

## Chapter 336

### ZONING

ARTICLE I Introductory Provisions		§ 336-31. § 336-32.	Temporary uses and structures. through § 336-49. (Reserved)
§ 336-1.	Authority.	ARTICLE III	
§ 336-2.	Title.	Zoning Districts and Zoning Map	
§ 336-3.	Jurisdiction.		
§ 336-4.	Compliance.	§ 336-50.	Establishment of zoning districts.
§ 336-5.	Purpose.	§ 336-51.	Zoning Map.
§ 336-6.	Intent.	§ 336-52.	Permitted and conditional uses.
§ 336-7.	Abrogation and greater restrictions.	§ 336-53.	A-1 District.
§ 336-8.	Interpretation.	§ 336-54.	A-2 District.
§ 336-9.	Scope of regulations.	§ 336-55.	R-1 District.
§ 336-10.	Amendments.	§ 336-56.	R-2 District.
§ 336-11.	Nonliability.	§ 336-57.	R-3 District.
§ 336-12.	Severability.	§ 336-58.	R-4 District.
§ 336-13.	Repeal.	§ 336-59.	B-1 District.
§ 336-14.	Altering or tampering with code; penalties for violation.	§ 336-60.	B-2 District.
§ 336-15.	Effective date.	§ 336-61.	M-1 District.
§ 336-16.	through § 336-19. (Reserved)	§ 336-62.	M-2 District.
		§ 336-63.	M-3 District.
		§ 336-64.	Q-1 District.
ARTICLE II		§ 336-65.	I-1 District.
General Provisions		§ 336-66.	P-1 District.
§ 336-20.	Relationship to Comprehensive Plan.	§ 336-67.	PUD Overlay.
§ 336-21.	Initiation of land use or development activity.	§ 336-68.	through § 336-79. (Reserved)
§ 336-22.	Conservancy regulations.	ARTICLE IV	
§ 336-23.	Site restrictions.	Specific Provisions	
§ 336-24.	Incidental uses.	§ 336-80.	Salvage yards/junk yards.
§ 336-25.	Principal structures.	§ 336-81.	Public gatherings.
§ 336-26.	Accessory structures and accessory uses.	§ 336-82.	Recreation vehicles.
§ 336-27.	Modifications.	§ 336-83.	Fences, walls, hedges, and berms.
§ 336-28.	Performance standards.	§ 336-84.	Swimming pools, hot tubs, and spas.
§ 336-29.	Livestock on residential parcels in agricultural zoning districts.	§ 336-85.	Artificial bodies of water.
§ 336-30.	Abandoned motor vehicles and other materials.	§ 336-86.	Satellite dishes.
		§ 336-87.	Amateur radio facilities.

## POLK CODE

§ 336-88.	Mobile service facilities.	§ 336-129.	(Reserved)
§ 336-89.	Commercial and manufacturing incubators.		ARTICLE VII
§ 336-90.	Small wind energy systems.		Sign Regulations
§ 336-91.	Solar energy systems.		
§ 336-92.	Geothermal energy systems.	§ 336-130.	Purpose.
§ 336-93.	Outdoor furnaces.	§ 336-131.	Substitution clause.
§ 336-94.	Electric vehicle infrastructure.	§ 336-132.	Authorization.
§ 336-95.	Earth sheltered structures.	§ 336-133.	Interpretation.
§ 336-96.	Residential quarters in the B-1 District, I-1 District, and Q-1 District.	§ 336-134.	Sign permit.
		§ 336-135.	Prohibited signs.
§ 336-97.	Garage lots.	§ 336-136.	Restrictions on posting signs.
§ 336-98.	Live/work units.	§ 336-137.	Signs not requiring a permit.
§ 336-99.	Breweries and distilleries.	§ 336-138.	Signs requiring a sign permit.
§ 336-100.	Microbreweries and craft distilleries.	§ 336-139.	Sign standards.
§ 336-101.	Wineries.	§ 336-140.	Nonconforming signs.
§ 336-102.	Boutique wineries.	§ 336-141.	Insurance requirement.
§ 336-103.	Backyard chickens in residential zoning districts.	§ 336-142.	Removal and disposition of signs.
§ 336-104.	Keeping of bees in residential zoning districts.	§ 336-143.	through § 336-149. (Reserved)
§ 336-105.	Commercial storage and office warehouse.		ARTICLE VIII
§ 336-106.	Multifunction hobby and work unit.		Traffic, Access, Loading, and Parking
§ 336-107.	through § 336-119. (Reserved)	§ 336-150.	Purpose.
	ARTICLE V	§ 336-151.	Visibility and clearance.
	Conditional Uses	§ 336-152.	Access.
§ 336-120.	Permits.	§ 336-153.	Loading requirements.
§ 336-121.	Permit procedure.	§ 336-154.	General provisions.
§ 336-122.	through § 336-124. (Reserved)	§ 336-155.	Parking standards.
	ARTICLE VI	§ 336-156.	Accessible parking standards.
	Nonconformities	§ 336-157.	Parking stall dimensions.
§ 336-125.	Existing nonconforming uses.	§ 336-158.	Illumination.
§ 336-126.	Existing nonconforming structures.	§ 336-159.	Screening and landscaping.
§ 336-127.	Conforming structures on nonconforming lots.	§ 336-160.	Existing parking areas.
§ 336-128.	Substandard lots.	§ 336-161.	through § 336-169. (Reserved)
			ARTICLE IX
			Site Plan Review
		§ 336-170.	Purpose.
		§ 336-171.	Permit required.
		§ 336-172.	Principles.

## ZONING

§ 336-173.	Applications for residential site plan review requiring Zoning Administrator approval.	§ 336-211.	General administrative system.
§ 336-174.	Applications for nonresidential site plan review requiring Plan Commission approval.	§ 336-212.	Zoning Administrator.
§ 336-175.	Maintenance.	§ 336-213.	Plan Commission.
§ 336-176.	Modification of approved site plan.	§ 336-214.	Board of Zoning Appeals.
§ 336-177.	Expiration.	§ 336-215.	Fees.
§ 336-178.	through § 336-189. (Reserved)	§ 336-216.	Violations.
		§ 336-217.	Penalties.
		§ 336-218.	through § 336-229. (Reserved)

## ARTICLE XII Changes and Amendments

ARTICLE X Landscaping Requirements			
§ 336-190.	Purpose.	§ 336-230.	Authority.
§ 336-191.	Principles.	§ 336-231.	Initiation.
§ 336-192.	Administration.	§ 336-232.	Petitions.
§ 336-193.	Design criteria.	§ 336-233.	Review and recommendations.
§ 336-194.	District-specific design criteria.	§ 336-234.	Public hearing.
§ 336-195.	Recommended species.	§ 336-235.	Town Board action.
§ 336-196.	Prohibited landscape species.	§ 336-236.	Protest.
§ 336-197.	Preservation of landscaping.	§ 336-237.	through § 336-299. (Reserved)
§ 336-198.	through § 336-209. (Reserved)		

## ARTICLE XIII Definitions

ARTICLE XI Administration and Enforcement			
§ 336-210.	Purpose.	§ 336-300.	Terms defined.

**[HISTORY: Adopted by the Town Board of the Town of Polk 6-11-2024 by Ord. No. 02.2024. Amendments noted where applicable.]**

## ARTICLE I Introductory Provisions

### **§ 336-1. Authority.**

These regulations are adopted pursuant to the authorization contained in §§ 60.62, 61.35, and 62.23, Wis. Stats., as amended. Specific statutory references are provided within the body of this chapter solely as a means of assisting the reader. Such references are not to be considered as all-inclusive and shall in no manner be construed so as to limit the application or interpretation of this chapter.

### **§ 336-2. Title.**

This chapter may be known, cited, and referred to as the "Town of Polk Zoning Ordinance" except as referred to herein, where it shall be known as "this chapter."

### **§ 336-3. Jurisdiction.**

The provisions of this chapter shall apply to all structures, land, water, and air within the Town of Polk, except as otherwise provided by law.

### **§ 336-4. Compliance.**

The use or development of any land or water, a change or alteration in the use of land or water, and the use, change of use, alteration, construction, reconstruction, remodeling, or expansion of any structure within the areas to be regulated by this chapter shall be in compliance with the terms of this chapter, and other applicable county, state, and federal regulations.

### **§ 336-5. Purpose.**

The purpose of this chapter is to promote the comfort, health, safety, morals, prosperity, aesthetics, and general welfare of this community, and to establish performance standards for conditional uses, administered through site plan review, for the purposes of mitigating against adverse, off-site impacts and to protect the health, safety, quality of life, and property values of adjoining property owners.

### **§ 336-6. Intent.**

It is the general intent of this chapter 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; to promote land uses and development patterns that are consistent with the Comprehensive Plan and of adopted neighborhood, corridor, special area plans, and

other such Town-approved plans, as applicable; and, to provide for the administration and enforcement of this chapter and to provide penalties for its violation.

**§ 336-7. Abrogation and greater restrictions.**

It is not the intent of this chapter 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 chapter imposes restrictions, the provisions of this chapter shall govern.

**§ 336-8. Interpretation.**

- A. This chapter shall be interpreted as a permissive zoning ordinance. It allows only those uses and structures specifically enumerated in this chapter. Any uses or structures not specifically permitted by this chapter are prohibited.
- B. In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare, and shall be liberally construed in favor of the Town and shall not be construed to be a limitation or repeal of any other power now possessed by the Town.
- C. Where property is affected by the regulations imposed by any provision of this chapter and by other governmental regulations, the regulations which are more restrictive, or which impose higher standards or requirements shall prevail. Regardless of any other provision of this chapter, no land shall be developed or used, and no structure erected or maintained in violation of any state or federal regulations.
- D. Except as provided in this chapter, under provisions for nonconformities, no building, structure, development, or premises shall be hereinafter used or occupied and no applicable permit granted, that does not comply with the requirements of this chapter.

**§ 336-9. Scope of regulations.**

All structures erected hereafter, all uses of land or structures established hereafter, all modifications or relocation of existing structures occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this chapter which are applicable to the zoning districts in which such buildings, uses or land shall be located.

- A. All new building sites shall meet the requirements of this chapter unless, prior to the effective date of this chapter a building permit was issued and is still valid; and provided construction is begun within 90 days of such effective date and diligently prosecuted to completion, said building may be:
  - (1) Completed in accordance with the approved plans on the basis of which the building permit has been issued.
  - (2) Upon completion, occupied as approved in the building permit by the use for which it was originally designated.
- B. All principal structures shall be located on a lot, and only one principal residential structure shall be located, erected, or moved onto a lot except in the case of planned unit developments and multifamily developments.
- C. Where the Zoning Administrator has issued a zoning approval or permit pursuant to the provisions of

this chapter, the approval shall become null and void unless work thereon is substantially underway within 18 months of the date of issuance of such approval.

D. The following changes to an existing use shall not require the entire site to be brought into compliance:

- (1) Adding pedestrian, bicycle, and/or accessibility accommodations.
- (2) Providing new/additional refuse enclosure areas.
- (3) Resurfacing/reconstruction, maintenance of parking facilities where there is no change to layout, circulation, or entrances.
- (4) Replacing dead/undesirable, or nonfunctioning landscaping with new or different trees or shrubs.
- (5) Elimination of parking stall to add landscaping, with approval of Zoning Administrator.

#### **§ 336-10. Amendments.**

Any and all additions, deletions, amendments, or supplements to this chapter, when adopted in such form as to indicate the intention of the Town Board to make them a part thereof, shall be deemed to be incorporated into this chapter so that reference to the "Town of Polk Zoning Ordinance" shall be understood and intended to include such additions, deletions, amendments, or supplements.

#### **§ 336-11. Nonliability.**

The degree of protection intended to be provided by this chapter is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. This chapter does not imply that compliance will result in freedom from damages, nor shall this chapter create a liability on the part of or a cause of acting against the Town or any officer or employee or duly designated representative for any damage that may result from reliance on this chapter.

#### **§ 336-12. Severability.**

Should any section or provision of this chapter be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of this chapter as a whole or any part thereof, other than the part so declared to be invalid.

#### **§ 336-13. Repeal.**

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

#### **§ 336-14. Altering or tampering with code; penalties for violation.**

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of this chapter or to alter or tamper with this chapter in any manner whatsoever which will cause the laws of the Town to be misrepresented thereby. Anyone violating this section, or any part of this chapter shall be subject, upon conviction, to a fine of not more than \$500, in the discretion of the Judge imposing the same.

**§ 336-15. Effective date.**

This chapter shall become effective upon passage and posting according to law.

**§ 336-16. through § 336-19. (Reserved)**

## ARTICLE II General Provisions

### **§ 336-20. Relationship to Comprehensive Plan.**

The Comprehensive Plan establishes the goals, objectives, and policies that provide a basis for this chapter. All regulations or amendments adopted pursuant to this chapter shall be generally consistent with the Comprehensive Plan, as adopted and revised or updated.

### **§ 336-21. Initiation of land use or development activity.**

Absolutely no land use or development activity, including site clearing, grubbing, or grading, shall occur on the subject property prior to the approval of the required site plan. Any such activity prior to such approval shall be a violation of this chapter and shall be subject to all applicable enforcement mechanisms and penalties.

### **§ 336-22. Conservancy regulations.**

The following regulations shall apply to all conservancy areas:

- A. Tree cutting and shrubbery clearing for home and park-site development, access roads, and path and trail construction shall not exceed 20% of the existing woodlands on the lot or tract.
- B. Paths and trails shall be designed and constructed so 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.
- C. Conservancy areas located on any parcel abutting the boundary of an incorporated municipality may be developed consistent with the requirements of the underlying base zoning district, compliant with the following:
  - (1) Such development shall not exceed 70% of the conservancy area.
  - (2) The undeveloped portion of the conservancy shall remain permanently undisturbed but for passive uses.
  - (3) Passive uses are permitted, and such uses shall include trails and walking paths, rest and reflection areas, educational or recreational wayfinding systems, and other passive, low impact uses deemed substantially similar by the Plan Commission.

### **§ 336-23. Site restrictions.**

- A. Lots.
  - (1) Lot sizes shall comply with the required regulations of the established district.
  - (2) No lot existing at the time of passage of this chapter shall be reduced in size or area below the minimum requirements for the zoning district in which the lot is located.
  - (3) Each lot shall have frontage on a public street or private road at a width satisfying the requirements specified for each zoning district. In the case of a condominium or planned unit development, the entire site shall be considered one zoning lot.



- (4) Lots abutting a lot in a zoning district with more restrictive district boundaries shall provide side and rear yards not less in size than those required in the more restrictive abutting district.

B. Lot area.

- (1) In all districts except the A-1 General Agricultural District and A-2 Agricultural/Residential District, lot area shall be exclusive of any road right-of-way.
- (2) In the A-1 District and A-2 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 center line of the road.

C. Minimum frontage and access.

- (1) All lots shall abut upon a duly dedicated or established public road or street unless abutting a private street or road approved under a planned unit development district.
- (2) No zoning 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.

D. 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 one horizontal to one vertical within a distance of 20 feet from the property line 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.

E. Adequate drainage required.

In no case may a principal structure be located in an area designated wetland or floodplain.

- (1) No principal structure shall be erected, structurally altered, or relocated on land which is not adequately drained which has an observed or estimated high groundwater 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 on-site soil investigation by a certified soil tester or other qualified engineer or soil scientist.

**§ 336-24. Incidental uses.**

Any lot containing a principal use may also contain incidental uses customarily affiliated with, and subordinate to, the principal use. A principal building is not required for every principal use. The Zoning Administrator shall determine whether a proposed incidental use meets this standard.

**§ 336-25. Principal structures.**

- A. All principal structures shall be located on a lot.
- B. No more than one principal structure shall be permitted on a lot in a residential zoning district, unless as part of an approved planned unit development or multifamily use.

**§ 336-26. Accessory structures and accessory uses.**

## A. General.

- (1) Construction, erection, or installation of an accessory structure shall not commence until approved by the Zoning Administrator through the issuance of a Site Plan approval, where required.
- (2) Accessory structures are permitted in the secondary street yard of a double frontage lot.
- (3) Accessory structures are prohibited in the street yard of all zoning districts that permit residential use, except for customary features such as walkways, driveways, steps, porches, at-grade patios, fences, landscaping elements, mailboxes, and similar minor improvements ordinarily located within the front yard, subject to the following limitations:
  - (a) Covered porches attached to the principal structure may extend a maximum of ten (10) feet into the front yard, provided they do not extend into the minimum street yard setback.
  - (b) At-grade patios located in the front yard shall not exceed twelve (12) feet in depth as measured outward from the principal structure provided they do not extend into the minimum street yard setback.
  - (c) Steps and stoops serving the principal entrance may project up to six (6) feet into the front yard and/or front yard setback.
  - (d) No detached garage, shed, or other enclosed accessory building shall be permitted in the street yard, except as provided for in this Ordinance.
- (4) Portable storage facilities.
  - (a) Shipping containers, freight containers, and similar units are prohibited. Notwithstanding the foregoing, in the M-1, M-2, M-3, or Q-1 Districts, such units may be authorized for use only upon express approval of the Plan Commission as part of a Site Plan approval.
  - (b) Portable on-demand storage units (including PODS®, SAM containers, or similar facilities) may be allowed in accordance with Sec. 336-31.D
- (5) Vehicles, trailers, mobile homes, recreational vehicles (RVs), buses, semitrailers, shipping containers, or similar items shall not be placed, stored, or converted for use as an accessory building or structure. Such items may not be used for the storage of goods, materials, or equipment, nor may they be used for human occupancy, except as expressly permitted by this chapter.
- (6) Illumination of recreational courts located in residential zoning districts is prohibited.

## B. Relationship to principal structure.

- (1) With the exception of fences, no accessory structure shall be permitted in any district until the principal structure or use is present or under construction. If an accessory structure is constructed during construction of a principal structure, construction of principal structure shall be completed within 365 days of construction of accessory structure, or accessory structure shall be removed.
- (2) Accessory uses and accessory structures shall be compatible with, and incidental to, the principal structure use and principal structure.
- (3) . Accessory structures that are physically attached to the principal structure by means of a common roof and fully enclosed wall shall be considered part of the principal structure for the purposes of

this chapter. Structures that are attached to the principal structure but are not roofed or fully enclosed such as decks, patios, open porches, or other similar open-air improvements shall not be considered part of the principal structure and shall be subject to the applicable accessory use and structure standards. Where the classification of an attached improvement is unclear, the Zoning Administrator shall have the authority to interpret and apply this chapter to determine whether the improvement is to be treated as part of the principal structure or as an accessory structure, based on its design, method of construction, and functional relationship to the principal use.

(4) Principal /Accessory Connections.

**Purpose.** The intent of this section is to ensure that only substantial, permanent, and code-compliant connections are recognized as merging an accessory building with the principal structure. This provision is intended to prevent insubstantial or “paper” connections from being used to circumvent the dimensional or design standards applicable to accessory structures.

- (a) Accessory structures shall be considered part of the principal structure only when physically connected to the principal structure by means of a substantial, permanent connection that meets the standards of this section.
- (b) A breezeway, or a structure determined by the Zoning Administrator to be substantially the same as a breezeway, shall constitute the only acceptable form of connection between an accessory building and the principal structure. Such a connection shall be recognized as merging the accessory building with the principal structure only if it meets all of the following standards:
  - [1] The breezeway shall be fully enclosed, constructed on a permanent foundation, and built in compliance with applicable building code requirements for enclosed space.
  - [2] The breezeway shall have an interior clear width of not less than 8 feet to ensure that it functions as a meaningful architectural and structural connection, rather than as a narrow passage.
  - [3] The breezeway shall have an interior clear width of not less than 8 feet to ensure that it functions as a meaningful architectural and structural connection, rather than as a narrow passage.
  - [4] The breezeway shall not exceed 20 feet in length, measured from the principal structure to the accessory building, unless otherwise authorized by the Zoning Administrator based on site layout, topography, or design considerations.
  - [5] The breezeway shall be designed as a functional architectural extension of the principal structure and shall not be temporary in nature or inconsistent with the character of the principal building.
  - [6] In cases of uncertainty, the Zoning Administrator shall determine whether a proposed breezeway constitutes an adequate connection for the purposes of this chapter.
- (5) The design and construction of any accessory structure shall be complimentary to and compatible with the design and construction of the principal structure.
- (6) Where the use of the land is principally for agricultural pursuits and is a parcel thirty-five (35) acres or more in size, accessory buildings used for agricultural purposes, may be allowed without the necessity of having a residence in place or under construction subject to Site Plan approval by the Plan Commission.

In circumstances where multiple contiguous parcels under common ownership collectively comprise thirty-five (35) acres or more and are used principally for agricultural purposes, the Plan Commission may also authorize accessory buildings for agricultural use under this subsection. The Plan Commission or designee shall verify the ownership and agricultural use of such parcels and may, as a condition of approval, require that the owner record a deed restriction prohibiting the separate sale or transfer of any parcel in a manner that would reduce the combined acreage below thirty-five (35) acres.

- (7) A minimum separation of 10 feet shall be maintained between any accessory building and the principal building on the same lot. Separation shall be measured from eave to eave, or the closest point of the structures where roof overhangs, projections, or appurtenances extend beyond the wall line. No accessory building shall be erected in violation of this separation requirement, unless physically attached to the principal building by means of a fully enclosed connection meeting the standards of this chapter.

C. Garages.

- (1) RESERVED

- (2) Attached garages shall not exceed the finished living area of the principal structure.

D. Heavy vehicles. No truck with a gross weight of 26,000 pounds or more, or a semitrailer, shall be parked or stored in a residential zoning district. Agricultural vehicles or machinery located on an operating farm in a residential district are exempt from these provisions.

E. Agricultural provisions for accessory structures in the A-1 General Agricultural District. On parcels zoned A-1 and which are five (5) acres or more in size, the Plan Commission may authorize any of the following through a Site Plan approval: 1) An increase in the maximum accessory building floor area; 2) An increase in the maximum number of accessory buildings; 3) An increase in maximum structure height; or 4) Authorization to locate an accessory structure in the front yard. Provided the following conditions are met:

- (1) Agricultural Use. The accessory structures are utilized exclusively for agricultural use as defined herein.
- (2) Consistency with Ordinance. The proposal is consistent with all other requirements of this Ordinance, including setbacks, lot coverage, and stormwater management.
- (3) Scale and Compatibility. The size and number of accessory structures are reasonably related to the scale and function of the agricultural operation and do not create adverse impacts on adjacent non-farm residential uses.
- (4) Plan Commission Findings. The Plan Commission makes specific findings that the proposed accessory structure allowances:
  - (a) Support the ongoing agricultural viability of the parcel;
  - (b) Are not primarily for non-agricultural or commercial purposes; and
  - (c) Maintain the rural character intended by the District.
- (5) In no case shall the height of any accessory structures approved under this subsection exceed 100 feet.

- (6) Deed Restriction. As a condition of approval, the property owner shall record a deed restriction, in a form approved by the Town, limiting the use of the approved accessory structures to agricultural purposes, prohibiting conversion to other permitted or conditional uses, and prohibiting a reduction in the size of the subject parcel, without Plan Commission approval.
- (7) For approval of front yard placement of a structure, the Plan Commission must determine that there is no other practicable conforming location on the property.

F. Front-Yard Placement of Accessory Buildings. The plan commission may approve a special exception to allow an accessory building in front of the principal building. In making such decision, the plan commission and town board shall consider:

- (1) The size of the subject property;
- (2) The character of the area;
- (3) The size of the proposed accessory building;
- (4) The extent to which the proposed accessory building is visible from public and private streets and other properties in the area
- (5) The practical difficulty in placing the proposed accessory building in the location described in this subsection; and
- (6) Other factors related to relevant circumstances.

**§ 336-27. Modifications.**

- A. Height. The height limitations stipulated elsewhere in this chapter 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 may exceed the height of the principal structure, provided they do not exceed a height greater than their distance from the nearest lot line, and in no case exceed 50 feet in total height, unless specifically authorized by the Plan Commission pursuant to § 336-26-E.
  - (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 smokestacks 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 chapter.
  - (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, unless otherwise required by law.
  - (5) In the A-1 District, on lots which are five (5) acres and larger, agricultural structures such as barns, silos, tanks, and windmills shall not exceed a height greater than their distance from the nearest lot line, and in no case exceed one hundred (100) feet. Taller agricultural structures may be permitted by the Plan Commission through Site Plan review, if demonstrated to be necessary for the agricultural operation and compatible with surrounding uses.
  - (6) Public or semipublic facilities such as schools, places of worship, 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 foot for each foot the structure exceeds the district's maximum height requirements.
- B. Yards. The yard requirements stipulated elsewhere in this chapter may be modified as follows:
- (1) Setbacks.
    - (a) Uncovered stairs, landings, and fire escapes may project into any yard; but no such projection shall exceed six feet nor be located closer than 10 feet to any lot line.
    - (b) Architectural projections including, but not limited to: chimneys, flues, sills, eaves, belt courses, awnings, cornices, canopies, and similar ornamental features or accoutrements may project no more than three feet into any required yard.
    - (c) Up to one garden utility-type accessory building 192 square feet or less in area may be located as close as 5 feet to a side or rear lot line provided that such structures are located within the rear yard, do not exceed a height of 12 feet and comply with the building separation requirements set forth herein.
- C. Vision corner. Within the vision corner, the following clearances shall be observed:
- (1) No obstructions shall be permitted except for landscape materials and fences as regulated by this chapter.
  - (2) No signs shall be permitted within the vision corner.
  - (3) Shrubs and other understory vegetation shall not exceed three feet in height and shall be largely

see-through, defined as no more than 10% opacity.

- (4) All new trees and existing deciduous trees shall be kept free of branches up to a height of at least 10 feet above the ground or 60% of their overall height, whichever is less, so that trees located do not create a traffic hazard. Coniferous (evergreen) trees shall be prohibited.

#### **§ 336-28. Performance standards.**

The following requirements and regulations shall apply to all zoning districts unless specifically stated otherwise. Determination of potential or actual noncompliance with such regulations shall be made by the Zoning Administrator. No use established on the effective date of this chapter shall be so altered or modified as to conflict with or further conflict with the performance standards established hereafter.

##### **A. Emissions, odors, and the like.**

- (1) No activity or operation shall be established or maintained which by reason of its nature or manner of operation will cause the emission of noise, odor, toxic or noxious fumes, smoke, dust, and particulate matter in such concentrations as to be detrimental to or endanger the public health, welfare, comfort and safety or cause injury to property.

##### **B. Discharges.**

- (1) 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.
- (2) No land shall be developed, and no use shall be permitted that results in water runoff, flooding, or erosion on adjacent properties. Such runoff shall be properly channeled into a storm drain, watercourse, ponding area, or other public facilities.

##### **C. 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 firefighting 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 aboveground storage capacity of materials that produce flammable or explosive vapors shall be in conformance with local fire department regulations.

##### **D. 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.

##### **E. Noise.**

- (1) 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 otherwise controlled as not to become objectionable due to intermittence, duration, beat frequency, impulse character, periodic character, or shrillness.
- (2) Sirens, whistles, and bells which are maintained and utilized solely to serve a public purpose are exempt from the sound level standards of this section.



## F. Lighting.

- (1) Any lighting used to illuminate an off-street parking area or sign shall be arranged so as to deflect light away from any adjoining residential property or from the public streets. Direct or sky-reflected glare, whether from floodlights or from high-temperature processes, such as combustion or welding, shall not be directed into any adjoining property.
- (2) All overhead lighting shall be downward directional to minimize sky-reflected glare and direct light away from adjoining properties.

## G. No activity or operation shall cause earth vibrations perceptible beyond the limits of the lot upon which the operation is located.

