

ZONING ORDINANCE

TITLE X OF THE MUNICIPAL CODE

TOWN OF POLK WASHINGTON COUNTY WISCONSIN

TOWN OF POLK OFFICIALS

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TOWN OF POLK ZONING ORDINANCE

TITLE X OF THE MUNICIPAL CODE OF THE TOWN OF POLK, WASHINGTON COUNTY, WISCONSIN

Adopted September 21, 1971
Reprinted to include amendments approved through August 11, 2015

NOTE: The Town of Polk Zoning Ordinance may be amended by the Polk Town Board at any time. Amendments to this ordinance are posted on the Town website following approval by the Town Board. Please review all ordinances described as “Amending Title X of the Town Zoning Code” approved after August 11, 2015.

Assistance Provided by:

Southeastern Wisconsin Regional Planning Commission
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**TITLE X OF THE MUNICIPAL CODE
OF THE
TOWN OF POLK, WASHINGTON COUNTY, WISCONSIN**

ZONING ORDINANCE

SECTION 1.00 INTRODUCTION

1.01 AUTHORITY

These regulations are adopted under the authority granted by Sections 61.35 and 62.23 of the *Wisconsin Statutes*. Therefore, the Town Board of Polk, Washington County, Wisconsin does ordain as follows:

1.02 PURPOSE

The purpose of Title X is to promote the comfort, health, safety, morals, prosperity, aesthetics, and general welfare of this community.

1.03 INTENT

It is the general intent of Title X to regulate and restrict the use of all structures, land, and waters; and to regulate and restrict lot coverage, population distribution and density, and the size and location of all structures so as to: lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic, and other dangers; provide adequate light, air, sanitation, and drainage; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; obtain the wise use, conservation, development, and protection of the town's soil, water, wetland, woodland, and wildlife resources and attain a balance between land uses and the ability of the natural resource based to support and sustain such uses; further the maintenance of safe and healthful water conditions; secure safety from flooding, water pollution, contamination, and other hazards; prevent flood damage to persons and property, and minimize the expenditures for flood relief and flood control projects; prevent and control erosion, sedimentation, and other pollution of surface and subsurface waters; preserve natural growth and cover and help the natural beauty of the town; and implement those municipal, county, watershed, or regional comprehensive plans or their components adopted by the town. It is further intended to provide for the administration and enforcement of this Title and to provide penalties for its violation.

1.04 ABROGATION AND GREATER RESTRICTIONS

It is not the intent of Title X to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to laws. However, wherever this Title imposes restrictions, the provisions of this Title shall govern.

1.05 INTERPRETATION

In their interpretation and application, the provisions of Title X shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by the *Wisconsin Statutes*.

1.06 NONLIABILITY AND SEVERABILITY

The Town does not guarantee, warrant, or represent that only those areas designated as wetland-floodland conservancy on the zoning district map will be subject to periodic inundation and hereby asserts that there is no liability on the part of the Town Board, its agencies, or employees for any flood damages that may occur as a result of reliance upon and conformance with Title X. If any section, clause, provision or portion of this Title is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Title shall not be affected hereby.

If Any Application of this Title 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.

1.07 REPEAL

All other ordinances or parts of ordinances of the Town inconsistent or conflicting with Title X, to the extent of the inconsistency only, are hereby repealed.

1.08 TITLE

Title X of the Municipal Code of the Town of Polk, Washington County, Wisconsin may be referred to or cited as the “TOWN OF POLK ZONING ORDINANCE.” Individual sections may be cited by Section and subsection of this title, such as “Section 3.14 of Title X of the Municipal Code of the Town of Polk, Washington County, Wisconsin.”

SECTION 2.00 GENERAL PROVISIONS

2.01 JURISDICTION

The provisions of Title X shall apply to all structures, land, water, and air within the Town of Polk, Washington County, Wisconsin.

2.02 COMPLIANCE

- (1) No Structure, Land, or Water shall hereafter be used and no structure or part thereof shall hereafter be located, or structurally altered without a building and zoning permit without full compliance with the provisions of Title X and all other applicable local, county, and state regulations. No permit shall be required for minor structures for which the market value of the labor and materials does not exceed the sum of \$200.
- (2) The Duty of the Building Inspector, with the aid of the Town Police Officer, shall be to investigate all complaints, give notice of violations, and enforce the provisions of Title X. The Building Inspector and his duly appointed deputies may enter at any reasonable time onto any public or private lands or waters to make a Zoning Inspection.

2.03 BUILDING AND ZONING PERMIT

Applications for a Building Permit shall be made in duplicate to the Secretary of Building and Zoning Inspection on forms furnished by the Secretary of Building and Zoning Inspection and shall include the following where applicable:

- (1) Names and Addresses of the applicant, owner of the site, architect, professional engineer, or contractor.
- (2) Description of the Subject Site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the Zoning District within which the subject site lies.
- (3) Plat of Survey prepared by a land surveyor registered in the State of Wisconsin or other site plan approved by the Town Board at a scale of no less than one (1) inch equals 50 feet, showing the location, boundaries, dimensions, elevations, uses, and size of the following:
 - (A) When the subject sites does not border on a navigable lake or stream and does not contain floodlands: subject site; existing and proposed structures; streets and other public ways; offstreet parking; loading areas and driveways;

existing and proposed street, side, and rear yards, and the type, slope, degree of erosion, and boundaries of the soils as shown on the operational soil survey maps prepared by the U. S. Department of Agriculture, Soil Conservation Service.

- (B) When the subject site borders a navigable lake or stream and/or contains floodlands: subject site; existing and proposed structures; streets and other public ways; offstreet parking; loading areas and driveways; existing and proposed street, side, and rear yards; the high water elevation, channel, floodway, floodplain, and shoreland boundaries; and the type, slope, and degree of erosion and the boundaries of the soils as shown on the operational soil survey maps prepared by the U. S. Department of Agriculture, Soil Conservation Service on or within 75 feet of the subject premises.
- (4) Additional Information as may be required by the Town Plan Commission or Building, Plumbing, or Health Inspectors.
- (5) Fee Receipt from the Secretary of Building and Zoning Inspection in the amount set forth in Section 12.01 of this Title.
- (6) The Building Permit shall be granted or denied in writing by the Building Inspector and issued by the Secretary of Building and Zoning Inspection within 30 days. The permit shall expire within six (6) months unless substantial work has commenced. Any permit issued in conflict with the provisions of Title X shall be null and void.

2.04 OCCUPANCY PERMIT

No vacant land shall be occupied or used; and no building or premises shall be erected, altered, moved or create change in use; and no nonconforming use shall be maintained, renewed, changed, or extended until an occupancy permit shall have been applied for to Building inspector and issued by the Secretary of Building and Zoning Inspector. Such permit shall show that the building or premises or part thereof is in compliance with the provisions of this Ordinance and the Town Building Code. Such permit shall be applied for at the time of occupancy of any land and/or building and shall be accompanied by the fee set forth in Section 12.01 of this Title.

2.05 USE RESTRICTIONS

The following use restrictions and regulations shall apply:

- (1) Principal Uses: Only those permitted uses specified, their essential services, and the following uses shall be permitted in that district.
- (2) Accessory Uses and structures are permitted in any district but not until their principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade, or industry except permitted home occupations.
 - (A) The principal structure located in a R-1 Residential District shall be the dwelling.

- (B) The principal structure located in an A-1 Agricultural District may be the dwelling or the main building used in conjunction with the agricultural operation which provides the property owner with a minimum of 50 percent of his/her annual income and is situated on at least 30 acres of land.
- (3) Conditional Uses and their accessory uses are considered as special uses requiring review, public hearing, and approval by the Town Board in accordance with Section 4.00 of this Title.
- (4) Home Occupations as defined in Section 13.00 of this Title may be permitted in the following districts: A-1 General Agricultural and R-1 Single-Family Residential.
- (5) Domestic Animals such as horses, cows, sheep, goats, poultry, or other domestic animals may be permitted to be kept on parcels of land that are two (2) to five (5) acres and in such case may only be permitted to keep two (2) Category A domestic animal units and one (1) Category B domestic animal unit on said acreage, as defined in Section 13.02, except in the R-1 Single Family Residential District, where no domestic animals are allowed with the exception of chickens under a Conditional Use Permit and can be on less than a two (2) acre lot (see Section 3.05 (2)(C)). For the purposes of the preceding, dogs, cats, and similar household pets are now considered domestic animal pets. No exotic animals or pot belly pigs are allowed in the Town. Each additional acre over five (5) acres may have one (1) additional domestic animal unit (either Category A or B). Absolutely no domestic animal units are permitted to be kept on any parcel under two (2) acres, except chickens per Section 3.05 (2)(C). The keeping and raising of hogs or furbearing animals, except rabbits, is prohibited. Combinations of the above shall be apportioned to the total acreage and the Zoning Administrator shall determine the total number of animals allowed. Residents also must abide by subdivision rules.
- (6) Performance Standards listed in Section 9.00 of this Title shall be complied with by all uses in all districts.
- (7) Temporary Uses such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure may be permitted by the Town Board.
- (A) In a Q-1 Quarrying District a camper trailer or recreational vehicle may be permitted by the Town Board for accommodations of only the employee who is employed full-time at said site during the period of the operation.
- (8) Swimming Pools are a permitted accessory use in any district provided that:
 - (A) All swimming pools shall be four (4) feet above ground or surrounded by a fence not less than four (4) feet or more than six (6) feet in height. Sidewalls of above-ground pools four (4) feet high may be used in lieu of a fence.
 - (B) Access to a swimming pool shall be controlled by a self-latching gate and all such gates shall be kept securely closed and locked at all times when the

owner or occupant is not present at the pool. For an above-ground pool with no other access, a tip-up ladder may be provided in lieu of a gate.

- (C) Swimming pools shall not be constructed directly over or under electric transmission lines. All electrical connections to a swimming pool shall be properly grounded so that no electrical current may be discharged into any part of the swimming pool or the surrounding fence.
 - (D) No water drained from a swimming pool shall be discharged onto or into any on-site sewerage system or directly into a navigable body of water.
 - (E) No lighting installed around swimming pools shall throw any rays onto adjacent properties.
 - (F) Swimming pools shall comply with the following yard requirements: front yard setbacks shall comply with the front yard setbacks for principal structures in the district in which they are located; rear and side yard setbacks shall comply with the rear and side yard setbacks for garden utility type accessory structures as set forth in Section 6.02(6) of this Code.
- (9) A Solar Collector System may be allowed as a conditional use in the Town. A ground-mounted solar collector system may be allowed in all districts, except R-1 Residential, in accordance with the requirements set forth in Section 4.09. A building-mounted solar collector system may be allowed in any zoning district provided that a professional engineer certifies that the structure is adequate to support the load, in accordance with the requirements set forth in Section 4.10. The Town regulations will preserve and protect the public health and safety.

2.06 SITE RESTRICTIONS

The following site restrictions and regulations shall apply:

- (1) Minimum Frontage and Access.
 - (A) All lots except those in an A-1 Agricultural District, shall have a minimum frontage at the road right-of-way (whether public or private) of 66 feet. Lots in the A-1 District shall have a minimum frontage of 300 feet except that lots fronting on a cul-de-sac may have a minimum of 66 feet, if allowed by the Town Board.
 - (B) All lots shall abut upon a duly dedicated or established public road or street except that lots in the A-1, B-1, and M-1 zoning districts may, upon approval of the Town Board, abut upon a private road. In determining whether to permit the use of a private road the Town Board shall give consideration to the following factors:
 - 1. The location and length of the road;
 - 2. Whether the road will ultimately serve only the adjacent lands or the public in general;
 - 3. The ability of the Town to maintain the road versus the ability of the landowners to maintain the road;
 - 4. The quality of the road required for the intended use; and

5. Such other factors as the Town Board deems appropriate.
- (C) If the Town Board permits the use of a private street intended to provide access to more than one (1) parcel, there shall be provided to the Town Board a private street agreement in recordable form which:
1. Identifies the owner(s) of the private street;
 2. Demonstrates that the owners of each parcel having access to the private street accept responsibility for the maintenance of the private street;
 3. Acknowledges that the Town has no responsibility for the construction and maintenance of the street;
 4. Creates a requirement that the entire street be paved by a developer of a private street with three (3) inches of asphaltic concrete prior to the Town's approval of the final plat or certified survey map; and
 5. Requires a cash bond from the developer in an amount to be determined by the Town's Road Engineer, taking into consideration the then current cost of asphaltting, if asphaltting has not been done. Further, the private street agreement, in recordable form, shall be subject to review and approval by the Town in conjunction with the Land Division review procedure.

(2) Lot Area: How Measured.

- (A) In all districts except the A-1 agricultural district, lot area shall be exclusive of any street right-of-way.
- (B) In the A-1 agricultural district, lot area may include street right-of-way provided the street right-of-way is no more than 50 feet from the section line or centerline of the road.

(3) No Undesirable Structures: No building shall be erected, structurally altered, or relocated which shall be of such character as to adversely affect the property values and general desirability of the neighborhood.

- (A) The Building Inspector shall determine whether or not such structure is of such character as to adversely affect the property values and the general desirability of the neighborhood and if the applicant is aggrieved by the decision of the Building Inspector, he may appeal such decision to the Board of Zoning Appeals.
- (B) The Board of Zoning Appeals shall base its determination upon the following considerations:
 1. Design or appearance of such unorthodox or abnormal character in relations to the surrounding neighborhood as to be considered unsightly or offensive to the degree that would have a substantial

adverse effect on the property values and general desirability of the neighborhood.

2. Identical design and appearance with adjoining buildings to the degree that monotony and commonness would have substantial adverse effect on the property values and general desirability of the neighborhood.

(C) The decision of the Board of Zoning Appeals shall be stated in writing, including the reason for refusing a permit or any conditions of approval.

- (4) Street Grade: Every building hereafter erected, structurally altered, or relocated shall be at a grade approved by the Building Inspector as being in satisfactory relationship with the existing street grade, with particular consideration for proper drainage and safe vehicular access.
- (5) Preservation of Topography: In order to protect the property owner from possible damage due to change in the existing grade of adjoining land, and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land shall be made which would result in increasing any portion of the slope to a ratio greater than 1 horizontal to 1 vertical within a distance of 20 feet from the property line, except with the written consent of the abutting property owner and with the approval of the Plan Commission, or which would alter the existing drainage or topography in any way as to adversely affect the adjoining property. In no case shall any slope exceed the normal angle of slippage of material involved, and all slopes shall be protected against erosion.
- (6) All Principal Structures shall be located on a lot; and only one (1) principal structure shall be located, erected, or moved onto a lot in a single-family district. The Plan Commission may permit more than one (1) structure per lot in other districts where more than one (1) structure is needed for the orderly development of the parcel. Where additional structures are permitted, the Plan Commission may impose additional yard requirements, landscaping requirements, or parking requirements, or require a minimum separation distance between principal structures.
- (7) No Building Permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.
- (8) Private Sewer and Water: In any district where public sewer service is not available, the width and area of all lots not serviced by a public sanitary sewer system or other approved system shall be sufficient to permit the use of an on-site soil absorption sewage disposal system designed in accordance with the Washington County Sanitary Ordinance. In any district where a public water service or public sewerage is not available, the lot width and area shall be increased in accordance with Chapters Comm 83 and Comm 85 of the *Wisconsin Administrative Code*, but not less than the Town's minimum requirements.

