.

47
48
49

50 1.5 **History and Administration**

51 The Polk County rural addressing grid system was adopted on June 27, 1978.
 52 The Polk County Land Information Department-Division of Zoning administers
 53 the rural addressing system with the support of emergency services.

54 1.6 **Severability**

55 Should any section, clause, provision, or portion of this ordinance be declared
 56 unconstitutional or invalid by a court of competent jurisdiction, the remainder of
 57 this ordinance shall not be affected.

58 **Section 2.0 Definitions**

59 Certain terms or words used herein are defined as follows:

60 **"Address"** means a physical number for a principal structure or driveway access point for
 61 an unimproved lot as assigned by the county addressing authority.

62 **"Addressing Authority"** means the Polk County Land Information Department-Division
 63 of Zoning.

64 **"Address Sign"** means an individual address plate placed on a named road or driveway
 65 identifying the location of a principal structure or lot.

66 **"Application Form"** means the form required for assignment of a new address or a
 67 replacement sign. The owner or their agent shall complete and submit the form to the Polk
 68 County Land Information Department-Division of Zoning.

69 **"Driveway"** means a private road serving no more than two principal structures or lots.

70 **"Driveway Access Point"** means the point where the driveway or private road intersects
 71 a public roadway. This location is used to determine the correct address.

72 **"LOT"** means a parcel of land occupied or designed to provide space necessary for one
 73 principal building and its accessory buildings or uses. A lot may be a parcel designated in
 74 a plat or described in a conveyance recorded in the office of the Register of Deeds.

75 **"Principal Structure"** means the building used for the main use of the property. A
 76 principal structure may be used for residential, commercial, industrial, recreational, or other
 77 purposes.

78 **"Private Road"** means a named private driveway, which complies with the uniform road
 79 numbering, leading to two or more driveways or principal structures. Private roads are
 80 maintained by the landowners who are also responsible for all the costs associated.

81 **"Right-of-Way"** means the land covered by an established or recorded public roadway
 82 easement.

83 **"Road"** means a public road which affords primary means of access by vehicles to adjacent

84 properties. The town, county, or state are responsible for the maintenance of their own
85 roads.
86 **"Sign Post"** means a post permanently affixed in the ground used solely for display of the
87 address sign.

88 **Section 3.0 Rural Addresses**

89 **3.1 Address Assignment**

- 90 1. All new parcels created after adoption of the ordinance may be assigned a
91 physical property address according to the rural address numbering system
92 adopted in this ordinance.
- 93 2. All new construction for principal structures authorized by a land use permit,
94 sanitary permit, or town building permit shall be required to have a physical
95 property address.
- 96 3. Any existing principal structures or businesses not associated with a parcel
97 previously addressed shall be assigned a new physical property address.
- 98 4. All addresses shall be assigned to conform to the existing address grid system of
99 Polk County according to the following:
 - 100 a. The starting origin for address numbers running east to west begins along
101 the east boundary of Polk County; the starting origin for numbers running
102 south to north begins at the south county boundary. Addresses will
103 increase as you move north and west from the southeast corner of Polk
104 County.
 - 105 b. The addresses shall consist of up to four (4) digits providing 100
106 addresses per section mile.
 - 107 c. The grid system shall follow the public land survey system (PLSS) section
108 lines.
 - 109 d. All properties on the east side of north-south roads, and the south side of
110 the east-west roads shall be assigned even numbers.
 - 111 e. All properties on the west side of the north-south roads and the north side
112 of east-west roads shall be assigned odd numbers.
 - 113 f. All addresses shall be assigned at the location of the driveway access
114 point off a public or private road.
 - 115 g. Assignment of prefix or suffix alpha characters or sub numbers shall not
116 be permitted.
 - 117 h. If pre-existing surrounding addresses make it impossible to assign an
118 address that conforms to the county's grid system, the addressing
119 authority shall change the required addresses to conform to the county's
120 grid system.

- 121 i. One physical address number shall be assigned to apartment buildings,
 122 mobile home parks, and campgrounds. Individual units in such complexes
 123 shall be referred to by apartment number or unit number. Each unit or
 124 apartment shall clearly indicate the unit/apartment number by the
 125 entrance.
- 126 j. Twin homes or side by side condos shall each be assigned individual rural
 127 address numbers.
- 128 k. An address shall only be assigned to an accessory building if it is the only
 129 structure on the property.
- 130 l. Utility substations and telecommunication facilities shall have a physical
 131 property address.
- 132 m. Addresses shall be assigned to locations that are publicly accessible
 133 including but not limited to: cemeteries, parks, recognized public land
 134 access points, recognized trail access points, boat landings, public parking
 135 locations, nonmetallic mine access points, or any other location deemed
 136 important to public safety.
- 137 n. If the location of an existing driveway access point changes, the current
 138 address may remain unless the addressing authority determines the
 139 address is no longer in compliance with the county's grid system.
- 140 o. If the driveway access point changes from one road to another, the
 141 property owner shall be responsible for obtaining a new address and the
 142 associated costs.
- 143 p. The new address assigned to a property shall become the official address
 144 of the property and replace any prior address of the property.
- 145 q. Wherever practicable, the county shall cooperate with the town
 146 governments of the county consistent with Wis. Stat. § 59.54(4m).