## H. Waste materials.

- (1) All waste material, debris, refuse, or garbage not disposed of through the sanitary sewerage system shall be kept in an enclosed building or properly contained in a closed container designed for such purpose.
- (2) All waste material, debris, refuse, or garbage stored in outside refuse bins in the B-1 and M-3 Districts must be located behind the principal structure and screened from view by use of an enclosed building, solid screening, or opaque fencing material. Plastic or wooden slats through cyclone fencing shall not be deemed sufficient.
- (3) All compost piles stored outside in residential zoning districts must be located behind the principal structure and contained within a freestanding enclosure constructed of concrete blocks, brick, wood, woven wire, or durable plastic.
- (4) All compost piles in residential zoning districts shall be maintained so as not to cause unpleasant odors or attract animals and shall be no taller than five feet high and be no larger in volume than 125 cubic feet.

## I. Animal boarding facilities, animal grooming facilities, animal hospitals, and veterinary clinics or offices shall be required to be soundproofed to ensure that the noise levels associated with the use do not interfere with the health, welfare, and safety of adjoining properties.

## J. Any access drive for a car wash shall be at least 30 feet from any public street intersection, measured from the interior curb line commencing at the intersection of the street. Water from the car wash shall not drain across any sidewalk or into a public right-of-way.

**§ 336-29. Livestock on residential parcels in agricultural zoning districts.**

## A. Maximum number.

- (1) The maximum number of animal units allowed is one per acre, not counting one acre set aside for the principal structure.
- (2) The calculation of animal units shall comply with § NR 243.05, Wis. Admin. Code .
- (3) The keeping of livestock on parcels smaller than five acres in size in any residential zoning district is prohibited.
- (4) For the purposes of this chapter, backyard chickens are not considered livestock.

B. Livestock accommodations.

- (1) Secure fencing shall be in place prior to the introduction of livestock on the property.
- (2) Adequate shelter, food, water, and grazing space shall be available at all times.
- (3) Waste shall be disposed of in a timely manner.

**§ 336-30. 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 on any parcel within the Town of Polk for more than two weeks.
- B. The accumulation or storage of refrigerators, furnaces, washing machines, stoves, machinery, or parts thereof, junk, scrap 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 when completely housed or visually screened from public view.

**§ 336-31. Temporary uses and structures.**

- A. Intent. Temporary uses and temporary structures are those that have the potential to create unwanted impacts on nearby properties if allowed to develop simply under the general requirements of this chapter. All temporary uses and temporary structures are required to meet certain procedural requirements in addition to the general requirements of this chapter and the requirements of the zoning district in which the subject property is located.
- B. General requirements for temporary uses and temporary structures. All temporary uses or temporary structures shall meet the following general requirements, unless otherwise specified in this chapter:
  - (1) The temporary use or temporary structure shall not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare.
  - (2) Permanent alterations to the site related to the temporary use or temporary structure are prohibited.
  - (3) If the property is undeveloped, it shall contain sufficient land area to allow the temporary use or temporary structure to occur, as well as any parking and traffic circulation as required that may be associated with the temporary use, without disturbing sensitive or protected natural resources including 100-year floodplains and required landscaping.
  - (4) If the property is developed, the temporary use shall be located in an area that is not actively used by an existing approved principal use, and that would support the proposed temporary use without encroaching or creating a negative impact on an existing buffer, open space, landscaping, traffic movements, pedestrian circulation, or parking space availability.
  - (5) Tents and other temporary structures shall be located so as not to interfere with the normal operations of any permanent use located on the property, shall be anchored, and meet the requirements of the Building Inspector.
  - (6) Off-street parking shall accommodate the proposed temporary use as determined by the Plan Commission.
- C. Permit required. No temporary use or temporary structure, other than those specifically listed in Subsection D below, shall be established, developed, altered, constructed, moved, extended, enlarged,

continued, or changed without first obtaining a temporary structure/use permit.

D. The following temporary uses do not require a temporary use/temporary structure permit:

- (1) Temporary portable storage structures. The use of a portable storage structure in residential districts is allowed without permit contingent upon the following:
  - (a) There shall be no more than one temporary portable storage structure per property.
  - (b) The temporary portable storage structure shall be no larger than 10 feet wide, 20 feet long, and 10 feet high.
  - (c) A temporary portable storage structure shall not remain at a property in excess of 90 days.
  - (d) The temporary portable storage structure shall comply with all setbacks within the applicable zoning district, unless located in the driveway and outside of vision corners.
  - (e) Temporary portable storage structures associated with a site where a building permit has been issued are permitted for the duration of construction and shall be removed from the site within 14 days of the end of construction. Portable storage structures associated with construction are exempt from the aforementioned conditions.
- (2) Expansion or replacement facilities. Expansion or replacement facilities, consisting of transportable buildings that are pre-constructed and arrived at the site ready for occupancy and are readily removed and installed at other sites. Such facilities may include, but are not limited to, the following:
  - (a) Expansion of existing religious assembly facilities, health care facilities, and government offices following the approval of filed plans and applications for the permanent alteration/expansion of these facilities.
  - (b) Temporary classroom space for existing schools.
  - (c) Temporary office space for construction and security personnel during the construction of an approved development for which building permits have been issued.
  - (d) Temporary space for recreational uses provided in connection with an approved residential development under construction.
  - (e) Temporary office space (one per site) for hiring, membership solicitation, apartment office/leasing, and general office use following the issuance of a building permit for the construction of a permanent office building.
- (3) Yard sales are permissible without a permit; however, no more than one yard sale shall be held in any two-month period and no yard sale shall exceed four days in duration.

E. The following temporary uses require a temporary use/temporary structure permit:

- (1) Temporary residence. A dwelling unit situated on a lot, parcel, or tract, along with a primary dwelling unit, that provides a temporary residence for the residents of the associated primary dwelling unit that has been deemed uninhabitable due to fire, flood, or other disaster, or is under construction or undergoing substantial repairs or reconstruction. The temporary residence is allowed on the lot, parcel, or tract only while the primary residence is undergoing new construction or repair. A temporary dwelling unit may also include a residence located on a

nonresidential construction site and occupied by persons having construction or security responsibilities over such construction site. The temporary residence shall be removed from the lot, parcel, or tract upon completion of such construction.

- (2) Retail sales. Retail sales of products, including but not limited to Christmas trees, nursery products, or agricultural produce, or special event celebrations in any district for a period not to exceed the number of days specified in the temporary use permit. Display of products need not comply with the setback requirements of this chapter provided that no display shall be located within a right-of-way or restrict the vision clearance requirements.
- (3) Temporary office space and storage. Temporary office space and equipment storage when accessory to an approved construction project, including sales offices on residential development sites. Such uses shall be located on the site no more than 30 days prior to the start of construction and removed no more than 30 days after completion of such project, or in the case of sales offices on residential development sites, removed when all houses or units are sold or leased.
- (4) Temporary parking for public gatherings and similar events. Transportation shall be required for all temporary parking areas not located on the parcel where the event shall occur or on an immediately abutting parcel, unless otherwise approved by staff.
- (5) Agriculture-related events in agricultural zoning districts including, breakfast on the farm, field days, corn mazes, and the like.

F. The following temporary uses do not require a temporary use/temporary structure permit:

- (1) A camper trailer or recreational vehicle in the Q-1 District for the accommodations of no more than one full-time employee during nonmetallic mining operations.

G. Application requirements. All applications for a temporary structure/use permit shall be submitted on a form provided by the Town along with the required application fee as established in the approved fee schedule.

(1) Temporary uses. The following application requirements apply to temporary uses:

- (a) Temporary uses with a requested duration of 14 or fewer days and which do not include temporary structures will include a site sketch showing the extent and location of the proposed use.
- (b) Temporary use with a requested duration of 15 or more days or which include the use of temporary structures shall comply with the requirements of Subsection G(2) below.

(2) Temporary structures. The following application requirements apply to temporary structures:

- (a) A description of the proposed structure, including all of the following:

- [1] The intended use of the proposed structure.
- [2] Type of structure and exterior building materials and colors.
- [3] Size of structure, including peak height and floor area.
- [4] Location of all entrances, as applicable.
- [5] Any additional information as may be required by the Zoning Administrator.

- (b) A site map/sketch of the subject property showing all of the following:
  - [1] Location of the proposed temporary structure.
  - [2] All lot dimensions of the subject property and applicable setbacks for the temporary structure.
  - [3] The type, size, and location of all existing structures on-site with all building dimensions shown.
  - [4] Distance from proposed temporary structure to existing structures, as applicable.
- H. Approval. Approval of a temporary use/temporary structure use permit shall be by the Zoning Administrator following review of a complete application and payment of the application fee.
- I. Compliance. Where a temporary use or temporary structure does not comply with the terms the temporary use/temporary structure use permit, the temporary use/temporary structure use permit shall be revoked, and the use shall be considered a violation of this chapter.

**§ 336-32. through § 336-49. (Reserved)**

ARTICLE III  
**Zoning Districts and Zoning Map**

**§ 336-50. Establishment of zoning districts.**

To carry out the purposes and provisions of this chapter, the following zoning districts are hereby established:

A. Standard zoning districts.

- (1) A-1 General Agricultural District (hereafter, A-1 District).
- (2) A-2 Agricultural/Residential District (hereafter, A-2 District).
- (3) R-1 Low Density Residential District (hereafter, R-1 District).
- (4) R-2 Varied Density Residential District (hereafter, R-2 District).
- (5) R-3 Conservation Residential District (hereafter, R-3 District).
- (6) R-4 Shoreland Residential District (hereafter, R-4 District).
- (7) B-1 Rural Commercial District (hereafter, B-1 District).
- (8) B-2 Node Commercial District (hereafter, B-2 District).
- (9) M-1 Light Manufacturing District (hereafter, M-1 District).
- (10) M-2 Heavy Manufacturing District (hereafter, M-2 District).
- (11) M-3 Multiple Use Light Manufacturing District (hereafter, M-3 District).
- (12) Q-1 Quarrying District (hereafter, Q-1 District).
- (13) I-1 Institutional District (hereafter, I-1 District).
- (14) P-1 Park District (hereafter, P-1 District).

B. Nonstandard zoning districts.

- (1) PUD Planned Unit Development Overlay (hereafter, PUD Overlay).

**§ 336-51. Zoning Map.**

- A. The location and boundaries of the districts established by this chapter are set forth on the Zoning Map, titled "Town of Polk Zoning Map, Washington County, Wisconsin," which is incorporated herein and hereby made a part of this chapter. Said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this chapter as though fully set forth and described herein. Such map, together with a copy of this chapter, shall be available for public inspection in the Town Hall.
- B. The following rules shall apply with respect to the boundaries of the various districts as shown on the Zoning Map.
  - (1) A boundary shown as following, or approximately following, a street, alley or railroad shall be construed as following the center line of such feature.

- (2) A boundary line shown as following, or approximately following, a lot line, section line, survey or other property line, or municipal boundary shall be construed as following such line or boundary.
- (3) Streets or alleys which are shown on the zoning district maps and which were previously vacated, or which may be vacated in the future, shall be construed to be in the same zoning district as the lots or pieces of lots abutting both sides of the street or alley involved. If the lots or pieces of lots abutting each side of the street or alley were located in different zoning districts before the said street or alley was vacated, the center line of such vacated street or alley shall be the boundary line of the respective zoning districts.
- (4) The boundaries of a base zoning district shall correspond with the boundaries of a legal lot. No unsubdivided property shall possess more than one base zone. Where a district boundary divides a platted lot, the zone classification of the greater portion shall prevail throughout the lot unless and until one of the following occurs:
  - (a) All portion of the lots are rezoned to a single zone classification.
  - (b) A land division is approved to establish separate legal lots coinciding with the boundaries of the zone classifications as they appear on the zoning map.
  - (c) Where any uncertainty exists as to the exact location of zoning district boundary lines, the Zoning Board of Appeals, upon written application, shall determine the location of such boundary lines.

**§ 336-52. Permitted and conditional uses.**

A. Standard zoning districts.

- (1) The tables appearing below and on the following pages list permitted uses and conditional uses for standard zoning districts.
- (2) The intent, dimensional standards, other requirements and regulations, and additional permitted and conditional uses for each zoning district follows the table.

B. Non-standard zoning districts. Regulations, dimensional standards, allowable uses, and other requirements for nonstandard zoning districts follow the same for standard zoning districts.

C. Permitted uses and conditional uses by standard district.

- (1) Agricultural uses.







- (2) Residential uses.

Uses	Zoning Districts													
	A-1	A-2	R-1	R-2	R-3	R-4	B-1	B-2	M-1	M-2	M-3	Q-1	I-1	P-1
Adult family home	P	P	P	P	P	P								
Community living arrangements, eight or fewer persons	C	C	P	P	P	P								
Community living arrangements, nine or more persons			C	C	C	C								
Dwelling units, second or third story							C	C						
Foster homes	P	P	P	P	P	P	C							
Multifamily dwellings				C										
Multigenerational dwellings	P	P	P	P	P	P								
Residential quarters for the owner, proprietor, commercial tenant, employee, or caretaker as a secondary use							P		P			P		
Single-family dwellings	P	P	P	P	P	P								
Single-family farm dwellings which existed prior to January 1, 1972, and were converted to two-family dwellings prior to September 10, 2019	P	P												
Two-family dwellings			P	P	P	P								
Three- to four-family dwellings			C	C	C	C								

- (3) Commercial uses.

Uses	Zoning Districts													
	A-1	A-2	R-1	R-2	R-3	R-4	B-1	B-2	M-1	M-2	M-3	Q-1	I-1	P-1
Adult-oriented establishments as defined in the Town of Polk adult-oriented establishments ordinance, but only upon receipt of a license issued thereunder							P							
Alcohol and tobacco sales							P							
Animal care, including shelters, veterinary offices, commercial kennels, and the like	P	P					P							
Art galleries	C	C					P	P						
Artisan shops							P	C						
Bakery, employing more than 12 persons on the premises							P							
Bakery, employing not more than 12 persons on the premises								P						
Bed-and-breakfast establishments	C	C												
Boutique retail							P	P						
Business services and professional services							P	P						
Clothing							P	P						
Clubs							P							
Coffee, tea, juice, smoothie, and similar such shops								P						
Commercial contractors and similar such uses							P		P					
Confectionaries								P						
Convenience stores							P	C						
Dining							P	P						
Dining, drive-in							P	C						
Discount retail							P							
Drinking establishments							P	P						
Finance							P	P						

Uses	Zoning Districts													
	A-1	A-2	R-1	R-2	R-3	R-4	B-1	B-2	M-1	M-2	M-3	Q-1	I-1	P-1
Fine arts and performing arts venues	C	C					P							
Foodstuff and consumables							P	P						
Gardening and floral, excluding commercial greenhouses							P	C						
Ice cream, frozen custard, yogurt, and similar such shops	P	P						P						
Incubator, commercial							C	C						
Live/work units							C	C	C					
Mixed commercial/residential uses located within a principal structure								C						
Mobile food establishment							P							
Off-street parking and vehicle display							P							
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	C	C					C							C
Reception venue	C	C												
Retreat center or informal learning center	C	C												
Sales, service, and repair: boats and personal watercraft							P		C					
Sales, service, and repair: "Category L" two- and three-wheeled vehicles, ATVs and UTVs, snowmobiles, and the like							P		C					
Sales, service, and repair: "Category M" light duty vehicles (passenger vehicles)							P		C					
Sales, service, and repair: "Category N" heavy duty vehicles (trucks, buses, coaches, tractor-trailer units, and the like)									C	P				
Sales, service, and repair: "Category T" implements of husbandry							C		P	C				
Specialty retail							P	P						

- (4) Industrial and manufacturing uses.

Uses	Zoning Districts													
	A-1	A-2	R-1	R-2	R-3	R-4	B-1	B-2	M-1	M-2	M-3	Q-1	I-1	P-1
Boutique wineries							P	P						
Breweries									P					
Commercial storage and office warehouse											P			
Any combination of Commercial storage and office warehouse, Multifunction hobby and work unit, and Incubator manufacturing located on same parcel											C			
Community solar energy systems	C	C	C	C	C	C	C	C					C	
Computers, electronics, electrical equipment, and appliances									P					
Craft distilleries							P	P						
Crematories										P				
Distilleries									P					
Distributors									C					
Food storage, cold storage							P		P	P				
Freight, shipping, cross-docking									P	P				
Greenhouses, commercial	P	P							C					
Incubator, manufacturing									C	C	P			
Laboratories									P	P				
Microbreweries							P	P						
Mini-warehouses lawfully established prior to June 9, 2020, provided no perishable, flammable hazardous, or explosive materials are stored, and no sale of merchandise is conducted							P		P					
Mixing of bulk commodities										C				
Multifunction hobby and work unit											P			



Uses	Zoning Districts													
	A-1	A-2	R-1	R-2	R-3	R-4	B-1	B-2	M-1	M-2	M-3	Q-1	I-1	P-1
Nonmetallic mining uses, including the removal of rock, slate, aggregate, or any other nonferrous minerals from the earth by excavating, stripping, leveling, blasting, or other means generally associated with nonmetallic mining in Wisconsin												P		
Outdoor storage of bulk materials both for processing and finished, including stockpiling other than stockpiling associated with or accessory to nonmetallic mining operations										P				
Petroleum, coal, chemicals, plastics, and rubber										P				
Primary metal, fabricated metal, and machinery										P				
Receiving and shipping of bulk commodities, excluding explosives, biohazardous waste or materials, radioactive waste or materials, and other such materials deemed substantially similar by the plan commission										P				
Salvage yards/junk yards										C				
Scrap metal recycling and processing, to include sorting, shearing shredding, and baling, conducted entirely within the confines of an enclosed structure										P				
Service, and repair: "Category N" heavy duty vehicles exclusively owned and operated by the property owner or their lessees located on-site										P				
Service, and repair: "Category N" heavy duty vehicles if operating as business catering to vehicles other than those owned and operated by the property owner, business owners with on-site operations, or lessees of on-site structures										P				
Solid waste management and recycling facilities, including transfer stations of MSW, sorting of C&D and recyclables, conducted entirely within the confines of an enclosed structure										P				
Storage and warehousing, excluding mini warehouse, personal storage facilities, and self-storage facilities										P				
Textiles, leather, and apparel									P	P				

Uses	Zoning Districts													
	A-1	A-2	R-1	R-2	R-3	R-4	B-1	B-2	M-1	M-2	M-3	Q-1	I-1	P-1
These uses commonly accessory to nonmetallic mining operations: a. Washing, refining, or processing of topsoil, rock, slate, gravel, sand, or minerals b. Aggregate or ready-mix plant c. Manufacture of concrete products d. Portable crushers and grinders Stockpiling of broken concrete and asphalt to be crushed and sized for recycling into construction aggregates										P				
Truck terminals							C			C		C		
Two or more principal structures									C	C				
Vehicle equipment assembly and manufacturing										P				
Wholesale and supply									P					
Wineries									P					

- (5) Utility, communication, and transportation uses.

Uses	Zoning Districts													
	A-1	A-2	R-1	R-2	R-3	R-4	B-1	B-2	M-1	M-2	M-3	Q-1	I-1	P-1
Essential services	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Mobile service facilities	C	C	C	C	C	C	C	C	C	C	P	C	C	C
Public garages, public parking facilities							P							
Solar energy systems	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Utilities									P	P	P		P	
Wind energy systems	P	P	P	P	P	P	P	P	P	P	P	P	P	P

- (6) Governmental, Institutional, and Recreational Uses.

Uses	Zoning Districts													
	A-1	A-2	R-1	R-2	R-3	R-4	B-1	B-2	M-1	M-2	M-3	Q-1	I-1	P-1
Beaches														P
Boat rental and boat access sites	C	C												P
Boating														P
Driving ranges														P
Elementary, middle, and high schools													P	
Firing ranges														C
Fishing, hunting, and yacht clubs	C	C												
Golf courses														P
Government facilities; county, state, and federal													P	
Group camps and organized camps	C	C											P	
Home, hardware, and general supply stores							P							
Laundry and dry cleaning							P							
Lodging							P							
Personal care							P							
Picnic areas	C	C												P
Refreshments, snack stands														P
Religious assemblies and institutions	P	P	P	P			P	P					P	
Secondary schools													P	
Town-owned parcels, regardless of use													P	

- (7) Accessory uses and structures.

Uses	Zoning Districts													
	A-1	A-2	R-1	R-2	R-3	R-4	B-1	B-2	M-1	M-2	M-3	Q-1	I-1	P-1
Aggregate or ready-mix plant												P		
Artificial bodies of water	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Keeping of chickens	P	P	P	P	P									
Garage for storage of vehicles used in conjunction with the operation of the business							P	P	P	P				
Garage lots						C								
Home-based businesses	C	C	C											
Home occupations	P	P	P	P	P	P								
Keeping of bees	P	P	P	P	P	P	P	P					P	P
Manufacture of concrete products												P		
Mixing of asphalt												P		
Outdoor furnace	P	P	C	C										
Outdoor storage of equipment and vehicles when accessory to a principal use									P	P				
Processing of topsoil												P		
Residential quarters, lawfully in existence at the time of adoption of this chapter, as a secondary use (see specific provisions)							P		P			P		
Short-term rentals	P	P	P	P	P	P								
Washing, refining, or processing of rock, slate, gravel, sand, or minerals												P		



(8) Other uses.

Uses	Zoning Districts													
	A-1	A-2	R-1	R-2	R-3	R-4	B-1	B-2	M-1	M-2	M-3	Q-1	I-1	P-1
Unlisted uses deemed by the Plan Commission to be substantially the same as a listed conditional use; once approved, this chapter shall be amended to include such use as a listed conditional use	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Unlisted uses deemed by the Plan Commission to be substantially the same as a listed permitted use; once approved, this chapter shall be amended to include such use as a listed permitted use	P	P	P	P	P	P	P	P	P	P	P	P	P	P

## (9) Notes.

Table Codes	P - permitted use; C - conditional use
Specific provisions	Please see specific provisions of this chapter for regulations and standards applicable to various permitted, conditional, and accessory uses. <sup>1</sup>
Definitions	Please see definitions article of this chapter for additional information applicable to various permitted, conditional, and accessory uses. <sup>2</sup>

**§ 336-53. A-1 District.**

- A. Purpose. The purpose of the A-1 District is to provide for, maintain, preserve, and enhance economically viable agricultural lands.
- B. Uses. See § 336-52C for permitted uses, conditional uses, and accessory uses in the A-1 District.
- C. Dimensional standards.

Lot Standards — A-1 District		
Lot	Minimum area	10 ac. [a]
	Minimum frontage	300 ft.
	Minimum width	300 ft. [b]
Building and Structure Standards — A-1 District		
Single-family dwelling	Minimum residential floor area	1,200 sq. ft.
	Maximum height	35 ft. [c]
Accessory structures	Maximum area, all accessory buildings	792 sq. ft. or 2.5% of lot size, whichever is greater[d]
	Maximum height	25 ft., [c][d]
	Maximum number of accessory buildings.	Three [d]
Minimum Setbacks — A-1 District		

1. Editor's Note: See Art. V, Specific Provisions.

2. Editor's Note: See Art. XIII, Definitions.

All structures [e]	Street yard	100 ft. [f]
	Secondary street yard	100 ft. [f]
	Side yard	20 ft.
	Rear yard	20 ft.
	Shore yard	75 ft.

- [a] As per § NR 115.05(1)(a), Wis. Adm. Code, the minimum lot area for parcels located within 1,000 feet of the ordinary high water mark of a lake, pond, or flowage or within and 300 feet the ordinary high water mark of a river or stream or to the landward side of the floodplain, whichever distance is greater, is 10,000 square feet for sewered lots and 20,000 square feet for unsewered lots.
- [b] As per § NR 115.05(1)(a), Wis. Adm. Code, the minimum lot width for parcels located within 1,000 feet of the ordinary high water mark of a lake, pond, or flowage or within and 300 feet the ordinary high water mark of a river or stream or to the landward side of the floodplain, whichever distance is greater, is an average of 65 feet for sewered lots and 100 feet for unsewered lots.
- [c] See § 336-27, Modifications, of this chapter for exceptions.
- [d] For parcels 5 acres and larger, see §336-26-E for additional allowances.
- [e]
- [f] As per § Trans. 233.08(2)(a), Wis. Adm. Code, the street yard setback is 110 feet of the center line of a state trunk highway or connecting highway or 50 feet of the nearer right-of-way line of a state trunk highway or connecting highway, whichever is furthest from the center line.

#### § 336-54. A-2 District.

- A. Purpose. The purpose of the A-2 District is to provide for smaller-sized agricultural operations and/or large-lot residential development.
- B. Uses. See § 336-52C for permitted uses, conditional uses, and accessory uses in the A-2 District.
- C. Dimensional standards.

Lot Standards — A-2 District		
Lot	Minimum area	5 ac. [a]
	Minimum frontage	200 ft. [b]
	Minimum width	200 ft. [c]
Building and Structure Standards — A-2 District		
Single-family dwelling		
	Minimum residential floor area	1,200 sq. ft. residential floor area
	Maximum height	35 ft. [d]

Accessory structures		
Accessory structures	Maximum area, all accessory buildings	792 sq. ft. or 2.5% of lot size, whichever is greater
	Maximum height	25 ft., [d]
	Maximum number of accessory buildings.	Three
Minimum Setbacks — A-2 District		
All structures	Street yard	100 ft. [g] [h]
	Secondary street yard	100 ft. [h]
	Side yard	20 ft.
	Rear yard	20 ft.
	Shore yard	75 ft.

[a] As per § NR 115.05(1)(a), Wis. Adm. Code, the minimum lot area for parcels located within 1,000 feet of the ordinary high water mark of a lake, pond, or flowage or within and 300 feet the ordinary high water mark of a river or stream or to the landward side of the floodplain, whichever distance is greater, is 10,000 square feet for sewered lots and 20,000 square feet for unsewered lots.

[b] As per Washington County § 275-4C, the minimum frontage for parcels located within 1,000 feet of the ordinary high water mark of a lake, pond, or flowage or within and 300 feet the ordinary high water mark of a river or stream or to the landward side of the floodplain, whichever distance is greater, is 100 feet.

[c] As per § NR 115.05(1)(a), Wis. Adm. Code, the minimum lot width for parcels located within 1,000 feet of the ordinary high water mark of a lake, pond, or flowage or within and 300 feet the ordinary high water mark of a river or stream or to the landward side of the floodplain, whichever distance is greater, is an average of 65 feet for sewered lots and 100 feet for unsewered lots.

[d] See § 336-27, Modifications, of this chapter for exceptions.

[e]

[f]

[g]

[h] As per § Trans. 233.08(2)(a), Wis. Adm. Code, the street yard setback is 110 feet of the center line of a state trunk highway or connecting highway or 50 feet of the nearer right-of-way line of a state trunk highway or connecting highway, whichever is furthest from the center line.

### § 336-55. R-1 District.

- A. Purpose. The purpose of the R-1 District is to provide for high-quality, low-density, single-family residential development with a minimum development area of 20 acres.
- B. Uses. See § 336-52C for permitted uses, conditional uses, and accessory uses in the R-1 District.
- C. Dimensional standards.

Lot Standards — R-1 District		
Lot	Minimum area	60,000 sq. ft. [a]
	Minimum frontage	100 ft. [b]
	Minimum width	100 ft. [c]
Building and Structure Standards — R-1 District		
Single-family dwelling	Minimum residential floor area	1,200 sq. ft. residential floor area
	Maximum height	35 ft. [d]
Accessory structures	Maximum area, all accessory buildings	792 sq. ft. or 2% of lot area, whichever is greater.
	Maximum height	25 ft., [d]

	Maximum number of accessory buildings	Three
Minimum Setbacks — R-1 District		
Principal structure	Street yard	50 ft. [g]
	Secondary street yard	50 ft. [g]
	Side yard	20 ft.
	Rear yard	20 ft.
	Shore yard	75 ft.
Accessory structures [h]		
	Side yard	10 ft.
	Rear yard	10 ft.