- (9) Lots Abutting More Restrictive district boundaries shall provide side and rear yards not less in size than those required in the more restrictive abutting district. The street yards on the less restrictive district shall be modified for a distance of not more than 60 feet from the district boundary line so as to equal the average of the street yards required in both districts.
- (10) Sites in Excess of One (1) Acre proposed for any type of development except residential and platted lots shall be specifically reviewed by the Town Plan Commission as to the suitability of the site and demand for town services.
- (11) Land or Lot Divisions shall be reviewed by the Town Plan Commission and approved by the Town Board prior to the issuance of a Building Permit for said division and shall be subject to the Town Subdivision Ordinance applicable to such land division.
- (12) Ponds shall meet all yard setback requirements for the district in which they are located. Ponds may require a permit pursuant to Chapter 30 of the *Wisconsin Statutes*.
- (13) No Truck, gross weight of four (4) ton or more, and/or semi- trailer shall be parked or stored in a residential district. Agricultural vehicles or machinery located on an operating farm in a residential district are exempt from these provisions.
- (14) Abandoned Motor Vehicles and Other Materials.
- (A) No disassembled, dismantled, junked, wrecked, inoperable, or unlicensed vehicle shall be stored or allowed to remain in the open upon private property within the Town of Polk 30 days after receiving written notice from the Zoning Inspector to remove or enclose the same unless: (a) the vehicle is being held as a part of an automotive sales or repair business enterprise located within a properly zoned area, or (b) due to individual hardship, a variance to keep the vehicle is obtained from the Board of Zoning Appeals, but such variance shall, if granted, not exceed one (1) year.
- (B) The accumulation or storage of tractors, refrigerators, furnaces, washing machines, stoves, machinery, or parts thereof, junk, wood, brick, cement block, or other unsightly debris which may tend to depreciate property values in the area or create a nuisance or hazard shall not be allowed on any lot or parcel of land within the Town of Polk, except as permitted in Section 4.04 of this Title operating under a Conditional Use Permit, or elsewhere, if completely housed and out of public view.
- (15) Adequate Drainage Required. In no case may a principal building be located in an area designated wetland-floodland as shown on the official zoning map. No principal building shall be erected, structurally altered or relocated on land which is not adequately drained which has an observed or estimated high ground water table condition or having soil which may have a seasonal-zone of water saturation as may

be determined by use of a U.S. Department of Agriculture (USDA) soil survey or an onsite soil investigation by a certified soil tester or other qualified engineer or soil scientist. Where the incidence of mottling is considered very severe or where ground water is observed in the soil profile, no basement shall be allowed to be placed less than two (2) feet above where such conditions exist. The building inspector may request at the owner's expense the advice and assistance of a licensed professional engineer specializing in soil engineering or other qualified person in fulfilling their duties pursuant to this provision.

(A) In the event a dispute arises as to the necessity for or the adequacy of the protective measures set forth above, the matter shall be reviewed by the Town of Polk Board of Zoning Appeals pursuant to the appeal provisions of this Ordinance.

(16) Land Disturbing Construction Activities shall comply with the requirements of Chapter 19 (Erosion Control and Stormwater Management) of the Town of Polk Code of Ordinances.

2.07 REDUCTION OR JOINT USE

No lot, yard, parking area, building area, or other space shall be reduced in area or dimension so as not to meet the provisions of Title X. No part of any lot, yards, parking area, or other space required for a structure or use shall be used for any other structure or use.

2.08 CONSERVANCY REGULATIONS

In addition to any other applicable use, site, or sanitary regulations, the following regulations shall apply within all conservancy areas as shown on the Official Zoning Map:

(1) Tree Cutting and Shrubbery Clearing for the purpose of changing land use from wildlife or wood lot management require review and approval by the Town Plan Commission and shall be so regulated as to completely prevent erosion and sedimentation and promote preservation of scenic qualities. Tree cutting and shrubbery clearing for home and park-site development, access roads, and path and trail construction shall not exceed 20 percent of the existing woodlands on the lot or tract. Paths and trails shall not exceed ten (10) feet in width and shall be so designed and constructed as to result in the least removal and disruption of woodland cover and the minimum impairment of natural beauty. Customary trimming, timberstand improvement, dead tree removal, and managed timber harvesting shall be permitted.

(2) Earth Movements such as grading, topsoil removal, filling, road cutting, construction, altering or enlargement of waterways, removal of stream or lake bed materials, excavation, channel clearing, ditching, dredging, lagooning, and installation of soil and water conservation structures require review and approval by the Town Plan Commission, in addition to any permit required from the state agency having jurisdiction under Sections 30.11, 30.12, 30.19, 30.195, and 30.20 of the *Wisconsin Statutes*. Earth movements shall be so regulated as to prevent erosion and sedimentation and to least disturb the natural fauna, flora, watercourse, water regiment, or topography, and shall also comply with the requirements of Chapter 19

(Erosion Control and Stormwater Management) of the Town of Polk Code of Ordinances.

2.09 WETLAND-FLOODLAND CONSERVANCY REGULATIONS

In addition to any other applicable use, site, or sanitary regulations, and to the conservancy regulations provided for under Section 2.08 of this Title, the following restrictions and regulations shall apply to all wetland-floodland conservancy areas designated on the Official Zoning Map:

- (1) Dumping, Filling, and on-site sewage disposal facilities, and residential, commercial, industrial, institutional, or public structures, and permanent sheltering and restricted confining of animals are prohibited.
- (2) Public and Private Streets may be constructed through wetland-floodland conservancy areas designated on the Official Zoning Map with the written approval of the Wisconsin Department of Natural Resources, the U. S. Army Corps of Engineers, and the Washington County Parks and Land Use Department.

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SECTION 3.00 ZONING DISTRICTS

3.01 ESTABLISHMENT

- (1) For the Purpose of Title X, the Town of Polk is divided into the following eight (8) Zoning Districts:
 - A-1 General Agricultural District.
 - R-1 Single-Family Residential District.
 - I-1 Institutional District.
 - B-1 Business District.
 - M-1 Industrial District.
 - Q-1 Quarrying District.
 - L-1 Sanitary Landfill District.
 - P-1 Park District.
- (2) Boundaries of these Districts are hereby established as shown on the Map entitled “Zoning Map, Town of Polk, Washington County, Wisconsin,” dated September 21, 1971, which accompanies and is a part of Title X. Such boundaries shall be construed to follow: corporate limits; U. S. Public Land Survey lines; lot or property lines; centerline of streets, highways, alleys, easements, railroad rights-of-way, soil mapping unit lines, or such lines extended unless otherwise noted on the Zoning Map.
- (3) Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.

3.02 ZONING MAP

- (1) A Certified Copy of the Zoning Map shall be adopted and approved with the text as part of Title X and shall bear upon its face the attestation of the Town Chairman and Town Clerk, and shall be available to the public in the office of the Town Clerk.
- (3) Amendments to the Zoning Map shall take effect upon adoption by the Town Board, and the filing of proof of posting or publication thereof in the office of the Town Clerk. It shall be the duty of the Town Clerk to enter all Zoning Map amendments upon the certified copy of the Zoning Map and certify the same.

3.03 A-1 GENERAL AGRICULTURAL DISTRICT

The A-1 Agricultural District is intended to provide for, maintain, preserve, and enhance agricultural lands historically utilized for crop production, while permitting single-family residences.

- (1) Permitted Uses: Buildings, structures, or land may be used for the following purposes except as further regulated or prohibited by conservancy regulations provided for under Sections 2.08 and 2.09, and the location of all structures for which a building permit is required may be subject to review and approval by the Plan Commission under the Town of Polk Building Code where such structures are proposed to be located within 300 feet of any district boundary.
 - (A) Agriculture, general farming, pasturage, truck farming.
 - (B) Dairying.
 - (C) Floriculture, greenhouses, horticulture, nurseries, orchards, and viticulture.
 - (D) Forestry.
 - (E) Hatcheries, poultry raising.
 - (F) Livestock raising, grazing, paddock, and horse stables except as restricted by Section 3.03 (2)(J).
 - (G) Accessory buildings or uses, provided they shall comply with the yard requirement set forth in Section 6.02. For accessory structures exceeding these limitations for the sole purpose of uses listed in Sections 3.03 (1)(A)-(F) will be subject to review and approval by the Plan Commission.
 - (H) Single-family residence.
- (2) Conditional Uses: In addition to the above permitted uses, the following uses may be permitted by the Town Board after review and public hearing:
 - (A) Large single-family farm dwellings which existed prior to January 1, 1972, may be converted and remodeled into two-family dwellings provided (a) the subject building is situated on a lot or plot having a minimum area of five (5) acres which by covenant or certified survey map are reserved for such principal building; (b) such lot or parcel has soil conditions which will accommodate a two-family sewage disposal system; (c) the completed units will have minimum floor areas complying with paragraph (3) hereof; and (d) such conversion or remodeling shall not include exterior additions to comply with the minimum floor area requirements.
 - (B) Farm barns and storage sheds may be converted to use as storage for hire and warehousing. In determining whether to issue a permit for such use, the Town Board shall consider, among other things, the nature of the items to be stored, the effect upon traffic and road conditions, the rate of turnover of inventories, and other considerations relating to the general compatibility of the proposed use with the predominant surrounding use of the area. Permits issued under this subsection shall be to a named permit holder and shall be for a specified period of time.
 - (C) Boat rental and boat access sites.
 - (D) Campgrounds, subject to the provisions of Section 3.11 of this Title.

- (E) Fish hatcheries.
- (F) Forest reserves, including wilderness areas and wildlife refuges, fishing clubs, parks or general recreational use, swimming beaches, sustained yield forestry, group or organized camps (subject to the provisions of Section 3.11 of this Title), hunting clubs, and yachting clubs.
- (G) Picnic areas.
- (H) Junk yards and dumping areas subject to the requirements of Section 4.04 of this Title.
- (I) Storage of nonagricultural equipment within an enclosed building.
- (J) Boarding and riding stable facilities where three (3) or more horses not owned by the owner of the premises are kept for boarding or training purposes, or facilities where horses are rented for riding purposes by persons other than the owner.
- (K) In-Law Unit, subject to the following limitations and conditions:
 1. The in-law unit must be located within the same structure as the primary residence; no more than one (1) in-law unit may be permitted per primary residence or lot.
 2. The location, building plan, and site plan shall be subject to approval by the Plan Commission. The architecture of the residence shall be compatible with the adjacent neighborhood.
 3. The structure shall appear to be a single-family residence. There may be a separate entrance to the in-law unit, but there must be a communicating door between the primary residence and the in-law unit.
 4. The in-law unit shall not be served by separate utilities.
 5. The in-law unit shall contain not more than one (1) bedroom and shall not be occupied by more than two (2) people who are related by blood or marriage to each other.
 6. The owner of the property shall notify the Town Board in writing each time the occupancy of the unit ends or changes. If the unit is unoccupied for more than twelve (12) months, the conditional use permit shall lapse and the property owner shall convert the unit back to part of the primary residence.
 7. The property owner shall cause to be recorded in the Office of the Washington County Register of Deeds a restrictive covenant, prior to the issuance of a building permit. The covenant shall state that the in-law unit shall be occupied by persons related by blood or marriage and that the conditional use permit is not transferable without formal approval by the Plan Commission and Town Board, without the necessity of public hearing and that the unit shall be used as intended.
 8. No additional house number shall be assigned for the in-law unit.
- (L) Mobile service facilities, subject to the provisions of Section 4.07 of this Title.
- (M) The occupant of a parcel in the A-1 District, subject to the requirements of Section 4.00 of this Title, may park a semi-tractor trailer or a truck with more than two (2) axles on that parcel. Such parking shall be limited to one (1) semi-tractor trailer or one (1) truck with more than two (2) axles; however,

this limitation does not apply to trailers or trucks used in the conduct of an agricultural use permitted under Section 3.03 (1). The storage or transfer of freight on the parcel is prohibited. The parcel shall not be used as a dispatch office.

(3) Lot Size, Bulk Restrictions, and Yard Requirements

LOT SIZE:	Width:	Minimum 300 feet at the road right-of-way.
	Area:	Minimum 5 acres.
HEIGHT:	Principal Building:	Maximum 35 feet, except as provided in Section 6.01(5).
	Accessory Building:	Maximum 25 feet, except as provided in Section 6.01(5).
FLOOR AREA:	One Family:	Minimum:
	One-Story:	1,200 sq. ft. with full basement. 1,400 sq. ft. without basement.
	One and one-half story:	950 sq. ft. first floor. 1,400 total sq. ft. with full basement.
	Two-story:	800 sq. ft. first floor 1,400 total sq. ft.
	Conversion and expansion of single-family farm dwellings into two-family structures:	Minimum:
YARDS:	Bilevel or Trilevel:	1,200 total sq. ft. with not less than 400 sq. ft. of basement area. 1,400 sq. ft. without basement.
	1-Bedroom Dwelling Units:	Minimum 750 sq. ft.
	2-Bedroom Dwelling Units:	Minimum 990 sq. ft.
	3 or More Bedroom Dwelling Units:	Minimum 1,250 sq. ft.
YARDS:	Front Yard Setback:	150 feet from the centerline of the road or 110 feet from the right-of-way line, whichever is greater.
	Shore Yard Setback:	Minimum 75 feet.
	Side Yard Setback:	Minimum 30 feet.
	Secondary Side Yard Setback-Private Road:	100 feet from centerline of road for principal structures and 63 feet from center-line for accessory structures.
	Rear Yard Setback:	Minimum 40 feet.

- (4) Adjoining Substandard Lots in the A-1 District which are owned by one (1) party shall be combined and considered one (1) parcel, and may be used for any permitted use in this District, so long as minimum yard areas are met.

3.04 RESERVED

3.05 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

This District is intended to provide for high-quality, low-density, single-family residences of a suburban character with a minimum development area of 20 acres.

- (1) Permitted Uses: A building or premise shall be used only for the following purposes:

- (A) Single-family residence.
- (B) Accessory buildings and uses shall comply with the yard requirements set forth in Section 6.02.

- (2) Conditional Uses: In addition to the above permitted uses, the following uses may be permitted by the Town Board after review and public hearing:

- (A) Residential planned unit developments (PUD) such as cluster developments. The district lot size may be altered and frontage and yard requirements may be varied provided that adequate open space shall be provided so that the average intensity and density of land use shall be no greater than that permitted in the district. The proper preservation, care, and maintenance by the original and all subsequent owners of the exterior design, and all common structures, facilities, utilities, access, and open spaces shall be assured by deed and/or plat restrictions enforceable by the Town. All PUD's shall comply with the following minimum standards:

1. Minimum PUD development area shall be ten (10) acres.
2. Minimum PUD lot area shall be 40,000 square feet without public sanitary sewer and 8,000 square feet with public sanitary sewer.
3. Minimum PUD lot width shall be 100 feet without public sanitary sewer and 60 feet with public sanitary sewer.
4. Minimum PUD building area, height, and setbacks shall be the same as required for permitted principal uses.
5. No detached dwelling shall be located closer than 20 feet to another dwelling within the development. Yards adjacent to exterior property lines shall not be less that the same as for permitted principal uses.

- (B) In-law unit, subject to the provisions of Section 3.03 (2)(K) of this Title.

- (C) The keeping of chickens, subject to the following limitations and conditions:

1. Maximum amount of chickens shall be limited to four (4) for egg production.
2. Keeping of roosters shall be prohibited.

3. The rotating area to be used to keep chickens shall be identified on the site plan.
4. The chickens shall be housed within a four (4) feet by eight (8) feet coop per design.
5. Proper manure disposal practices shall be adhered to so not to become a nuisance to adjoining properties by way of odor or aesthetics.
6. The chickens shall not roam freely on the property.
7. It is further understood that the applicant shall comply with all applicable local, county, and state licensing or regulations.
8. The Conditional Use Permit is not transferrable and is issued for the exclusive use of the permittee.
9. The Town may modify these conditions as they see appropriate to the particular property.

(3) Lot Size, Bulk Restrictions, and Yard Requirements

LOT SIZE:	Width: Area:	Minimum 150 feet at the setback line, without public sewer; 85 feet with public sewer. Minimum 60,000 sq. ft.
HEIGHT:	Principal Building: Accessory Building:	Maximum 35 feet. Maximum 15 feet, except as provided in Section 6.01(7).
FLOOR AREA:	One-Story: One and one-half story: Two-story: Bilevel or Trilevel:	1,200 sq. ft. with full basement. 1,400 sq. ft. without basement. 950 sq. ft. first floor. 1,400 total sq. ft. with full basement. 800 sq. ft. first floor. 1,400 total sq. ft. 1,200 total sq. ft. with not less than 400 sq. ft. of basement area.
YARDS:	Front Yard Setback: Shore Yard Setback: Side Yard Setback: Rear Yard Setback	100 feet from the centerline of the road or 60 feet from the right-of-way line, whichever is greater. Minimum 75 feet. Minimum 30 feet. Minimum 40 feet.
OPEN SPACE:	There shall be a minimum of 80% of lot area reserved for open space.	