147 **3.2 Sign Standards**

- 148 All new rural address signs shall meet the requirements below; however, these
 149 provisions are not retroactive to existing signs.
- 150 a. A rural address sign shall be double sided and installed perpendicular to
 151 the roadway.
- 152 b. The address sign shall include the address number, street name, street
 153 prefix or suffix directional, street type (e.g. street/avenue), and town.
- 154 c. The address sign shall be of highly reflective material.
- 155 d. The address number shall be a minimum of 4 inches tall.

156 **3.3 Sign Placement**

- 157 All address signs will be installed by the town in which the property is located.
 158 Each town shall receive \$25 for every sign installed except for address
 159 corrections. The sign shall be placed according to the following:
- 160 a. The rural address sign shall be installed within 20 feet of the driveway
 161 access point and within 10 feet of the road right-of-way.
 - 162 b. The sign shall be affixed to a post and shall not be attached to any
 163 buildings.
 - 164 a. Signs shall be attached to posts at a height of four feet, measured
 165 from the ground surface to the center of the sign.
 - 166 c. The sign must be visible from the roadway from both directions.
 - 167 d. In the case where more than two addresses are served by a private
 168 driveway, each address shall be double signed. The first sign will be
 169 placed at the driveway access point, and the second sign will be placed
 170 where the individual driveway separates from the shared driveway. The
 171 property owner is responsible for the cost of the additional rural address
 172 sign.

173 **3.4 Sign Maintenance**

- 174 It shall be the responsibility of the property owner to maintain the area around
 175 the sign, so the sign can be easily seen from each direction. If at any time the
 176 sign becomes illegible, damaged, or destroyed, it is the property owner's
 177 responsibility to order a replacement sign. Any property with a rural address
 178 shall be required to have a sign under this ordinance.

179 **Section 4.0 Road Numbering System**

- 180 Roads shall be numbered according to their alignment:
- 181 a. Roads aligned from east/west shall be avenues.
 - 182 b. Roads aligned from north/south shall be streets.
 - 183 c. For a road that does not travel in a straight direction north/south or
 184 east/west it will be determined by the greater of the two distances
 185 whether it will be considered an east/west road or a north/south road or
 186 as determined by the county addressing authority.
 - 187 d. All roads, including private roads, shall have a street sign displayed.
 - 188 e. Road signs shall comply with state standards and be installed by the
 189 municipality.
 - 190 f. The county addressing authority shall have the authority to change pre-
 191 existing road names in order to comply with the purpose and intent of this
 192 ordinance.

193 **Section 5.0 Administration**

- 194 1. It shall be the duty of the county addressing authority to assign a rural address
 195 upon receipt of a rural address application or a state sanitary permit application.
 196 The address fee must accompany a state sanitary permit application if the
 197 property doesn't have an address. The rural address application is not required
 198 with the state sanitary permit application.
- 199 2. A digital copy of the county rural addressing map shall be kept and maintained
 200 by the Land Information Department.
- 201 3. The Land Information Department will be responsible for ordering the address
 202 signs, and notifying the respective town officials when the county receives the
 203 signs.
- 204 4. The applicant shall provide the following information on the uniform address
 205 application form:
- 206 a. Name of Property owner;
 - 207 b. Current address/telephone number;
 - 208 c. Name of Municipality;
 - 209 d. Tax Parcel Number;
 - 210 e. Legal description of property (Volume-Page, CSM, Plat etc.);
 - 211 f. Road name which property/building will be accessed to/from;
 - 212 g. Side of the road the property/building is located (N, S, E, or W);
 - 213 h. Distance (in feet) from center of owner's driveway to nearest
 214 existing/known address number, road intersection, or property line;
 - 215 i. Location of principal structure on the property;
 - 216 j. Signed by owner or agent;
- 217 5. The Polk County Land Information Department shall forward all assigned
 218 addresses to relevant emergency services and the post office within 30 calendar
 219 days.
- 220 6. Incorrect assignment of an address due to incomplete or incorrect information on
 221 the application form shall be corrected immediately and the applicant shall be
 222 responsible for all associated costs.
- 223 7. Any rural address not obtained from the county shall be deemed in violation of
 224 this ordinance.
- 225 8. At the discretion of the addressing authority, a physical address may be removed
 226 from the address maps if there are no buildings or address sign present.

227 **Section 6.0 Fees**

228 The application fee for a rural address sign shall be established by the Polk
 229 County Environmental Services Committee as part of the Land Information
 230 Department fee schedule. A property owner shall submit a completed
 231 application along with the required fee when requesting a rural address sign.