- [a] As per § NR 115.05(1)(a), Wis. Adm. Code, the minimum lot area for parcels located within 1,000 feet of the ordinary high water mark of a lake, pond, or flowage or within and 300 feet the ordinary high water mark of a river or stream or to the landward side of the floodplain, whichever distance is greater, is 10,000 square feet for sewered lots and 20,000 square feet for unsewered lots.
- [b] As per Washington County § 275-4C, the minimum frontage for parcels located within 1,000 feet of the ordinary high water mark of a lake, pond, or flowage or within and 300 feet the ordinary high water mark of a river or stream or to the landward side of the floodplain, whichever distance is greater, is 100 feet
- [c] As per § NR 115.05(1)(a), Wis. Adm. Code, the minimum lot width for parcels located within 1,000 feet of the ordinary high water mark of a lake, pond, or flowage or within and 300 feet the ordinary high water mark of a river or stream or to the landward side of the floodplain, whichever distance is greater, is an average of 65 feet for sewered lots and 100 feet for unsewered lots.
- [d] See § 336-27, Modifications, of this chapter for exceptions.
- [e] RESERVED
- [f] RESERVED
- [g] As per § Trans. 233.08(2)(a), Wis. Adm. Code, the street yard setback is 110 feet of the center line of a state trunk highway or connecting highway or 50 feet of the nearer right-of-way line of a state trunk highway or connecting highway, whichever is furthest from the center line.
- [h]

### § 336-56. R-2 District.

- A. Purpose. The purpose of the R-2 District is to provide for a diversity of high quality, market-based residential living options at a development density higher than would otherwise be allowable in the Town.
- B. Uses. See § 336-52C for permitted uses, conditional uses, and accessory uses in the R-2 District.
- C. Dimensional standards.

Lot Standards — R-2 District		
Lot	Minimum area	20,000 sq. ft.
	Minimum frontage	100 ft.
	Minimum width	100 ft.
Building and Structure Standards — R-2 District		
Single-family dwelling	Minimum residential floor area	1,200 sq. ft. residential floor area
	Maximum height	35 feet [a]
Two-family dwelling	Minimum residential floor area	700 square feet residential floor area per unit
	Maximum height	35 ft. [a]
Three- and four-unit dwelling	Minimum residential floor area	500 sq. ft. residential floor area per unit
	Maximum height	35 ft. [a]
	Maximum area	720 sq. ft. [b]
Accessory structures, single-family dwelling		
Accessory structures, multi-family dwelling		
Accessory structures, single-family dwelling	Maximum area all accessory buildings	792 sq. ft. or 2% of lot area, whichever is greater
	Maximum height	25 ft., [a]
	Maximum number of accessory buildings	Three
Accessory structures, multi-family dwelling	Maximum area all accessory buildings	400 sq. ft. per unit or 2% overall, whichever is greater
	Maximum height	25 ft., [a]
	Maximum number	One per unit



Minimum Setbacks — R-2 District		
Principal structure	Street yard	25 ft. [d]
	Secondary street yard	25 ft. [d]
	Side yard	10 ft.
	Rear yard	10 ft.
	Shore yard	75 ft.
Accessory structures [e]	From principal structure	10 ft.
	Side yard	10 ft.
	Rear yard	10 ft.

[a] See § 336-27, Modifications, of this chapter for exceptions.

[b] . RESERVED

[c] . RESERVED

[d] As per § Trans. 233.08(2)(a), Wis. Adm. Code, the street yard setback is 110 feet of the center line of a state trunk highway or connecting highway or 50 feet of the nearer right-of-way line of a state trunk highway or connecting highway, whichever is furthest from the center line.

[e]

### § 336-57. R-3 District.

- A. Purpose. The purpose of the R-3 District is to provide for high quality housing in a rural setting characterized by compact lots and common open space, where the natural features of land are maintained to the greatest extent possible.
- B. Uses. See § 336-52C for permitted uses, conditional uses, and accessory uses in the R-3 District.
- C. Dimensional standards.

Lot Standards — R-3 District		
Lot	Minimum area	20,000 sq. ft.
	Minimum frontage	75 ft.
	Minimum width	75 ft.
Building and Structure Standards — R-3 District		
Single-family dwelling	Minimum residential floor area	1,200 sq. ft. residential floor area
	Maximum height	35 ft. [a]
Accessory structures		
	Maximum area all accessory buildings	792 sq. ft. or 2% of lot area, whichever is greater
	Maximum height	25 ft., [a]
Downloaded from <a href="https://ecode360.com/PO6621">https://ecode360.com/PO6621</a> on 2025-03-12		

Maximum number of accessory buildings Three

Minimum Setbacks — R-3 District

Principal structure	Street yard	25 ft. [d]
	Secondary street yard	25 ft. [d]
	Side yard	10 ft.
	Rear yard	10 ft.
	Shore yard	75 ft.
Accessory structures [e]	Secondary street yard	25 ft.
	Side yard	10 ft.
	Rear yard	10 ft.

[a] See § 336-27, Modifications, of this chapter for exceptions.

[b] RESERVED

[c] RESERVED

[d] As per § Trans. 233.08(2)(a), Wis. Adm. Code, the street yard setback is 110 feet of the center line of a state trunk highway or connecting highway or 50 feet of the nearer right-of-way line of a state trunk highway or connecting highway, whichever is furthest from the center line.

[e] RESERVED

**§ 336-58. R-4 District.**

- A. Purpose. The purpose of the R-4 District is to provide for high quality residential development and redevelopment on riparian lots and n non-riparian lots. Many lots within the R-4 District are substandard lots created prior to the advent of zoning regulations.
- B. Uses. See § 336-52C for permitted uses, conditional uses, and accessory uses in the R-4 District.
- C. Dimensional standards.

Lot Standards — R-4 District		
Lot	Minimum area	20,000 sq. ft.

	Minimum frontage	100 ft.
	Minimum width	100 ft.
Building and Structure Standards — R-4 District		
Single-family dwelling	Minimum residential floor area	1,200 sq. ft. residential floor area
	Maximum height	35 ft. [a]
Accessory structures	Maximum area, all accessory buildings.	792 sq. ft. or 2% of lot size, whichever is greater.
	Maximum height	25 ft., [a]
	Maximum number of accessory buildings	Three
Minimum Setbacks — R-4 District		
Principal structure	Street yard	10 ft. [e]
	Secondary street yard	10 ft. [e]
	Side yard	7 ft.
	Rear yard	10 ft.
	Shore yard	75 ft.
Accessory structures [f]	Secondary street yard	10 ft.
	Side yard	7 ft.
	Rear yard	7 ft.

[a] See § 336-27, Modifications, of this chapter for exceptions.

[b] RESERVED

[c] The maximum area for an accessory building located on a garage lot is 800 square feet.

[d] RESERVED

[e] As per § Trans. 233.08(2)(a), Wis. Adm. Code, the street yard setback is 110 feet of the center line of a state trunk highway or connecting highway or 50 feet of the nearer right-of-way line of a state trunk highway or connecting highway, whichever is furthest from the center line.

[f] RESERVED

**§ 336-59. B-1 District.**

- A. Purpose. The purpose of the B-1 District is to provide for a variety of highway-oriented commercial land uses at lower land use densities on lots directly abutting town roads and highways.
- B. Uses. See § 336-52C for permitted uses, conditional uses, and accessory uses in the B-1 District.
- C. Dimensional standards.

Lot Standards — B-1 District		
Lot	Minimum area	None
	Minimum frontage	66 ft.
	Minimum width	66 ft.
	Minimum preserved open space	40% of lot
Building and Structure Standards — B-1 District		
Principal structure	Minimum floor area	None
	Maximum height	35 ft. [a]
Accessory structures	Maximum area, all buildings combined	None
	Maximum height	35 ft. [a]
	Maximum number of accessory buildings	None
Minimum Setbacks — B-1 District		
All structures [b]	Street yard	50 ft. from right-of-way [c]
	Secondary street yard	50 ft. from right-of-way [c]
	Side yard	20 ft.
	Rear yard	20 ft.
	Shore yard	75 ft.

[a] See § 336-27, Modifications, of this chapter for exceptions.

[b] Detached accessory structures are prohibited in the street yard.

[c] As per § Trans. 233.08(2)(a), Wis. Adm. Code, the street yard setback is 110 feet of the center line of a state trunk highway or connecting highway or 50 feet of the nearer right-of-way line of a state trunk highway or connecting highway, whichever is furthest from the center line.

- D. Parking. Parking in the B-1 District shall conform to the requirements of Article VIII, Traffic, Access, Loading and Parking.

- E. Site plan review. Development and redevelopment in the B-1 District shall comply with the requirements of Article IX, Site Plan Review.
- F. Landscaping. Development and redevelopment in the B-1 District shall comply with the requirements of Article X, Landscaping Requirements.

### § 336-60. B-2 District.

- A. Purpose. The purpose of the B-2 District is to provide for compact, smaller scale commercial development, including mixed commercial/residential structures, within areas identified for commercial nodes in the Town of Polk Comprehensive Plan. Development within the B-2 District shall occur under an approved master site plan which establishes the framework for the design and development of all future improvements within the commercial node.
- B. Uses. See § 336-52C for permitted uses, conditional uses, and accessory uses in the B-2 District.
- C. Dimensional standards.

Lot Standards — B-2 District		
Lot	Minimum area	Five acres
	Minimum frontage	150 ft.
	Minimum width	150 ft.
	Minimum preserved open space	40% of lot
Building and Structure Standards — B-2 District		
Principal structure	Maximum floor area	4,000 sq. ft.
	Maximum height	Structure with residential use — 35 ft. [a]
		Structure without residential use — 25 ft. [a]
Accessory structures	Minimum height	20 ft.
	Maximum area, all accessory buildings	264 sq. ft.
	Maximum height	20 ft. [a]
	Maximum number of accessory buildings	One per principal building
B-2 District Building Sites		
All structures [b]	Minimum area	None, but sufficient in size to comply with required setbacks [c]
	Setbacks	Buildings shall be set back no less than 10 ft. from the perimeter of the building site, and no more than 20 ft. from the sidewalk. [c]

- [a] See § 336-27, Modifications, of this chapter for exceptions.
- [b] Detached accessory structures shall be associated with, and sited to the rear of, their respective principal structures.
- [c] As per § Trans. 233.08(2)(a), Wis. Adm. Code, the street yard setback is 110 feet of the center line of a state trunk highway or connecting highway or 50 feet of the nearer right-of-way line of a state trunk highway or connecting highway, whichever is furthest from the center line.

D. Additional standards.

(1) General.

- (a) Buildings may be individually owned, separate from site ownership.
- (b) Buildings may be owner- or renter-occupied.
- (c) Buildings shall be at constructed at a human/pedestrian scale.

(2) Site design.

- (a) Site designs shall create a sense of place and provide setting for pedestrian activity and mobility internal to the development node.
- (b) Site designs shall minimize the negative effects of motorized vehicle movements and speed within the development node.
- (c) Building sites may be served by individual or clustered/shared POWTS.

(3) Parking.

- (a) All building sites shall be served by common driveways, sidewalks, and parking areas.
- (b) Parking areas shall be located between building sites and road right-of-way.
- (c) Parking areas shall have no more than two accesses to highway or road.
- (d) Each building site shall have at least one designated, barrier-free parking stall.
- (e) One parking space shall be required for, and assigned to, each residential dwelling unit.

(4) Dwelling units.

- (a) Location. Dwelling units may be located on the second floor or third floor of a building when deemed by the Plan Commission to be compatible with the nonresidential use(s) of the building.
- (b) Size. The minimum area for a dwelling unit shall be 750 square feet.
- (c) Occupancy. Dwelling units may be owner- or renter-occupied.

E. Parking. Parking in the B-2 District shall conform to the requirements of Article VII, Traffic, Parking, and Access, when not inconsistent with the requirements of Subsection D(3) above.

F. Site plan review. Development and redevelopment in the B-2 District shall comply with the requirements of Article IX, Site Plan Review.

- G. Landscaping. Development and redevelopment in the B-2 District shall comply with the requirements of Article X, Landscaping Requirements.

**§ 336-61. M-1 District.**

- A. Purpose. The purpose of the M-1 District is to provide for light industrial operations conducted entirely within an enclosed structure or fully screened outdoor storage or assembly area.
- B. Uses. See § 336-52C for permitted uses, conditional uses, and accessory uses in the B-2 District.
- C. Dimensional standards.

Lot Standards — M-1 District		
Lot	Minimum area	None
	Minimum frontage	66 ft.
	Minimum width	66 ft.
	Minimum preserved open space	40% of lot
Building and Structure Standards — M-1 District		
Principal structure	Minimum floor area	None
	Maximum height	45 ft. [a]
Accessory structures	Maximum area, all accessory buildings	None
	Maximum height	45 ft. [a]
	Maximum number of accessory buildings	None
Minimum Setbacks — M-1 District		
All structures [b]	Street yard	50 ft. from right-of-way [c]
	Secondary street yard	50 ft. from right-of-way [c]
	Side yard	20 ft.
	Rear yard	20 ft.
	Shore yard	75 ft.

[a] See § 336-27, Modifications, of this chapter for exceptions.

[b] Detached accessory structures are prohibited in the street yard.

[c] As per § Trans. 233.08(2)(a), Wis. Adm. Code, the street yard setback is 110 feet of the center line of a state trunk highway or connecting highway or 50 feet of the nearer right-of-way line of a state trunk highway or connecting highway, whichever is furthest from the center line.

- D. Parking. Parking in the M-1 District shall conform to the requirements of Article VIII, Traffic, Access, Loading, and Parking.
- E. Site plan review. Development and redevelopment in the M-1 District shall comply with the requirements of Article IX, Site Plan Review.

- F. Landscaping. Development and redevelopment in the M-1 District shall comply with the requirements of Article X, Landscaping Requirements.

**§ 336-62. M-2 District.**

- A. Purpose. The purpose of the M-2 District is to provide for industrial uses more intensive than those permissible in the M-2 District and conducted entirely within an enclosed structure or fully screened outdoor storage or assembly area.
- B. Uses. See § 336-52C for permitted uses, conditional uses, and accessory uses in the B-2 District.
- C. Dimensional standards.

Lot Standards — M-2 District		
Lot	Minimum area	None
	Minimum frontage	66 ft.
	Minimum width	66 ft.
	Minimum preserved open space	40% of lot
Building and Structure Standards — M-2 District		
Principal structure	Minimum floor area	None
	Maximum height	45 ft. [a]
Accessory structures	Maximum area, all accessory buildings	None
	Maximum height	45 ft. [a]
	Maximum number of accessory buildings	None
Minimum Setbacks — M-2 District		
All structures [b]	Street yard	50 ft. from right-of-way [c]
	Secondary street yard	50 ft. from right-of-way [c]
	Side yard	20 ft.
	Rear yard	20 ft.
	Shore yard	75 ft.

[a] See § 336-27, Modifications, of this chapter for exceptions.

[b] Detached accessory structures are prohibited in the street yard.

[c] As per § Trans. 233.08(2)(a), Wis. Adm. Code, the street yard setback is 110 feet of the center line of a state trunk highway or connecting highway or 50 feet of the nearer right-of-way line of a state trunk highway or connecting highway, whichever is furthest from the center line.

- D. Parking. Parking in the M-2 District shall conform to the requirements of Article VIII, Traffic, Access, Loading, and Parking.
- E. Site plan review. Development and redevelopment in the M-2 District shall comply with the



requirements of Article IX, Site Plan Review.

- F. Landscaping. Development and redevelopment in the M-2 District shall comply with the requirements of Article X, Landscaping Requirements.

**§ 336-63. M-3 District.**

- A. Purpose. The purpose of the M-3 District is to provide opportunities for multi-use economic development by accommodating two or more compatible light manufacturing uses on individual parcels, housed within a single structure or multiple structures.
- B. Uses. See § 336-52C for permitted uses, conditional uses, and accessory uses in the M-3 District.
- C. Dimensional standards.

Lot Standards — M-3 District		
Lot	Minimum area	None
	Minimum frontage	66 ft.
	Minimum width	66 ft.
	Minimum preserved open space	40% of lot
Building and Structure Standards — M-2 District		
Principal structure	Minimum floor area	None
	Maximum height	45 ft. [a]
Accessory structures	Maximum area, all accessory buildings	None
	Maximum height	45 ft. [a]
	Maximum number of accessory buildings	None
Minimum Setbacks — M-2 District		
All structures [b]	Street yard	50 ft. from right-of-way
	Secondary street yard	50 ft. from right-of-way
	Side yard	20 ft.
	Rear yard	20 ft.
	Shore yard	75 ft.
	Between structures	25 ft.

[d] See § 336-27, Modifications, of this chapter for exceptions.

[e] Detached accessory structures are prohibited in the street yard.

- D. Parking. Parking in the M-3 District shall conform to the requirements of Article VIII, Traffic, Access, Loading, and Parking.
- E. Site plan review. Development and redevelopment in the M-3 District shall comply with the

requirements of Article IX, Site Plan Review.

- F. Landscaping. Development and redevelopment in the M-3 District shall comply with the requirements of Article X, Landscaping Requirements.

**§ 336-64. Q-1 District.**

- A. Purpose. The purpose of the Q-1 District is to provide for nonmetallic mining opportunities at appropriate locations in the Town, establish regulations governing the operations of quarries and ancillary uses in order to promote the public health, safety, and general welfare of the Town of Polk, and:

- (1) Preserve the rural character and natural beauty of the Town.
- (2) Ensure that development occurs in an orderly manner.
- (3) Provide for the safety of Town residents.
- (4) Encourage the most appropriate use of the land.
- (5) Minimize the impact to the public and to the environment resulting from nonmetallic mining operations.
- (6) Realize goals, objectives, policies, and development standards set forth in plans, codes, and ordinances adopted by the Town.
- (7) Protect and preserve surface and ground water resources, wildlife habitat, and open space to the greatest degree practicable.
- (8) Minimize the risk of environmental pollution and surface and ground water contamination resulting from nonmetallic mining operations.

- B. Uses. See § 336-52C for permitted uses, conditional uses, and accessory uses in the Q-1 District.

- C. Dimensional standards.

Lot Standards — Q-1 District		
Lot	Minimum area	None
	Minimum frontage	66 ft.
	Minimum width	66 ft.
	Minimum preserved open space	None, but shall be consistent with approved Reclamation Plan
Minimum Setbacks — Q-1 District		
All structures [a]	Road right-of-way	150 feet from perimeter of actual pit or extraction area
	Adjacent residences	500 feet from perimeter of actual pit or extraction area

Unimproved properties unless  
common ownership

150 feet from perimeter of actual pit or  
extraction area

[a] Detached accessory structures are prohibited in the street yard.

- D. Parking. Parking in the Q-1 District shall conform to the requirements of Article VIII, Traffic, Access, Loading, and Parking.
- E. Site plan. The operator of a nonmetallic mining shall submit one paper copy and one digital copy (PDF format) of a nonmetallic mining operations site plan to the Zoning Administrator for review and approval by the Plan Commission. In addition to the requirements of Article IX, Site Plan Review, of this chapter, the nonmetallic mining operations site plan shall include all of the following, as applicable:
- (1) The name, address, telephone number, and email address of the operator.
  - (2) Deed and lease. A copy of the deed and signed copy of the lease(s) (if applicable) which authorizes the operator to enter upon the lessor's land for the purpose of mining as defined in this chapter. The expiration date of the lease shall be clearly indicated therein.
  - (3) Legal description. A legal description and survey map of the tracts of land to be involved and affected by the proposed nonmetallic mining operation and the approximate total number of acres involved.
  - (4) Plan map. Drawn at a scale of no less than one inch equals 400 feet and including on its face or as attachments all of the following:
    - (a) Property boundaries of the operator's owned and/or leased land consistent with the legal description of the premises.
    - (b) Location and names, as applicable, of all known streams, wetlands, environmentally sensitive areas, roads, railroads, utility lines, easements, and restricted covenants on or immediately adjacent to the site.
    - (c) Names and addresses of all parties of interest.
    - (d) The general location description all structures located within 1,500 feet of the property boundaries.
    - (e) Location of all private and/or public wells located within 1,500 feet of the property boundaries.
    - (f) The location of any high capacity wells located in the site or within 1,000 feet of the property boundaries.
    - (g) Location and description of mining site boundary stakes and permanent reference point.
    - (h) All excavation and phase boundaries, if any, shall be staked or otherwise marked per the survey by the operator and inspected by the Town and/or its consultants prior to commencing operations on a site. Stakes shall be made of steel consisting of at a minimum a two-inch diameter pipe. Stakes shall be placed on all corners of the site and additional stakes shall be placed every 300 feet between corner stakes. Stakes shall be set so they are

at least five feet aboveground level and painted with a highly visible color.

- (i) Existing and proposed drainage within the property boundaries.
  - (j) The location and description of all setbacks, berms, fences, signs, and other required security features.
- F. Operations plan. The operation plan shall include information about the site, a legal description of the proposed nonmetallic mining operation, and methods and procedures to be used in mining the site including, but not necessarily limited to:
  - (1) Type of mining, processing, and transportation equipment to be used.
  - (2) Type of material(s) to be extracted.
  - (3) A description of the proposed horizontal and vertical dimensions.
  - (4) Description of site drainage plan.
  - (5) Description and location on ingress/egress point(s) and internal roadway locations (as applicable).
  - (6) Primary travel routes to be used to transport extracted material(s) off-site.
  - (7) Measures to be taken to control dust, noise, and vibrations resulting from operations and to remove mud and debris from vehicles leaving the site or a written explanation as to why such measures are not required based upon the specific circumstance of the nonmetallic mining operation and/or the general characteristics of the site.
    - (a) Dust control. Opacity limits for all fugitive emissions at the property line of the site shall comply with Wisconsin Department of Natural Resources requirements. The operator shall maintain proper records of all dust control activities, including the time, location, method, and type and quantity of materials used. The operator shall utilize the latest cost-effective technology proven and demonstrated in the operator's industry, which will not impose an unreasonable financial burden on the operator, to control and minimize fugitive dust, including, without limitation, the following:
      - [1] Paved entrance roadways and tracking pads/matts or similarly effective means.
      - [2] Standard methods of water spray (weather permitting).
      - [3] Dust covers on transfer points.
      - [4] Screen covers.
      - [5] Wheel washing (weather permitting).
      - [6] Contract sweeping (as needed).
    - (b) Noise controls. The operator shall comply with all applicable noise regulations. In the event of noise problems, the operator shall utilize the latest cost-effective technology proven and demonstrated in the operator's industry, which shall not impose an unreasonable financial burden on the operator in its efforts to control and minimize noise impacts.

- (8) Measures to be taken to protect the general public including, but not necessarily limited to, securing fencing, signage, warning lights and horns, and other as may be required by the Plan Commission depending upon the nature and scope of the proposed operations.
  - (a) Berms. The operator shall construct vegetated berms as stripped overburden and topsoil become available on the site or from suitable outside sources.
    - [1] Such berms shall be substantially completed prior to the commencement of nonmetallic mining operations.
    - [2] Vegetated berms shall be constructed outside of any required set back or right-of-way but shall in no case be located farther than 150 feet from said setback or right-of-way.
    - [3] Berms shall have an aesthetically pleasing appearance and shall be constructed of soil, rock, and/or other appropriate materials and shall comply with the requirements of this chapter.
    - [4] Operators may be required to undulate and meander the berms so as to provide a visually appealing barrier between nonmetallic mining operations and adjacent land uses.
  - (b) Fencing. The Plan Commission may require the installation of a security fence outside and generally at the base of the perimeter screening berms in any area of the site where the Plan Commission believes such a fence would be necessary for the purposes of the operator's security and/or the protection of the public. Such fencing shall comply fully with the requirements of this chapter.
  - (c) Number of employees typically anticipated on-site.
  - (d) The proposed hours of operation.
  - (e) A copy of the approved reclamation plan as required under Washington County Chapter 265, Nonmetallic Mining Reclamation and Ch. NR 135, Wis. Adm. Code.
- G. Ground water quality and monitoring. The Plan Commission may require the completion of a hydrogeologic study of the nonmetallic mining site be completed should existing evidence suggest the reasonable likelihood of groundwater contamination resulting from the operation. The following shall apply should such study be required:
  - (1) Prior to commencing nonmetallic mining operations, the operator shall undertake a hydrogeologic study to determine the potential zone of influence of the operations on groundwater supplies. Written results of the hydrogeologic study shall be provided to the Plan Commission and maintained on-site for the duration of nonmetallic mining operations and reclamation.
  - (2) Prior to commencing nonmetallic mining operations, the operator shall install a network of monitoring wells to monitor the impact of the nonmetallic mining operation on the groundwater system in the vicinity of the site.
    - (a) The operator shall inform the Plan Commission of the status and results of the monitoring program as part of its biannual report.
    - (b) The precise positioning and depths of the monitoring wells shall be determined in

consultation with the Plan Commission.

- H. Refuse, waste, and contamination prevention. Prior to commencing nonmetallic mining operations, the operator shall submit a refuse, waste, and contamination prevention report to the Town Board demonstrating the steps the operator will take to ensure proper storage and removal of nonmetallic mining refuse, garbage, and waste, prevent and contain spills, and in general protect surface and groundwater within and without to the site.
- I. Limits of operation. Nonmetallic mining operations shall comply in all respects to the approved site plan and operations plan.
- J. Certificate of insurance. Each application for a permit herein or a renewal thereof shall be accompanied by a certificate of insurance for a commercial general liability policy and said policy of insurance shall have limits of coverage not less than \$5,000,000 in the aggregate, and \$1,000,000 per occurrence and the Town of Polk shall be named as an additional insured on applicant's policy of liability insurance.
- K. Other information. The Plan Commission may require the submittal of such other information as may be necessary to determine the nature of the nonmetallic mining operation and the effect on the surrounding area. The Plan Commission may waive portions of the specified information if it is satisfied that, because of the nature or method of the operation, such information is not relevant or is unnecessary to a full and proper evaluation of the operation. In determining what information shall be waived, the Plan Commission shall take into account, among other things, the nature of the operation and it is a legally preexisting operation. It shall be the obligation of the operator to request any such waiver. Such request shall set forth the justification for such waiver.
- L. Records of operation. All records of the permittee regarding the conduct of the nonmetallic mining operation which are reasonably needed for the proper monitoring and evaluation of the operation of the enforcement of this chapter shall be subject to inspection by the Town and/or its consultants at all reasonable times; provided however, that Town personnel and/or consultants, to the extent provided by law, shall take reasonable steps to prevent disclosure of records which the operator advises, in writing, contain privileged trade secret information.
- M. All Uses in the Q-1 Quarrying District are to conform with performance standards of this chapter.
- N. Landscaping. Development and redevelopment in the Q-1 District shall comply with the requirements of Article X, Landscaping Requirements.

#### **§ 336-65. I-1 District.**

- A. Purpose. The purpose of the I-1 District is to provide an appropriate zoning classification for Town properties, government facilities, public parks, and similar such public uses.
- B. Uses. See § 336-52C for permitted uses, conditional uses, and accessory uses in the I-1 District.
- C. Dimensional standards.

Lot Standards — I-1 District		
Lot	Minimum area	None
	Minimum frontage	None

	Minimum width	None
	Minimum preserved open space	40% of lot
Building and Structure Standards — I-1 District		
Principal structure	Minimum floor area	None
	Maximum height	None
Accessory structures	Maximum area, all accessory buildings	None
	Maximum height	None
	Maximum number of accessory buildings	None
Minimum Setbacks — I-1 District		
All structures [b]	Street yard	50 ft. from right-of-way [c]
	Secondary street yard	50 ft. from right-of-way [c]
	Side yard	20 ft.
	Rear yard	20 ft.
	Shore yard	75 ft.