3.06 I-1 INSTITUTIONAL DISTRICT

(1) Permitted Uses: Public and private institutional uses such as:

- (A) Schools.
- (B) Colleges.
- (C) Universities.
- (D) Hospitals.
- (E) Sanitariums.
- (F) Religious, charitable, and penal institutions.
- (G) Cemeteries and crematories.
- (H) Agriculture, general farming, pasturage, and cash cropping.
- (I) Medical offices and/or clinics.
- (J) Subacute rehabilitation facilities.

(2) Conditional Uses

- (A) Mobile service facilities, subject to the provisions of Section 4.07 of this Title.

(3) Development Area, Bulk Restrictions, and Yard Requirements

DEVELOPMENT AREA:		Minimum 10 acres.
HEIGHT:		Maximum 50 feet.
YARDS:	Shore: Street: Rear: Side:	Minimum 400 feet. Minimum 100 feet from the centerline of the road or 60 feet from the right-of-way, whichever is greater. Minimum 100 feet. Minimum 100 feet, except as provided in Subsection 3.06 (4).

(4) If a Proposed Medical clinic/office, subacute rehabilitation facility, administration or other building is located physically proximate to a hospital within an Institutional District as part of an integrated campus, the Zoning Administrator shall have the authority to, and shall waive the side yard setbacks between such building and hospital, in whole, or part, subject to conformance of the proposed building with all other portions of this Zoning Ordinance. The applicant shall promptly provide the Zoning Administrator with such plans and drawings as the Zoning Administrator may reasonably need to determine that the proposed facility or facilities satisfies the conditions of being physically proximate to a hospital and part of an integrated campus as described in this subsection.

(5) Plans and Specifications to be Submitted to Plan Commission

To encourage an institutional environment that is compatible with the rural character of the Town, zoning permits and occupancy permits for permitted uses in the Institutional District shall not be issued without review of the Town of Polk Plan Commission and approval by the Town Board. Said review and approval shall be concerned with general layout, building plans, ingress, egress, parking, loading and unloading, signage, exterior illumination and landscape plans and any other matters relating to the proposed operation.

3.07 B-1 BUSINESS DISTRICT

This district is intended to provide for the orderly and attractive grouping at appropriate locations of retail establishments serving the Town.

(1) Permitted Uses: A building or premise shall be used only for the following purposes:

(A) Retail establishments such as:

1. Appliance stores.
2. Bakeries.
3. Barber shops.
4. Beauty shops.
5. Business offices.
6. Clinics.
7. Clothing stores.
8. Clubs.
9. Cocktail lounges.
10. Confectioneries.
11. Delicatessens.
12. Department stores.
13. Drugstores.
14. Drive-in establishments.
15. Financial institutions.
16. Fish markets.
17. Florists.
18. Food Lockers.
19. Fruit stores.
20. Furniture stores.
21. Furniture upholstery shops.
22. Gift shops.
23. Greenhouses (commercial).
24. Grocery stores.
25. Hardware stores.
26. Heating supply stores.
27. Hobby shops.
28. Jewelry stores.
29. Laundry and dry cleaning establishments not employing more than five (5) persons.

30. Liquor stores.
31. Meat Markets.
32. Millinery Shops.
33. Mini-warehouses.
34. Music stores.
35. Newspaper offices and press rooms.
36. Optical stores.
37. Office supply stores.
38. Outdoor sales such as: garden shops; vehicle sales.
39. Personal services.
40. Pet shops.
41. Photographic supply stores.
42. Places of entertainment.
43. Professional offices.
44. Public garages.
45. Public parking lots.
46. Public utilities.
47. Restaurants.
48. Service stations, auto and truck washing and repair.
49. Soda fountains.
50. Sporting goods stores.
51. Tailor shops.
52. Taverns.
53. Telephone exchanges.
54. Telephone substations.
55. Trade, and contractors' offices.
56. Truck terminals for no more than four (4) trucks (under 26,000 pounds gross weight each truck).
57. Other uses deemed similar by the Town Plan Commission.

- (B) Residential quarters for the owner, proprietor, commercial tenant, employee, or caretaker as a secondary use.
- (C) Rental apartments as a secondary use on a non-ground floor level and providing a minimum floor area of 750 square feet for a one (1) bedroom apartment and 900 square feet of floor space for a two (2) bedroom apartment.
- (D) Accessory building or use including a garage for storage of vehicles used in conjunction with the operation of the business.
- (E) Agriculture, general farming, pasturage, and cash cropping.

(2) Conditional Uses: In addition to the above permitted uses, the following uses may be permitted by the Town Board after review and public hearing:

- (A) Special Use: Commercial establishments dealing in "pornographic" materials and activities:

1. It is declared to be the purpose and intent of this subsection to protect the public health, safety, welfare, and morals of the community, to promote the stability of property values, and to impose restriction upon those activities which pander to gross sexuality in a manner that would detract from the neighborhood and adversely affect the property values, increase crime and violence, and be repugnant to the morals of the community. In recognition of the protections afforded to the citizens under the 1st and 14th Amendments, it is not the intent to inhibit freedom of speech or the press, but rather to restrict the location of defined materials and activities consistent with the Town's interest in the present and future character of its community development.
2. The following uses shall only be permitted as herein provided:
 - a. Commercial establishments which display, sell, have in their possession for sale, offer for view, publish, disseminate, give, lease, or otherwise deal in any written or printed matter, pictures, films, sound recordings, machines, mechanical devices, models, facsimiles, or other material and paraphernalia depicting sexual conduct or nudity and which exclude minors by reason of age.
 - b. Commercial establishments which display for viewing any film or pictures depicting sexual conduct or nudity and which exclude minors by reason of age.
 - c. Commercial establishments in which any person appears or performs in a manner depicting sexual conduct or involving nudity and from which minors are excluded by reason of age.
3. Definitions
 - a. As used herein, "nudity" means the showing of the human male or female genitals, pubic area, or buttocks with less than a full opaque covering, or the showing of the female breast with less than a fully opaqued covering of any portion thereof below the top of the areola, or the human male genitals in a discernible turgid state even if completely or opaquely covered.
 - b. As used herein, "sexual conduct" means acts or simulated acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breasts.
4. The above conditional uses shall be subject to the following provisions:
 - a. No permit shall be granted where the proposed establishment is within 500 feet of any hospital, church, school, funeral parlor, restaurant, library, museum, or playground, or any other public or private building or premises likely to be utilized by persons under the age of 18 years.

- b. No permit shall be granted where the proposed establishment is within 1,000 feet of any area zoned residential or agricultural in the same or a contiguous town or municipality.
- c. The applicant shall furnish the Town detailed information as to the nature of use and activity of the proposed establishment. If the application is for an establishment under subparagraph (2)(a) or (2)(b) of this subsection, the applicant shall furnish representative samples of the materials to be dealt in. If the application is for an establishment under subparagraph (2)(c) of this subsection, the applicant shall in detail specify the nature of the activity to be engaged in.
- d. The applicant for the permit shall provide the names and addresses of the owners and occupants of all property within 300 feet of the proposed establishment.
- e. Advertisements, displays, pictures, or other promotional materials shall not be shown or exhibited on the premises in a manner which makes them visible to the public from pedestrian ways or other public or semipublic areas.
- f. All points of access into such establishments and all windows or other openings shall be located, constructed, covered, or screened in a manner which will prevent a view into the interior from any public or semipublic area.
- g. In case of a protest signed by 20 percent or more of the persons of the area within 300 feet of the proposed establishment, the grant of such permit shall require a two-thirds vote of the Town Board.
- h. The Town Board in determining whether to grant a permit hereunder shall, in addition to considerations otherwise taken into account when acting on Conditional Use Permits, consider the protection of property values in the affected area; the preservation of neighborhoods, the tendency of such use to attract an undesirable quantity or quality of transients; the tendency of such use to cause increases in crime, especially prostitution and sex-related crimes and the need for policing; the tendency of such use to cause increases in noise, traffic, and other factors interfering with the quiet and peaceful enjoyment of the neighborhood; the tendency of such use to encourage residents and businesses to move elsewhere; the protection of minors from such materials and activities; and any other factor created by the type of use being considered, along with the health, safety, and general welfare of the community.

(B) Truck terminals for five (5) or more trucks.

(C) Mobile service facilities, subject to the provisions of Section 4.07 of this Title.

(D) Motels.

(3) Lot Size, Bulk Restrictions, and Yard Requirements

LOT SIZE:	Minimum sufficient area for principal structure and accessory building, off-street parking and loading area, onsite sewage disposal system, yard requirements, and open space requirements.	
HEIGHT:	Principal Building:	Maximum 35 feet.
	Accessory Building:	Maximum 20 feet.
FLOOR AREA:	Minimum required for residential purposes.	
OPEN SPACE, RESIDENTIAL:		15,000 sq. ft.
YARDS:	Front Yard Setback:	Minimum 100 feet from the centerline of the roadway or 60 feet from the right-of-way line, whichever is greater.
	Shore Yard Setback:	Minimum 75 feet.
	Side Yard Setback:	Minimum one (1) side: 20 feet. Minimum combined: 40 feet.
	Rear Yard Setback	Minimum 50 feet.

(4) Parking in this district is to conform with Section 5.00 (Traffic, Parking, and Access) of this Title.

(5) Plans and Specifications to be Submitted to Plan Commission

To encourage a business environment that is compatible with the rural character of the Town, zoning permits and occupancy permits for permitted uses in the Business District shall not be issued without review of the Town of Polk Plan Commission and approval by the Town Board. Said review and approval shall be concerned with general layout, building plans, ingress, egress, parking, loading and unloading, signage; exterior illumination and landscape plans and any other matters relating to the proposed operation.

3.08 M-1 INDUSTRIAL DISTRICT

This District is intended to provide for manufacturing and related uses at appropriate locations within the Town.

(1) Permitted Uses: A building or premise shall be used only for the following purposes:

- (A) Automotive body repairs.
- (B) Bakeries (commercial).
- (C) Business offices.
- (D) Farm machinery sales and services.
- (E) Food locker plants.
- (F) Laboratories.
- (G) Machine shops.

- (H) Painting.
- (I) Printing.
- (J) Publishing.
- (K) Radio and television receiving antennas.
- (L) Storage and sale of machinery and equipment.
- (M) Trade and contractors offices.
- (N) Upholstery, cleaning, pressing, and dyeing establishments.
- (O) Utility structures.
- (P) Manufacturing and bottling of nonalcoholic beverages.
- (Q) Manufacture, fabrication, processing, assembly, packaging, packing, warehousing, and wholesaling of products from:
 - 1. Furs.
 - 2. Glass.
 - 3. Leather.
 - 4. Metals.
 - 5. Paper.
 - 6. Plaster.
 - 7. Plastics.
 - 8. Textiles.
 - 9. Wood.
- (R) Manufacture, fabrication, processing, assembly, packaging, packing, warehousing, and wholesaling of:
 - 1. Confections.
 - 2. Cosmetics.
 - 3. Electrical appliances.
 - 4. Electronic devices.
 - 5. Food (except cabbage and fish products).
 - 6. Meat and meat products.
 - 7. Instruments.
 - 8. Jewelry.
 - 9. Pharmaceuticals.
 - 10. Tobacco.
- (S) Milk transfer stations.
- (T) Inside storage.
- (U) Agriculture, general farming, pasturage, and cash cropping.
- (V) Other uses deemed similar by the Town Plan Commission.

(2) Conditional Uses: In addition to the above permitted uses, the following uses may be permitted by the Town Board after review and public hearing:

- (A) Freight yards, freight terminals, and trans-shipment depots.
- (B) Breweries.
- (C) Crematories.
- (D) Residential quarters for the owner, proprietor, commercial tenant, employee, or caretaker as a secondary use.
- (E) Ready mix plants.

(F) Mobile service facilities, subject to the provisions of Section 4.07 of this Title.

(3) Lot Size, Bulk Restrictions, and Yard Requirements

LOT SIZE:	Minimum sufficient area for principal structure and accessory building, off-street parking and loading area, onsite sewage disposal system, yard requirements, and open space requirements.	
HEIGHT:		Maximum 45 feet.
YARDS:	Front Yard Setback:	Minimum 100 feet from the centerline of the road or 60 feet from the right-of-way line, whichever is greater.
	Shore Yard Setback:	Minimum 75 feet.
	Side Yard Setback:	Minimum 25 feet.
	Rear Yard Setback:	Minimum 30 feet.

- (4) Parking in this district is to conform with Section 5.00 (Traffic, Parking, and Access) of this Title.
- (5) All Uses in this district are to conform with Section 9.00 (Performance Standards) of this Title.
- (6) Fencing may be erected where deemed necessary by the Plan Commission.
- (7) Plans and Specifications to be Submitted to Plan Commission. To encourage an industrial use environment that is compatible with the rural character of the Town, zoning permits and occupancy permits for permitted uses in the Industrial District shall not be issued without review of the Town of Polk Plan Commission and approval by the Town Board. Said review and approval shall be concerned with general layout, building plans, ingress, egress, parking, loading and unloading, signage, exterior illumination and landscape plans and any other matters relating to the proposed operation.

3.09 Q-1 QUARRYING DISTRICT

(1) Permitted Uses

(A) Agriculture, general farming, pasturage, and cash cropping.

(2) Uses Requiring Issuance of a Quarrying Permit

The following uses may be permitted in a Q-1 Quarrying District but only after the issuance by the Town Board of a quarrying permit. Uses shall comply with the permit procedure as provided by Section 4.03 of this Title with the exception of a public hearing requirement. Each separate quarrying use, as listed below, shall require a separate permit, subject to the general regulations applicable thereto and to the specific regulations as hereinafter set forth in this section:

- (A) Quarrying uses shall include the removal of rock, slate, gravel, sand, topsoil or any minerals from the earth by excavating, stripping, or leveling.
- (B) Accessory or related uses shall include:
 1. Washing, refining, or processing of rock, slate, gravel, sand, or minerals.
 2. Processing of topsoil.
 3. Mixing of asphalt.
 4. Aggregate or ready mix plant.
 5. Manufacture of concrete products.

(3) Conditional Uses

- (A) Mobile service facilities, subject to the provisions of Section 4.07 of this Title.

(4) Lot Size, Bulk Restrictions, and Yard Requirements

LOT SIZE:	Minimum sufficient area for principal structure and accessory building, off-street parking and loading area, onsite sewage disposal system, yard requirements, and open space requirements.
HEIGHT:	Maximum 45 feet.
YARDS:	Minimum 150 feet from any right-of-way or property line without the express permission of the plan commission, upon written application duly made.

- (5) Application for a Quarrying Permit shall be made to the Town Clerk by the property owner or long-term lessee, either of whom shall be directly responsible in the extracting or removal of the mineral, gravel, sand, rock, slate, or topsoil. Applications shall be accompanied by the following:
 - (A) An annual application fee as established from time to time by resolution of the Town Board; a plat of survey of the proposed site and an adequate description of the operational methods; a list of equipment, machinery, and structures to be used; the source, quantity and disposition of water to be used; a topographic map of the site showing existing contours with a minimum vertical contour interval of five (5) feet, trees, proposed and existing access roads and the depth of all existing and proposed excavations; and a restoration plan.
 - (B) The restoration plan provided by the applicant shall contain proposed contours after filling or restoration, depth of the restored topsoil, type of fill, planting, or reforestation, and restoration commencement and completion dates. The applicant shall furnish the necessary fees to provide for the Town's inspection and administration costs. The applicant and/or owner of the land from which the mineral, gravel, sand, rock, slate, or topsoil is being removed or extracted shall furnish the necessary sureties, which will enable the Town

to perform the planned restoration of the site in event of default by the applicant. The amount of such sureties shall be based upon cost estimates prepared by the Town to perform the planned restoration of the site in event of default by the applicant, and the form and type of such sureties shall be approved by the Town Board.