232 **Section 7.0 Amendment**

233 **7.1 Amendments**

234 This ordinance shall be subject to amendment considerations as deemed
235 necessary by the Polk County Board of Supervisors. A petition to amend this
236 ordinance can be brought to the Board of Supervisors by a member of the board,
237 town, or by any member of the public. The Public Safety & Highway Committee
238 is to consider the amendment, and hold at least one public hearing to obtain and
239 incorporate any public input deemed appropriate. The committee shall then
240 provide a recommendation on any amendments to the Polk County Board of
241 Supervisors for action.

242 **7.2 Exceptions**

243 Persons may seek an exception to the implementation of the Ordinance by filing
244 with the County Clerk a written petition to seek an exception. Such petition must
245 identify the road and address for which an exception is sought, a statement
246 describing the reasons in which the implementation of Ordinance on the subject
247 property or affected road would not aid in the law enforcement, fire protection,
248 emergency services and civil defense; and be accompanied by a statement signed
249 by all resident or owners of property on the subject road that demonstrates that all
250 of such residents or owners are in support of the petition. The Public Safety &
251 Highway Committee shall consider such petition, review the same for
252 completeness, and make recommendation to the County Board to approve or
253 disapprove the petition. Said committee may recommend approval only if it finds
254 that implementation of the Ordinance on the subject property or affected road
255 would not aid in the law enforcement, fire protection, emergency services and civil
256 defense petition. The committee shall file with the Clerk a report containing its
257 findings and recommendation. The County Board shall make final action to either
258 approve or deny the petition. Persons aggrieved by the determination of the
259 County Board may seek circuit court review within 30 days of such final action.

260 **Section 8.0 Enforcement and Penalties**

261 As authorized by Wisconsin Statute Chapter 66, the Zoning Administrator or the
 262 county addressing authority, shall issue citations for any violations of this
 263 ordinance. Any person, firm, association, or corporation who violates or refuses to
 264 comply with any of the provisions of this ordinance shall be subject to a forfeiture
 265 of not less than two-hundred (\$200.00) dollars nor more than one-thousand
 266 (\$1000.00) dollars per offense, together with the taxable costs of action. Each day
 267 of continued violation shall constitute a separate offense. The following are
 268 violations of this ordinance:

- 269 a. Damaging, altering, disfiguring, removing, or relocating an address sign.
- 270 b. Utilizing a rural address number not assigned by the county addressing
 271 authority as the current physical property address.
- 272 c. Failure to remove any address sign from a structure, utility pole, fence, or
 273 other illegal location within 30 days.
- 274 d. Failure to remove or install a new address sign within 30 days after written
 275 notification from the addressing authority is received.

Offered this _____ day of _____, 2018.

BY: Brad Olson
 Brad Olson, Supervisor, District #1

 James Edgell, Supervisor, District #8

 Doug Route, Supervisor, District #2

 Kim O'Connell, Supervisor, District #9

 Dean Johansen, Chair,
 Supervisor, District #3,

 Larry Jepsen, Supervisor, District #10

 Chris Nelson, Supervisor, District #4

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

 Tracy LaBlanc, Supervisor, District #5

 Michael Larsen, Supervisor, District #12

 Brian Masters, Supervisor, District #6

 Russell Arcand, Supervisor, District #13

 Michael Prichard, Supervisor, District #7

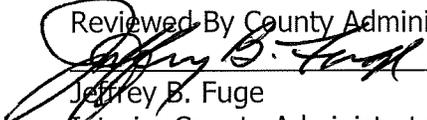
 John Bonneprise, 2nd Vice Chair,
 Supervisor, District #14

 Joe DeMulling, Supervisor, District #15

Fiscal Impact Note: Enactment of this ordinance will have no fiscal impact. The rural addressing and road numbering system has already been implemented.

Legal Impact Note: Enactment of this ordinance establishes a regulatory ordinance that is administered by the Land Information Department. The ordinance establishes a formal administrative for the continued implementation of the rural addressing and road numbering system. The ordinance provides for a process for amendment of the ordinance and petitioning for an exception to the ordinance. The ordinance presents no legal impacts to the operation of the County outside the administration of such system.

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



Jeffrey B. Fuge
Interim County Administrator/Corporation Counsel

Ordinance No. ____-18
POLK COUNTY UNIFORM RURAL ADDRESSING AND ROAD NUMBERING ORDINANCE

Excerpt of Minutes

At its regular business meeting on the ____ day of _____, 2018, the Polk County Board of Supervisors acted on Ordinance No. ____-18: POLK COUNTY UNIFORM RURAL ADDRESSING AND ROAD NUMBERING ORDINANCE, as follows:

- Enacted by majority voice vote
- Enacted by simple majority of the board of supervisors by a vote of _____ in favor and _____ against.
- Adopted by unanimous voice vote.
- Defeated: _____
- Other: _____

SIGNED BY:

ATTEST:

Dean Johansen, County Board Chairperson

Sharon Jorgenson, County Clerk

Certification of Publication

Ord. No. ____-18, as enacted the ____ day of _____, 2018 was published in the Inter-County Leader on the ____ day of _____, 2018.