[a] See § 336-27, Modifications, of this chapter for exceptions.

[b] Detached accessory structures are prohibited in the street yard.

[c] As per § Trans. 233.08(2)(a), Wis. Adm. Code, the street yard setback is 110 feet of the center line of a state trunk highway or connecting highway or 50 feet of the nearer right-of-way line of a state trunk highway or connecting highway, whichever is furthest from the center line.

- D. Parking. Parking in the I-1 District shall conform to the requirements of Article VIII, Traffic, Access, Loading, and Parking.
- E. Site plan review. Development and redevelopment in the I-1 District shall comply with the requirements of Article IX, Site Plan Review.
- F. Landscaping. Development and redevelopment in the I-1 District shall comply with the requirements of Article X, Landscaping Requirements.

#### § 336-66. P-1 District.

- A. Purpose. The purpose of the P-1 District is to provide for uses of a public recreational or entertainment nature.
- B. Uses. See § 336-52C for permitted uses, conditional uses, and accessory uses in the P-1 District.
- C. Dimensional standards.

Lot Standards — P-1 District		
Lot	Minimum area	None

	Minimum frontage	66 ft.
	Minimum width	66 ft.
	Minimum preserved open space	40% of lot
Building and Structure Standards — P-1 District		
Principal structure	Minimum floor area	None
	Maximum height	35 ft. [a]
Accessory structures	Maximum area, all accessory buildings	None
	Maximum height	25 ft. [a]
	Maximum number of accessory buildings	None
Minimum Setbacks — P-1 District		
All Structures [b]	Street yard	50 ft. [c]
	Secondary street yard	50 ft. [c]
	Side yard	50 ft.
	Rear yard	50 ft.
	Shore yard	75 ft.

[a] See § 336-27, Modifications, of this chapter for exceptions.

[b] Detached accessory structures are prohibited in the street yard.

[c] As per § Trans. 233.08(2)(a), Wis. Adm. Code, the street yard setback is 110 feet of the center line of a state trunk highway or connecting highway or 50 feet of the nearer right-of-way line of a state trunk highway or connecting highway, whichever is furthest from the center line.

- D. Parking. Parking in the P-1 District shall conform to the requirements of Article VIII, Traffic, Access, Loading, and Parking.
- E. Site plan review. Development and redevelopment in the P-1 District shall comply with the requirements of Article IX, Site Plan Review.
- F. Landscaping. Development and redevelopment in the P-1 District shall comply with the requirements of Article X, Landscaping Requirements.

### § 336-67. PUD Overlay.

#### A. Purpose.

- (1) The purpose of the PUD Overlay is to allow, as a conditional use and pursuant to § 60.61(2)(b), Wis. Stats., developments that will, over a period of time, be enhanced by coordinated area site planning, diversified location of structures, variation in building types, and/or mixing of compatible uses. Such planned developments are intended to provide a safe and efficient system for pedestrian and vehicle traffic, attractive recreation, and open spaces as integral parts of the developments, cost effective and efficient design in the location of public and private utilities and community facilities, and adequate standards of construction and planning. The PUD



Overlay allows for flexibility in overall development design to accommodate development, redevelopment, and rehabilitation of property that will serve the best interests of the Town, while at the same time maintaining, insofar as possible, other standards or use requirements as appropriate and set forth in the underlying standard zoning district. The PUD Overlay may also allow traditional neighborhood development (TND) and conservation subdivisions. The use of the PUD Overlay shall be subject to regulatory standards as necessary to be consistent with the direction or guidelines set forth in the comprehensive plan or components thereof.

- (2) Projects within planned developments that are granted the benefit of flexibility in the application of standard land use regulations, including design considerations, shall be determined by the Plan Commission to include unique or distinct development features that would enhance the project in ways that would not be realized when applying standard design and land use regulations for site development. Such features may include, but are not limited to: large or unique open spaces, extensive or ornate architectural or landscape features, environmentally sustainable technologies and innovative building materials, and affordable and accessible housing. The Plan Commission, however, shall not allow such design flexibility regarding density and required lot area, width, and yard/setback requirements in the underlying standard zoning district for the sole purpose of increasing development intensity.

B. Uses.

- (1) Any use allowed as either a permitted, conditional, or accessory use in an underlying standard zoning district may be allowed as a conditional use in a planned development. All uses shall be conditional upon the determination as to their appropriateness within the context of the comprehensive plan or components thereof, their conformance with the provisions of the PUD Overlay, and subject to such conditions as may be established as part of final plan approval. Uses allowed in PUD Overlay shall conform to permitted, conditional, or accessory use requirements generally allowed in the underlying standard zoning district. Any use deemed by the Plan Commission to be incompatible with another proposed use, uses on adjoining parcels, or the cultural or geographic character of the surrounding area will be prohibited.
- (2) Principal uses.
  - (a) Residential PUD.
  - (b) Commercial PUD.
  - (c) Manufacturing PUD.
  - (d) Mixed-Use or Town Center Overlay PUD.

C. Districts allowed. The PUD Overlay may be used for development in the following standard zoning districts with the following conditions:

- (1) R-1 District. Nonresidential development shall not exceed 20% of the developed footprint of the PUD.
- (2) R-2 District. Nonresidential development shall not exceed 20% of the developed footprint of the PUD.
- (3) R-3 District.
  - (a) Nonresidential development shall comply with minimum preserved open space

requirements.

- (b) Nonresidential development shall not exceed 20% of the developed footprint of the PUD.
- (4) B-1 District. Residential development shall not exceed 60% of the developed footprint of the PUD.
- (5) B-2 District. Residential development shall not exceed 60% of the developed footprint of the PUD.

D. Dimensional standards.

- (1) Minimum area. The minimum area for the development will be determined on a case-by-case basis by the Plan Commission based upon the type of proposed uses and the minimum area necessary to support such uses, including proposed activities or operation, principal buildings, and accessory structures, off-street parking and loading/unloading areas, and required open space or yards/setbacks. All open space and parking requirements of the underlying standard zoning district shall be complied with either dividually or by providing the combined open space and parking space required for the entire development in one or more locations within the development unless allowed to be modified.
- (2) Density.
  - (a) The PUD shall comply with the net development density of the underlying standard zoning district; however, the Town Board may approve an increase in residential development density, not to exceed 20% of the net development density of the underlying standard zoning district, based upon its determination the proposed PUD will, as applicable:
    - [1] Provide better use of the land and preservation of significant environmental of significant environmental, historical, or archaeological resources than would otherwise be realized if the site were developed under the density requirements of the underlying district or as a planned development without an increased density.
    - [2] Make adequate provisions so an increase in residential density will not have an unreasonable adverse effect on neighboring properties, existing or proposed public rights-of-way, and municipal and other public services as a result of the type, intensity, and frequency of the use(s) associated with the proposed development.
    - [3] Consist of structures, landscaping, and uses that will be harmonious with or significantly enhance the visual character of the neighborhood.
    - [4] Contain selected building and landscaping materials of exemplary quality and be compatible with the natural environment and neighborhood character.
    - [5] Result in the construction or upgrading of specific public infrastructure improvements that will benefit the public without cost to the Town.
    - [6] Improve an existing structure and site that is deemed beneficial to the character of the neighborhood where it is situated.
    - [7] Provide a mix of housing styles, types, and sizes to accommodate households of all ages, size, incomes, and physical capabilities.
  - (b) In no case shall net development density exceed 20% of the net development density of

the underlying standard zoning district.

- (3) Building height and floor area. Individual structures shall comply with the specific building area and height requirements of the underlying standard zoning district; however, the Town Board may allow an increase in building height upon determination that such an increase is warranted to support the public benefit likely to result from the proposed development.
- E. Ownership and transfers. The unified and planned development of a site in a single, partnership, or corporate ownership or control, or in common ownership under the Wisconsin Condominium Ownership Act set forth in Chapter 703 of the Wisconsin Statutes may be permitted by the Town upon specific petition, with such development encompassing one or more principal uses or structures and related accessory uses or structures when all regulations and standards as set forth in this section have been met. Individual lots or buildings may be subsequently conveyed to separate ownerships if allowed by the terms of the development agreement.
- F. Application procedure.
- (1) Pre-application meeting and conceptual plan. Prior to official submittal of the application for approval of a PUD, the applicant shall meet with the Plan Commission and staff and provide sufficient written details and drawings concerning to discuss the scope and nature of the contemplated development as necessary to allow adequate staff review. The purpose of conceptual review is solely to allow for nonbinding discussion and feedback about a possible project regarding issues that may have to be addressed in the event an application is submitted and shall not, under any circumstance, vest any party with any rights with respect to the development proposed or discussed at this meeting.
  - (2) Application. Following the preapplication meeting, the owner or their agent may file an application for zoning change and application for PUD Overlay along with all required application fees. The application shall include:
    - (a) A statement that sets forth the relationship of the proposed planned development to the Comprehensive Plan, or any adopted component thereof, and the general character of and the uses to be included in the proposed development, including the following information as applicable:
      - [1] Total area to be included in the planned development, area of open space, residential density computations, proposed number of dwelling units, population and economic analyses, availability of or requirements for municipal services, and any other similar data pertinent to a comprehensive evaluation of the proposed development.
      - [2] A general summary of financial factors such as value of structures, estimated improvement costs, amount proposed for landscaping and special features, estimated sale or rental price, and total anticipated development cost of the project.
      - [3] A general outline of the organizational structure of a property owners' or management association, which may be proposed to be established for the purpose of providing any necessary private services and to determine the manner in which the association will participate in the formulation and execution of the development agreement.
      - [4] Any proposed departures from the standards of development as set forth in this chapter, land division ordinance, or other applicable Town regulations, standards, or

guidelines.

- [5] A development timetable, including all benchmark dates from commencement to completion of the physical development of the proposed project.
- (b) A general development plan that shall include, in addition to those site, landscaping, and architectural review requirements as otherwise set forth in this chapter, the following as applicable:
  - [1] A legal description of the boundaries of the subject property included in the proposed planned development and a description of its relationship to surrounding properties.
  - [2] The location of public and private roads, driveways, sidewalks, parking facilities, intended design standards, and the calculations used to justify the number of proposed parking spaces.
  - [3] The size, arrangement, and location of lots or any individual building sites and proposed building groups on each individual site.
  - [4] The location of institutional, recreational, and open space areas and areas reserved or dedicated for public uses, including schools, parks, drainageways, etc.
  - [5] The type, size, and location of all structures.
  - [6] General landscape treatment, compliant with Article X, Landscaping Requirements, of this chapter.
  - [7] Architectural plans, elevations, and perspective drawings and sketches illustrating the design and character of proposed structures.
  - [8] Method of water supply and wastewater treatment.
  - [9] The existing and proposed location of all private utilities or other easements.
  - [10] Characteristics of soils related to contemplated specific uses.
  - [11] Existing topography with two-foot contours and stormwater drainage pattern and proposed stormwater drainage system showing standard topography changes, if deemed necessary for project evaluation.
  - [12] Anticipated uses of adjoining lands in regard to roads, surface water drainage, and compatibility with existing adjacent land uses.
  - [13] If the development is to be staged (developed in phases), a staging plan.
- G. Plan Commission review. The application for a PUD Overlay shall be referred to the Plan Commission for its review and recommendation, regarding whether the PUD Overlay zoning classification should be applied to the property in the application. The Plan Commission may recommend any additional conditions or restrictions that may be deemed necessary or appropriate to meet the purpose and intent of this chapter and the comprehensive plan.
- H. Public hearing. The Plan Commission, before formulating its recommendation to the Town Board, shall hold a public hearing pursuant to the requirements of this chapter. Notice for such hearing shall include reference to the development plans filed in conjunction with the requested zoning change.

- I. Basis for approval. The Plan Commission, in making its recommendations, and the Town Board, in making its determination or approval, shall consider that:
- (1) Initiation. The petitioners for the proposed PUD have demonstrated that they intend to begin the physical development within one year following the approval of the application; the development will be carried out according to a reasonable construction schedule and, if applicable, staging (phasing) plan satisfactory to the Town; and the applicants for the proposed development have the financial capacity to implement the project as proposed.
  - (2) Assistance and deviations. The proposed PUD has been prepared with adequate professional assistance, especially as related to justifying deviation from standards set forth in the underlying standard zoning districts(s) or from other development standards such as those for streets and utilities.
  - (3) Compliance. The proposed PUD is consistent in all respects to the purpose of this section and to the spirit and intent of this chapter; is in conformity with the adopted comprehensive plan, detailed neighborhood plan, or any adopted component thereof, including design guidelines; achieves the purposes and benefits of zoning and planned developments as set forth in § 62.23(7)(b) and (c), Wis. Stats.; and would not be contrary to the general welfare and economic prosperity of the Town.
  - (4) Other general review criteria. The Plan Commission and Town Board shall further find that:
    - (a) The proposed site shall be provided with adequate stormwater management facilities.
    - (b) The proposed site shall be accessible from public roads that are adequate to carry the traffic that can be expected to be generated by the proposed development.
    - (c) The proposed development shall be adequately provided with and shall not impose any undue constraint or burden on public services and facilities, such as fire and police protection, streets, water supply, sanitary sewer service, stormwater infrastructure, and maintenance of such features and public areas.
    - (d) The streets and driveways on the site of the proposed development shall be adequate to serve the residents, businesses, and any other uses of the development and shall meet the minimum standards of all applicable Town ordinances.
    - (e) The locations of entrances and exits have been designated to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets, and that the development will not create an unreasonable adverse effect upon the general traffic pattern of the surrounding neighborhood. Insofar as is practicable, consolidation of driveways, parking, and curb cuts and connection driveways between properties, where appropriate, shall be provided to enhance safety and provide more efficient and economical access and parking.
    - (f) The proposed site shall be provided with adequate public or private sanitary sewerage and water distribution facilities where applicable.
    - (g) The architectural design, landscaping, lighting control, and general site development will result in an attractive and harmonious service area compatible with and not adversely affecting the surrounding neighborhood, including its character which often provides a context of standards to guide project designs.

- (h) The entire tract or parcel of land to be included in a PUD Overlay shall be held under single ownership, or if there is more than one owner, the application for the PUD Overlay shall be considered as one tract, lot or parcel, and the legal description must define said PUD Overlay as a single parcel, lot or tract and be so recorded with the County Register of Deeds.
- (5) For Residential PUD:
- (a) Such development will create an attractive environment of sustained desirability and economic stability, including placement of structures in relation to terrain, consideration of safe pedestrian and bicyclist flow, access to recreation and open space, and coordination with overall plans for the neighborhood.
  - (b) The total net residential density within the PUD Overlay will be compatible with the comprehensive, or components thereof. The total net residential density shall also be consistent with and not exceed the intensity and density of development permitted in the underlying standard use district, unless otherwise approved as allowed in this section. When the underlying standard zoning district includes more than one residential district, the density for the land occupied by each district shall be calculated and the final maximum density for the PUD Overlay shall be the sum total of the number of units calculated for each district.
  - (c) Clustering within residential development is allowed provided that permanent common open space is set aside and protected so that the overall density of development allowed in the underlying development district is complied with unless a density bonus has been granted as otherwise allowed in this section.
  - (d) Adequate guarantee is provided for permanent preservation of open space areas as shown on the approved site or stewardship plan either by private reservation and maintenance or by dedication to the public.
  - (e) The care and maintenance of private open space shall be ensured either by establishment of an appropriate management organization for the project or by agreement with the Town for establishment of a special service district for the project area on the basis of which the Town shall provide the necessary maintenance service and levy the cost as a special assessment on the tax bills of properties within the project area. In any case, the Town shall have the right to carry out and levy an assessment for the cost of any maintenance that it feels necessary if it is not otherwise taken care of to the satisfaction of the Town. The manner of ensuring maintenance and assessing such cost to the individual properties shall be determined prior to the approval of the final project plans and shall be included in the title to each property.
  - (f) Ownership and tax liability of private open space reservation areas shall be established in a manner acceptable to the Town and made a part of the conditions of the PUD approval.
- (6) For Commercial PUD:
- (a) The economic practicality of the proposed development can be justified to the satisfaction of the Town Board.
  - (b) The development will be adequately served by off-street parking<sup>1</sup> and truck service facilities.

- (c) The locations for entrances and exits have been designed to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets, and the development will not create an adverse effect upon the general traffic pattern of the surrounding neighborhood.
  - (d) The development may be established as a vibrant hub or attractive business park-like setting with open space and recreational paths or other amenities serving/provided for employees and customers from a variety of business uses including live-work units, supporting service businesses, and compatible small-scale manufacturers that will not have any detrimental effect on the surrounding area.
- (7) For Manufacturing PUD:
- (a) The operational character, physical plant arrangement, and architectural design of buildings will be compatible with the latest in performance standards, and industrial development design and will not have any adverse effects upon the property values of the surrounding neighborhood.
  - (b) The development will include adequate provisions for off-street parking and loading areas and will be adequately served by rail and/or arterial highway facilities.
  - (c) The development is properly related to the total transportation system of the community and will not adversely affect the safety and efficiency of the public streets.
- (8) For Mixed-Use PUD:
- (a) The proposed mixture of compatible uses, such as residential, retail, office, government, institutional, park/recreational, and open space uses (including uses within proposed traditional neighborhood and transit-oriented developments), will produce a unified development of various uses that is also compatible with the underlying standard zoning districts and, as a total development entity, with the surrounding neighborhood character.
  - (b) The various types of uses shall conform to the general requirements as set forth in this section, as applicable to projects of such use and character.
  - (c) The development will ensure that various uses are compatible with each other by providing suitable measures where necessary through, for example, controlling business operations or activities (e.g., hours, layouts, orientation, patterns, etc.) and installing physical features (e.g., distance separations, noise barriers, and other types of separation, screening, or buffering techniques).
  - (d) The development will be compact to make efficient use of land and public infrastructure and services and be designed with a human-scale focus in pedestrian-oriented street settings using complete street and green development design concepts, where applicable.
  - (e) A development encompassing residential uses shall contain an internal design providing proper connectivity to ensure safe and convenient access for residents or users, including pedestrians and bicyclists, to places of employment as well as civic cultural, retail, health, recreational, and other urban services and amenities.

J. Disposition of application.

- (1) General. The Town Board, after a public hearing and due consideration including a

recommendation from the Plan Commission, shall either approve the application as submitted, approve the application subject to modifications by additional conditions and restrictions, or deny the application.

(2) Approvals.

(a) The approval of a planned development shall be based on and include as conditions thereto the building, site, and operational plans for the development as approved by the Town Board.

(b) Plans submitted for approval shall be sufficiently precise and include all items as required by the Plan Commission and Town Board. A letter of credit for all improvements shall be submitted before final approval is granted. Detailed approval of plans for each stage or phase of development is required before building permits will be issued for the construction of the buildings or structures which are included in the plans for that stage or phase of development.

(3) Development agreement. The owner or developer shall enter into an appropriate contract with the Town to guarantee the implementation of the development according to the terms of the conditions established as part of the approved planned development.

K. Changes and additions. Any subsequent change or addition to approved plans or uses shall first be submitted for approval to the Plan Commission and if, in the Plan Commission's opinion, such change or addition is not substantial, it may recommend approval to the Town Board without a public hearing. If such change or addition is construed to be substantial, a public hearing before the Plan Commission and/or Town Board shall be required and notice thereof be given pursuant to the provisions of this chapter and said proposed alterations shall be approved or denied by the Town Board after the public hearing and considering a recommendation from the Plan Commission. Without limitations to the Plan Commission's right to determine any other change substantial, a change from that indicated in the approved development plan in any of the following respects may be construed to be substantial:

(1) An increase in the number of dwelling units.

(2) A significant change in the size, value, or type of building(s), structure(s), or landscaping.

(3) The addition of any principal uses or an increase in the intensity or frequency of use(s).

(4) A change in the standard concept of site development that would significantly alter the relationship or intensity of land uses within the development or to adjoining properties.

L. Land divisions. The division of any land within a PUD Overlay shall be accomplished pursuant to the Town land division regulations and when such division is contemplated, a preliminary plat or certified survey map of the lands to be divided shall accompany the application for PUD Overlay approval.

M. Termination. As per § 66.10015(5), Wis. Stats., if construction has not commenced within five years of the last approval date for completion of the project, then such approval expires unless extended by mutual agreement between the Town and owner or developer. Any standard district rezoning that accompanied the planned development shall revert to the previous zoning district upon termination. The construction work shall also be completed in accordance with any additional timelines established in the approval or developer's agreement unless revised or extended by mutual agreement between the Town and owner or developer.



**§ 336-68. through § 336-79. (Reserved)**

ARTICLE IV  
Specific Provisions

**§ 336-80. Salvage yards/junk yards.**

- A. 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 this chapter.
- B. Operation plan. The owner shall provide 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 Plan Commission may require in order to effectively review the operation.
- C. Restoration plan. The owner shall provide a proposed restoration plan and illustrative drawing showing the manner in which the site will be restored.
- D. Bond. No salvage yard, junk yard, or similar such use shall be approved until the owner furnishes a performance bond in such amount and on such conditions as shall be fixed by the Town Board.

**§ 336-81. Public gatherings.**

- A. 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 or more day 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.
- B. 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 this chapter.
- C. 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.
- D. Standards.
  - (1) For events scheduled for two or more successive days, at least one acre of land, exclusive of roads, parking lots, and required yards, shall be provided for each 100 persons attending.
  - (2) 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.
  - (3) 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 gates, at least one at or near four opposite points on the compass.

- (4) Provide proof that illumination sufficient to light the entire area of the assembly at the rate of at least five 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.
  - (5) Provide free parking sufficient to accommodate one parking space for every four persons.
  - (6) 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 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.
  - (7) 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 Town and sufficient emergency personnel to efficiently operate the required equipment.
  - (8) The permittee shall name the Town as an additional insured on a policy of commercial general liability insurance with coverage of at least \$2 million per occurrence and \$5 million aggregate and shall provide the Town with a certificate of insurance showing such coverage before the public gathering occurs.
- E. Other permits required.
- (1) Washington County special sanitary permit for public gathering.
  - (2) Any license required by Ch. 125, Wis. Stats.
  - (3) All required permits and licenses must be on file with the Plan Commission prior to issuance of the conditional use permit.
- F. Term. The conditional use 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.

### **§ 336-82. Recreation vehicles.**

Travel trailers, recreational vehicles, camping vehicles, trailered boats, trailered all terrain/utility terrain vehicles, trailered snowmobiles, and similar such vehicles may be parked or stored within the Town under the following conditions:

- A. General.
- (1) Parking and storage of such vehicles shall be accessory to a principal use.
  - (2) Parking and storage shall be limited to vehicles owned by the owner or occupant of the dwelling unit.
- B. Residential districts. In all residential districts, it is permissible to park recreation vehicles on private property in the following manner:
- (1) Parking is permitted inside any enclosed, lawfully erected structure.
  - (2) No more than two recreational vehicles may be stored on a year-round basis in the rear yard or side yard.

- (3) All recreational vehicles shall be parked or stored outside of the required setbacks of the lot.
  - (4) All recreational vehicles with a weight of 3,000 pounds or more shall be parked on a hard-surfaced driveway of asphalt or concrete.
- C. Recreational vehicles parked must have current licenses, registration, or tags.
- D. Recreational vehicles shall not be used as a dwelling or be connected to water or sanitary sewer.

**§ 336-83. Fences, walls, hedges, and berms.**

For the purposes of this section, the term "fence" applies to fences, wall, hedges, berms, and similar such structures as determined by the Zoning Administrator and defined in this chapter.

- A. Height. The height of fences and walls shall be measured at grade.
- (1) Residential zoning districts.
    - (a) The maximum height of a fence or wall within required side and rear setbacks in a residential zoning district shall not exceed six feet.
    - (b) The maximum height of a solid fence or wall within a required street yard setback shall not exceed three feet.
    - (c) Hedges, shrubbery, trees lines, and other such natural barriers may grow to their natural height.
    - (d) Such street yard fences may be increased to a maximum height of four feet if open, decorative, ornamental fencing materials that are less than 50% opaque are used.
    - (e) Such street yard fences or walls shall not be closer than one foot to any public right-of-way.
    - (f) No residential fence or wall shall be permitted in the shore yard.
  - (2) Nonresidential zoning districts.
    - (a) The maximum height of a fence or wall shall not exceed eight feet except in required street yard setbacks where the maximum height of a solid fence or wall shall not exceed three feet.
    - (b) Such street yard fences may be increased to a maximum height of four feet if open, decorative, ornamental fencing materials that are less than 50% opaque are used.
  - (3) Schools. There is no maximum height for fences around schools.
  - (4) Boundary fence. A boundary fence or wall shall not be more than six feet in height in residential districts and not more than 12 feet in commercial and industrial districts, except that hedges may be permitted to grow to their natural height. No boundary fence or wall, including a hedge or row planting, shall be permitted in excess of three feet in height between the front yard setback line and the abutting lot lines.
    - (a) In the case of grade separation, such as the division of properties by a retaining wall, fence height shall be determined based on measurement from the average point between highest and lowest grade.

- (5) Sound barrier/privacy fence or wall on a roadway. A sound barrier/privacy fence or wall constructed in a board-to-board or stone, masonry or brick and mortar style may be erected that prevents sound penetration and decreases the noise levels along the back or side lot line of a residential property abutting an arterial or collector street that has access restrictions and that is posted at no more than 45 miles per hour, shall not exceed eight feet in height.
- (6) Security fence. Security fences are permitted on the property lines in all districts except residential districts but shall not exceed 10 feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
- (7) Recreational fence. Recreational fences (such as for tennis courts, etc.) shall not exceed 10 feet in height and shall be a minimum of 10 feet from the property line.

B. Setbacks.

- (1) Residential districts. Fences in residential districts shall be set back no less than one foot from the property line.
- (2) Nonresidential districts. Fences in nonresidential districts shall be set back no less than two feet from the property line.

C. Materials and construction.

- (1) Barbed-wire fences, electrical fences, and single, double, and triple strand fences are prohibited except on active agricultural operations in the A-1 and A-2 Districts.
- (2) The owners of any adjoining residential parcel shall be notified in writing prior to the construction or installation of an electric fence.
- (3) For all zoning districts, except working farms, fence and post material must be either naturally resistant or treated wood board, vinyl, galvanized and/or vinyl coated chain-link material, wrought iron, brick, natural stone, masonry, or other material as approved by the Plan Commission. Chain-link fence slats are subject to provisions of this chapter.
- (4) Fences and walls located in the front yard must be made of materials such as wood, brick, vinyl, or stone.
- (5) The finished side of the fence shall be erected to face the adjoining property. The side with protruding studs or posts shall face the building of the lot responsible for the erection of the fence.

D. Exceptions. Protective security on industrial sites, publicly owned lands or semiprivate lands such as places of worship, educational institutions, utility substations, etc., are excluded from the provisions of this section, except that where such fences incorporate the use of barbed wire, such barbed wire shall not be less than seven feet above the ground level, and except such fences shall be a minimum of two-thirds open to vision equally distributed throughout the fence length, and maintain allowable height when located within the defined vision corner.

E. Maintenance. Both the fence and the property surrounding both sides of the fence shall be properly maintained in good repair to structure and appearance at all times.

F. Permit required. A zoning permit is required for all fences except for temporary seasonal fences (e.g., snow fences), and fences on working farms.