- (6) Application for an Accessory and Related Use Permit shall be made to the Town Clerk by the holder of the quarrying permit, and a separate accessory or related use permit shall be obtained for each of the uses specified in subsection (2) (B) hereof. The application shall be accompanied by the following:
 - (A) An annual application fee as established from time-to-time by Resolution of the Town Board; a plat of survey of the property site; and adequate description of the operation; a list of equipment, machinery, and structures to be used; the source quantity, and disposition of the water to be used; and other conditions the Town Board may require.
- (7) The Quarrying and Accessory Use Permit shall be in effect for a period not to exceed one (1) year and shall expire on the 31st day of December of each year.
- (8) A Contractual Agreement shall be entered into with the Town Board wherein the items required herein shall be set forth in detail before a permit is issued.
- (9) All Uses in the Q-1 Quarrying District are to conform with Section 9.0 (Performance Standards) of this Title.
- (10) Existing Operations Permit: Within 60 days after the adoption of this Title, all existing operations specified in the Q-1 Quarrying District shall be required to register with the Town Clerk, submitting pertinent data relative to the present operation, including boundaries of the actual operation and ownership. A permit shall be granted to such existing operations subject to compliance with the requirements of the Q-1 Quarrying District where they can be conditionally applied under existing conditions. Any existing operation which does not conform within 60 days shall cease operations or be penalized according to the provisions of Sections 12.02 and 12.03 of this Title.

3.10 L-1 SANITARY LANDFILL DISTRICT

- (1) Permitted Uses: None; all uses in the L-1 District are conditional uses.
- (2) Conditional Uses: The following uses may be permitted by the Town Board after review and public hearing:
 - (A) Sanitary landfills when operated in accordance with the provisions of Chapter NR 514 of the *Wisconsin Administrative Code*.
 - (B) Structures and lands may be used for any purpose designated on the approved site restoration and reuse plan as provided for herein.

(3) Lot Size, Bulk Restrictions, and Yard Requirements

LOT SIZE:	Minimum sufficient area for principal structure and accessory building, off-street parking and loading area, onsite sewage disposal system, yard requirements, and open space requirements.
HEIGHT:	Maximum height subject to Plan Commission review and recommendation, and approval by the Town Board.
YARDS:	Minimum of 150 feet from any public or approved private street right-of-way line or property line.

(4) Use Restricted: As defined in this Title, sanitary landfills, related accessory uses, or any other use permitted on the site restoration and reuse plan are subject to review and recommendation by the Town Plan Commission and approval by the Town Board--and only after a permit and all conditions attached thereto have been approved by the Town Board.

(5) Application for a Principal Use Permit shall be made to the Secretary of Building and Zoning Inspection by the property owner or long-term lessee, either of whom shall be directly responsible for the operation of the sanitary landfill. Applications shall be accompanied by the following:

(A) A plat of survey of the proposed site and an adequate description of the operational methods; a list of equipment, machinery, and structures to be used; the source, quantity, and disposition of any water or other material to be used in the sanitary landfill operation; a topographic map of the site showing existing contours with a maximum vertical contour interval of two (2) feet, existing trees, proposed and existing access roads, and the depth of all existing and proposed excavations and fills; and a restoration and reuse plan.

(B) The restoration and reuse plan provided by the applicant shall contain proposed contours after filling or restoration; depth of the restored topsoil; and planting or restoration and reforestation commencement and completion dates. The applicant and/or owner of the sanitary landfill site shall furnish the necessary sureties which will enable the Town to perform the planned restoration of the site in the event of default by the applicant. The amount of such sureties shall be based upon cost estimates prepared by the Town, and the form and type of such sureties shall be approved by the Town Board.

(6) A Contractual Agreement: The applicant and/or owner of the sanitary landfill site shall enter into a contractual agreement with the Town Board wherein all items required under the provisions of Title X and any other conditions as may be required by the Town Board shall be set forth in detail prior to the issuance of a permit by the Secretary of Building and Zoning Inspection.

(7) Existing Operations Permit: Within 60 days after the adoption of Title X, all existing sanitary landfill operations shall be required to register with the Secretary of Building and Zoning Inspection, submitting pertinent data relative to the present

operation, including the boundaries of the actual operation and ownership. A permit shall be granted to such existing operations subject to compliance with all requirements of this district where they can be conditionally applied under existing conditions. Any existing operation which does not conform within 60 days shall cease operations or be penalized in accordance with the provisions of Section 12.02 and 12.03 of this Title.

3.11 P-1 PARK DISTRICT

This District is intended to provide for areas where uses are of a public recreational or entertainment nature.

(1) Permitted Uses: The following uses may be permitted in the P-1 Park District but only after the issuance by the Town Board of a park permit. Uses shall comply with the permit procedure as provided by Section 4.03 of this Title with the exception of a public hearing requirement. Each use, as listed below, shall require a separate permit, subject to the general regulations applicable thereto and to the specific regulations as hereinafter set forth in this section:

- (A) Archery Ranges.
- (B) Bathhouses.
- (C) Beaches.
- (D) Boating.
- (E) Campgrounds, subject to paragraph (2) below.
- (F) Conservatories.
- (G) Driving ranges.
- (H) Firearm ranges.
- (I) Go-cart tracks.
- (J) Golf courses.
- (K) Gymnasiums.
- (L) Hunting.
- (M) Ice boating.
- (N) Marinas.
- (O) Music halls.
- (P) Polo fields.
- (Q) Refreshment/snack stand.
- (R) Riding academies.
- (S) Skating rinks.
- (T) Snowmobile courses.
- (U) Sport fields.
- (V) Stadiums.
- (W) Swimming pools.
- (X) Zoological and botanical gardens.

(2) The Plan Commission May Permit a Campground as a use, provided that such campground shall comply with the following minimum standards:

- (A) All provisions of town and county ordinances shall be adhered to by the statement of intent and plans submitted.
- (B) Sale of alcoholic beverages shall be prohibited within campgrounds except in commercial recreation facilities.
- (C) Within a campground, no building, structure, or premise shall be used and no building or structure shall be erected, altered, or established which is intended or designed to be used in whole or in part for any other than the following specified purposes:
 - 1. One (1) single-family residential structure and accessory uses. Said residential structure shall exist for the primary use of the owner or operator of the campground.
 - 2. Accessory buildings and structures incidental to the operation and maintenance of the entire campground, such as showers, toilet buildings, recreational buildings, pavilions, shelters, maintenance buildings, service buildings, and swimming pools.
 - 3. Sales of soft drinks, nonalcoholic beverages, sandwiches, confections, and campers' supplies in a structure or building not to exceed 400 square feet of floor area.
- (D) The duration of a camper's visit shall not exceed 21 days out of 28 days and shall be limited to the months of April through November inclusive.
- (E) All campgrounds shall conform to the following regulations:
 - 1. Campground area shall be not less than three (3) acres.
 - 2. Interior roads shall be all-weather surfaced, and shall be 12 feet wide for one-way traffic and 20 feet wide for two-way traffic.
 - 3. Each campsite shall not exceed a one-family unit.
 - 4. The center of each campsite shall be not less than 50 feet from the center of any other site and there shall be within the entire campground at least 5,000 square feet per campsite.
 - 5. Drainage: Each campsite shall be located on well-drained land and be so graded as to ensure rapid runoff during storms and freedom from standing water.
 - 6. Yards: No portion of any campsite or its accessory uses except access roads shall be located closer than 25 feet to any exterior boundary of the campground.
 - 7. Parking: Each campsite shall have adequate off-street areas for the parking of campers' vehicles.
 - 8. Sanitary sewerage and waste disposal facilities shall be provided as required by Chapter HFS 178 of the *Wisconsin Administrative Code*. Each campsite shall be located not more than 400 feet from a toilet, and no campsite shall be located closer than 75 feet to a nonflushing toilet.
 - 9. Water: There shall be an adequate source of pure water and supply outlets for drinking and domestic purposes located not more than 400 feet from any camping unit. Where a public water supply is not

available, the well or wells supplying any campgrounds shall comply with the Wisconsin Well Construction Code except that well pits or pump pits shall not be permitted.

10. Maintenance of the campgrounds shall be adequate so as to preclude the creation of any nuisance. Such maintenance shall include such activities as the cleansing of toilet facilities, the collection of trash and garbage, the upkeep of interior roads, the tidying of beach areas, the repair of recreational equipment, the removal of noxious flora, and the control of pests.

- (F) The campground developer shall submit one (1) reproducible copy and eight (8) prints of the proposed campground development plan at a scale of not less than one (1) inch equals 100 feet to the Town Board at least 14 days prior to the date of its meeting at which the proposal is to be considered. Such plans shall include the following:

1. Names and addresses of the applicant, owner of the site, architect, professional engineer, and contractor.
2. Statement of intent as to the proposed use of the premises.
3. Legal description of the subject site, address of the subject site, type of structures, existing and proposed operation or use of the site, number of employees, and the zoning district within which the subject site lies.
4. Plat of survey prepared by a registered land surveyor showing the location boundaries, dimensions, uses, and size of the following: campground area; individual campsites; existing and proposed structures, streets, and interior roadways; campsite parking; and existing and proposed yards.
5. Proposed sewage disposal plan if public sewerage is not available. This plan shall be prepared by a registered professional engineer who shall certify in writing that satisfactory, adequate, and safe sewage disposal is possible on the site as proposed by the plan, in accordance with applicable local, county, and state regulations.
6. Proposed water supply plan if public water service is not available. This plan shall be prepared by a registered professional engineer who shall certify in writing that an adequate and safe supply of water will be provided in accordance with applicable local, county, and state regulations.
7. Additional information as may be required by the Town Plan Commission or Town Board.

- (G) The permit for campgrounds, if authorized, shall be subject to periodic review by the Town Board.

- (3) The Town Board May Permit the Following Commercial Recreation Facilities as uses after review:

- (A) Arcades.
- (B) Bowling Alleys.
- (C) Clubs.
- (D) Dance halls.
- (E) Driving ranges.
- (F) Gymnasiums.
- (G) Lodges.
- (H) Miniature golf courses.
- (I) Physical culture.
- (J) Pool and billiard halls.
- (K) Race tracks.
- (L) Rifle ranges.
- (M) Turkish baths.
- (N) Skating rinks.

(4) Application for a Park Permit shall be made to the Town Clerk for each of the uses specified. An annual application fee as established from time-to-time by Resolution of the Town Board shall accompany the application.

(5) The Park Permit shall be in effect for a period not to exceed one (1) year and shall expire on the 31st day of December of each year.

(6) Conditional Uses:

- (A) Mobile service facilities, subject to the provisions of Section 4.07 of this Title.

(7) Lot Size and Yard Requirements

DEVELOPMENT AREA:	Minimum 4 acres.
YARDS:	50 feet from any district boundary.

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SECTION 4.00 CONDITIONAL USES

4.01 PERMITS

The Town Board may authorize the Zoning Secretary to issue a conditional use permit for conditional uses as specified in each district in Sections 3.03 through 3.11 of this Title after review and public hearing, provided that such conditional uses and structures are in accordance with the purpose and intent of Title X and are found to be not hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the neighborhood or the community. The Town Board may further permit other unspecified uses provided that they are not in conflict with the provisions and limitation set forth in this Section.

4.02 LIMITATIONS ON CONDITIONAL USES

- (1) Business Uses: No business uses shall be permitted in any residential or agricultural district except that a business which is exclusively owned and operated by resident family members, employs only such members and involves either occasional sales of products not produced on the premises or the fabricating of some product which is not included in the definition of “home occupation” may be permitted as a conditional use in an A-1 Agricultural District provided that the mode of operation, the space to be occupied, merchandise or materials to be stored or displayed, provisions for off-street parking, the effect upon highway traffic and the effect upon neighboring properties are continued in the manner specified in the conditional use permit.
- (2) Industrial Uses: No industrial use shall be permitted in any residential, business, or agricultural district.
- (3) Kennels, Animal Hospitals, and Shelters: Provided that all principal structures related thereto are located more than 100 feet from any residential lot line, kennels, animal hospitals and shelters, and veterinary services may be permitted in the following districts: A-1 General Agricultural, B-1 Business, and M-1 Industrial Districts.

4.03 PERMIT PROCEDURE

- (1) Application: Applications for permits for any conditional use authorized by Title X shall be made to the Zoning Secretary upon such forms as shall be prescribed by the Zoning Secretary and shall include such additional data, surveys, plot plan, preliminary development plans, and topography detail as may be required.

- (2) Fee: Each application for a conditional use permit shall be accompanied by the fee set forth in Section 12.01 of this Title.
- (3) Plan Commission Review and Recommendation: The Zoning Secretary shall refer to the Plan Commission for its review and recommendation all applications for conditional use permits. The Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewage and water systems, and any other matters relating to the proposed operation. The Plan Commission shall have the right to request the recommendations of any public agency it shall deem interested and affected by such conditional use. The Plan Commission may defer making its recommendation until after the public hearing provided for in paragraph (4) below.
- (4) Public Hearing: The Town Board shall fix a reasonable time and place for a public hearing on the application after publishing a Class 2 notice under Chapter 985 of the *Wisconsin Statutes* listing the time and place of the hearing and the nature of the conditional use permit being sought. The Zoning Secretary shall also give at least ten (10) days prior written notice of such hearing to all parties in interest as defined in Section 13.02 of this Title.
- (5) Granting of Permit
 - (A) After review by the Plan Commission and a public hearing as required herein, the Town Board may authorize the Zoning Secretary to issue a conditional use permit, provided that such conditional uses and structures are in accordance with the purpose and intent of Title X, are found not to be hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or the community, and are found to be compatible with the surrounding predominant use.
 - (B) Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, traffic circulation patterns, deed restrictions, highway access restrictions, and increased yards or parking requirements may be required by the Town Board upon its finding that such conditions are necessary to fulfill the purpose and intent of Title X. The Town Board may also impose time limitations upon conditional uses and subject them to periodic review, reissuance, or revocation.
 - (C) Compliance with all other provisions of Title X such as lot width and area, yard requirements, height, parking, loading, traffic, highway access, and performance standards shall be required for all conditional uses. Variances shall only be granted as provided in Section 10.0 of this Title.
- (6) Revocation: A conditional use permit shall remain in effect provided that the conditions of the permit are continued in the manner specified by the permit or until the expiration of the permit as provided by its terms. In the event the permit holder

fails to comply with the conditions specified in the permit the same may be revoked by the Zoning Secretary upon ten (10) days notice to the permit holder. The permit holder shall be entitled to a hearing before the Town Board on the questions of revocation of the conditional use permit and approval of the Town Board shall be required for the reinstatement of any conditional use permit.

4.04 SALVAGE/JUNK YARDS

- (1) Conditional Use: Any operation which requires or involves the collection, storing, dismantling, destruction, or resale of used automobiles, used machinery, used building materials, or similar materials, shall be a conditional use and shall only be permitted in M-1, M-2, and A-1 Districts.
- (2) Procedure: Except as otherwise provided by this section, the procedure for securing, granting, and revoking a conditional use permit under this section shall be as set forth in Section 4.03 of this Title.
- (3) Fees: Each application shall be accompanied by a fee in the amount determined by resolution of the Town Board from time to time, and in addition thereto the applicant shall pay the reasonable cost of a review of the operational and restoration plans by the Town.
- (4) Operational Plan: The application shall be accompanied by a detailed description of the proposed method of operation; the manner in which materials will be stored; the equipment proposed to be used; the method of disposition of end products; the manner in which adjoining property owners will be protected; the hours of operation; the town highways proposed to be used; the gross weight of equipment to be used in hauling in and hauling out of any of the product; and other similar information as the Zoning Secretary may require.
- (5) Restoration Plan: The application for the operation of a conditional use under this Section shall be accompanied by a proposed restoration plan and illustrative drawing showing the manner in which the site will be restored.
- (6) State Licenses: Any permit issued under this Section shall be subject to revocation if all or any necessary state licenses or permits have been withdrawn or revoked.
- (7) Bond: No permit shall be issued until the applicant furnishes a performance bond in such amount and on such conditions as shall be fixed by the Town Board.
- (8) Term of Permit: The permit shall be in effect on a continuing basis, subject to termination by the Town Board after notice and hearing for violations of the Plan of Operations or Restoration Plan.
- (9) Inspection: The Building Inspector or Town Engineer shall inspect the operations at least semi-annually to ensure compliance, and the reasonable fees of such inspection, as fixed by the Town Board at the time of granting the permit, shall be paid by the applicant.

4.05 WIND ENERGY CONVERSION SYSTEMS

- (1) Conditional Use: Wind energy conversion systems, commonly referred to as “windmills,” which are used to produce electrical power shall be considered a conditional use and may be permitted in any district.
- (2) Procedure: Except as otherwise provided by this section, the procedure for securing, granting, and revoking a conditional use permit under this section shall be as set forth in Section 4.03 of this Title.
- (3) Application: Applications for the erection of a wind energy conversion system shall be accompanied by a plat of survey for the property to be served showing the location of the generating facility and the means by which the facility will provide power to structures. If the system is intended to provide power to more than one (1) premise, the plat of survey shall show all properties to be served and the means of connection to the wind energy conversion system. A copy of all agreements with system users off the premises shall accompany the application. The application shall further indicate the level of noise to be generated by the system, and provide assurances as to the safety features of the system.
- (4) Construction: Wind energy conversion systems shall be constructed and anchored in such a manner to withstand wind pressure of not less than 40 pounds per square foot of area.
- (5) Noise: The maximum level of noise permitted to be generated by a wind energy conversion system shall be 50 decibels, as measured on the dB(A) scale, measured at the lot line.
- (6) Electro-Magnetic Interference: Wind energy conversion system generators and alternators shall be filtered and/or shielded so as to prevent the emission of radio-frequency energy that would cause any harmful interference with radio and/or television broadcasting or reception. In the event that harmful interference is caused subsequent to the granting of a conditional use permit, the operator of the wind energy conversion system shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
- (7) Location and Height: Wind energy conversion systems shall meet all setback and yard requirements for the district in which they are located and, in addition, shall be located not closer to a property boundary than a distance equal to their height. Wind energy conversion systems are exempt from the height requirements of this ordinance, however, all such systems over 75 feet in height shall submit plans to the Federal Aviation Administration (FAA) to determine whether the system is to be considered an object affecting navigable air space and subject to FAA restrictions. A copy of any FAA restrictions imposed shall be included as a part of the wind energy conversion system conditional use permit application.

- (8) Fence Required: All wind energy conversion systems shall be surrounded by a security fence not less than six (6) feet in height. A sign shall be posted on the fence warning of high voltage.
- (9) Utility Company Notification: The appropriate electric power company shall be notified, in writing, of any proposed interface with that company's grid prior to installing said interface. Copies of comments by the appropriate utility company shall accompany and be part of the application for a conditional use permit.

4.06 PUBLIC GATHERINGS

- (1) Conditional Uses: All public gatherings, rallies, assemblies or festivals, at which attendance is greater than 500 persons for a one-day event and greater than 250 persons for a two-day or more event. The requirements for a Conditional Use Permit shall not apply to events held in any regularly established permanent place of worship, stadium, school, athletic field, arena, auditorium, coliseum or other similar permanently established place for assemblies which do not exceed by more than 250 people the maximum seating capacity of the structure where the assembly is held; nor those events sponsored or approved by the Town of Polk.

- (2) Procedure: Except as otherwise provided by this section, the procedure for securing, granting, and revoking a conditional use permit under this section shall be as set forth in Section 4.03 of this Title.

- (3) Fees: Each application shall be accompanied by the appropriate fee in addition to the public hearing fee:

Gatherings of 250 (2-day or more event).....	\$ 500.00
Gatherings of 500 to 1,000	\$ 500.00
Gatherings of 1,000 to 2,500	\$1,000.00
Gatherings of 2,500 to 5,000	\$1,500.00
Gatherings of over 5,000	\$2,500.00

- (4) Bond: No permit shall be issued until the applicant furnishes a cash bond determined by the Plan Commission, but not exceeding \$100,000, conditioned on complete compliance by the applicant and site owner with all provisions of this Section, the terms and conditions of the Conditional Use Permit, including cleaning up the site and the payment of any damages, fines, forfeitures, or penalties imposed by reason of violation thereof.

- (5) Standards:

- (A) For events scheduled for two (2) successive days or more, at least one (1) acre of land, exclusive of roads, parking lots, and required yards, shall be provided for each 100 persons attending.
- (B) Every site proposed shall be generally well-drained ground and shall not be a ground on which storm or other waters accumulate or on ground which is wet or muddy due to subsoil moisture.

- (C) Provide proof that a fence completely enclosing the proposed location, of sufficient height and strength, will be erected to prevent people in excess of the maximum permissible number from gaining access to the assembly grounds. Said fence shall have at least four (4) gates, at least one (1) at or near four (4) opposite points on the compass.
- (D) Provide proof that illumination sufficient to light the entire area of the assembly at the rate of at least five (5) foot candles, but not to shine unreasonably beyond the boundaries of the enclosed location of the assembly, if the assembly continues beyond hours of darkness.
- (E) Provide free parking sufficient to accommodate one (1) parking space for every four (4) persons.
- (F) Provide security guards, licensed in Wisconsin, sufficient to provide adequate security for the maximum number of people to be assembled at the rate of at least one (1) guard for every 500 people. If it is determined by the Town Chairman that additional police protection shall be required, he may contact the Washington County Sheriff's Department and all costs for the additional protection required shall be deducted from the posted cash bond.
- (G) Provide fire protection devices, and fire lanes and escapes, sufficient to meet all state and local standards for the location of the assembly as set forth in the *Wisconsin Administrative Code* and ordinances of the county and municipality and sufficient emergency personnel to efficiently operate the required equipment.

(6) Other Permits Required:

- (A) Washington County Special Sanitary permit for public gathering.
- (B) Any license required by Chapter 125 of the *Wisconsin Statutes*.
- (C) All required permits and licenses must be on file with the Zoning Secretary prior to issuance of the Conditional Use Permit.

- (7) Term of Permit: This permit shall be valid only on the date(s) for which the same is issued and shall permit the assembly of only the maximum number of people stated in the permit.

4.07 MOBILE SERVICE FACILITIES

- (1) Definitions. All definitions contained in Section 66.0404(1) of the Wisconsin Statutes are hereby incorporated by reference.

- (2) Siting and Construction of any new Mobile Service Support Structure and Class 1 Collocation.

(A) Application Process

1. A Conditional Use permit is required for the siting and construction of any new Mobile Service Support Structure and facilities or a Class

- 1 Collocation that requires the substantial modification of an existing support structure and mobile service facilities.
 2. A written permit application must be completed by any applicant and filed with the Zoning Secretary. The application must be in writing and contain the following information:
 - a. The name and business address of, and the contact individual for, the applicant.
 - b. An original signature of the applicant, land owner, lessees and holders of easements.
 - c. Copy of the lease agreement that includes the legal description and amount of land leased.
 - d. A plat of survey showing the parcel boundaries, tower, accessory structures, ancillary facilities, location, access, landscaping and fencing.
 - e. Plans showing security measures such as, but not limited to, access, fencing and lighting.
 - f. The location of the proposed or affected support structure.
 - g. The location of the proposed Mobile Service Facility.
 - h. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
 - i. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receiver, base station, power supplies, cabling, and related equipment to be placed on or around the new cellular service support structure.
 - j. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the cellular service support structure attesting that collocation within the applicant's search ring would not result in the same cellular service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
 3. A permit application will be provided by the town upon request of any applicant.
- (B) Completed Applications. If an applicant submits to the town an application for a permit to engage in an activity described in this Title, which contains all of the information required under this Title, the town shall consider the

application complete. If the town does not believe that the application is complete, the town shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

- (C) Town Responsibilities. Within 90 days of its receipt of a complete application, the town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the 90 day period:
 - 1. Review the application to determine whether it complies with all applicable aspects of the Town's building code and, subject to the limitations in this section, zoning ordinances.
 - 2. Make a final decision whether to approve or disapprove the application.
 - 3. Notify the applicant, in writing, of its final decision.
 - 4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- (D) Disapproval. The town may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under paragraph (A)2(j).
- (E) Application of Setback/Fall Zone. If an applicant provides the town with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the set back or fall zone area required in this or any other applicable ordinance, that zoning ordinance does not apply to such a structure unless the town provides the applicant with substantial evidence that the engineering certification is flawed.
- (F) Fees. The fee for the permit is \$275.00. Where an independent verification of the analysis or other engineering or legal fees are incurred, they shall be at the applicant's expense and shall not exceed \$3,000.00.

(3) Class 2 Collocation

(A) Application Process.

- 1. Zoning and building permits are required for a class 2 collocation. A class 2 collocation is a permitted use in the town subject to the requirements of this section, but requires the issuance of town permits.
- 2. A written permit application must be completed by any applicant and submitted to the town. The application must contain the following information:
 - a. The name and business address of, and the contact individual for, the applicant.
 - b. The location of the proposed or affected support structure.
 - c. The location of the proposed mobile service facility.
- 3. A permit application will be provided by the town upon request to any applicant.

4. A class 2 collocation is subject to the same requirements for the issuance of a building permit to which any other type of commercial development or land use development is subject.
- (B) Completed Applications. If an applicant submits to the town an application for a permit to engage in an activity described in this Title, which contains all of the information required in Sections (2)A.2.a, f, and g, the town shall consider the application complete. If any of the required information is not in the application, the town shall notify the applicant in writing, within 5 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
 - (C) Town Responsibilities. Within 45 days of its receipt of a complete application, the town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the 45 day period:
 1. Make a final decision whether to approve or disapprove the application.
 2. Notify the applicant, in writing, of its final decision.
 3. If the application is approved, issue the applicant the relevant permit.
 4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
 - (D) Fees. The Class 2 collocation is subject to the same requirements for the issuance of the zoning and building permits to which any other type of commercial development or land use development is subject, except that the maximum fee for such zoning and building permits shall not exceed those allowed by Section 66.0404(4)(d) of the Wisconsin Statutes [not to exceed \$500 per s. 66.0404(4)(d)].
- (5) Performance Standards
- (A) Removal. Abandoned or unused antennas or other equipment mounted on a tower shall be removed within 18 months of the cessation of operation at the site. In the event that a tower is not removed within 18 months of cessation of operation at a site, the tower may be removed by the town and the costs of removal assessed against the property. The replacement of equipment used by a telecommunications provider different from a previous provider shall require the issuance of a conditional use permit.
 - (B) Security for Removal. The owner of any mobile service support structure other than a municipality or other unit of government shall provide to the Town of Polk, prior to issuance of a conditional use permit, a performance bond in an amount based on a written estimate of a qualified remover of said types of structures, or twenty thousand dollars (\$20,000), whichever is less, to guarantee that the cellular service support structure will be removed when no longer in operation.
 - (C) Signs and Advertising. The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

- (D) Illumination. Towers shall not be illuminated except as required by the Wisconsin Division of Aeronautics or the Federal Aviation Administration. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas shall be attached to the tower. However, such lights shall be directional and shall not produce glare into residential areas.
- (E) Screening and Landscaping. All telecommunications facilities, except exempt facilities, shall be designed to blend into the surrounding environment to the greatest extent feasible.
 1. The tower location shall provide for the maximum amount of screening of the facilities. The site shall be landscaped and maintained with a buffer of plant materials that effectively screen the view of all facility structures, equipment, and improvements at ground level from adjacent properties. The standard buffer shall consist of a landscaped strip at least 4 feet wide outside the perimeter of the area where tower accessory structures and equipment are located at ground level.
 2. In locations where the visual impact of the facility would be minimal, the landscaping requirement may be reduced or waived by the Plan Commission. Existing, mature vegetation and natural landforms on the site shall be preserved to the maximum extent possible or replaced with vegetative screening meeting the intent of this section.
 3. Upon project completion, the owner(s)/operator(s) of the facility shall be responsible for maintenance and replacement of all required landscaping during the current growing season.
- (F) Interference with Public Safety Communications. No new or existing telecommunications service shall interfere with public safety telecommunications. All applications for a new antenna site to be located on an existing Town public safety communications transmitting station shall be accompanied by an intermodulation study which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems. Before introduction of new services or changes in existing service at such a site, telecommunication providers shall notify the town at least 10 calendar days in advance of such changes and allow the town to monitor interference levels during the testing process.
- (G) Parking. The Plan Commission may impose reasonable parking requirements in situations where parking may be required at a particular site.
- (H) Transferability of Permit. A conditional use permit for cellular and digital communication antennas and towers shall not be transferred to any other person, corporation, organization, or other entity without the written permission of the Town Board. Notwithstanding any provision contained in Section 4.03 of this Title, no public hearing shall be required prior to approval of the transfer by the Board.
- (I) Severability. If any provision of this Section 4.07 is deemed invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the other provisions of this Title.

4.08 INSTALLATION AND USE OF AN ACCESSORY ENERGY SYSTEM

- (1) Application for the accessory energy system shall be accompanied by a site plan or detailed drawing showing the location of the unit, the distance from all buildings and from the property lines to the proposed energy system. Also show the means by which heat will be provided to the structure or structures and its aesthetic and smoke effect on neighboring residents.
- (2) Accessory Energy Systems are not Permitted in the R-1 Residential District. They may be permitted in any other district.
- (3) Accessory Energy Systems must be Located at least 500 feet from any adjacent property dwelling and must meet all minimum building setback requirements and be located in the side or rear yard only.

4.09 INSTALLATION AND USE OF A GROUND-MOUNTED SOLAR COLLECTOR SYSTEM

- (1) Ground-Mounted Solar Collector Systems are allowed as a conditional use in all districts, except in the R-1 Residential District.
- (2) Application for a ground-mounted solar collector system shall be accompanied by a site plan or detailed drawing showing the location of the system, distance from all buildings and from the property lines to the proposed collector system, and the means by which the energy produced will be provided to the principal or accessory structure. The materials must be UL certified and the installers licensed. In addition, the application shall include a copy of any solar energy access easements obtained from adjacent property owners.
- (3) Solar Collector Systems shall be Constructed, installed, and operated in conformance with all applicable State and local building codes, and in accordance with Sections 66.0401, 66.0403, 700.35, and 700.41 of the *Wisconsin Statutes*.
- (4) All Exterior Electrical and/or plumbing lines must be buried below the surface of the ground and placed in a conduit.
- (5) Solar Collector Systems shall be Located in the side or rear yard only and shall meet all setback and yard requirements for the district in which they are located. The height of the system shall not exceed the side or rear yard setback.
- (6) Solar Collector Systems shall not be Located in utility, drainage, or access easements.
- (7) Solar Energy Systems shall be Designed, located, and operated in a manner that does not create a public nuisance. Solar collector systems shall be located to ensure that any glare is directed away from adjacent properties and roads.

- (8) No Adjacent Property Owner(s) shall be required to remove vegetation or structures that may block sunlight to the solar energy system during the initial installation of a system.
- (9) The Town can Add To, delete from, or modify standards set forth in this Section.
- (10) Abandoned or Unused solar systems shall be removed within 12 months of the cessation of operations at the site. If the solar system is not removed, the system may be removed by the Town and the costs of removal assessed against the property.

4.10 INSTALLATION AND USE OF A BUILDING-MOUNTED SOLAR COLLECTOR SYSTEM

- (1) Building-Mounted Solar Collector Systems are allowed as a conditional use in all districts, provided a professional engineer certifies that the structure is adequate to support the load.
- (2) The Materials must be UL certified and the installers licensed.
- (3) A Roof-Mounted Solar Collector System must have a three (3) foot setback from the edge of the gutter and from the chimney.
- (4) Conduit Runs should be kept ten (10) inches below roof decking to minimize the chance of being cut.
- (5) The System shall be Located to ensure that any glare is directed away from adjacent properties and roads.
- (6) No Adjacent Property Owner(s) shall be required to remove vegetation or structures that may block sunlight to the solar collector system during the initial installation of the system.
- (7) Solar Collector Systems shall be constructed, installed, and operated in conformance with all applicable State and local building codes, and in accordance with Sections 66.0401, 66.0403, 700.35, and 700.41 of the *Wisconsin Statutes*.
- (8) The General Standards may be modified on a case-by-case basis as necessary.