**§ 336-84. Swimming pools, hot tubs, and spas.**

- A. Applicability. This section applies to outdoor pools, hot tubs, spas, and similar such structures.
- B. Exemptions. Portable pools not to exceed 18 inches in depth and which are so constructed as to be readily disassembled for storage and reassembled to its original integrity are exempt from permitting and do not need fence protection but must be drained or covered in such manner as to provide public safety when left unattended.
- C. Permit required. A pool permit shall be issued by the Zoning Administrator prior to commencing the construction and installation of a swimming pool, hot tub, spa, or swimming pond. The construction and installation of a swimming pool, hot tub, spa, or swimming pond shall not commence prior to the issuance of a building permit, if so required by the Building Inspector.
- D. Site plan. An application shall be submitted on a form furnished by the Town and shall include a site plan drawing showing the following information:
  - (1) Location of swimming pool, hot tub, spa, or swimming pond on the lot and distance from the principal structure, detached accessory structures, property lines, easements, and fences.
  - (2) Location of overhead and/or underground wiring in relation to swimming pool, hot tub, spa, or swimming pond.
  - (3) Dimensions and depth of swimming pool, hot tub, spa, or swimming pond.
  - (4) Type, location, and height of fence, if required.
  - (5) Type, dimensions, and location of deck if proposed.
- E. Location.
  - (1) Swimming pools, hot tubs, spas, and swimming ponds shall be located in the side yard or rear yard and shall be located no less than 10 feet from rear and side yard lot lines. In determining the setback permanent fencing, decks, or similar surfaces shall be considered part of the swimming pool, hot tub, spa, or swimming pond.
  - (2) Swimming pools, hot tubs, spas, and swimming ponds shall not be located closer than five feet to any structure other than a deck.
  - (3) Swimming pools, hot tubs, spas, and swimming ponds shall not be located in utility or drainage easements and shall not be located in a conservancy.
- F. Security.
  - (1) In-ground pools. In-ground pools shall be:
    - (a) Completely fenced, before filling, by a permanent, sturdy fence, not less than four feet or more than eight feet in height. Access to any such pool shall be through a gate or gates in the fence, equipped with a self-closing, self-latching device placed at a minimum height of three feet above the ground; or,

- (b) Include a powered safety cover compliant with ASTM F1346-91.
- (2) Above-ground pools having a height of less than 3 1/2 feet aboveground at any portion of the poolside wall are required to be fenced the same as in-ground pools. When fencing is required, it shall be installed to extend a minimum of four feet beyond any area less than 42 inches high. When the height of a poolside wall is such that a fence will not be required, all ladders, steps, or other means of access to an aboveground pool shall be removed and/or designed to prevent access when the pool is unattended.
- (3) Hot tubs and spas with a lockable safety cover that can be fastened and key locked when unattended and shall be able to withstand 150 pounds.
- (4) Decks. Where decks surround or adjoin an aboveground swimming pool, hot tub, spa, or pond, a three-foot minimum height guardrail mounted to and measured from the deck surface to the top of the guardrail will be considered as meeting the fencing requirements as long as the design and construction regulations of this section are complied with and the overall vertical measurement from grade (ground) level to the top of the guardrail is a minimum height of four feet. Sides of stairs and gates leading to a deck shall also comply with the requirements of this section. Side yard and rear yard setbacks for a detached deck surrounding a swimming pool, hot tub or spa shall be measured 10 feet from the property line.
- G. Lighting. Lights used to illuminate any residential swimming pool, hot tub, spa, or pond shall be so arranged and shaded as to reflect light away from adjoining premises.
- H. Filtration system required. All private swimming pools, other than those specifically exempted above, shall have a filtration system to assure proper circulation of the water therein and maintenance of the proper bacterial quality thereof. The swimming pool, hot tub, spa, or pond shall be kept clean and in sanitary condition at all times.
- I. Drainage. In no case shall any swimming pool, hot tub, spa, or pond be drained on to properties other than that of the owner of the swimming pool, hot tub, spa, or pond.
- J. Covers. All covers are required to meet safety standard ASTM F1346-91.

#### **§ 336-85. Artificial bodies of water.**

- A. Exemptions. The following are exempted from the requirements of this section provided all required permits, as applicable, are obtained from the Zoning Administrator.
  - (1) Pools, both public and private.
  - (2) Landscape ponds.
  - (3) Detention ponds being constructed as part of a Town-approved stormwater management system as long as they are designed and constructed in accordance with the set standards of Washington County, Environmental Protection Agency (EPA), and Department of Natural Resources (DNR).
- B. Districts allowed. Artificial bodies of water are allowable in all zoning districts as a conditional use.
- C. Site plan required. Applications shall include a site plan scaled to at least one inch equaling 200 feet with the following information contained on the site plan:
  - (1) A map showing the location of the premises and the adjoining properties within 500 feet.

- (2) Topography of the site at two-foot intervals.
- (3) Any existing or proposed residential lots, buildings, easements, property lines, and setbacks.
- (4) Any existing waterways, floodways, or tile lines.
- (5) A scaled cross-section view of the artificial body of water in a north-south and east-west direction depicting slopes, safety benches, depths, and high and low water levels.
- (6) Outflow design with calculations.
- (7) Fencing, if required.
- (8) The source of water supply for residential dwellings (if appropriate) and the method(s) of maintaining low water levels.
- (9) Proposed truck and machinery access to the site.
- (10) Approximate amount of earth material to be excavated or moved off-site.
- (11) Proposed site design depicting two-foot contour intervals.
- (12) Proposed grading and seeding of the site after completion of the excavating. All seeding and grading must be completed within six months after construction.
- (13) Designated hours of operation during construction of pond or artificial lake.
- (14) The type of sanitary facilities to be installed if residential development is to take place.

D. Design standards.

- (1) All artificial bodies of water shall be designed within the scope of this article. Where no minimum water level is to be maintained, the slope of the bottom may not exceed three feet horizontal to one foot vertical and the depth may not exceed four feet. When the artificial body of water is greater than four feet in depth, a six-foot horizontal bench shall be constructed four feet below the normal high water level. A slope greater than 3:1 will only be acceptable below the six-foot horizontal bench.
- (2) All artificial bodies of water shall have an outflow to maintain the maximum normal water level. The size of this outflow shall be determined by design and shall be capable of removing one inch of water from the surface of the entire pond every 12 hours. The minimum size of the outflow pipe shall not be less than eight inches in diameter. A ditch or swale may be considered a substitute for a culvert as an outflow. Outflows shall not flow directly onto adjacent parcels of property. Outflow discharge may cross adjacent parcels through a natural existing waterway only, but in no case shall this discharge create a waterway or a nuisance. A safety buffer area with a slope of 3:1 or less shall be established and maintained from the outfall normal high-water level. This area shall be no less than three feet horizontal measured from the water's edge.
- (3) All artificial bodies of water shall have a minimum and maximum water level established and sealed with one of the following procedures:
  - (a) Existing clay soils.
  - (b) Compacted clay liner.



- (c) Synthetic liner.
- (4) A minimum of one foot of freeboard shall be maintained above the maximum high water level.
- (5) The minimum side and rear setback shall be 75 feet. Front setbacks and corner side setbacks shall be 75 feet.
- (6) The Town may, at its discretion, require fencing. Where such fencing is required, the following criteria shall be used:
- (a) A structural fence no less than four feet in height and no less than four feet from the water's edge at the high-water line shall be provided. It shall be constructed as not to have openings, holes, or gaps larger than four inches in any dimension except for doors or gates. If a picket fence is erected or maintained, the horizontal dimensions shall not exceed four inches. All gates or doors 48 inches or less in width opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use. All gates or doors over 48 inches in width opening through such enclosures shall be kept securely latched at all times when unsupervised.
- (b) Side load pressure must withstand 200 pounds of lateral pressure.
- (7) The groundwater table in the surrounding area and adjacent to the artificial body of water shall be protected. No residential well water shall be used to fill the artificial body of water.
- (8) County and state permits shall be required if high-capacity wells are drilled on the site. Location of all wells shall be provided on the site plans.
- (9) Temporary fencing shall be provided as soon as slopes of greater than 3:1 are developed during construction and shall be maintained until minimum water level is obtained.
- (10) At all stages of operations, proper drainage shall be provided to prevent the collection or growth of vegetation not depicted on the approved plan (weeds and cattails), stagnation of water, and to prevent harmful effects and odors upon surrounding properties. The artificial body of water shall be maintained at all times in accordance with the approved plan. No deviation shall be created from the approved plan without the written approval from the Town.
- (11) The premises shall be excavated and graded in conformity with the plan as approved. Any deviation from the plan shall be cause for the Town to revoke the permit.
- (12) No fixed machinery shall be erected or maintained within 200 feet of any property or street line. Truck access to the excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding property.
- (13) Erosion control measures shall follow the Wisconsin Department of Natural Resources Construction Site Best Management Practices Handbook and Technical Standards.
- (14) The Town retains the right to require any other and/or future restrictions as deemed necessary to protect the health, safety, and welfare, and a proper land use fit to the surrounding area.
- (15) The Town retains the right to hire an engineer licensed in the State of Wisconsin at its discretion to verify any artificial body of water design or calculation. All Town-incurred engineering costs related to the body of water shall be the sole responsibility of the owner.

- (16) Any artificial body of water constructed shall comply with the regulations set forth by all applicable federal, state, county, and local jurisdictions.
- (17) A performance bond may be required to be filed with the Town Board prior to the start of construction. The amount of bond per acre shall be specified by the Town Board.
- (18) The Town shall not approve the application for the conditional use permit unless it is assured that the proposed artificial body of water will not adversely affect adjoining properties or the environment and shall not cause future land use conflicts.

E. Inspections. The owner shall call for the following required inspections 24 hours in advance.

- (1) Site inspection. A site inspection by Town staff shall be made prior to any excavation. Property lines adjacent to the excavation, easements, proposed excavation boundaries, and outflow termination point shall be clearly marked for site approval.
- (2) Excavation inspection. Any excavation inspection shall be made by Town staff after all slopes are established and prior to the excavation filling with water. If the excavation fills with water, the Town reserves the right to require the water removed to perform the required inspections. All costs associated with removing the water shall be the sole responsibility of the owner.
- (3) Final inspection. Final inspection by Town staff shall be made when all fencing is in place (if required) and the pond has reached its minimum water level.

F. Maintenance.

- (1) The owner of any land on which an artificial body of water shall exist is required to maintain that land and body of water within the limits of this article.
- (2) A maintenance agreement shall be filed with the Town and shall carry with the property.

G. Permit fees.

- (1) Permit fees shall be established and charged as per the Town fee schedule.
- (2) A construction deposit, performance bond, or irrevocable letter of credit shall be required as per the Town Code.

#### **§ 336-86. Satellite dishes.**

- A. Amateur radio structures and mobile towers are specifically excluded from the requirements that follow.
- B. All satellite dishes located in the Town shall conform to the following regulations contained herein:
  - (1) Satellite dishes no larger than 34 inches in diameter may be located in the street yard.
  - (2) Satellite dishes larger than 34 inches in diameter shall be screened from view from abutting properties and adjoining streets through fencing or vegetation compliant with the applicable requirements of this chapter.

#### **§ 336-87. Amateur radio facilities.**

- A. Applicability.

- (1) This section applies to all amateur radio towers installed after the effective date of this chapter.
  - (2) Any upgrade, modification, or structural change to an antenna or its support structure constructed prior to the effective date of this chapter that materially alters the size, placement, or appearance of the system shall comply with the provisions of this chapter.
- B. Purpose. The purpose of this section is to recognize and accommodate the federal and state declared interest in promoting and preserving amateur radio operations while protecting the legitimate interests of the general public including:
- (1) Minimizing the unnecessary detriment to the aesthetic quality of the Town and its landscape.
  - (2) Preserving the character of various neighborhoods within the Town.
  - (3) Preserving the values of properties within the Town.
  - (4) Providing for adequate review of designs and installation of facilities that may pose substantial risk of collapse if improperly designed, installed, or maintained.
  - (5) Protecting the owner and operator of an amateur radio antenna and neighboring property owners and the public in general from unreasonable risks of injury or property damage from the collapse of a communications tower or communications antenna or from electrical charges generated or conducted by such facilities.
  - (6) Assuring that all amateur radio operators have a reasonable opportunity to construct and maintain the equipment and facilities necessary to effectively participate in amateur radio operations.
- C. Standards. The installation and operation of an amateur radio tower and its antenna and support structure shall be subject to the following standards:
- (1) Compliance. The amateur radio tower and the operation of the amateur radio service using such antenna shall at all times be maintained in compliance with the applicable regulations and permit conditions issued by the Federal Communications Commission.
  - (2) Structure.
    - (a) The antenna and its support structure are accessory to the principal structure.
    - (b) Not more than one support structure for licensed amateur radio operator shall be allowable on the parcel.
    - (c) The antenna shall not exceed 70 feet in height above grade measured at the center point of the highest part of the antenna or mast.
    - (d) An amateur radio tower and its antenna exceeding 70 feet in height above grade measured at the center point of the highest part of the antenna or mast shall require a conditional use permit.
  - (3) Location.
    - (a) An amateur radio tower, including its antenna and support structure, that is designed, engineered, and constructed to fall within the boundaries of the parcel upon which it is sited, including those attached to the principal structure, shall comply with the side yard and rear yard setbacks for accessory structures in zoning district within which it is located.

- (b) All other amateur radio towers, including associated antenna and support structures, shall be setback a distance equal to 100% of its total height from:
  - [1] Any public road right-of-way unless written permission is granted by the governmental entity with jurisdiction over the road.
  - [2] Any overhead utility lines unless written permission is granted by the affected utility.
  - [3] Any property lines unless written permission is granted from the affected landowner or neighbor.
- (c) The amateur radio tower, including its antenna and support structure, shall be located within the rear yard or secondary street yard on a double-frontage lot and shall not be located within any required setback.
- (4) Access.
  - (a) All ground mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access.
  - (b) All electrical wires associated with the amateur radio tower and its antenna and support structure shall be located underground.
  - (c) Anti-climbing measures shall be incorporated into the amateur radio tower and its antenna and support structure as needed, to reduce potential for trespass and injury.
- (5) Lighting. The amateur radio tower and its antenna and support structure shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.
- (6) Appearance, color, and finish. The amateur radio tower and its antenna and support structure shall remain painted or finished the color or finish that was originally applied by the manufacturer, unless approved in the building permit. The support structure shall comply with the same requirements as accessory structures in the zoning district.
- D. Waiver of standards. If effective communications cannot be obtained when facilities are in compliance with the regulations set forth herein, the Zoning Administrator may permit a waiver from the height and location requirements of this section. The waiver request shall:
  - (1) Provide technical evidence in the form of a report from a licensed professional engineer familiar with amateur radio operations, or an extra class licensed amateur radio operator other than the owner, that effective communications cannot be obtained by facilities in compliance with the standards.
  - (2) Document the minimum reasonable accommodation, in the form of a waiver from these regulations, required in order to permit effective communications.

**§ 336-88. Mobile service facilities.**

- A. Purpose. The purpose of this section is to regulate by mobile service facility conditional use permit:
  - (1) The siting and construction of any new mobile service support structure and facilities.
  - (2) With regard to a Class 1 co-location, the substantial modification of an existing support structure and mobile service facilities.

- (3) With regard to a Class 2 co-location, co-location on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.
- B. Definitions. All definitions contained in § 66.0404(1), Wis. Stats., are hereby incorporated by reference.
- C. Siting and construction of any new mobile service support structure and facilities.
  - (1) Application process.
    - (a) A mobile service facility conditional use permit is required for the siting and construction of any new mobile service support structure and facilities. The siting and construction of any new mobile service support structure and facilities is a conditional use in the Town obtainable with this permit.
    - (b) A written permit application must be completed by any applicant and submitted to the Town. The application must contain the following information:
      - [1] The name and business address of, and the contact individual for, the applicant.
      - [2] The location of the proposed or affected support structure.
      - [3] The location of the proposed mobile service facility.
      - [4] 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.
      - [5] 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, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
      - [6] 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 co-location, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that co-location within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
    - (c) A permit application will be provided by the Town upon request to any applicant.
    - (d) If an applicant submits to the Town an application for a mobile service facility conditional use permit to engage in an activity described in this chapter, which contains all of the information required under this chapter, 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.

- (e) 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 ninety-day period:
    - [1] Review the application to determine whether it complies with all applicable aspects of the Town's building code and this chapter.
    - [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.
  - (f) The Town may disapprove an application if an applicant refuses to evaluate the feasibility of co-location within the applicant's search ring and provide the sworn statement described above.
  - (g) 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 chapter, the chapter does not apply to such a structure unless the Town provides the applicant with substantial evidence that the engineering certification is flawed.
- (2) The fee for the mobile service facility conditional use permit is \$3,000 payable upon submittal of a complete application.

D. Class 1 co-location.

- (1) Application process.
  - (a) A mobile service facility conditional use permit is required for a Class 1 co-location.
  - (b) An application for a mobile service facility conditional use permit must be completed by any applicant and submitted to the Town. The application must contain the following information:
    - [1] The name and business address of, and the contact individual for, the applicant.
    - [2] The location of the proposed or affected support structure.
    - [3] The location of the proposed mobile service facility.
    - [4] 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.
    - [5] 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, receivers,

base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.

- [6] 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 co-location, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that co-location within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
- (c) A permit application will be provided by the Town upon request to any applicant.
- (d) If an applicant submits to the Town an application for a permit to engage in an activity described in this chapter, which contains all of the information required under this chapter, 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.
- (e) 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 ninety-day period:
- [1] Review the application to determine whether it complies with all applicable aspects of the Town's building code<sup>3</sup> and this chapter.
- [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.
- (f) The Town may disapprove an application if an applicant refuses to evaluate the feasibility of co-location within the applicant's search ring and provide the sworn statement described under in this section.
- (g) 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 chapter, the chapter does not apply to such a structure unless the Town provides the applicant with substantial evidence that the engineering certification is flawed.
- (2) The fee for the mobile service facility conditional use permit is \$3,000 payable upon submittal of a complete application.

E. Class 2 co-location.

- (1) Application process.

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3. Editor's Note: See Chapter 124, Building Construction.

- (a) A mobile service facility conditional use permit is required for a Class 2 co-location. A Class 2 co-location is a permitted use in the Town but still requires the issuance of the mobile service facility conditional use permit .
  - (b) An application must be completed by any applicant and submitted to the Town. The application must contain the following information:
    - [1] The name and business address of, and the contact individual for, the applicant.
    - [2] The location of the proposed or affected support structure.
    - [3] The location of the proposed mobile service facility.
  - (c) A permit application will be provided by the Town upon request to any applicant.
  - (d) A Class 2 co-location 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 as per the Town Code.
  - (e) If an applicant submits to the Town an application for a mobile service facility conditional use permit to engage in an activity described in this chapter, which contains all of the information required under this chapter, 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 five 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.
  - (f) 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 forty-five-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 mobile service facility conditional use permit .
    - [4] If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
  - (2) The fee for the mobile service facility conditional use permit is \$500 payable upon submittal of a complete application.
- F. Penalty provisions. Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this chapter shall, upon conviction, pay a forfeiture of not less than \$250 nor more than \$500, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this chapter. In addition, the Town Board may seek injunctive relief from a court of record to enjoin further violations.

### **§ 336-89. Commercial and manufacturing incubators.**

- A. Commercial incubators.



- (1) Applicability. This section applies to commercial incubators.
- (2) Purpose. It is the purpose of this section to:
  - (a) Promote opportunities for small and expanding commercial businesses.
  - (b) Support entrepreneurs and grow the economy of the Town of Polk.
  - (c) Oversee the permitting of commercial incubators.
  - (d) Preserve and protect the public health and safety.
- (3) Standards.
  - (a) Districts allowed.
    - [1] Commercial incubators require a conditional use permit in the B-1 District and B-2 District.
    - [2] Commercial incubators may be a principal structure or use or accessory to a principal structure or use.
  - (b) Allowable uses.
    - [1] Any use listed as a permitted use or conditional use in the B-1 District or B-2 District may be potentially permissible.
    - [2] Uses deemed by the Plan Commission to be incompatible with an existing use within the same incubator, even if such a use is non-adjointing shall be prohibited.
    - [3] All uses, unless otherwise approved by the Plan Commission, shall be conducted entirely within a building.
  - (c) Dimensional and design standards.
    - [1] Commercial incubators approved as a principal use and/or structure shall conform to the requirements for principal structures and uses in the B-1 District and B-2 District, as applicable.
    - [2] Commercial incubators approved as an accessory use and/or structure shall conform to the requirements for accessory uses and structures in the B-1 District or B-2 District, as applicable. The exterior materials of a commercial incubator when accessory to a principal structure shall be substantially the same in appearance and use substantially the same materials as the principal structure.
    - [3] Trash and refuse disposal facilities shall be enclosed by a solid hedge or tight fence high enough to shield the trash and refuse disposal facilities from public view.
    - [4] Outdoor equipment shall be screened from public view by a structure or landscaping and shall meet all applicable safety standards.

B. M-1 manufacturing incubators.

- (1) Applicability. This section applies to manufacturing incubators.
- (2) Purpose. It is the purpose of this section to:

- (a) Promote opportunities for small and expanding light industrial businesses.
  - (b) Support entrepreneurs and grow the economy of the Town of Polk.
  - (c) Oversee the permitting of manufacturing incubators.
  - (d) Preserve and protect the public health and safety.
- (3) Standards.
- (a) Districts allowed.
    - [1] Manufacturing incubators are a Permitted Use in the M-3 District.
    - [2] Manufacturing incubators are a Conditional Use in the M-1 District.
    - [3] Manufacturing incubators, when combined with Commercial storage and office warehouse and/or Multifunction hobby and work unit, are a Conditional Use in the M-3 District.
    - [4] Manufacturing incubators may be a principal structure or use or accessory to a principal structure or use.
  - (b) Allowable uses.
    - [1] Any use listed as a permitted use or conditional use in the M-1 District may be potentially permissible.
    - [2] Uses deemed by the Plan Commission to be incompatible with an existing use within the same incubator, even if such a use is non-adjoining, shall be prohibited.
    - [3] All uses, unless otherwise approved by the Plan Commission, shall be conducted entirely within a building.
    - [4] Corporate and administrative offices not ancillary to the principal use are prohibited.
  - (c) Dimensional and design standards.
    - [1] Manufacturing incubators approved as a principal use and/or structure shall conform to the requirements for principal structures and uses in the M-1 District and M-3 District, as applicable.
    - [2] Manufacturing incubators approved as an accessory use and/or structure shall conform to the requirements for accessory uses and structures in the M-1 District and M-3 District, as applicable. The exterior materials of a manufacturing incubator when accessory to a principal structure shall be substantially the same in appearance and use substantially the same materials as the principal structure.
    - [3] Any activities or operations connected with any use in a manufacturing incubator that are normally capable of creating noise, odor, glare, or dust, shall be located wholly within a completely enclosed room having no exterior entrance within 50 feet of any street or adjacent property unless such entrance is completely shielded by part of the building from such street or adjacent property.
    - [4] Trash and refuse disposal facilities shall be enclosed by a solid hedge or tight fence high enough to shield the trash and refuse disposal facilities from public view.
    - [5] Outdoor equipment shall be screened from public view by a structure or landscaping

and shall meet all applicable safety standards.

**§ 336-90. Small wind energy systems.**

A. Applicability.

(1) This section applies to:

- (a) New small wind energy systems as defined in this chapter and Chapter PSC 128, Wis. Admin. Code.
- (b) An expansion of a previously approved wind energy system other than those described in Subsection A(2) below.

(2) This section does not apply to the following:

- (a) A wind energy system for which construction began before March 1, 2011.
- (b) A wind energy system placed in operation before March 1, 2011.
- (c) A wind energy system approved by the Town before March 1, 2011.
- (d) A wind energy system proposed by the owner in an application filed with the Town before the March 1, 2011.

B. Purpose. It is the purpose of this section to:

- (1) Promote the safe, effective, and efficient use of wind energy systems installed to reduce the on-site consumption of utility supplied energy and/or hot water as a permitted accessory use while protecting the health, safety, and welfare of adjacent and surrounding land uses through appropriate zoning and land use controls. Where said general standards and specific criteria overlap, the specific criteria shall supersede the general standards.
- (2) Oversee the permitting of wind energy systems.
- (3) Preserve and protect the public health and safety without significantly increasing the cost or decreasing the efficiency of a wind energy system, per § 66.0401, Wis. Stats., and Ch. PSC 128, Wis. Admin. Code.

C. Standards. The installation and operation of a wind energy system shall be subject to the following standards:

- (1) Districts allowed. A wind energy system is a permitted use in all zoning districts as an accessory to a principal use.
- (2) Physical characteristics.
  - (a) The owner may not display advertising material or signage other than warnings, equipment information, or indicia of ownership on a wind turbine. The owner may not attach any flag, decorative sign, streamers, pennants, ribbons, spinners, fluttering, or revolving devices to a wind turbine. The owner may attach a safety feature or wind monitoring device to a wind turbine.
  - (b) The owner shall ensure that a wind turbine has a conventional or unobtrusive finish.
  - (c) The owner shall install lighting at a wind energy system that complies with standards established by the Federal Aviation Administration.
  - (d) The owner shall use shielding or control systems approved by the Federal Aviation

Administration to reduce visibility of any required lighting to individuals on the ground.

- (e) The owner shall take appropriate measures to ensure that a wind turbine is not readily climbable except by authorized personnel.
  - (f) The owner shall ensure that all wind turbine access doors and electrical equipment are locked when authorized personnel are not present.
  - (g) The owner shall place appropriate warning signage on or at the base of each wind turbine.
  - (h) The owner shall clearly mark guy wires and supports for a wind energy system, meteorological tower, or other device for measuring wind speeds so that the wires and supports are visible to low flying aircraft under fair weather conditions.
- (3) The owner shall construct, maintain, and operate collector circuit facilities in a manner that complies with the national electrical safety code and Chapter PSC 114, Wis. Admin. Code, and shall construct, maintain, and operate all wind energy system facilities in a manner that complies with the national electrical code.
- (4) Construction, operation, and maintenance standards. The owner shall construct, operate, repair, maintain and replace wind energy system facilities as needed to keep the wind energy system in good repair and operating condition and in a manner that protects individuals from injury.
- (5) Setbacks.
- (a) A wind energy system shall be setback a distance equal to 100% of from the maximum blade tip height from the following:
    - [1] Occupied community buildings.
    - [2] Nonparticipating residences.
    - [3] Nonparticipating property lines.
    - [4] Overhead communication and electric transmission lines or distribution lines, not including utility service lines to individual houses or outbuildings.
  - (b) The owner of an adjacent nonparticipating residence or an adjacent occupied community building may waive the required setback as long as such waiver is provided in writing to the Town at the time of application for a personal energy system permit.
  - (c) There is no required setback for a wind energy system from the following:
    - [1] Participating residences.
    - [2] Participating property lines.
    - [3] Public road right-of-way.
    - [4] Overhead utility service lines to individual houses or outbuildings.
- (6) Noise.
- (a) Hours. In this section, nighttime hours are the hours beginning at 10:00 p.m. and ending at 6:00 a.m. daily and daytime hours are the hours beginning at 6:00 a.m. and ending at 10:00 p.m. daily.

## (b) Planning.

- [1] The noise limits in this section apply at the outside wall of a nonparticipating residence or occupied community building that exists when the owner gives notice under § PSC 128.105(1), Wis. Admin. Code, or for which complete publicly available plans for construction are on file with the Town within 30 days of the date on which the owner gives notice under § PSC 128.105(1), Wis. Admin. Code.
- [2] The owner shall design the proposed wind energy system to minimize noise at a residence or occupied community building to the extent reasonably practicable.
- [3] The owner shall design a wind energy system to comply with the noise standards in this section under planned operating conditions.

## (c) Noise limits.

- [1] Except as provided below the owner shall operate the wind energy system so that the noise attributable to the wind energy system does not exceed 50 dBA during daytime hours and 45 dBA during nighttime hours.
- [2] In the event audible noise due to wind energy system operations contains a steady pure tone, such as a whine, whistle, screech, or hum, the owner shall promptly take corrective action to permanently eliminate the noise. This subsection does not apply to sound the wind energy system produces under normal operating conditions.