SECTION 5.00 TRAFFIC, PARKING, AND ACCESS

5.01 TRAFFIC VISIBILITY

No obstructions such as structures, parking, or vegetation or farm crops shall be permitted in any district between the heights of two and one-half (2.5) feet and ten (10) feet above the plane through the mean centerline within the triangular space formed by any two (2) existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines located a minimum of 100 feet from their intersection (see Illustration No. 5.01).

In the Case of Arterial Streets intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to 125 feet.

5.02 LOADING REQUIREMENTS

In all districts, adequate loading areas shall be provided so that all vehicles loading, maneuvering, or unloading are completely off the public ways and so that all vehicles need not back onto any public way.

5.03 PARKING REQUIREMENTS

In all districts and in connection with every use, there shall be provided at the time any use or building is erected, enlarged, extended, or increased, adequate offstreet parking facilities for all vehicles in accordance with the following:

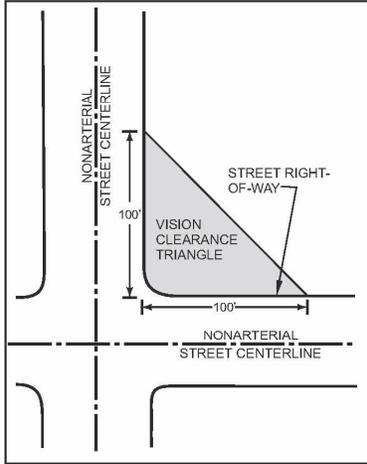
- (1) Adequate Access to a public street shall be provided for each parking space, and driveways shall be at least 24 feet wide for one- and two-family dwellings and a minimum of 24 feet for all other uses.
- (2) Size of each parking space shall be not less than 180 square feet exclusive of the space required for ingress and egress.
- (3) Location of parking facilities shall be on the same lot as the principal use or not more than 400 feet from the principal use. No parking stall or driveway except in residential districts shall be closer than 25 feet to a residential district lot line or a street line opposite a residential district.
- (4) Surfacing. All offstreet parking areas for more than ten (10) vehicles shall be graded and surfaced so as to be dust free and properly drained, and shall have the aisles and spaces clearly marked.

Illustration 5.01

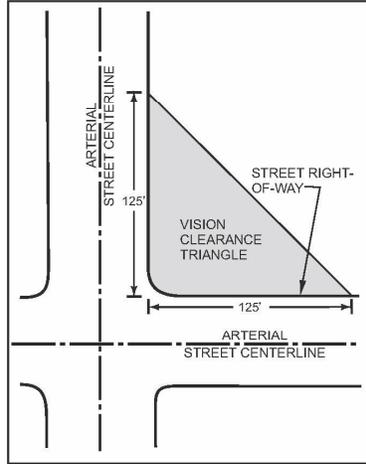
VISION CLEARANCE TRIANGLES

PLAN VIEWS

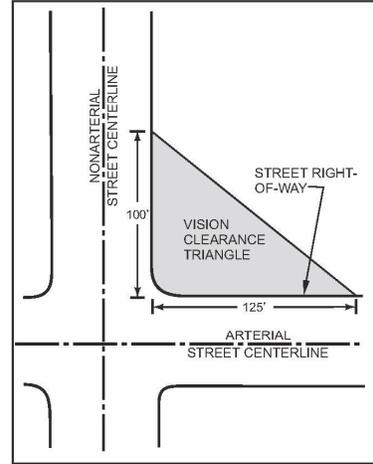
A. TWO NONARTERIAL STREETS INTERSECTING



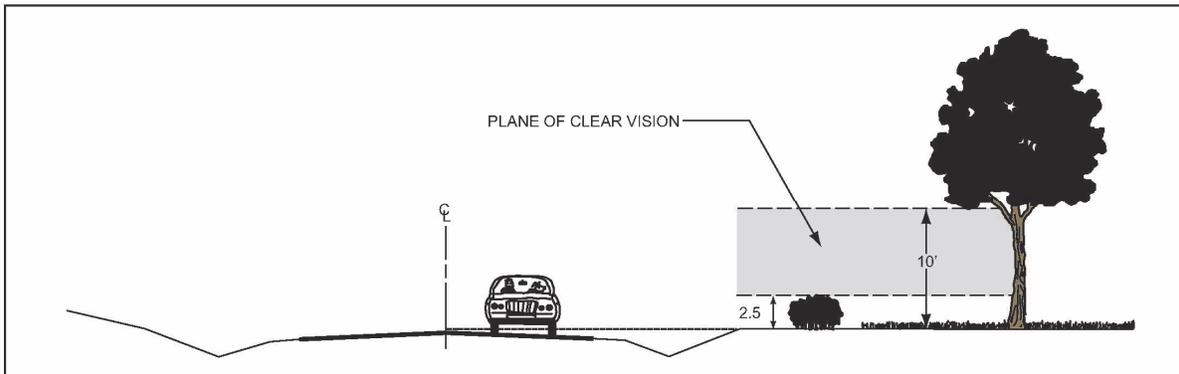
B. TWO ARTERIAL STREETS INTERSECTING



C. NONARTERIAL STREET INTERSECTING AN ARTERIAL STREET



CROSS-SECTION VIEW



Source: SEWRPC.

(6) Number of Parking Stalls Required shall be as follows:

LAND USE OR ACTIVITY	SPACES REQUIRED
(A) Single-Family Dwelling	2.0 stalls/dwelling unit
(B) Multiple-Family Dwelling	1.5 stalls/dwelling unit
(C) Hotels, motels	1 stall/guest room + 1 stall/3 employees
(D) Hospitals, clubs, lodges, sororities, dormitories, lodging and boarding houses	1 stall/2 beds + 1 stall/3 employees
(E) Sanitariums, institutions, rest and nursing homes	1 stall/5 beds + 1 stall/3 employees
(F) Medical and dental clinics	3 stalls/doctor
(G) Churches, colleges, theaters, auditoriums, community centers, vocational and night schools, and other places of public assembly	1 stall/5 seats or enrollment
(H) Secondary and elementary schools	1 stall/2 employees
(I) Restaurants, bars, places of entertainment, repair shops, retail and service stores	1 stall/150 sq. ft. floor area
(J) Manufacturing and processing plants, laboratories, and warehouses	1 stall/2 employees
(K) Financial institutions, business, governmental, and professional offices	1 stall/300 sq. ft. floor area
(L) Funeral homes	1 stall/4 seats
(M) Bowling alleys	5 stalls/alley

(7) Uses Not Listed: In the case of structures or uses not listed in subsection (6), the provisions for a use which is similar shall apply.

(8) Combinations of any of the uses set forth in subsection (6) shall provide the total of the number of stalls required for each individual use.

5.04 DRIVEWAYS

All driveways installed, altered, changed, replaced, or extended after the effective date of Title X shall meet the following requirements:

- (1) Islands between driveway openings shall be provided, with a minimum of 12 feet between all driveways and six (6) feet at all lot lines.
- (2) Openings for vehicular ingress and egress shall not be less than 28 feet at the street line nor more than 35 feet.
- (3) Vehicular entrances and exits to drive-in theaters; banks; and restaurants; motels, funeral homes; vehicular sales, service, washing, and repair stations; garages; or public parking lots shall be not less than 200 feet from any pedestrian entrance or exit to a school college, university, church, hospital, park, playground, library, public emergency shelter, or other place of public assembly.

SECTION 6.00 MODIFICATIONS

6.01 HEIGHT

The height limitations stipulated elsewhere in Title X may be exceeded, but such modification shall be in accord with the following:

- (1) Architectural Projections such as spires, belfries, parapet walls, cupolas, domes, flues, and chimneys shall not exceed, in height their distance from the nearest lot line but shall not exceed 50 feet.
- (2) Special Structures, such as elevator penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, and smoke stacks shall not exceed in height their distance from the nearest lot line.
- (3) Essential Services, utilities, water towers, and electric power and communication transmission lines are exempt from the height limitations of this title.
- (4) Communication Structures such as radio and television transmission and relay towers, aerials, and observation towers shall not exceed in height their distance from the nearest lot line.
- (5) Agricultural Structures such as machine sheds, stables, barns, silos, tanks, and windmills shall not exceed in height their distance from the nearest lot line.
- (6) Public or Semipublic Facilities such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices, and stations may be erected to a height of 60 feet, provided all required yards are increased not less than one (1) foot for each foot the structure exceeds the district's maximum height requirements.
- (7) The Zoning Administrator may allow accessory structures up to 20 feet in height in the R-1 District upon recommendation of the Building Inspector if all other applicable state, federal, and local building and zoning code requirements are met and if the additional height is necessary in order to maintain consistency and integrity of the architecture, including roof pitch, between the principal structure and the proposed accessory structure.

6.02 YARDS

The yard requirements stipulated elsewhere in Title X may be modified as follows:

- (1) Uncovered Stairs, landings, and fire escapes may project into any yard; but no such projection shall exceed six (6) feet nor closer than ten (10) feet to any lot line.
- (2) Architectural Projections such as chimneys, flues, sills, eaves, belt courses, and ornaments may project into any required yard, but such projection shall not exceed three (3) feet.
- (3) Fences.
 - (A) Residential fences, hedges, and walls are permitted along the property lines in the side and rear yards of residential districts but shall not in any case exceed a height of six (6) feet. Residential fences, hedges, and walls are permitted in the street yard provided they are no more than four (4) feet in height and shall not be closer than one (1) foot to any public right-of-way. No residential fence, hedge, or wall shall be permitted in the shore yard.
 - (B) Security fences are permitted on the property lines in all districts except residential districts but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
 - (C) Recreational fences (such as for tennis courts, etc.) shall not exceed ten (10) feet in height and shall be a minimum of ten (10) feet from the property line.
- (4) Recreational Courts may not be illuminated in the A-1 Agricultural or R-1 Residential districts.
- (5) Accessory Uses and Detached Accessory Structures, subject to Section 2.05(2) of this Ordinance, are permitted in the rear and side yards only. Such uses and structures shall not be closer than ten (10) feet to the principal structure; shall not be closer than 25 feet to a rear lot line, except that such structures shall be at least 75 feet from the ordinary high water mark of a lake, river or stream as required by county shoreland regulations; and provided further that in the A-1 Agricultural District and lake lots, an accessory use or structure may be permitted in the street yard provided that the required setbacks are complied with.

Accessory buildings on lots or parcels located in the R-1 Residential and A-1 Agricultural Districts shall be limited to the maximum size of accessory buildings set forth below based on the total net area of the lot or parcel upon which said structures are to be located:

Less than 1.0 acre	720 sq. ft.
1.01 to 2.0 acres	1,008 sq. ft.
2.01 to 3.0 acres	1,200 sq. ft.
3.01 to 4.0 acres	1,500 sq. ft.

4.01 to 6.0 acres	2,400 sq. ft.
6.01 acres to 10.0 acres	Total area (sq. ft.) for all accessory buildings not to exceed 1% of total lot area.
10.1 acres and greater	No size limitation; provided however, that the Town Board reserves the right to impose size restrictions in order to protect the intent of this Zoning Ordinance as set forth in Section 1.03.

- (6) Garden Utility-type Accessory Structures 192 square feet or less in area may be located as close as ten (10) feet to a side or rear lot line provided that such structures are located within the rear yard, do not exceed a height of ten (10) feet and comply with the building separation requirements set forth herein. Swimming pools and tennis courts accessory to residential uses may be located as close as ten (10) feet to a side or rear lot line.
- (7) Offstreet Parking and vehicle display areas are permitted in all yards of the B-1 Business District, but shall not be closer than 25 feet to any public right-of-way or side lot line.
- (8) Essential Services, utilities, and electric power and communication transmission lines are exempt from the yard and distance requirements of this Title.
- (9) Landscaping and Vegetation are exempt from the yard requirements of Title X.
- (10) Accessory Structures May Be Permitted In The Secondary Street Yard of a double frontage lot but shall not extend into the minimum street yard setback.
- (11) A Shoreland Permit issued by Washington County utilizing setback averaging or a variance granted by the Washington County Board of Adjustment shall eliminate the need for an additional variance approval by the Town.

6.03 NOISE

Sirens, whistles, and bells which are maintained and utilized solely to serve a public purpose are exempt from the sound level standards of Title X.

6.04 EXISTING SUBSTANDARD LOTS

A lot which does not contain sufficient area to conform to the dimensional requirements of Title X but which was of record in the Washington County Register of Deed's Office prior to the effective date of this Title and is in separate ownership from abutting lands may be utilized as a single-family detached dwelling site, provided:

- (1) Single-Family Dwellings are a permitted use in the zoning district.
- (2) All of the District Requirements shall be complied with insofar as is practical, but shall not be less than the following:

LOT SIZE:	Width: Area:	Minimum 50 feet. Minimum 9,000 sq. ft.
BUILDING AREA:	Minimum 1,200 sq. ft. with at least 800 sq. ft. on the first floor.	
YARDS:	Street: Rear: Side: Shore:	Minimum 50 feet from the right-of-way Minimum 25 feet 1-Story : minimum 10 feet Multi-level: minimum 15 feet Minimum 75 feet
OPEN SPACE:	There shall be a minimum of 80% of lot area reserved for open space.	

- (3) If Two (2) or More substandard lots with continuous frontage have the same ownership as of November 12, 1984, the classification and use of said lots shall be governed as follows:
- (A) When such lots are vacant, they shall be treated as being combined into one (1) or more lots which comply with the lot size, building and yard requirements of the zoning district where located, but in the event district requirements cannot be met by combining such vacant lots, than the resulting lot shall be subject to the requirements of sub. 2 above.
 - (B) When such lots have been used as one (1) lot, i.e., by the placement of an accessory building on the adjacent lot or by the encroachment of setback requirements, they shall be treated as one (1) lot.
 - (C) When one (1) developed lot abuts one (1) undeveloped lot, the undeveloped lot may be treated as a separate lot, provided:
 - 1. Both lots meet the requirements of sub. (2) above, and
 - 2. The developed lot has a functional sanitary system.
- (4) Applications for Permits for the improvement of a lot with lesser dimension than those stated in subsection (2) shall be issued only after a variance granted by the Zoning Board of Appeals.

SECTION 7.00 SIGNS

7.01 PERMIT REQUIREMENT

No signs, except those permitted under Section 7.02 of this Title, shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a Building Permit unless the same is in conformity with the provisions of this Title and the Town Building Code and of Section 84.30 of the *Wisconsin Statutes*, and Chapters TRANS 200 and TRANS 201 of the *Wisconsin Administrative Code*, if applicable.

7.02 SIGNS PERMITTED IN ALL DISTRICTS WITHOUT A PERMIT

The following signs are permitted in all zoning districts without a permit subject to the following regulations:

- (1) Agricultural Signs pertaining to the sale of products on a farm shall not exceed six (6) square feet in area for any one (1) farm.
- (2) Real Estate Signs are not to exceed 32 square feet in area which advertise the sale, rental, or lease of industrial, commercial, or agricultural premises or newly developed residential subdivisions upon which such signs are temporarily located.
- (3) Name, Occupation, and Warning Signs located on the premises are not to exceed two (2) square feet.
- (4) Bulletin Boards for public, charitable, or religious institutions are not to exceed 32 square feet in area located on the premises. Off premise signs shall not exceed eight (8) square feet.
- (5) Memorial Signs, tablets, names of buildings, and date of erection are permitted when cut into any masonry surface or when constructed of metal and affixed flat against a building.
- (6) Official Signs, such as traffic control signs, parking restriction signs, information signs, and notices are permitted.
- (6) Temporary Signs or banners are permitted when authorized by the Zoning Secretary. For the purposes of this provision, a temporary sign is one that will be used for no more than one (1) year.

7.03 SIGNS PERMITTED IN ALL BUSINESS, INDUSTRIAL, QUARRYING, AND SANITARY LANDFILL DISTRICTS WITH A PERMIT

Signs are permitted in all Business, Industrial, Quarrying, and Sanitary Landfill Districts upon the granting of a permit therefor by the Zoning Secretary, subject to the following restrictions:

- (1) Wall Signs placed against the exterior walls or business buildings shall not extend more than six (6) inches outside of a building's wall surface, shall not exceed 500 square feet in area for any one (1) premise, and shall not exceed 20 feet in height above the mean centerline street grade.
- (2) Projecting Signs fastened to, suspended from or supported by structures on premises developed for business buildings shall not exceed 100 square feet in area for any one (1) premise; shall not extend more than six (6) feet into any required yard; shall not exceed a height of 20 feet above the mean centerline street grade; and shall not be less than ten (10) feet above any pedestrian way, nor 15 feet above a driveway.
- (3) Billboard and Master Identification Signs, because of their unique characteristics, cannot be properly classified as unrestricted uses in any particular zoning district or districts. Such signs may be necessary or desirable to be allowed in a particular district provided that due consideration is given to locations, size and design. Such signs are classified as conditional uses. Such signs may only be erected following the issuance of a conditional use permit as outlined in Section 4.00 of the Zoning Code. Prior to the granting of any conditional use permit, the Town Board may stipulate such conditions and restrictions upon the establishment, locations, size, construction, color, maintenance, and operation of the sign as deemed necessary to promote the public health, safety and general welfare of the community.
 - (A) Billboard, Master Identification, and Ground Signs.

The following signs may be allowed with a conditional use permit, as provided in Section 4.00 of this Title:

1. Billboards that exceed the size and height requirements as established in Section 7.03 of this Title for permitted signs. The conditional use permit for such signs shall impose, as a minimum, the requirements of the State of Wisconsin Department of Transportation for illumination, setbacks, and separation between signs.
2. Master Identification Signage may be provided which displays the name of multiple use properties, and may also include information such as, but not limited: names or lists of individual business, hours of operation, and/or special sales information. One (1) master identification sign may be permitted along each roadway abutting a multiple tenant property. Each such sign shall not exceed 300 square feet in total area and 20 feet in height.

3. Ground Signs, other than billboards, that exceed the size, height, and/or setback requirements as established in Section 7.03 of this Title for permitted signs.
- (4) Roof Signs shall not exceed ten (10) feet in height above the roof; shall meet all the yard and height requirements for the districts in which they are located; and shall not exceed 200 square feet on all sides for any one (1) premise.
- (5) Window Signs shall be placed only on the inside of commercial buildings and shall not exceed 25 percent of the glass area of the pane upon which the sign is displayed.
- (6) Combinations of any of the above signs shall meet all the requirements for the individual sign.
- (7) Business Directory Signs shall not exceed two (2) in number, indicating the business name and the direction and distance to a specific business resort or commercial recreation facility. No such signs shall exceed 50 square feet of display area and shall be placed no closer than one (1) foot from the road right-of-way.
- (8) Ground Signs, other than billboards, shall not exceed 20 feet in height above the mean centerline street grade; shall not exceed 50 square feet in area on one (1) side and 100 square feet in area on all sides; and may be placed no closer than one (1) foot from the road right-of-way.

7.04 SIGNS PERMITTED IN ALL AGRICULTURAL DISTRICTS WITH A PERMIT

The following signs are permitted in the Agricultural District subject to the granting of a permit therefore by the Zoning Secretary and are subject to the following regulation:

- (1) Business Directory Signs shall not exceed two (2) in number, indicating the business name and the direction and distance to a specific business resort or commercial recreation facility. No such signs shall exceed 50 square feet of display area and shall be placed no closer than one (1) foot from the road right-of-way.
- (2) Non-Commercial Signs shall not exceed 50 square feet of display area and shall be placed no closer than one (1) foot from the road right-of-way.
- (3) Ground Signs shall not exceed 20 feet in height above the mean centerline street grade; shall not exceed 50 square feet in area on one (1) side and 100 square feet in area on all sides; and may be placed no closer than one (1) foot from the road right-of-way.
- (4) Wall Signs placed against the exterior walls of agricultural buildings shall not extend more than six (6) inches outside a building's wall surface, shall not exceed 200 square feet in area for any one (1) premise, and shall not exceed 20 feet in height above the mean centerline street grade.

7.05 SIGNS PERMITTED IN ALL INSTITUTIONAL AND PARK DISTRICTS WITH A PERMIT

The following signs are permitted in the Institutional and Park Districts and are subject to the following regulation:

- (1) Institutional and Park Name Signs are permitted when approved by the Town Board after review and recommendation by the Town Plan Commission.

7.06 FACING

No signs except those permitted in Section 7.02 of this Title shall be permitted to face a Residential or Park District within 100 feet of such district boundary.

7.07 LIGHTING AND COLOR

Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices. Signs shall not be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape; and no sign shall be attached to a standpipe or fire escape. Signs shall not be placed so as to obstruct or interfere with traffic visibility, or be lighted in such a way as to cause glare or impair driver visibility upon public ways. Signs may be illuminated but nonflashing.

7.08 EXISTING SIGNS

Signs lawfully existing at the time of the adoption or amendment of Title X may be continued although the use, size, number, or location does not conform with the provisions of this Title. However, it shall be deemed a nonconforming use or structure and the provisions of Section 8.00 of this Title shall apply.

7.09 FEES

Each sign permit issued by the Zoning Secretary shall require payment of the fee set forth in Section 12.01 of this Title.

7.10 SIGNS PERMITTED IN ALL RESIDENTIAL DISTRICTS WITH A PERMIT

The following signs are permitted in any residential district and are subject to the following regulations:

- (1) Permanent Signs placed at the entrance to a subdivision or development shall contain only the name of the subdivision or development and shall be placed beyond the road right-of-way. The Plan Commission shall determine the appropriate size of the sign based on the design of the sign and its compatibility with adjacent land uses.
- (2) Temporary Development Signs for the purpose of designating a new building or development, or for promotion of a subdivision may be permitted for a limited period of time provided that the sign shall not exceed 48 square feet in area and shall be placed beyond the road right-of-way. The Plan Commission shall specify the period of time the sign may remain based on the size of the development allowing a reasonable time to market the development.

SECTION 8.00 NONCONFORMING USES, STRUCTURES, AND LOTS

8.01 EXISTING NONCONFORMING USES

The lawful nonconforming use of a structure, land, or water existing at the time of the adoption or amendment of Title X may be continued although the use does not conform with the provisions of this Title; however:

- (1) Only That Portion of the land, water, or structure in actual use may be so continued and the nonconforming use may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Title.
- (2) Total Lifetime Structural Repair or alterations to a structure containing a nonconforming use shall not exceed 50 percent of the Town's assessed value of the structure unless it is permanently changed to conform to the use provisions of this Title.
- (3) Substitution of New Equipment may be permitted by the Board of Zoning Appeals if such equipment will reduce the incompatibility of the nonconforming use with neighboring uses.
- (4) If Such Nonconforming Use is discontinued or terminated for a period of 12 months, any future use of the structure, land, or water shall conform to the provisions of Title X.
- (5) When a Nonconforming Use or a structure with a nonconforming use is damaged by violent wind, fire, flood, or other calamity to the extent of more than 50 percent of its assessed value, it shall not be restored except so as to comply with the provisions of Title X.

8.02 EXISTING NONCONFORMING STRUCTURES

- (1) A Nonconforming Structure with a Conforming Use existing at the time of the adoption or amendment of Title X may be continued although the structure's size or location does not conform with the Development Regulations of this Title; however, it shall not be extended, enlarged, or moved except when required to do so by law or order or so as to comply with the provisions of this Title. Nonconforming structures with a conforming use may be repaired, maintained, renovated, or remodeled subject to building code and other applicable requirements. No limits may be imposed on the costs of the repair, maintenance, or improvement of said structure.

- (2) A Nonconforming Structure with a Conforming Use which is Damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, infestation, or other calamity may be restored to the size, location, and use that it had immediately before the damage or destruction occurred. No limits may be imposed on the costs of the repair, reconstruction, or improvement of said structure. The size of the structure may be larger than the size immediately before the damage or destruction occurred if necessary for the structure to comply with applicable State or Federal requirements. Any reconstruction shall conform to the Development Regulations of Title X to the extent practicable, and shall commence within 24 months of the date of damage or destruction.

8.03 CONFORMING STRUCTURES ON NONCONFORMING LOTS

The conforming use of a conforming structure existing at the time of the adoption or amendment of Title X may be continued although the lot area or lot width does not conform to the requirements of this Title.

- (1) Additions or Enlargements to such structures are permitted provided they conform to all Development Regulations of this Title other than lot area and lot width.
- (2) Existing Conforming Structures on Nonconforming Lots which are damaged or destroyed by violent wind, fire, flood, or other calamity may be reconstructed provided they conform to the use provisions and all Development Regulations of Title X other than lot area and lot width.

8.04 CHANGES AND SUBSTITUTIONS

Once a nonconforming use or structure has been changed to conform with the provisions of Title X, it shall not revert back to a nonconforming use or structure. The Zoning Board of Appeals may permit the substitution of a more restrictive nonconforming use for an existing nonconforming use. Once the Board of Zoning Appeals has permitted the substitution of a more restrictive nonconforming use, the existing use shall lose its status as a legal nonconforming use. The substituted use shall be subject to all the conditions required by the Board of Zoning Appeals.

SECTION 9.00 PERFORMANCE STANDARDS

9.01 COMPLIANCE

Title X permits specific uses in specific districts, and these performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or district. No structure, land, or water shall hereafter be used except in compliance with the district regulations and with the following performance standards.

9.02 AIR POLLUTION

No activity shall emit any fly ash, dust, fumes, vapors, mists, or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation, or other forms of property.

9.03 FIRE AND EXPLOSIVE HAZARDS

All activities involving the manufacturing, utilization, processing, or storage of inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire-fighting and fire-suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed, and stored only in completely enclosed buildings which have incombustible exterior walls and an automatic fire extinguishing system. The above-ground storage capacity of materials that produce flammable or explosive vapors shall be in conformance with local fire department regulations.

9.04 GLARE AND HEAT

No activity shall emit glare or heat that is visible or measurable outside its premises, except activities that may emit direct or sky reflected glare which shall not be visible outside their district. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded or aimed so as not to cause glare that would impair driver visibility upon public ways nor create a public nuisance or hazard along property boundaries.

9.05 LIQUID OR SOLID WASTES

No activity shall discharge at any point onto any land or into any water or public sewer any materials of such nature, quantity, noxiousness, toxicity, or temperature which can contaminate, pollute, or harm the quantity or quality of any water supply, cause the emission of dangerous or offensive elements, overload the existing municipal utilities, or injure or damage persons or property.

9.06 NOISE

No activity shall produce a sound level measured by a sound level meter outside its premise that exceeds 80 dB(A). All noise shall be so muffled or other wise controlled as not to become objectionable due to intermittence, duration, beat frequency, impulse character, periodic character, or shrillness.

9.07 ODORS

No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious, or unhealthful outside its premises which is in violation of DNR regulations.

9.08 RADIOACTIVITY AND ELECTRICAL DISTURBANCES

No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.

SECTION 10.00 BOARD OF ZONING APPEALS

10.01 ESTABLISHMENT

There is hereby established a Board of Zoning Appeals for the Town of Polk for the purpose of hearing appeals and applications and granting variances and exceptions to the provisions of Title X in harmony with the purpose and intent of Title X.

10.02 MEMBERSHIP

The Board of Zoning Appeals shall consist of five (5) members appointed by the Town Chairman, confirmed by the Town Board, and composed as follows:

- (1) Terms shall be for staggered three-year periods.
- (2) Chairman shall be designated by the Town Chairman.
- (3) An Alternate Member may be appointed by the Town Chairman for a term of three (3) years and shall act only when a regular member is absent or refuses to vote because of conflict of interest.
- (4) One (1) Member shall be a Town Plan Commissioner.
- (5) Secretary shall be the Zoning Secretary.
- (6) Building Inspector shall attend all meetings for the purpose of providing technical assistance when requested by the Board of Zoning Appeals.
- (7) Official Oaths shall be taken by all members in accordance with Section 19.01 of the *Wisconsin Statutes* within ten (10) days of receiving notice of their appointment.
- (8) Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.

10.03 ORGANIZATION

The Board of Zoning Appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of Title X.

- (1) Meetings shall be held at the call of the Chairman and shall be open to the public.

- (2) Minutes of the proceedings and a record of all actions shall be kept by the Secretary showing the vote of each member upon each question, the reasons for the Board's determination, and its findings of facts. These records shall be immediately filed in the office of the Town Clerk and shall be a public record.
- (3) The Concurring Vote of four (4) members of the Board shall be necessary to correct an error; grant a variance; make an interpretation; and permit a utility, temporary, unclassified, or substituted use.

10.04 POWERS

The Board of Zoning Appeals shall have the following powers:

- (1) Errors: To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Building Inspector.
- (2) Variances: To hear and grant appeals for variances as will not be contrary to the public interest, where owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of Title X shall be observed and the public safety, welfare, and justice secured. Use variances shall not be granted.
- (3) Interpretations: To hear and decide application for interpretations of the zoning regulations and the boundaries of the zoning districts after the Town Plan Commission has made a review and recommendation.
- (4) Substitutions: To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses, provided no structural alterations are to be made and the Town Plan Commission has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.
- (5) Temporary Uses: To hear and grant applications for temporary uses in any district, provided that such uses are of a temporary nature, do not involve the erection of a substantial structure, and are compatible with the neighboring uses and providing that the Town Plan Commission has made a review and recommendation. The permit shall be temporary, revocable, and subject to any conditions required by the Board of Zoning Appeals, and shall be issued for a period not to exceed 12 months. Compliance with all other provisions of Title X shall be required.
- (6) Permits: The Board may reverse, affirm wholly or partially, or modify the requirements appealed from or direct the issuance of a permit.
- (7) Assistance: The Board may request assistance from other Town officers, departments, commissions, and boards.
- (8) Oaths: The Chairman may administer oaths and compel the attendance of witnesses.

10.05 APPEALS AND APPLICATIONS

Appeals from the decision of the Building Inspector concerning the literal enforcement of Title X may be made by any persons aggrieved or by any officer, department, board, or bureau of the Town. Such appeals shall be filed with the Secretary within 60 days after the date of written notice of the decision or order of the Building Inspector. Applications may be made by the owner or lessee of the structure, land, or water to be affected at any time and shall be filed with the Secretary. Such appeals and application shall include the following:

- (1) Name and Address of the appellant or applicant and all abutting property owners, all property owners within 100 feet, and all property owners of opposite frontage.
- (2) Plat of Survey or the plan prepared by a land surveyor registered in the State of Wisconsin or any other person approved by the Building Inspector showing all of the information required under Section 2.03 of this Title for a Building Permit.
- (3) Additional Information required by the Town Plan Commission, Board of Zoning Appeals, or Building Inspector.
- (4) Fee Receipt from the Town Treasurer for the hearing in accordance with the schedule set forth in Section 12.01 of this Title.

10.06 HEARINGS

The Zoning Secretary shall fix a reasonable time and place for the hearing and shall give notice thereof to the public, to the parties in interest, to the Building Inspector, and to the Town Plan Commission at least ten (10) days prior to the hearing. At the hearing the appellant or applicant may appear in person, by agent, or by attorney.

10.07 FINDINGS

No variance to the provisions of Title X shall be granted by the Board unless it finds by the preponderance of evidence presented that all the following facts and conditions exist and so indicates in the minutes of its proceedings.

- (1) Preservation of Intent. No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted use, accessory use, or conditional use in that particular district.
- (2) Exceptional Circumstances: There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties of uses in the same district, and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Ordinance should be changed.
- (3) Economic Hardship and Self-Imposed Hardship Not Grounds for Variance: No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.

- (4) Preservation of Property Rights: The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
- (5) Absence of Detriment: No variance shall be granted that will create substantial detriment to adjacent property and will materially impair or be contrary to the purpose and spirit of Title X or the public interest.

10.08 DECISION

The Board of Zoning Appeals shall decide all appeals and applications within 30 days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, Building Inspector, and Town Plan Commission.

- (1) Conditions may be placed upon any Building Permit ordered or authorized by the Board.

10.09 REVIEW BY COURT OF RECORD

Any person or persons aggrieved by any decision of the Board of Zoning Appeals may present to the court of record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the Town Clerk.

SECTION 11.00 CHANGES AND AMENDMENTS

11.01 AUTHORITY

Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Town Board may, by ordinance, change the district boundaries or amend, change, or supplement the regulations established by Title X or amendments thereto.