## (d) Compliance.

- [1] If the owner uses sound level measurements to evaluate compliance with this section at a nonparticipating residence or occupied community building, those measurements shall be made as near as possible to the outside wall nearest to the closest wind turbine, or at an alternate wall as specified by the owner of the nonparticipating residence or occupied community building. The owner may take additional measurements to evaluate compliance in addition to those specified by this section.
- [2] Upon receipt of a complaint regarding a violation of the noise standards of this section, the owner shall test for compliance with the noise limits in this section. The Town may not require additional testing if the owner has provided the results of an accurate test conducted within two years of the date of the complaint showing that the wind energy system is in compliance at the location relating to the complaint.
- [3] Upon receipt of a complaint about a noise under this section, the owner shall use operational curtailment to eliminate the noise until the owner permanently corrects the problem.

- (e) Waiver. Upon request by the owner of a wind energy system, the owner of an affected nonparticipating residence or occupied community building may relieve the owner of the wind energy system of the requirement to meet any of the noise limits in this section at the affected residence or occupied community building by written contract with the wind energy system owner. Unless otherwise provided in a contract signed by the owner of an affected nonparticipating residence or occupied community building, a waiver by the owner of an affected nonparticipating residence or occupied community building is an encumbrance on the real property, runs with the land until the wind energy system is decommissioned, and shall be recorded under Ch. 706, Wis. Stats.

## (f) Notification.

- [1] Before entering into a contract for a waiver as described above, the owner of a wind energy system shall provide written notice of the requirements of this section to the owner of an affected nonparticipating residence or occupied community building.
- [2] Before the initial operation of the wind energy system, the owner shall provide notice of the requirements of § PSC 128.14, Wis. Admin. Code, to each adjacent nonparticipating residence or occupied community building before the initial operation of the small wind energy system.

## (7) Shadow flicker.

## (a) Planning.

- [1] The shadow flicker requirements in this section apply to a nonparticipating residence or occupied community building that exists when the owner gives notice under § PSC 128.105(1), Wis. Admin. Code, or for which complete publicly available plans for construction are on file with a political subdivision within 30 days of the date on which the owner gives notice under § PSC 128.105(1), Wis. Admin. Code.
  - [2] The owner shall design the proposed wind energy system to minimize shadow flicker at a residence or occupied community building to the extent reasonably practicable.
- (b) Shadow flicker limits. Then owner shall operate the wind energy system in a manner that does not cause more than 30 hours per year of shadow flicker at a nonparticipating residence or occupied community building. If a nonparticipating residence or occupied community building experiences more than 30 hours per year of shadow flicker under the wind energy system's normal operating conditions, the owner shall use operational curtailment to comply with this subsection.
  - (c) Shadow flicker mitigation. The owner of a wind energy system shall work with an owner of a nonparticipating residence or occupied community building to mitigate the effects of shadow flicker to the extent reasonably practicable.
  - (d) Waiver. Upon request by the owner of a wind energy system, an owner of an affected nonparticipating residence or occupied community building may relieve the wind energy system owner of a requirement under this section at the affected nonparticipating residence or occupied community building by written contract with the wind energy system owner. Unless otherwise provided in a contract signed by an owner of an affected nonparticipating residence or occupied community building, a waiver by an owner of an affected nonparticipating residence or occupied community building is an encumbrance on the real property and runs with the land until the wind energy system is decommissioned, and shall be recorded under Ch. 706, Wis. Stats.

## (8) Signal interference.

## (a) Planning.

- [1] Except as provided under an approved waiver, the signal interference requirements in this section apply to commercial communications and personal communications in use when the wind energy system begins operation.

- [2] The owner shall use reasonable efforts to avoid causing interference with commercial communications and personal communications to the extent practicable.
  - [3] The owner may not construct wind energy system facilities within existing line-of-sight communication paths that are used by government or military entities to provide services essential to protect public safety. The Town may require an owner to provide information showing that wind turbines and other wind energy system facilities will be in compliance with this subsection.
- (9) Emergency procedures. The owner shall notify the Town of the occurrence and nature of a wind energy system emergency within 24 hours of the wind energy system emergency.
- (10) Decommissioning.
- (a) The owner of a wind energy system shall decommission and remove the wind energy system when the system is at the end of its useful life.
  - (b) A wind energy system is presumed to be at the end of its useful life if the wind energy system generates no electricity for a continuous 540-day period.
  - (c) When decommissioning is required, the owner shall begin decommissioning within 360 days after the wind energy system has reached the end of its useful life. The owner shall complete decommissioning and removal of the wind energy system within 540 days after the wind energy system has reached the end of its useful life.
  - (d) The owner shall file a notice of decommissioning completion with the Town and the Public Service Commission when a wind energy system approved by the Town has been decommissioned and removed.
  - (e) Within 360 days of receiving a notice of decommissioning, the Town shall determine whether the owner has satisfied the requirements of § PSC 128.19, Wis. Admin. Code.

D. Application.

- (1) Preapplication notice.
- (a) At least 60 days before the owner files an application to construct a wind energy system, the owner shall use commercially reasonable methods to provide written notice of the planned wind energy system to all of the following:
    - [1] All adjacent landowners.
    - [2] Town of Polk Zoning Administrator.
  - (b) The owner shall include all of the following in the required notice:
    - [1] A complete description of the wind energy system, including the number and size of the planned wind turbines.
    - [2] A map showing the planned location of all wind energy system facilities.
    - [3] Contact information for the owner.
    - [4] A list of all potential permits or approvals the owner anticipates may be necessary for construction of the wind energy system.



- (c) The owner shall make reasonable efforts to ascertain and accommodate any existing land uses or commercial enterprises located on an adjacent nonparticipating property.
  - (d) The owner shall design a wind energy system to reasonably minimize the conversion of land from agricultural use.
- (2) Application and notice requirements.
- (a) Application required. The owner shall file an application for personal energy system with the Town.
  - (b) Contents of application. The owner shall complete and file with the Town an application on a form provided by the Town that includes all of the following:
    - [1] Wind energy system description and maps showing the locations of all proposed wind energy facilities.
    - [2] Technical description of wind turbines and wind turbine sites.
    - [3] Timeline and process for constructing the wind energy system.
    - [4] Information regarding anticipated impact of the wind energy system on local infrastructure.
    - [5] Information regarding noise anticipated to be attributable to the wind energy system.
    - [6] Information regarding shadow flicker anticipated to be attributable to the wind energy system.
    - [7] Information regarding the anticipated effects of the wind energy system on parcels adjacent to the wind energy system.
    - [8] Information regarding the anticipated effects of the wind energy system on airports and airspace.
    - [9] Information regarding the anticipated effects of the wind energy system on line-of-sight communications.
    - [10] A list of all state and federal permits required to construct and operate the wind energy system.
    - [11] Information regarding the planned use and modification of roads within the Town during the construction, operation, and decommissioning of the wind energy system, including a process for assessing road damage caused by wind energy system activities and for conducting road repairs at the owner's expense.
    - [12] A representative copy of all notices issued under this section and §§ PSC 128.105(1)(a) and 128.42(1), Wis. Admin. Code.
    - [13] Any other information necessary to understand the construction, operation or decommissioning of the proposed wind energy system.
  - (c) Accuracy of information. The owner shall ensure that information contained in an application is accurate.

- (d) Duplicate copies. The Town may specify a reasonable number of copies to be filed. Each copy shall include all worksheets, maps, and other attachments included in the application. The Town may permit the owner to file an application electronically.
- (e) Notice to property owners and residents.
  - [1] On the same day the owner files an application for a wind energy system, the owner shall, under § 66.0401(4)(a)3, Wis. Stats., use commercially reasonable methods to provide written notice of the filing of the application shall be provided only to property owners and residents located adjacent to the small wind energy system. written notice of the filing of the application to property owners and residents located within one mile of the proposed location of any wind energy system facility. The notification shall include all of the following:
    - [a] A complete description of the wind energy system, including the number and size of the wind turbines.
    - [b] A map showing the locations of all proposed wind energy system facilities.
    - [c] The proposed timeline for construction and operation of the wind energy system.
    - [d] Locations where the application is available for public review.
    - [e] Owner contact information.
  - [2] After the Town receives an application for a wind energy system, the notice required to be published by the Town under § 66.0401(4)(a)1, Wis. Stats., shall include a brief description of the proposed wind energy system and its proposed location, the locations where the application is available for public review, the method and time period for the submission of public comments to the Town, and the approximate schedule for review of the application by the Town.
- (3) Application completeness.
  - (a) Complete applications.
    - [1] An application is complete if it meets the requirements of this chapter and the filing requirements under §§ PSC 128.30(2) and 128.50(1), Wis. Admin. Code.
    - [2] The Town shall determine the completeness of an application and shall notify the owner in writing of the completeness determination, no later than 45 days after the day the application is filed. An application is considered filed the day the owner notifies the Town in writing that all the application materials have been filed and the application fee has been paid. If the Town determines that the application is incomplete, the notice provided to the owner shall state the reasons for the determination.
    - [3] The owner may file a supplement to an application that the Town has determined to be incomplete. There is no limit to the number of times that the owner may refile an application. For incomplete applications, the owner shall provide additional information as specified in by the Zoning Administrator.
    - [4] An additional forty-five-day completeness review period shall begin the day after the

Town receives responses to all items identified in the notice.

- [5] If the Town does not make a completeness determination within the applicable review period, the application is considered to be complete.
- (b) Requests for additional information. The Town may request additional information necessary to understand the wind energy system after determining that an application is complete. The owner shall provide additional information in response to all reasonable requests. The owner shall respond to all inquiries made subsequent to a determination of completeness in a timely, complete, and accurate manner.
- (4) Accuracy of application. The owner shall certify that the information contained in the application is accurate. The Town may reject or deny the application if it contains false, misleading, or inaccurate information.
- (5) Town review.
  - (a) Written decision.
    - [1] The Town shall issue a written decision to grant or deny an application for a wind energy system. The written decision shall include findings of fact supported by evidence in the record. If an application is denied, the decision shall specify the reason for the denial.
    - [2] The Town shall provide its written decision to the owner and to the commission. The political subdivision shall provide the owner with a duplicate original of the decision.
    - [3] The owner shall record the duplicate original of a decision approving an application with the register of deeds for the county in which the wind energy system is located.
  - (b) Ownership change. Approval of a wind energy system remains in effect if there is a change in the owner of the wind energy system.
- (6) Record of decision.
  - (a) Recordkeeping.
    - [1] The Town shall keep a complete written record of its decision-making relating to an application for a wind energy system.
    - [2] If the application is denied, the Town shall keep the record for at least seven years following the year in which it issues the decision.
    - [3] If the application is approved, the Town shall keep the record for at least seven years after the year in which the wind energy system is decommissioned.
  - (b) Record of contents. The record of a decision shall include all of the following:
    - [1] The approved application and all additions or amendments to the application.
    - [2] A representative copy of all notices issued under §§ PSC 128.105(1)(a), 128.30(5), and 128.42(1), Wis. Admin. Code.
    - [3] A copy of any notice or correspondence that the Town issues related to the application.

- [4] A record of any public meeting under § PSC 128.30(6)(c), Wis. Admin. Code, and any hearing related to the application. The record may be an electronic recording, a transcript prepared from an electronic recording, or a transcript prepared by a court reporter or stenographer. The record shall include any documents or evidence submitted by meeting or hearing participants.
- [5] Copies of any correspondence or evidentiary material that the Town considered in relation to the application, including copies of all written public comments filed under § PSC 128.30(6)(b), Wis. Admin. Code.
- [6] Minutes of any Town meetings held to consider or act on the application.
- [7] A copy of the written decision under § PSC 128.32(3)(a), Wis. Admin. Code.
- [8] Other materials that the Town prepared to document its decision-making process.
- [9] A copy of any Town ordinance cited in or applicable to the decision.

E. Modifications to an approved wind energy system.

(1) Material change.

- (a) The owner may not make a material change in the approved design, location, or construction of a wind energy system without the prior written approval of the Town that authorized the wind energy system, unless the political subdivision automatically approves the material change by taking either of the steps specified in § PSC 128.32(2)(b)1 or 2, Wis. Admin. Code.
- (b) The owner shall submit an application for a material change to an approved wind energy system to the Town.

(2) Limited review.

- (a) Upon receipt of an application for material change to an approved wind energy system, the Town consider only those issues relevant to the proposed change.
- (b) An application for a material change is subject to §§ PSC 128.30(1), 128.30(3) to 128.30(5), 128.30(6)(a) and (b), and 128.30(7); and 128.31 to 128.34, Wis. Admin. Code.
- (c) An application for a material change shall contain information necessary to understand the material change.
- (d) The Town shall hold a public meeting to obtain comments on and to inform the public about a proposed material change to an approved wind energy system.

F. Complaint process.

- (1) An aggrieved person may make a complaint regarding failure by an owner to comply with an obligation under this chapter.
- (2) A complaint shall be made first to the owner of the wind energy system pursuant to a complaint resolution process developed by the owner.
- (3) A complainant may petition the Town for review of a complaint that is not resolved within 45 days of the day the owner receives the original complaint.

- (4) The Town's decision is subject to review under § 66.0401(5), Wis. Stats.

**§ 336-91. Solar energy systems.**

- A. Applicability. This section applies to all solar energy installations in the Town of Polk.
- B. Purpose. It is the purpose of this section to:
- (1) Promote the safe, effective, and efficient use of solar energy systems installed to reduce the on-site consumption of utility supplied energy and/or hot water as a permitted accessory use while protecting the health, safety, and welfare of adjacent and surrounding land uses through appropriate zoning and land use controls. Where said general standards and specific criteria overlap, the specific criteria shall supersede the general standards.
  - (2) Oversee the permitting of solar energy systems.
  - (3) Preserve and protect the public health and safety without significantly increasing the cost or decreasing the efficiency of a solar energy system, per § 66.0401, Wis. Stats..
- C. Types of solar energy systems allowed.
- (1) Individual accessory solar energy systems. The installation and operation of an individual accessory solar energy system shall be subject to the following standards:
    - (a) Districts allowed. A solar energy system is a permitted use as an accessory to a principal use in all zoning districts.
    - (b) Height. Solar energy systems shall meet the following height requirements:
      - [1] Building- or roof-mounted solar energy systems shall not exceed the maximum allowed height in the applicable zoning district. For purposes for height measurement, solar energy systems other than building-integrated systems shall be given an equivalent exception to height standards as building-mounted mechanical devices or equipment.
      - [2] Ground- or pole-mounted solar energy systems shall not exceed 20 feet in height when oriented at maximum tilt.
    - (c) Setback.
      - [1] Roof- or building-mounted solar energy systems.
        - [a] In addition to the building setback, the collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built.
        - [b] Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.
        - [c] Solar collectors mounted on the sides of buildings and serving as awnings are considered to be building-integrated systems and are regulated as awnings.
      - [2] Ground-mounted solar energy systems. Ground-mounted solar energy systems shall meet the setback for an accessory structure in the district within which they are located and may not extend into the side-yard or rear setback when oriented at

minimum design tilt, except as otherwise allowed for building mechanical systems.

- (d) Visibility. Solar energy systems shall be designed to blend into the architecture of the building as described below, to the extent such provisions do not conflict with § 66.0401, Wis. Stats.
  - [1] Building-integrated photovoltaic systems. Building-integrated photovoltaic solar energy systems shall be allowed, provided the building component in which the system is integrated meets all required setback, land use, or performance standards for the district in which the building is located.
  - [2] Roof-mounted solar energy systems. Solar Energy systems that are flush mounted on pitched roofs shall be blended with the building architecture. Nonflush mounted pitched-roof systems shall not be higher than the roof peak, and the collector shall face the same direction as the roof on which it is mounted.
  - [3] Reflectors.
    - [a] All solar energy systems using a reflector to enhance solar production shall minimize reflected light from the reflector affecting adjacent or nearby properties.
    - [b] Measures to minimize reflected light include selective placement of the system, screening on the north side of the solar array, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit reflected light.
- (e) Coverage. Roof- or building-mounted solar energy systems, excluding building-integrated systems, shall allow for adequate roof access for firefighting purposes to the south-facing or flat roof upon which the panels are mounted. Ground-mounted systems shall not exceed half the building footprint of the principal structure and shall be exempt from impervious surface calculations if the soil under the collector is not compacted and maintained in vegetation. Foundations, gravel, or compacted soils are considered impervious and will be included in coverage limitations in order to protect water quality.
- (f) Site plan review required.
  - [1] Site plan application. Site plan applications for solar energy systems shall be accompanied by to-scale horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mounted system, including the property lines.
    - [a] Pitched roof-mounted solar energy systems. For all roof-mounted systems other than the flat roof the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.
    - [b] Flat roof-mounted solar energy systems. For flat roof applications a drawing shall be submitted showing the distance to the roof edge and any parapets on the building and shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.

- [2] Plan approvals. Applications that meet the design requirements of this chapter shall be reviewed and approved by the Zoning Administrator.
- (g) Restrictions on solar energy systems limited. Homeowners' agreements, covenants, common interest community standards, or other contracts between multiple property owners within a subdivision, condominium subdivision, mixed-used residential development, or planned unit development shall not restrict or limit solar energy systems.
- (2) Community solar energy system. The installation and operation of a community solar energy system shall be subject to the following standards:
  - (a) Districts allowed.
    - [1] Rooftop community solar energy systems are a permitted use as an accessory to a principal use in all zoning districts where buildings are permitted.
    - [2] Ground-mounted community solar energy systems are a conditional use in all zoning districts.
      - [a] Ground-mounted community solar energy systems shall be six or fewer acres in total size. Ground-mount solar developments covering more than six acres shall be considered solar farms and shall abide by the requirements for solar farms as presented below.
  - (b) Height.
    - [1] Rooftop solar energy systems shall not exceed the maximum allowed height in the applicable zoning district. Rooftop solar energy systems other than building-integrated systems shall be granted an equivalent exception to height standards as building-mounted mechanical devices or equipment.
    - [2] The height of a ground-mounted solar energy system shall not exceed the maximum allowable height for a structure in the zoning district within which the system is located.
  - (c) Setback.
    - [1] Roof- or building-mounted solar energy systems.
      - [a] In addition to the building setback, the collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built.
      - [b] Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.
      - [c] Solar collectors mounted on the sides of buildings and serving as awnings are considered to be building-integrated systems and are regulated as awnings.
    - [2] Ground-mounted solar energy systems. Ground-mounted solar energy systems shall meet the setback for a principal structure in the district within which they are located and may not extend into the side-yard or rear setback when oriented at minimum design tilt, except as otherwise allowed for building mechanical systems.

(3) Requirements for solar energy systems.

- (a) Approved solar components. Electric solar energy system components must have a UL or equivalent listing and solar hot water systems must have an SRCC rating.
- (b) Compliance with building code. All solar energy system shall be consistent with the State of Wisconsin Building Code and the Town of Polk Building Code, and solar thermal systems shall comply with HVAC-related requirements of the Energy Code.
- (c) Compliance with state electric code. All photovoltaic systems shall comply with the Wisconsin State Electric Code.
- (d) Compliance with state plumbing code. Solar thermal systems shall comply with applicable Wisconsin State Plumbing Code requirements.
- (e) Utility notification. All grid-intertie solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.

**§ 336-92. Geothermal energy systems.**

A. Applicability.

- (1) This section applies to geothermal energy systems constructed after the effective date of the chapter.
- (2) Any upgrade, modification, or structural change to a geothermal energy system constructed prior to the effective date of this chapter shall comply with the provisions of this chapter.

B. Purpose. It is the purpose of this section to:

- (1) Promote the safe, effective, and efficient use of geothermal energy systems installed to reduce the on-site consumption of utility supplied energy as a permitted accessory use while protecting the health, safety, and welfare of adjacent and surrounding land uses through appropriate zoning and land use controls. Where said general standards and specific criteria overlap, the specific criteria shall supersede the general standards.
- (2) Oversee the permitting of geothermal systems.
- (3) Preserve and protect the public health and safety.

C. Standards. The installation and operation of a geothermal energy system shall be subject to the following standards:

- (1) Districts allowed. A geothermal energy system is a permitted use in all zoning districts as an accessory to a principal use.
- (2) A geothermal energy system shall be constructed, installed, and operated in conformance with all applicable State and Town building codes, and in accordance with Ch. 280, Wis. Stats.
- (3) A geothermal energy system shall conform to applicable industry standards including those of ANSI. Applicants shall submit certificate of compliance demonstrating that the system has been tested and approved by UL or other approved independent testing agency.
- (4) Aboveground equipment shall comply with the setback requirements of the respective zoning



district.

- (5) Equipment, piping, and devices shall not be located in any easement or right-of-way.
- (6) Setbacks. Geothermal energy systems shall conform to all setbacks requirements for accessory structures and shall:
  - (a) Be setback a minimum of 75 feet from a personal on-site wastewater treatment system.
  - (b) Not be located closer than 200 feet to a water well, except when the well is a private water system well and when the owner is the same for both the water well and the geothermal system, in which case the water well shall not be closer than 75 feet from the geothermal system.

**§ 336-93. Outdoor furnaces.**

**A. Applicability.**

- (1) This section applies to outdoor furnaces installed or constructed after the effective date of this chapter.
- (2) Any upgrade, modification, or structural change to an outdoor furnace constructed prior to the effective date of this chapter shall comply with the provisions of this chapter.

**B. Purpose.** It is the purpose of this section, to promote the safe, effective, and efficient use of outdoor furnaces installed to reduce the on-site consumption of utility supplied energy as a permitted accessory use while protecting the health, safety, and welfare of adjacent and surrounding land uses through appropriate zoning and land use controls. Where said general standards and specific criteria overlap, the specific criteria shall supersede the general standards.

**C. Standards.** The installation and operation of an outdoor furnace shall be subject to the following standards:

- (1) Districts allowed. An outdoor furnace is a permitted use in the A-1 and A-2 Districts as an accessory to a principal use.
- (2) An outdoor furnace shall comply with all applicable standards governing air quality and emissions as may be promulgated and amended by the USEPA and WDNR.
- (3) An outdoor furnace shall be certified by a recognized product testing company such as UL, CSA, or ETL.
- (4) Burn materials. The following materials may be burned in an outdoor furnace: clean wood, wood pellets, and other materials approved by the manufacturer, EPA, and WDNR. Every other material is expressly prohibited.
- (5) An outdoor furnace shall be fitted with an electro-mechanical-draft combustion system (blower).
- (6) An outdoor furnace shall be fitted with a secondary heat exchanger, also known as a two-pass heat exchanger.
- (7) An outdoor furnace shall have a childproof locking device on the fire door or shall be in an enclosure with the access door having such a locking device.

- (8) An outdoor furnace shall not be placed closer than 50 feet to the property boundary line of the parcel on which it is located or within the building setback line. Furthermore, an outdoor furnace shall not be located in the front yard or street-side yard of a parcel.
- (9) An outdoor furnace shall not be placed closer than 35 feet to any aboveground structure.
- (10) Equipment, piping, and devices shall not be located in any easement or right-of-way.
- (11) The opening of the venting stack shall meet the standards set in the table below. For the purpose of this section, if an adjoining residentially zoned parcel is vacant, the minimum building setback line shall be used as the edge of the building and the height of the highest eave shall be 12 feet. If when the residential building is constructed the height of the eave is greater than 12 feet, the furnace operator shall at that time raise the stack so as to comply with the height standards in the table.
  - (a) Venting stack height for outdoor furnaces.

Distance to Closest Residence	Minimum Height
Less than 50 feet	The height of the highest eave of that residence plus two feet
50 feet to 99 feet	75% of the height of the highest eave of that residence plus two feet
100 feet to 149 feet	50% of the height of the highest eave of that residence plus two feet
More than 150 feet	25% of the height of the highest eave of that residence plus two feet

- (12) Manufacturer operating instructions shall be followed except when in conflict with this chapter.
- (13) An outdoor furnace shall be installed by a licensed contractor consistent with the manufacturer instructions except when in conflict with this section.
- (14) An outdoor furnace shall maintain separation to combustible materials, such as LP tanks, consistent with standards of the National Fire Protection Association.
- (15) Stockpile of burnable materials.
  - (a) Stockpiles of burnable materials may be kept inside of a building or out of doors. If kept indoors, the building may not also house the outdoor furnace. If kept out of doors, the stockpiles shall be no closer than 25 feet to the property boundary line of the parcel on which it is located or within the building setback whichever is greater. Furthermore, if kept outdoors, the stockpiles shall not be located in the front yard or in the street-side yard of parcel.
  - (b) If corn pellets are burned within an outdoor furnace, they shall be stored in a vermin-proof container.

#### § 336-94. Electric vehicle infrastructure.

A. Applicability. This section applies to:

- (1) Electric vehicle infrastructure constructed after the effective date of the chapter.
- (2) Any upgrade, modification, or structural change to electric vehicle infrastructure constructed prior to the effective date of this chapter shall comply with the provisions of this chapter.

B. Purpose. It is the purpose of this section to:

- (1) Facilitate the use of electric vehicles and to expedite the establishment of a convenient, cost-effective electric vehicle infrastructure that such use necessitates.
- (2) Oversee the permitting of electric vehicle infrastructure.
- (3) Preserve and protect the public health and safety.

C. Standards, general.

- (1) Districts allowed.
  - (a) Level-1 and Level-2 electric vehicle charging stations are a permitted use in all zoning districts as an accessory to a principal use. Such stations located at single-family dwellings shall be designated as private restricted use only. The commercial use of Level-1 and Level-2 charging stations in agricultural and residential zoning districts is prohibited.
  - (b) Level-3 electric vehicle charging stations are a permitted use in the B-1, B-2, M-1, and M-2 District as an accessory to a principal use, other than as described in Subsection C(1)(c) below.
  - (c) If the primary use of the parcel is the retail electric charging of vehicles, then the use shall be considered a service station for zoning purposes. Such a use shall be a permitted use when located in zoning districts that permit service stations.

D. Standards, public charging stations.

- (1) General requirements for parking.
  - (a) An electric vehicle charging station space may be included in the calculation for any minimum required parking spaces.
  - (b) Public electric vehicle charging stations are reserved for parking and charging electric vehicles only.
  - (c) Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that would apply to any other vehicle that would park in that space.
- (2) Lighting. Site lighting shall be provided where an electric vehicle charging station is installed unless charging is for daytime purposes only.
- (3) Equipment standards and protection.
  - (a) Battery charging station outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the surface where mounted. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designed and located as to not impede pedestrian travel or create trip hazards on sidewalks.

- (b) Adequate battery charging station protection, such as concrete-filled steel bollards, shall be used. Curbing may be used in lieu of bollards, if the battery charging station is setback a minimum of 24 inches from the face of the curb.
- (4) Usage fees. Information shall be posted identifying voltage and amperage levels and any time of use, fees, or safety information related to the electric vehicle charging station.
- (5) Signage.
  - (a) Each electric vehicle charging station space shall be posted with signage indicating the space is only for electric vehicle charging purposes. For purposes of this subsection, charging means that an electric vehicle is parked at an electric vehicle charging station and is connected to the battery charging station equipment. Restrictions shall be included on the signage if removal provisions are to be enforced by the property owner.
  - (b) When a sign provides notice that a parking spaces a publicly designated electric vehicle charging station, no person shall park or stand any nonelectric vehicle in a designated electric vehicle charging station space. Further, no person shall park or stand an electric vehicle in a publicly designated electric vehicle charging station space when not electrically charging or parked beyond the days and hours designated on the regulatory signs posted. For purposes of this subsection, "charging," means an electric vehicle is parked at an electric vehicle charging station and is connected to the charging station equipment.
- (6) Maintenance. Electric vehicle charging stations shall be maintained in all respects, including the functioning of the equipment. A phone number or other contact information shall be provided on the equipment for reporting when it is not functioning, or other problems are encountered.

#### **§ 336-95. Earth sheltered structures.**

Structures which are built partially or totally into the ground for the purpose of using the insulating value of the soil to conserve energy may be permissible in the A-1, A-2, R-1, R-2, R-3, and R-4 zoning districts. This section does not include conventional homes with exposed basements, split-levels, or similar types of construction. In addition, the following information requirements and standards shall apply:

- A. Application. Applications for the construction of an earth sheltered structure shall be accompanied by all of the information required to obtain a building permit with special attention to be given to the bearing strength of the structure, provision of proper drainage for sanitary, storm and ground water and wastes, proper ventilation, grading of the lot and its effect on adjacent properties, proper exit availability and exterior renderings of the structures to determine its visual effect on adjacent structures. Such standards shall be certified by a registered engineer or architect.
- B. Construction. Earth sheltered structures shall be constructed in conformance with all applicable state and local building and zoning codes. A registered engineer or architect shall certify that the design of the structure is in conformance with all applicable state and local codes.

#### **§ 336-96. Residential quarters in the B-1 District, I-1 District, and Q-1 District.**

No more than two rental apartments as a secondary use on a nonground floor level and providing a minimum floor area of 750 square feet for a one bedroom apartment and 900 square feet of floor space for a two bedroom apartment.

**§ 336-97. Garage lots.**

- A. Districts allowed. A "garage, off-site residential" is permissible in the R-4 Shoreland Residential District upon approval of a conditional use permit.
- B. Applicability.
- (1) This section applies to a detached accessory structure (garage) located on a garage lot associated with a parent parcel.
  - (2) Each lot shall be under common ownership.
  - (3) The parent parcel shall be a lakefront lot.
- C. Purpose.
- (1) There are preexisting residential lakefront lots in the Town that are too small or too narrow to allow for the construction of a garage.
  - (2) Necessity dictates that special provisions should be made to allow the construction of an off-site garage so long as all of the standards in this section are met.
- D. Standards.
- (1) An off-site residential garage may be established on a garage lot as long as all of the following apply:
    - (a) The garage lot fully fronts the road providing access to the lakefront lot.
    - (b) The garage lot is located on the opposite side of road from the lakefront lot.
    - (c) Some portion of the road frontage of the garage lot coincides with the road frontage of the lakefront lot.
  - (2) Although an off-site garage is the only building permitted on a lot hosting this use, it is considered an accessory structure to the principal structure on the parent parcel and shall comply with the requirements of all applicable sections of this chapter.
  - (3) A lakefront lot shall not be associated with more than one off-site residential garage.
  - (4) No items or material of any kind shall be stored out-of-doors on a lot with an off-site residential garage.
  - (5) No additional accessory structures may be located on a lot with an off-site residential garage.
- E. Deed restriction required. Prior to approval of a conditional use permit and the issuance of a building permit, the property owner shall file an agreement and deed restriction with the Register of Deeds for Washington County, as approved by the zoning administrator, that prohibits the sale of the lot with the off-site residential garage separately from the lakefront lot to which it is associated (i.e., both lots must be sold together) and that such restriction remains in perpetuity.

**§ 336-98. Live/work units.**

- A. Description. A "live/work unit" is an owner occupied mixed-use building compliant with the following:

- (1) All uses.
  - (a) A minimum of two means of dedicated egress shall be available for each unit.
  - (b) A separate certificate of occupancy is required for each residential and nonresidential use of the structure.
  - (c) The certificate of occupancy is nontransferable.
  - (d) Owner-occupied. The main-level residential use or the main-level nonresidential use shall be owner-occupied.
- (2) Districts allowed. Live/work units are a conditional use in the B-1, B-2, and M-1 Districts.
- (3) Nonresidential use.
  - (a) Only those nonresidential uses listed as a permitted use or conditional use in the applicable zoning district are permissible.
  - (b) A nonresidential use may occupy any level of the structure, however:
    - [1] No less than 50% of the main level shall be dedicated to a nonresidential use.
    - [2] Such use shall occupy the entirety of the front portion of the structure, but for any entrance exclusive to the residential use. The front portion of the structure shall be that part of the structure abutting the street associated with the primary mailing address of said structure.
    - [3] No more than five persons not a member of the owner's immediate family shall be engaged in the nonresidential use.
- (4) Residential use. A residential use may occupy any level of the structure, however:
  - (a) No more than 50% of the main level shall be dedicated to a residential use.
  - (b) Such use shall not occupy the front portion of the structure, but for any entrance exclusive to the residential use. The front portion of the structure shall be that part of the structure abutting the street associated with the primary mailing address of said structure.

**§ 336-99. Breweries and distilleries.**

- A. Accessory uses. The following accessory uses shall require a conditional use permit:
  - (1) Tasting rooms.
  - (2) Retail sales of business merchandise on the brewery and distillery premises.
- B. Waste. All solid waste generated on the premises shall be stored and disposed of in a manner that does not cause a public nuisance affecting public health pursuant to the Town Code.

**§ 336-100. Microbreweries and craft distilleries.**

- A. Quantity.
  - (1) A total of not more than 10,000 barrels or 310,000 U.S. gallons of fermented malt beverages

shall be manufactured on the premises per calendar year.

- (2) A total of not more than 100,000 proof gallons of intoxicating liquor shall be manufactured on the premises per calendar year.

B. Accessory uses. The following accessory uses shall require a conditional use permit:

- (1) Tasting rooms.
- (2) Retail sales of business merchandise on the brewery and distillery premises.

C. Waste. All solid waste generated on the premises shall be stored and disposed of in a manner that does not cause a public nuisance affecting public health pursuant to the Town Code.

**§ 336-101. Wineries.**

A. Quantity. A total of at least 25,000 U.S. gallons of wine, but less than 100,000 gallons of wine, shall be manufactured on the premises per calendar year.

B. Accessory uses. The following accessory uses shall require a conditional use permit:

- (1) Tasting rooms.
- (2) Retail sales of business merchandise on the winery premises.

C. Waste. All solid waste generated on the premises shall be stored and disposed of in a manner that does not cause a public nuisance affecting public health pursuant to the Town Code.

**§ 336-102. Boutique wineries.**

A. Quantity. A total of not more than 25,000 U.S. gallons of wine shall be manufactured on the premises per calendar year.

B. Accessory uses. The following accessory uses shall require a conditional use permit:

- (1) Tasting rooms.
- (2) Retail sales of business merchandise on the winery premises.

C. Waste. All solid waste generated on the premises shall be stored and disposed of in a manner that does not cause a public nuisance affecting public health pursuant to the Town Code.

**§ 336-103. Backyard chickens in residential zoning districts.**

A. Standards. The keeping of backyard chickens shall comply in all respects with the following:

- (1) General.
  - (a) No more than eight chickens may be kept.
  - (b) The keeping of roosters is prohibited.
  - (c) Chickens raised and kept on the property for food shall not be slaughtered in view of adjoining properties.
  - (d) Any henhouse and outdoor run that is abandoned or its use discontinued for the keeping of

chickens for a period of 365 consecutive days shall be removed from the premises by the property owner.

- (e) Modifications of a henhouse and outdoor run for some other use is prohibited.
- (2) Enclosure requirements and prohibitions.
- (a) Chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced area or run at all times.
  - (b) The enclosure shall be adequately ventilated and shall allow free movement of the fowl.
  - (c) The size of the henhouse shall provide a minimum of three square feet per chicken.
  - (d) The structure shall not be greater than 120 square feet in size.
  - (e) The maximum height of the enclosure, including the area of a covered run, shall not exceed eight feet.
  - (f) The construction of the enclosure shall utilize a building design and materials suitable for a residential district.
  - (g) The enclosure must include a floor.
  - (h) The use of dilapidated corrugated metal, dilapidated sheet metal, plastic, polymer or tarp-type material, pallets, scrap materials and/or similar materials shall be prohibited.
  - (i) The reuse of storage containers, vehicles, or parts thereof, and similar objects for a henhouse/run are prohibited.
- (3) Location.
- (a) The enclosure housing chickens shall be located at least 25 feet from any residential structure on an adjacent lot.
  - (b) No henhouse or outdoor run shall be located within 15 feet of any side or rear lot line, and/or sited to obstruct an existing drainage course or create a drainage problem for the property on which it is situated or for any neighboring property.
  - (c) No henhouse shall be located within the street yard or primary street yard on a corner lot or double frontage lot.
- (4) Level of care.
- (a) Chickens shall be kept in a sanitary condition, be provided with fresh water and adequate amounts of food at all times.
  - (b) Chickens shall be secured within a henhouse during non daylight hours.
  - (c) Chickens may not roam free outside of a henhouse or enclosed run or roam off of the permitted property. A dog, cat, or other domesticated animal that kills a chicken off of the permitted property shall not, for that reason alone, be considered a dangerous or aggressive animal.
  - (d) All chicken waste shall be properly disposed of in a timely manner.



**B. License required.**

- (1) An application for "license: backyard chickens" shall be completed and submitted to the Town Clerk.
  - (a) The application shall include a site plan drawing describing the location of the henhouse and outdoor run in relationship to lot boundaries.
  - (b) The license shall be issued only to the primary owner(s) of record of a residence located in the designated residential districts.
  - (c) The property owner/licensee shall reside year-round on the premises regulated by the license.
  - (d) A license shall be issued only to the primary owner(s) of record of a residence located in the designated residential districts.
  - (e) The propagation of chickens for commercial purposes or for any activity or purpose not related to the personal purpose of the license holder, including fertilizer production and/or the sale of eggs, shall be prohibited.
  - (f) The license shall include the standards described in Subsection B above.
  - (g) The license shall be approved and issued by the Zoning Administrator.
- (2) Revocation. A license may be revoked by the Plan Commission for failure to comply with any of the provisions of this section.
  - (a) Once revoked, a license shall not be reissued for a two-year period.
  - (b) Any applicant whose application has been denied or license has been revoked under the provisions of this chapter shall have the right to appeal said denial.
  - (c) Any license holder who has his/her license revoked must properly remove the chickens and henhouse/run from the subject property within 96 hours of revocation or decision on appeal.

**C. Registration required.** The owner, operator, or tenant shall register the premise where chickens are kept with the Wisconsin Department of Agriculture, Trade and Consumer Protection as required by state law and maintain such registration for so long as may be required.

**§ 336-104. Keeping of bees in residential zoning districts.****A. Standards.** The keeping of bees shall comply in all respects with the following:

- (1) No bees shall be intentionally kept and maintained other than Mason bees or Honeybees.
- (2) No hive shall exceed 20 cubic feet in volume.
- (3) An ever-present supply of water shall be provided for all hives.
- (4) The Town Clerk shall be notified immediately if a hive swarms. The owner is responsible for tracking and managing the swarm and notifying affected landowners.
- (5) Hives.

- (a) No more than two hives may be kept on a residential zoning lot.
- (b) Hives shall not be located on vacant lots.
- (c) Hives shall be located in the back or rear yard with access to direct morning sun".
- (d) No hive shall be located closer than 10 feet from any property line of a residential district lot.
- (e) No hive shall be located closer than 10 feet from a public sidewalk or 25 feet from a principal structure on an abutting lot in different ownership.
- (f) The area around the hive(s) shall be kept clean of hive scrapings to avoid attracting wasps, nuisance insects, and animals.
- (g) Signage shall be posted informing that bees are kept on the property. Such signage shall conform to the following:
  - [1] Signs shall be no smaller than seven inches by 10 inches and printed in a font size clearly legible to the general public.
  - [2] Signs shall be placed at locations visible to all adjoining parcels.
  - [3] Signs shall be posted to a fence or semipermanent post at a height no lower than four feet and no higher than six feet.
  - [4] Signs shall be made of aluminum, heavy-duty plastic, or vinyl laminate.
  - [5] Signs shall be composed of black writing on a yellow background.
  - [6] Signs shall include the words "Caution" or "Warning" in large block letters at the top and "Bees," "Honeybees," "Beehives," or similar below.
- (h) A flyway barrier at least six feet in height shall shield any part of a property line of a lot in different ownership that is within 25 feet of a hive. The flyway barrier must effectively direct bees to fly up and over the barrier when flying in the direction of the barrier. The flyway barrier shall consist of a wall, fence, dense vegetation, or combination thereof, and it shall be positioned to transect both legs of a triangle extending from an apex at the hive to each end point of the part of the property line to be shielded.

B. License required.

- (1) An application for "license: keeping of bees" shall be completed and submitted to the Town Clerk.
  - (a) The application shall include a diagram describing the location of the hive(s) in relationship to lot boundaries.
  - (b) The license shall be issued only to the primary owner(s) of record of a residence located in the designated residential districts.
  - (c) The property owner/licensee shall reside on the premises regulated by the license.
  - (d) The keeping of bees for commercial purposes or for any activity or purpose not related to the personal purpose of the license holder, including the commercial sale of honey or other

materials related to the keeping of bees, shall be prohibited.

- (e) The license shall include the standards described in Subsection B above.
- (f) The license shall be approved and issued by the Zoning Administrator.
- (2) Revocation. A license may be revoked by the Plan Commission for failure to comply with any of the provisions of this section.
- (3) Once revoked, a license shall not be reissued for a two-year period.
- (4) Any applicant whose application has been denied or license has been revoked under the provisions of this chapter shall have the right to appeal said denial.
- (5) Any license holder who has his/her license revoked must properly remove the hive(s) from the subject property within 96 hours of revocation or decision on appeal.

**§ 336-105. Commercial storage and office warehouse.**

- A. Purpose. It is the purpose of this section to oversee the permitting of multiunit and multistructure commercial storage and office warehouses approved pursuant to adoption of this chapter.
- B. Districts allowed. Commercial storage and office warehouses are a permitted use in the M-3 District.
- C. Site manager office.
  - (1) If a site manager office is proposed:
    - (a) The site manager office shall be the principal structure and all other structures shall be accessory structures.
    - (b) A site manager shall be available during regular business hours.
  - (2) If no site manager office is proposed, all structures shall be principal structures.
- D. Uses.
  - (1) Permitted uses. The following uses are permitted uses in a commercial storage and office warehouse:
    - (a) Distributors.
    - (b) Mobile service facilities.
    - (c) Warehousing of business goods, materials, or wares associated with a business establishment in operation at another location.
    - (d) Wholesale and supply.
  - (2) Conditional uses. The following uses are conditional uses in a commercial storage and office warehouse:
    - (a) Artificial bodies of water, as an accessory to the principal use.
  - (3) Accessory uses.

- (a) Essential services.
  - (b) Office and restroom incidental to a permitted use.
  - (c) Solar energy systems.
  - (d) Wind energy systems.
  - (e) Other uses customarily incidental to a use listed above.
- (4) Prohibited uses. The following are specifically prohibited in commercial storage and office warehouse:
- (a) Any type of sales activity, including, but not limited to, commercial sales, retail sales, wholesale sales, miscellaneous sales, garage sales, or auctions.
  - (b) Noncommercial uses.
  - (c) Operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.
  - (d) Servicing, repair, or fabrication of motor vehicles, boats, trailers, lawnmowers, appliances, or other equipment.
  - (e) Use or storage of flammable or hazardous chemicals or explosives except motor vehicle fuel in permanent, on-board vehicle fuel tanks.
  - (f) Uses deemed by the Plan Commission to be incompatible with an existing use.
- E. Design standards. In addition to the requirements of Articles VIII, IX, and X of this chapter, the following shall apply:
- (1) At least 40 feet of clear, unobstructed driveway depth shall be provided from the road to the primary access gate or principal entry point of the facility.
  - (2) All areas intended for driving, parking, or loading shall be paved with asphalt or concrete.
  - (3) Interior drive aisle widths shall not be less than 25 feet.
  - (4) All fences or walls visible from the public right-of-way shall be constructed of decorative building materials such as slump stone masonry, concrete block, wrought iron, or other similar materials, and shall complement the appearance of the principal structures.
  - (5) Exterior building colors shall be earth tones.
  - (6) Building walls exceeding 50 feet in length shall be broken or staggered and a maximum building length of 150 linear feet is established, regardless of modulation.
  - (7) Exterior lighting shall be provided for all areas intended for driving, parking, or loading.
- F. Operational standards.
- (1) Commercial storage and office warehouses located on parcels adjacent to any zoning district which allows residential dwellings as a permitted use or conditional use shall not operate or allow tenant access between the hours of 10:00 p.m. and 6:00 a.m.

- (2) Any area proposed for outdoor storage shall be screened from view from public spaces, streets, and abutting properties by means of fences, walls, hedges, or some combination thereof, providing not less than 80% opacity.
  - (3) Outside refuse bins required. Outside refuse bins are required, shall be centrally located, and shall be screened from public view by fencing compliant with the design standards requirements of this section.
  - (4) Owner shall provide an operations plan for review and approval by the Town. Said plan shall include a draft rental or lease agreement, as applicable.
  - (5) No trash, refuse, or similar such materials shall be stored in units.
- G. Operations plan. Owner shall provide an operations plan, as a component of the required site plan, for review and approval by the Plan Commission. The operations plan shall include:
- (1) Development agreement, to be approved by the Town Attorney and Town Board.
  - (2) If structures/units are to be individually owned, condominium association agreement, to be approved by the Town Attorney.
  - (3) If structures/units are to be leased or rented, sample lease/rental agreement and storage contract.
  - (4) Description of security measures and access control for each structure/unit.

#### **§ 336-106. Multifunction hobby and work unit.**

- A. Purpose. It is the purpose of this section to oversee the permitting of multiunit and multistructure multifunction hobby and work units approved pursuant to adoption of this chapter.
- B. Districts allowed. Multifunction hobby and work units are a permitted use in the M-3 District.
- C. Site manager office.
  - (1) If a site manager office is proposed:
    - (a) The site manager unit shall be the principal structure and all other structures shall be accessory structures.
    - (b) A site manager shall be available during regular business hours.
  - (2) If no site manager office is proposed, all structures shall be principal structures.
- D. Uses.
  - (1) Permitted uses. The following uses are permitted uses in a multifunction hobby and work unit:
    - (a) Private art, crafting, photography, or similar such studios.
    - (b) Mobile service facilities.
    - (c) Private, noncommercial hobby shops or workshops solely for the use of the renter, lessee, or owner.
    - (d) Warehousing of private goods, materials, vehicles, or wares exclusively owned by the renter, lessee, or owner.

- (2) Conditional uses. The following uses are conditional uses in a multifunction hobby and work unit:
  - (a) Artificial bodies of water, as an accessory to the principal use.
- (3) Accessory uses.
  - (a) Essential services.
  - (b) Office and restroom incidental to a permitted use.
  - (c) Solar energy systems.
  - (d) Wind energy systems.
  - (e) Other uses customarily incidental to a use listed above.
- (4) Prohibited uses. The following are specifically prohibited in a multifunction hobby and work unit:
  - (a) Any type of sales activity, including, but not limited to, commercial sales, retail sales, wholesale sales, miscellaneous sales, garage sales, or auctions.
  - (b) Outdoor storage.
  - (c) Residences, dwellings, or any other manner of lodging, including overnight stays by any party including the renter, lessee, or owner.
  - (d) Servicing, repair, or fabrication of motor vehicles, boats, trailers, lawnmowers, appliances, or other equipment.
  - (e) Use or storage of flammable or hazardous chemicals or explosives except motor vehicle fuel in permanent, on-board vehicle fuel tanks.
  - (f) Uses deemed by the Plan Commission to be incompatible with an existing use.
- E. Design standards. In addition to the requirements of Articles VIII, IX, and X of this chapter, the following shall apply:
  - (1) At least 40 feet of clear, unobstructed driveway depth shall be provided from the road to the primary access gate or principal entry point of the facility.
  - (2) All areas intended for driving, parking, or loading shall be paved with asphalt or concrete.
  - (3) Interior drive aisle widths shall not be less than 25 feet.
  - (4) All fences or walls visible from the public right-of-way shall be constructed of decorative building materials such as slump stone masonry, concrete block, wrought iron, or other similar materials, and shall complement the appearance of the principal structures.
  - (5) Exterior building colors shall be earth tones.
  - (6) Building walls exceeding 50 feet in length shall be broken or staggered and a maximum building length of 150 linear feet is established, regardless of modulation.
  - (7) Exterior lighting shall be provided for all areas intended for driving, parking, or loading.

F. Operational standards.

- (1) Multifunction hobby and work units located on parcels adjacent to any zoning district which allows residential dwellings as a permitted use or conditional use shall not operate or allow tenant access between the hours of 10:00 p.m. and 6:00 a.m.
- (2) Outside refuse bins required. Outside refuse bins are required, shall be centrally located, and shall be screened from public view by fencing compliant with the design standards requirements of this section.
- (3) No trash, refuse, or similar such materials shall be stored in units.

G. Operations plan. Owner shall provide an operations plan, as a component of the required site plan, for review and approval by the Plan Commission. The operations plan shall include:

- (1) Development agreement, to be approved by the Town Attorney.
- (2) If structures/units are to be individually owned, condominium association agreement, to be approved by the Town Attorney.
- (3) If structures/units are to be leased or rented, sample lease/rental agreement and storage contract.
- (4) Description of security measures and access control for each structure/unit.

§ 336-107 Rural Accessory Buildings

The Town Board is authorized to designate certain existing accessory buildings as “Rural Accessory Buildings” in the A-1 and A-2 Zoning Districts. A building so designated shall not be counted toward the maximum number of accessory buildings permitted on a lot or toward the total accessory building floor area permitted on a lot, provided such designation is approved by the Town Board. This section establishes the procedures and criteria for rural accessory building determinations.

- A. Submittal of application materials. The applicant submits a completed application and other required materials to the Zoning Administrator along with the application fee as may be established by the Town Board.
- B. An application shall be determined complete prior to processing. If the Zoning Administrator finds the submittal incomplete, written notice shall be provided identifying the deficiencies. The applicant shall have sixty (60) from the date of the notice to remedy the deficiencies. Failure to submit the required information within that period shall result in closure of the application and forfeiture of the application fee. A determination of completeness signifies only that the application is ready for review and does not preclude the reviewing authority from requiring additional information deemed necessary.
- C. Review date. When the zoning administrator determines the application is complete, it shall be scheduled for Town Board consideration within forty-five (45) days of the Zoning Administrator’s determination that the application is complete.
- D. Allowing for proper notice, the Town Board shall consider the application at a regular or special meeting.
- E. Basis of Decision.
  - (1) In making its decision, the Town Board shall initially determine whether the building meets at least one of the following criteria:
    - (a) The building is set apart from other buildings as being distinct, due to its construction technique,

- construction materials, age, local historic significance, or design.
  - (b) The building is characteristic of past agricultural practices or rural life, whether presently utilized or not for agricultural practice.
  - (c) The building is associated with a person of historic significance or with important historical events.
  - (d) The building represents a notable work of a master builder, designer, or architect who influenced their age.
- (2) If the Town Board determines that the building meets one of the above criteria, it shall then consider the following factors in making its final decision:
- (a) Effects of the building on the natural environment;
  - (b) Effects of the building on surrounding properties;
  - (c) The overall appearance of the building; and
  - (d) Any other factor that relates to the purposes of this chapter or as allowed by state law.
- (3) No building shall be designated a rural accessory building if it is not structurally sound to meet minimum safety requirements for the proposed use, as determined by the building inspector, provided that such determination shall not relieve the property owner of any responsibility or liability as to the building and shall not form a basis of liability against the building inspector or any other governmental official or entity.
- (4) Imposition of conditions. The Town Board may impose one or more conditions of approval as may be necessary to grant approval.
- F. Preparation of decision notice. The Zoning Administrator shall prepare a written decision notice consistent with this chapter, reflecting the action of the Town Board.

**§ 336-108. through § 336-119. (Reserved)**



ARTICLE V  
Conditional Uses

**§ 336-120. Permits.**

A conditional use permit shall be required for the uses listed as conditional uses in this chapter.

**§ 336-121. Permit procedure.**

- A. Application. Applications for conditional use permits shall be made to the Zoning Administrator upon such forms as shall be prescribed by the Town.
- B. Zoning administrator review. The Zoning Administrator or designee shall review the application and prepare a report for the Plan Commission. The report shall include the Zoning Administrator's recommendation to approve, conditionally approve, or deny the proposed conditional use permit. Should the Zoning Administrator or designee recommend approval of the proposed conditional use permit, specific conditions under which the permit shall be authorized shall be included with the recommendation.
- C. Plan Commission review and recommendation. The Plan Commission consider the Zoning Administrator's report and 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.
- D. Public hearing. The Plan Commission shall hold a public hearing upon each petition after publishing a Class 2 notice under § 985, Wis. Stats., of listing the time and place of the hearing and the changes or amendments proposed by the petition. The Town Clerk shall give at least 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 this chapter. Following the public hearing, or within a reasonable amount of time thereafter, the Plan Commission shall make a recommendation to the Town Board that the proposed conditional use permit be granted as requested, modified, and granted, or denied.
- E. Granting of permit.
  - (1) After careful consideration of the recommendation of the Plan Commission and testimony submitted during the public hearing, the Town Board shall approve the proposed use(s) and structure(s) and impose conditions that are:
    - (a) Related to the purpose of this chapter.
    - (b) Based on substantial evidence.
    - (c) Reasonable and, to the extent practicable, measurable.
  - (2) The Town Board may impose time limitations upon conditional uses and subject them to periodic review, reissuance, or revocation.
  - (3) The Town Board shall authorize the Zoning Administrator to issue a conditional use permit.
- F. 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 Administrator upon 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.

**§ 336-122. through § 336-124. (Reserved)**

## ARTICLE VI Nonconformities

### § 336-125. Existing nonconforming uses.

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

- A. 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 chapter.
- B. Total lifetime structural repair or alterations to a structure containing a nonconforming use shall not exceed 50% of the Town's assessed value of the structure unless it is permanently changed to conform to the use provisions of this chapter. Ordinary maintenance repairs are not considered structural repairs, modifications, or additions, and the repair or replacement of doors, windows, utilities, and sewage treatment and water supply systems.
- C. Substitution of new equipment is allowable only when such equipment will reduce the incompatibility of the nonconforming use with neighboring uses.
- D. Discontinuance. 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 this chapter.
- E. Abolishment or destruction. When a nonconforming use or a structure with a nonconforming use is damaged by violent wind, fire, flood, ice, snow, mold, or other calamity to the extent of more than 50% of its assessed value, it shall not be restored except so as to comply with the provisions of this chapter.

### § 336-126. Existing nonconforming structures.

- A. A Nonconforming structure with a conforming use lawfully existing at the time of the adoption or amendment of this chapter may be continued although the structure's size or location does not conform to the requirements of this chapter.
- B. Nonconforming structures with a conforming use may be repaired, maintained, renovated, rebuilt, or remodeled, subject to building code and other applicable requirements. No prohibition or limits based on cost may be imposed on the repair, maintenance, renovation, or remodeling of such structures.
- C. Additions and enlargements to existing nonconforming structures with a conforming use are permitted, but shall conform to all applicable standards of this chapter. Existing buildings and their additions shall not be permitted to encroach further upon established yard/setback and height requirements than the existing encroachment. The provisions of this subsection with respect to additions or enlargements are applicable only if the lot is served by public sanitary sewer or, if relevant, conforms to existing sanitary code requirements for private on-site sewage treatment systems (POWTS).
- D. Existing nonconforming structures may be moved and shall conform to the established yard/setback, height, parking, loading, and access provisions of this chapter.
- E. A nonconforming structure with a conforming use that is damaged or destroyed by violent wind,

vandalism, fire, flood, ice, snow, mold, infestation, or other calamity may be restored or replaced to the size, location, and use that it had immediately before the damage or destruction occurred, subject to building code and other applicable requirements. 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 this chapter, to the extent practicable, and existing sanitary code requirements, and shall commence within 24 months of the date of damage or destruction, unless an extension is granted by the government agency having authority.