11.02 INITIATION

Petitions for any change to the district boundaries or amendments to the regulations established by this Title may be initiated by any property owner in the area to be affected by the amendment, by the Town Board or by the Town Plan Commission. Such petitions shall be filed with the Town Zoning Secretary, who shall present them to the Town Board at its next succeeding meeting.

11.03 PETITIONS

Petitions for changes or amendments shall describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use, and have attached the following:

- (1) Plot Plan drawn to scale of one (1) inch equals 100 feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within 100 feet of the area proposed to be rezoned.
- (2) Owners' Names and Addresses of all parties of interest as defined in Section 13.02 of this Title.
- (3) Additional Information required by the Town Plan Commission or Town Board in order to give appropriate consideration to the petition.
- (4) Fee Receipt from the Town Treasurer in the amount set forth in Section 12.01 of this Title.

11.04 REFERRAL TO THE PLAN COMMISSION

The Town Board shall refer to the Plan Commission for its review and recommendation all proposed changes and amendments to Title X and the zoning map. The recommendation of the Plan Commission shall be that the petition be granted as requested, be modified, or be denied, and shall be made in writing to the Town Board. Town Plan Commission may defer making its recommendation until after the public hearing provided for in Section 11.05 of this Title.

11.05 PUBLIC HEARING

The Town Board shall hold a public hearing upon each petition after publishing a Class 2 notice under Chapter 985 of the *Wisconsin Statutes* listing the time and place of the hearing and the changes or amendments proposed by the petition. The Town Clerk shall give at least ten (10) days prior written notice of such hearing to the Clerk of any municipality lying within 1,000 feet of any land to be affected by the proposed change or amendment, and to all parties of interest as defined in Section 13.02 of this Title.

11.06 TOWN BOARD ACTION

Following such public hearing and after careful consideration of the recommendation of the Town Plan Commission, the Town Board shall vote on the proposed change or amendment as set forth in the petition. Recommendations of the Town Plan Commission with respect to said petition may only be overruled by a unanimous vote of the entire Town Board membership.

11.07 PROTEST

In the event of a protest against such district change or amendment to the regulations of Title X, duly signed and acknowledged either by the owners of 20 percent or more of the areas of the land included in such proposed change, by the owners of 20 percent or more of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of the full Town Board membership.

SECTION 12.00 FEES AND PENALTIES

12.01 FEES

All persons, firms, or corporations performing work in the Town of Polk for which this Title requires the application for a permit; or performing work for which a zoning amendment or appeal or variance is required, shall pay a fee to the Town Treasurer to help defray the cost of administration, investigation, advertising, and processing of permit applications, appeals, variance applications, and rezoning petitions. The fee schedule is to be determined by the Town Board and revised and amended by Resolution as deemed necessary. An application filed by the Town Board or Plan Commission is exempt from fee requirements.

- (1) Building and Zoning Permit.
- (2) Occupancy Permit.
- (3) Conditional Use Permit to be considered at a regularly scheduled meeting.
- (4) Conditional Use Permit to be considered at a special meeting.
- (5) Quarrying Permit.
- (6) Salvage/Junk Yard Permit.
- (7) Sign Permit.
- (8) Sign Refacing.
- (9) Appeals and variance applications to be heard at a regularly scheduled meeting of the Zoning Board of Appeals.
- (10) Appeals and variance applications to be heard by the Zoning Board of Appeals at a special meeting.
- (11) Amendment to Ordinance (Text or Map) to be considered at a regularly scheduled meeting.
- (12) Amendment to Ordinance (Text or Map) to be considered at a special meeting.

12.02 VIOLATIONS

It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of Title X. In case of any violation, the Town Board of Supervisors, the Building Inspector, the Town Plan Commission, or any neighboring property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this Title or cause a structure to be vacated or removed.

12.03 PENALTIES

Any person, firm, or corporation who fails to comply with the provisions of Title X shall, upon conviction thereof, forfeit not less than \$10 or more than \$200 and costs of prosecution for each violation, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense.

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SECTION 13.0 DEFINITIONS

13.01 GENERAL DEFINITIONS

For the purpose of Title X, certain words or phrases shall have meanings that either vary somewhat from their customary dictionary meanings or are intended to be interpreted to have a specific meaning. Words used in the present tense in this Title include the future. The word “person” includes a firm, association, partnership, trust, company, or corporation as well as an individual. The word “shall” is mandatory, the word “should” is advisory, and the word “may” is permissive. Any words not defined in this Section shall be presumed to have their customary dictionary definitions.

13.02 SPECIFIC WORDS AND PHRASES

- (1) Accessory Use or Structure. A use or detached structure subordinate to the principal use of a structure, land, or water and located on the same lot or parcel serving a purpose customarily incidental to the principal use or the principal structure. Accessory uses include incidental repairs; storage; parking facilities; gardening; private swimming pools; and private emergency shelters.
- (2) Alley. A special public right-of-way affording only secondary access to abutting properties.
- (3) Animal Units.
 - (A) Livestock Animal Unit. Domestic farm animals used or raised for profit. Animal unit numbers are to be determined in accordance with DNR regulations. Also, all other State and/or Federal regulations regarding livestock shall be followed.
 - (B) Domestic Animal Pet. A domestic animal, which is tame, to be kept for human enjoyment, such as a dog, cat, rabbit, gerbil or similar household pet. **NO** exotic/wild animals as defined by Town Code of Ordinance Section 9.101 or pot belly pigs are allowed in the Town. (Dogs not to exceed four (4) in number.)
 - (C) Domestic Animal Unit - (Formerly livestock unit): Category A. One (1) horse, cow or similar large animal or a pair of sheep, goats or midsize animals (under 400 lbs) and over six (6) months of age. Category B. Eight (8) rabbits or hare; chickens, ducks, or similar poultry, over two (2) months of age.

- (4) Antenna. Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes and satellite dishes, and omni-directional antennas, such as whip antennas.
- (5) Arterial Street. A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways as well as arterial streets, highway, and parkways.
- (6) Basement. That portion of any structure located partly below the average adjoining lot grade.
- (7) Billboard. A free standing sign which advertises a business, trade, activity, commodity, position or like concern which is not located on the same parcel of land on which the sign is located and which exceeds fifty (50) square feet in sign area per face.
- (8) Building. Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery, or materials.
- (9) Building Area. The total living area bounded by the exterior walls of a building at the floor levels, but not including basement, utility areas, garages, porches, breezeways and unfinished attics.
- (10) Building Height. The vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of flat roofs; to the mean height level between the eaves and ridges of gable, gambrel, hip, and pitch roofs; or to the deck line of mansard roofs.
- (11) Clothing Repair Shops. Shops where clothing is repaired, such as shoe repair shops, seamstress shops, tailor shops, shoe shine shops, and clothes pressing shops, but none employing more than five (5) persons.
- (12) Clothing Stores. Retail stores where clothing is sold, such as department stores, dry goods and shoe stores, and dress, hosiery, and millinery shops.
- (13) Corner Lot. A lot abutting two (2) or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side.
- (14) Development Regulations. Those portions of this Title pertaining to lot area, lot width, bulk, yard, frontage, height, parking, loading, or separation distance requirements.

- (15) Dwelling. A detached building designed or used exclusively as a residence or sleeping place, but not including boarding or lodging houses, motels, hotels, tents, cabins, or mobile homes.
- (16) Efficiency. A dwelling unit consisting of one (1) principal room with no separate sleeping rooms.
- (17) Emergency Shelter. Public or private enclosures designed to protect people from aerial, radiological, biological, or chemical warfare and from fire, flood, windstorm, riots, and invasions.
- (18) Essential Services. 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 buildings.
- (19) Expressway. A divided arterial street or highway with full or partial control of access and with or without grade-separated intersections.
- (20) Family. Any number of persons related by blood, adoption, or marriage, or not to exceed four (4) persons not so related, living together in one (1) dwelling as single housekeeping entity.
- (21) Floodlands. Those lands included within the floodplain and floodway.
- (22) Floodplain. Those floodlands excluding the floodway subject to inundation by the 100-year recurrence interval flood or, where such data are not available, the maximum flood of record.
- (23) Floodway. Those floodlands including the channel required to carry and discharge the 100-year recurrence interval flood.
- (24) Freeway. An expressway with full control of access and with fully grade-separated intersections.
- (25) Frontage. The smallest dimension of a lot abutting a public or private street measured along the street line.
- (26) Gift Stores. Retail stores where items such as art, antiques, jewelry, books, and notions are sold.
- (27) Hardware Stores. Retail stores where items such a plumbing, heating, and electrical supplies, sporting goods, and paints are sold.

- (28) Home Occupations. Any occupation for gain or support conducted entirely within buildings residents occupy which is customarily incidental to the principal use of the premises, does not exceed 25 percent of the area of any floor, and uses only household equipment, and for which no stock in trade is kept or sold except that made on the premises. A home occupation includes uses such as baby-sitting, millinery, dressmaking, canning, laundering, and crafts, but does not include the display of any goods nor such occupations as barbering, beauty shops, dance schools, real estate brokerages, or photographic studios.
- (29) Interchange. A grade-separated intersection with one (1) or more turning lanes for travel between intersection legs.
- (30) Kennel. The use of land, including related buildings or structures, for the breeding, rearing, sale, or boarding of dogs, or for the keeping of dogs for sporting purposes.
- (31) Living Rooms. All rooms within a dwelling except closets, foyers, storage areas, utility rooms, and bathrooms.
- (32) Loading Area. A completely offstreet space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.
- (33) Lot and Lot Area. For the purpose of the Town of Polk Zoning Ordinance, a lot shall be defined as a tract of land on which a principal building and its accessory building(s) are or may be placed, together with the required open spaces. No lands dedicated to the public or reserved for roadway purposes shall be included in the computation of lot area except in the A-1 Agricultural District. Lot area in A-1 Agricultural District shall be measured as provided in Section 2.06(2)(B).
- (34) Lot Lines. The peripheral boundaries of a parcel of land within which lot area is computed.
- (35) Lot Width. The width of a parcel of land measured at the rear of the specified street yard. Exception: Lot width in an A-1 Agricultural District shall be measured at the road right-of-way.
- (36) Machine Shops. Shops where lathes, presses, grinders, shapers, and other wood and metal working machines are used, such as blacksmith, tinsmith, welding, and sheet metal shops, and plumbing, heating, and electrical repair and overhaul shops.
- (37) Mineral Extraction. The removal of rock, slate, gravel, sand, topsoil, or other natural material from the earth by excavating, stripping, leveling, or any other process.
- (38) Minimum Development Area. Minimum tract area within a previously zoned district which may be approved for development, or the minimum tract area which may be considered for rezoning to a district not so established at the time of adoption of this Title.

- (39) Minor Structures. Any small, movable accessory erection or construction such as birdhouses, tool houses, pet houses, play equipment, or arbors; walls and fences under four (4) feet in height; and name, occupation, and warning signs less than two (2) square feet in area.
- (40) Motel. A series of attached, semi-attached, or detached sleeping units for accommodation of transient guests for a continuous period of not more than 30 days within each calendar quarter.
- (41) Non-Commercial Signs. Signs that convey a message which has no relationship to commerce.
- (42) Nonconforming Use. A use of land, water, or of a dwelling or other structure that existed lawfully at the time of the effective date of Title X or amendments thereto which does not conform to the use restrictions of this Title.
- (43) Nonconforming Structure. A dwelling or other structure that existed lawfully at the time of the effective date of Title X or amendments thereto which does not conform with one or more of the Development Regulations of this Title for the district in which it is located.
- (44) Parking Lot. A structure or premise containing 10 or more parking spaces open to the public for rent or a fee.
- (45) Parking Stall. A graded and surfaced area of not less than 180 square feet in area either enclosed or open for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley.
- (45) Parties in Interest. Includes all abutting property owners, all property owners within 100 feet, and all property owners of opposite frontages.
- (47) Professional Home Offices. Residences of doctors of medicine, practitioners, dentist, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians, or other recognized professions used to conduct their professions where the office does not exceed one-half (1/2) the area of only one (1) floor of the residence and only one (1) nonresident person is employed.
- (48) Rear Yard. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the street yard or one (1) of the street yards on a corner lot.
- (49) Secondary Street Yard. On corner lots in the A-1 Agricultural District, a yard extending across the full depth of the lot on a side adjacent to a private road which

does not provide primary access to the lot, the minimum width of which shall be measured from the centerline of the said private road.

- (50) Shore Yard. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between a navigable body of water and a line parallel thereto through the nearest point of the principal structure.
- (51) Side Yard. A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure.
- (52) Signs. Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity, or product being sold or produced on the premises and which is visible from any public street or highway.
- (53) Smoke Unit. The number obtained when the smoke density in Ringelmann number is multiplied by the time of emission in minutes.
- (54) Soil Mapping Unit Lines. The boundaries of soils shown on the operational soil survey maps prepared by the U. S. Department of Agriculture, Natural Resources Conservation Service (NRCS).
- (55) Solar Collector System. A device, structure, or part of a device or structure intended to collect and transform solar energy into thermal, mechanical, chemical, or electrical energy.
- (56) Solar Energy. Radiant energy received from the sun.
- (57) Street Yard. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway right-of-way lines, whichever is greater, and a line parallel thereto through the nearest point of the principal structure. Except in the A-1 District, corner lots shall have two (2) such yards.
- (58) Street. A public right-of-way or private road providing primary access to abutting properties.
- (59) Structure. Any erection or construction, such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery, above-and below-ground storage tanks, and machinery.
- (60) Structural Alterations. Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders.

- (61) Tower. Any ground or roof mounted pole, spire, structure, or combination thereof taller than 15 feet, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.
- (62) Turning Lanes. An existing or proposed connecting roadway between two (2) arterial streets or between an arterial street and any other street. Turning lanes include grade-separated interchange ramps.
- (63) Upland Conservancy. An overlay district used to preserve, protect, enhance, and/or restore significant woodlands, wildlife habitat areas, areas of rough or steep topography, scenic areas, and other elements of the natural resource base. Regulation of these areas serves to control erosion and sedimentation and promote and maintain the natural beauty of the Town without disturbing the requirements of the underlying basic use district. Regulations for upland conservancy areas are set forth in Section 2.08 of this Title.
- (64) Utilities. Public and private facilities, such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops, and storage yards.
- (65) Wind Energy Conversion System. A combination of: 1) some sort of surface area for capturing the wind; 2) a shaft, gearing belt, or coupling assembly for converting the rotational power of the attached surface area to an electrically or mechanically usable form; 3) a generator or alternator to convert the rotational energy into electrical energy; and 4) some sort of tower or other structure upon which the first three (3) elements are mounted.
- (66) Yards. An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation. The street and rear yards extend the full width of the lot.

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SECTION 14.00 ADOPTION

14.01 VILLAGE POWERS

The electors of the Town of Polk, Washington County, Wisconsin Authorized the Town Board to exercise all powers relating to villages and conferred on villages by Chapter 61 of the *Wisconsin Statutes* at an Annual Meeting held on April 7, 1970.

14.02 REFERENDUM

The electors of the Town of Polk, Washington County, Wisconsin by a referendum vote at the Annual Meeting held on April 6, 1971, authorized the Town Board to exercise the power to adopt a Town Zoning Ordinance.

14.03 PUBLIC HEARINGS

The Town Plan Commission and Town Board held joint public hearings on this proposed Zoning Ordinance on March 22, 1971, and September 9, 1971.

14.04 PLAN COMMISSION RECOMMENDATION

The Plan Commission of the Town of Polk recommended the adoption of this Zoning Ordinance at a meeting held on September 21, 1971.

14.05 TOWN BOARD APPROVAL

The Town Board concurred with the recommendations of the Plan Commission and proceeded to adopt the Zoning Ordinance by a unanimous vote at a meeting held on September 21, 1971.

14.06 EFFECTIVE DATE

This Zoning Ordinance shall take effect upon passage and adoption by the Town Board, approval by the County Board of Supervisors of Washington County, Wisconsin, and the filing of proof of posting or publication in the Office of the Town Clerk.

County Board Approval	<u>February 15, 1972</u>
Posted	<u>March 7, 1972</u>
Effective	<u>March 7, 1972</u>