- F. Once a nonconforming use or structure has been changed to conform with the provisions of this chapter, such structure has been razed or relocated, it shall not revert back to a nonconforming use or structure.

**§ 336-127. Conforming structures on nonconforming lots.**

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

- A. Additions or enlargements to such structures are permitted provided they conform to all development regulations of this chapter other than lot area and lot width.
- B. Existing conforming structures on nonconforming lots which are damaged or destroyed by violent wind, vandalism, fire, flood, snow, mold infestation, or other calamity may be reconstructed provided they conform to the use provisions, access provisions, and all development regulations of other than lot area and lot width.

**§ 336-128. Substandard lots.**

- A. Existing substandard lots. A lot which does not contain sufficient area to conform to the dimensional requirements of this chapter but was either: a) of record in the Washington County Register of Deeds Office prior to the effective date of this chapter and is in separate ownership from abutting lands; or b) is a new lot created as a result of the merger of adjacent lots that were of record in the Washington County Register of Deeds Office prior to the effective date of this chapter and are 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.
- B. Vacant substandard lots.
- (1) Merger. Pursuant to § 66.10015(4), Wis. Stats., the Town may not require one or more lots to be merged with another lot, for any purpose, without the consent of the owners of the lots that are to be merged.
  - (2) Conveyance of ownership. Pursuant to § 66.10015(2)(e), Wis. Stats., a property owner of a legal substandard lot may do the following:
    - (a) Convey an ownership interest in a substandard lot.
    - (b) Use the substandard lot as a building site if all of the following apply:

- [1] The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.
- [2] The substandard lot or parcel is developed to comply with all other requirements of this chapter, except the minimum lot dimensional requirement unless otherwise specified.

**§ 336-129. (Reserved)**

## ARTICLE VII Sign Regulations

### § 336-130. Purpose.

- A. The purpose of this section is to create the legal framework to regulate, administer and enforce signs. These regulations recognize the need to protect the safety and welfare of the public, and the need for well-maintained and attractive sign displays within the community, and are accomplished by:
- (1) Ensuring constitutionally protected speech.
  - (2) Reducing distractions and obstructions from signs that would adversely affect traffic safety and alleviating hazards caused by signs projecting over or encroaching upon the public right-of-way.
  - (3) Discouraging excessive visual competition in signage and ensuring that signs aid orientation and adequately identify uses and activities to the public.
  - (4) Preserving or enhancing the natural beauty and unique physical characteristics of the Town by requiring new and replacement signage which is harmonious with the buildings to which signs relate, surrounding neighborhood aesthetics, and other signs in the area and is complementary to the Town's suburban architectural character and unobtrusive commercial developments.
  - (5) Promoting a healthy and properly designed business environment.
  - (6) Protecting property values within the Town.
  - (7) Ensuring safe construction of signage.
- B. Signs not expressly permitted as being allowed by right or by permit under this chapter, by specific requirements in another portion of the Town of Polk Code of Ordinances, or other applicable law, are prohibited.
- C. The regulations included in this section are not intended to and do not apply to signs erected, maintained, or otherwise posted, owned, leased by, on behalf of, or as specifically directed or order by, federal, state, local government, and government agencies, in the furtherance of authorized government operations or activities within the public right-of-way.
- D. This section shall establish reasonable time, place, and manner restrictions and shall not establish or enforce content-based restrictions. Sign regulations shall be based solely on size, brightness, zoning district, spacing, location, and the like.

### § 336-131. Substitution clause.

Signs containing noncommercial speech are permitted anywhere that signs containing commercial speech are permitted, subject to the same regulations applicable to such signs.

### § 336-132. Authorization.

These regulations authorize the use of signs visible from public rights-of-way, provided the signs are:

- A. Compliant with this chapter.
- B. Designed, constructed, installed, and maintained in such a manner that they do not endanger public safety or traffic safety.

C. Legible, readable, and visible in the circumstances in which they are used.

**§ 336-133. Interpretation.**

The requirements and restrictions of this section are in addition to, and not in lieu of, other provisions of this chapter. This section shall be strictly construed to limit signs in the Town. Upon submission of sufficient documentation demonstrating the need to modify the size, design, or number of signs necessary to identify a development, the Plan Commission may modify the sign restrictions within this section to overcome constraints only when such constraints are due to poor site visibility, excessive setbacks, or other physical or topographic constraints.

**§ 336-134. Sign permit.**

- A. Permit required. It shall be unlawful for any person to install, attach, erect, affix, place, attach, paint, draw, construct, or in any other way bring into being or establish; or enlarge, or structurally modify a sign or cause the same to be done in the Town of Polk, without first obtaining a sign permit for each sign from the Zoning Administrator as required by this article. Permits shall not be required for the following:
- (1) The repainting, cleaning, and other normal maintenance and repair of the sign and sign structure.
  - (2) Those specific signs identified in this chapter as not requiring a sign permit.
  - (3) Panel changes or face changes when such changes do not substantively change the dimensions of the existing sign or sign structure.
- B. Application. Application for a sign permit and application fee shall be filed with the Town Clerk upon forms provided by the Town and shall contain the following information:
- (1) The name, address, and telephone number of the sign owner, the property owner, where the sign is or will be located, and the sign contractor of the proposed sign.
  - (2) Clear and legible color drawings with description of the proposed sign, the construction, size, dimensions, and kind of materials to be used in such structure.
  - (3) Site plan drawing showing:
    - (a) Location and ground floor area of all buildings and structures on the property.
    - (b) Location of all existing signs.
    - (c) Location of proposed sign(s).
    - (d) Distance from proposed signs to all structures (as applicable), street right-of-way, and all property lines (as applicable).
  - (4) Scale drawing of sign(s) indicating dimensions, materials to be used, color scheme, type of illumination, if any, and the method of construction or attachment.
  - (5) Means by which proposed sign(s) shall be affixed to the ground or attached to structures (as applicable).
  - (6) Such other information as the Zoning Administrator may require to show full compliance with this and all other applicable laws of the Town.
  - (7) Signature of the applicant.

(8) All required fees.

C. Permit issuance or denial.

(1) The Zoning Administrator shall issue a sign permit upon determination that:

(a) The permit application is properly made.

(b) All required fees have been paid.

(c) The sign complies fully with the requirements of this section and any other applicable laws and regulations.

(2) The Zoning Administrator shall notify the Building Inspector upon approval of a sign permit.

(3) If the sign permit is denied, the Zoning Administrator shall provide written notice of the denial to the applicant, together with a brief statement of the reasons for the denial.

**§ 336-135. Prohibited signs.**

A. General. 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.

B. The following signs are specifically prohibited in all districts, unless a specific district or districts is listed below:

(1) Signs that disfigure, obstruct, or conceal architectural details, windows, and window openings, doors, or other significant structural accoutrements.

(2) Signs that imitate, interfere with, obstruct the view of, or can be confused with any authorized traffic control sign, signal, or other device.

(3) Electronic message centers in the R-1, R-2, R-3, and R-4 Districts.

(4) Changeable copy signs in the R-1, R-2, R-3, and R-4 Districts, except for manual change of copy signs accessory to places of worship, fraternal clubs/lodges, and similar such institutional uses.

(5) Animated signs.

(6) Flashing signs, including signs with scintillating, blinking, or traveling lights of more than 150 lumens per lamp.

(7) Signs which are painted on, or attached or affixed to, rocks, trees, or other living vegetation.

(8) Signs with any light flashing more than 10 times per minute.

(9) Roof signs.

(10) Flags displayed in a manner noncompliant with this section.



- (11) Signs placed on or affixed to vehicles and/or trailers that are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity, unless otherwise specifically allowed in this chapter. This subsection shall not be interpreted to prohibit signs placed on or affixed to vehicles and trailers while the vehicle is parked or used incidentally to the primary use of the vehicle or trailer and are stored during periods of nonuse inconsistent with functional advertising.
- (12) Signs containing reflective elements which sparkle or twinkle in the sunlight.
- (13) Signs located in rear yards.
- (14) Signs attached to, erected, or maintained on any standpipe, exterior stairway, fire escape, tower, or balcony so as to interfere with the use thereof.
- (15) Signs entirely supported by a parapet wall.
- (16) Neon tubing exposed to view and not covered with an opaque cover of Plexiglas or other similar material.
- (17) Beacons of any type.
- (18) Blanketing of existing signs. No sign shall be located or situated in a manner which results in the visual obstruction from an adjoining roadway or pedestrian way of an existing sign on adjacent property.
- (19) Any other signs not specifically permitted by this chapter.

**§ 336-136. Restrictions on posting signs.**

No person shall cause to be placed any type of sign, notice, or other item on any traffic sign pole, utility pole, street indicator sign, or any other pole under the jurisdiction of the Town.

**§ 336-137. Signs not requiring a permit.**

Signs not requiring a permit shall comply in all respects with the sign regulations presented in this chapter. The following signs are allowed without a permit, subject to the following regulations:

- A. Sanctioned event sign(s), provided, type, size, location, and duration of placement of sign(s) is approved by Zoning Administrator.
- B. In agricultural districts:
  - (1) Signs adjoining crop land, subject to the following:
    - (a) Face area shall not exceed 16 square feet.
    - (b) Sign shall not be located in any public right-of-way.
    - (c) Sign shall not be artificially illuminated.
    - (d) Additional signs shall not exceed four square feet.
  - (2) Ground signs, subject to the following:

- (a) Face area shall not exceed four square feet.
    - (b) Sign shall not be located in any public right-of-way.
    - (c) Sign shall not be artificially illuminated.
  - (3) One temporary sign, subject to the following:
    - (a) Sign shall not exceed 16 square feet in face area per side.
    - (b) Sign shall not be located in any public right-of-way.
    - (c) Sign shall not be artificially illuminated.
    - (d) Sign shall not be erected more than 15 days before, and shall be removed no later than 14 days after, the event, activity, or purpose for which the sign is intended, excepting those signs specifically allowed under § 12.04, Wis. Stats.
- C. In residential districts:
- (1) No more than three ground signs, subject to the following:
    - (a) Face area shall not exceed three square feet.
    - (b) Sign shall not be located in any public right-of-way.
    - (c) Sign shall not be artificially illuminated.
  - (2) Two temporary signs, subject to the following:
    - (a) Sign shall not exceed 12 square feet in total face area.
    - (b) Sign shall not be located in any public right-of-way.
    - (c) Sign shall not be artificially illuminated.
    - (d) Sign shall not be erected more than 15 days before, and shall be removed no later than 14 days after, the event, activity, or purpose for which the sign is intended, excepting those signs specifically allowed under § 12.04, Wis. Stats.
  - (3) One wall sign, subject to the following:
    - (a) Sign shall not exceed two square feet in face area.
    - (b) Sign shall not be artificially illuminated.
- D. In nonresidential and nonagricultural districts:
- (1) No more than three ground signs, each with a face area no larger than three square feet.
  - (2) Two temporary signs, subject to the following:
    - (a) No sign shall exceed 16 square feet in face area per side.
    - (b) Signs shall not be located in any public right-of-way or vision corner.
    - (c) Signs shall not be artificially illuminated.

- (d) Signs shall not be erected more than 15 days before, and shall be removed no later than five days after, the event, activity, or purpose for which the sign is intended.
  - (e) In no cases shall signs be maintained for more than 60 days, other than specifically allowed under § 12.04, Wis. Stats.
  - (f) Each sign shall be appropriately secured and constructed consistent with public safety.
- (3) Horizontal banners, subject to the following:
- (a) Size.
    - [1] Banner size is limited to 5% of primary façade, up to a maximum of 60 square feet.
    - [2] Lettering on banners shall be a minimum of six in. in height.
  - (b) Construction. Banners shall be made out of a flexible material and shall have no horizontal stiffeners.
  - (c) Duration.
    - [1] Banners shall be displayed only for the duration of the event for which it is associated.
    - [2] Banners shall not be displayed for more than 30 days.
  - (d) Number.
    - [1] Individual businesses are limited to 12 banner events per calendar year.
    - [2] Maximum allowable number of banners is one street-facing facade.
  - (e) Location.
    - [1] Banner signs shall be affixed to the principal structure.
    - [2] Banner signs shall not obstruct or conceal architectural details, windows and window openings, doors, or other significant structural accoutrements.
  - (f) Maintenance. Property owner shall maintain appearance of banner and all parts and supports of banner. In the event banner is not properly maintained, removal shall be order by Zoning Administrator.
- (4) Feather signs, subject to the following:
- (a) Size.
    - [1] Feather signs shall not exceed 12 feet in height.
    - [2] Feather signs shall not exceed 30 square feet in size.
  - (b) Duration. Feather signs shall be displayed only for the duration of the event for which it is associated.
  - (c) Number. Individual businesses are limited to five feather signs, minus total number banner signs.

- (d) Location.
  - [1] Feather signs shall be placed in the street yard.
  - [2] Feather signs may be located at the property line; however, no portion of sign shall cross the property line.
- (e) Maintenance. Property owner shall maintain appearance of feather sign and all parts and supports of feather sign. In the event feather is not properly maintained, removal shall be order by Zoning Administrator.
- (5) One portable sign, subject to the following:
  - (a) Portable signs are limited to the street yard and shall comply with all setback requirements.
  - (b) Portable signs shall be in place exclusively during the hours of operation of the entity for which the sign is associated.
  - (c) Portable signs shall not exceed 24 square feet in face area and four feet in height.
- (6) Door signs and window signs in the B-1, B-2 Districts.
  - (a) The cumulative area of which shall not exceed 30% of area of door or window to which sign is affixed.
  - (b) Window/door graphics shall not become unsightly or illegible.
  - (c) Chipped or peeling areas shall be removed, repaired, or replaced.
- (7) Neon signs. Neon signs are allowed in taverns, nightclubs, gas stations, convenience stores, and similar establishments determined to be substantially the same by the Zoning Administrator.
- (8) Sandwich board signs.
  - (a) Sandwich board signs are allowable in the B-1 and B-2 Districts as an accessory to a principal structure.
  - (b) Not more than one sandwich board sign shall be allowed on a lot.
  - (c) Sandwich board signs shall not exceed 12 square feet in face area and four feet in height.
  - (d) Sandwich boards signs may be placed in the public right-of-way but shall not be placed within a streetway or roadway and shall not disrupt or obstruct pedestrian flow on a sidewalk.
  - (e) Sandwich board signs shall be placed exclusively during regular business hours of the business for which it is associated.
- (9) Outdoor menu boards.
  - (a) Outdoor menu boards are allowable in the B-1 and B-2 Districts as an accessory to a principal structure.
  - (b) Outdoor menu boards are limited to restaurants, bars, and similar businesses, enterprises, and organizations which sell or serve food, food products, or beverages.

- (c) Outdoor menu boards are limited to sandwich boards or in display windows affixed to the side of the building.
- (d) Not more than one outdoor menu board accessory to a principal structure shall be allowable on a B-1 or B-2 District lot.
- (e) Outdoor menu board lettering may not be legible from any distance off the lot for which it is approved.

E. In all districts:

- (1) Integral signs, not to exceed two per structure.
- (2) Official and governmental signs, such as traffic control, parking, information, and notices.
- (3) Signs intended to protect public safety or warn of potential hazards associated with a specific activity. Such signs shall be maintained only so long as the activity for which they are intended is ongoing.
- (4) Official notices posted by public officers or employers in the performance of their duties.
- (5) Signs required as specifically authorized for a public purpose by any law, statute, or ordinance.
- (6) Signs affixed to a truck, bus, trailer, or other vehicles, while operating in the normal course of business, which is not primarily the display of signs.
- (7) A sign carried by a person.
- (8) House numbers and name plates not exceeding two square feet in area for each residential, commercial, or industrial building.
- (9) Signs internal to a site not intended to be viewed from outside the site.
- (10) Interior signs.
- (11) Festoons.
- (12) Flags.
- (13) Athletic field signage including signs, banners, and scoreboards designed for view from spectator areas and displayed on interior walls, fences, or other structures located inside an enclosed athletic field at a school, park, or other public or private athletic complex; except that approval of the Plan Commission shall be required to display a sign, banner, or scoreboard under this subsection at a Town park. Signs may be illuminated so long as such illumination does not pose a safety risk within or outside the parcels in question. Scoreboards that qualify under this subsection may include flashing elements, if adequate screening is provided to screen the views from abutting streets, as approved by the Zoning Administrator. For purposes of this subsection, a "school" shall mean public schools as defined in § 115.01(1), Wis. Stats., private schools as defined in § 115.001(3r), Wis. Stats., and technical colleges authorized under Ch. 38, Wis. Stats. Athletic field signage may be illuminated and may be temporary.
- (14) Memorials, grave markers, statuary or other remembrances of persons or events, names of buildings and date of erection, when cut into any masonry surface or when constructed of bronze or other nonreflective, unobtrusive, and incombustible materials.

(15) Sanctioned event signs. Signs associated with a temporary, Town-sanctioned event.

F. Flags and flagpoles.

(1) On agricultural and residential district lots:

- (a) Flags. No more than six flags may be displayed on any agricultural or residential zoning district lot, provided:

[1] In no case shall any flag exceed the size of the flag of the United States of America displayed on the same lot.

[2] At no time may a flag be secured by any means on more than one side of the flag.

- (b) Ground-mounted flagpoles.

[1] No ground-mounted flagpole shall exceed 25 feet in height.

[2] No more than two flags shall be displayed on a flagpole.

[3] Furcated flagpoles are prohibited.

[4] Flag size:

Height of Flagpole (feet)	Minimum Flag Size (feet)	Maximum Flag Size (feet)
20	2 x 3	3 x 5
21 to 25	4 x 6	5 x 8

[5] Setback for ground-mounted flag poles. Flagpoles shall be set back sufficient distance from property lines so as not to create a safety hazard on adjacent property and shall be set back sufficient distance to enable the flag to fly fully open without flying over the property of others.

- (c) Structure-mounted flag poles.

[1] No more than two structure-mounted flagpoles are permissible on an agricultural or residential district lot.

[2] Structure-mounted flagpoles shall not exceed six feet in length.

[3] No more than one flag shall be displayed on any structure-mounted flagpole.

[4] When the flag of the United States of America is displayed on a structure-mounted flagpole it shall be located to the left of any other flag displayed on a structure-mounted flagpole.

(2) All other districts.

- (a) Flags. No more than three flags may be displayed on a lot.

[1] In no case shall any flag exceed the size of the flag of the United States of America displayed on the same lot.

- [2] At no time may a flag be secured by any means on more than one side of the flag.
- (b) Ground-mounted flagpoles. Ground-mounted flagpoles and flags attached to ground-mounted flagpoles shall comply with the following:
- [1] No more than three flagpoles shall be allowed per lot, one of which shall be no less than 10 feet taller than the other pole(s).
- [2] The flag of the United States of America shall be displayed on the tallest pole.
- [3] No more than three flags may be displayed on any single flagpole.
- [4] Furcated flagpoles are prohibited.
- [5] Flag size:

Height of Flagpole (feet)	Minimum Flag Size (feet)	Maximum Flag Size (feet)
20	2 x 3	3 x 5
21 to 30	4 x 6	5 x 8
31 to 40	5 x 8	8 x 12
41 to 50	6 x 10	10 x 15
51 to 60	8 x 12	12 x 18
61 to 70	10 x 15	15 x 25
71 to 80	10 x 19	20 x 30

- [6] Maximum flagpole height by district:

B-1 (feet)	B-2 (feet)	M-1 (feet)	M-2 (feet)	Q-1 (feet)	I-1 (feet)	P-1 (feet)
80	25	80	80	50	25	25

- [7] Setback for ground-mounted flag poles. Flagpoles shall be set back sufficient distance from property lines so as not to create a safety hazard on adjacent property and shall be set back sufficient distance to enable the flag to fly fully open without flying over the property of others.
- (c) Structure-mounted flag poles. Structure-mounted flagpoles are permissible in the B-2 District and shall comply with the following:
- [1] No more than two structure-mounted flagpoles are permissible on B-2 a lot.
- [2] Structure-mounted flagpoles shall not exceed six feet in length.
- [3] No more than one flag shall be displayed on any structure-mounted flagpole.
- [4] When the flag of the United States of America is displayed on a structure-mounted flagpole it shall be located to the left of any other flag displayed on a structure-

mounted flagpole.

**§ 336-138. Signs requiring a sign permit.**

**A. A-1 and A-2 Districts, working farms.**

- (1) Type of signs allowed. In addition to signs not requiring a permit, the following signs are allowed on working farms in the A-1 and A-2 Districts:

Sign Type	Maximum Number	Maximum Face Area	Maximum Height	Minimum Street Yard Setback	Minimum Side Yard Setback
Ground	2	One sign no larger than 50 sq. ft. One sign no larger than 16 sq. ft.	6 ft.	10 ft. from right-of-way	10 ft. from lot line

**B. A-1 and A-2 Districts, nonworking farms.**

- (1) Type of signs allowed. In addition to signs not requiring a permit, the following signs are allowed on nonworking farms in the A-1 and A-2 Districts:

Sign Type	Maximum Number	Maximum Face Area	Maximum Height	Minimum Street Yard Setback	Minimum Side Yard Setback
Ground	1	16 sq. ft.	6 ft.	10 ft. from right-of-way	10 ft. from lot line

**C. R-1, R-2, R-3, and R-4 Districts.**

- (1) Type of signs allowed. In addition to signs not requiring a permit, the following signs are allowed in the R-1, R-2, R-3, and R-4 Districts:

Sign Type	Maximum Number	Maximum Face Area	Maximum Height	Minimum Street Yard Setback	Minimum Side Yard Setback
Ground	1	16 sq. ft.	6 ft.	5 ft. from right-of-way, 10 ft. from vision corner	8 ft. from lot line

- (2) Signs accessory to places of worship, fraternal clubs/lodges, and similar such institutional uses when located on a R-1, R-2, R-3, and R-4 District lot:



Sign Type	Maximum Number	Maximum Face Area	Maximum Height	Minimum Street Yard Setback	Minimum Side Yard Setback
Ground	1 per accessible street frontage	36 sq. ft.	6 ft.	5 ft. from right-of-way, 10 ft. from vision corner	8 ft. from lot line
Wall [1]	2 [2]	Primary facade: 100 sq. ft. Other facade: 50 sq. ft. Cumulative total: 150 sq. ft.	8 ft. [3] [4]	n/a	n/a

- [1] Shall not project more than 13 inches from wall to which it is attached.
- [2] Maximum number of wall signs per unit on a multitenant structure is one.
- [3] Top of sign shall not exceed 20 feet from base of building to which it is attached or affixed.
- [4] Shall not project higher than the parapet line of the wall to which sign is to be attached or affixed.

- (a) Changeable copy sign. In addition to the above, one changeable copy sign accessory to a specific conditional use, which may be ground- or wall-mounted, is permitted compliant with the following:

[1] The face area of said sign shall not exceed 24 square feet in area.

- (3) Subdivision signs. Residential subdivision signs shall be permitted compliant with the following:
- (a) Subdivision signs shall be ground signs.
  - (b) There shall not be more than one subdivision identification sign for each point of vehicular access to the subdivision.
  - (c) Subdivision signs shall not exceed 36 square feet in area per sign.
  - (d) Subdivision signs shall not be located closer than 10 feet to any property line, right-of-way, or driveway, and shall be subject to the vision setback regulations established in this chapter.
  - (e) Subdivision signs shall not exceed six feet in height.
  - (f) Electronic message centers are prohibited.

D. B-1, M-1, and M-2 Districts.

- (1) Type of signs allowed. In addition to signs not requiring a permit, the following signs are allowed in the B-1, M-1, and M-2 Districts:

Sign Type	Maximum Number	Maximum Face Area	Maximum Height	Minimum Street Yard Setback	Minimum Side and Rear Yard Setback
Billboard/highway sign (general)	1 [1] [2]	672 sq. ft.	30 ft.	10 ft. from right-of-way	Same as side yard setback in applicable zoning district
Billboard/highway sign (I-41 and STH 45 corridors)	1 [1] [2]	1,200 sq. ft.	30 ft.	10 ft. from right-of-way	Same as side yard setback in applicable zoning district.
Canopy/marquee [3]	1 per street facing first floor entrance/exit	50 ft.	1 foot from top of canopy or marquee [4] [5]	Lesser of 2 ft. from curb or 12 ft. from wall to which it is attached	n/a
Ground [6]	1 per accessible street frontage	120 sq. ft.	10 ft.	10 ft. from right-of-way	3 ft.
Ingress/egress	2	8 sq. ft.	5 ft.	None [7]	3 ft.
Pole	1	100 sq. ft.	45 ft. [8]		10 ft.
Projecting	1	9 sq. ft.	None	None [5] [9]	n/a [9]
Wall [10]	2 [11]	Cumulative total: 500 sq. ft.	8 ft. [12] [13] [14]	n/a	n/a

- [1] Minimum sign spacing on all roads is 300 feet.
- [2] Shall be placed and secured to a permanent foundation.
- [3] Shall project a minimum of four feet from structure to which it is attached.
- [4] Shall maintain a minimum clearance between bottom of canopy/sign and the finished surface of public sidewalk or other nonvehicular public thoroughfare of eight feet.
- [5] Shall be constructed and erected so that lowest portion thereof is at least 12 feet above the level of a public or private drive.
- [6] Shall contain address number of the structure with which it is associated.
- [7] Shall be located no farther than 10 ft. from direct access to road or highway.
- [8] The lowest level of the sign atop a pole sign shall not be less than 15 ft. above the natural grade for sidewalks, parking lots, driveways, and other areas used by motor vehicles.
- [9] No portion of sign shall cross the property line or extend over a public right-of-way.
- [10] Shall not project more than 13 inches from the wall to which it is attached or affixed.
- [11] Maximum number of wall signs per unit on a multitenant structure is one.
- [12] Total height of a wall sign, from the top of the sign to the bottom of the sign, shall not exceed eight feet
- [13] Top of sign shall not exceed 20 feet from base of building to which it is attached or affixed.

[14] Shall not project higher than the parapet line of the wall to which sign is to be attached or affixed.

E. B-2 and I-1 Districts.

- (1) Type of signs allowed. In addition to signs not requiring a permit, the following signs are allowed in the B-2 District:

Sign Type	Maximum Number	Maximum Face Area	Maximum Height	Minimum Street Yard Setback	Minimum Side Yard Setback
Awning [1]	1 per street facing, first floor door/window	50 sq. ft.	[2]	[3]	n/a
Canopy/ marquee [4]	1 per street facing first floor entrance/exit	50 ft.	1 foot from top of canopy or marquee [2] [5]	Lesser of 2 ft. from curb or 7 ft. from wall to which it is attached	n/a
Ground [6]	1 per accessible street frontage	100 sq. ft.	8 ft.	10 ft. from right-of-way	3 ft.
Ingress/egress	2	8 sq. ft.	5 ft.	None [7]	3 ft.
Pole	1	50 sq. ft.	35 ft.	None [8]	10 ft. [8]
Projecting	1	9 sq. ft.	None	None [3]	n/a [9]
Wall [10]	2 [11]	Primary facade: 150 sq. ft. Other facade: 50 sq. ft. Cumulative total: 150 sq. ft.	8 feet [12] [13] [14]	n/a	n/a

- [1] Shall be securely attached to and supported by the building and shall be without posts or columns.
- [2] Shall maintain a minimum clearance between bottom of canopy/sign and the finished surface of public sidewalk or other nonvehicular public thoroughfare of eight feet.
- [3] Shall extend no more than four feet from structure to which it is attached.
- [4] Shall project a minimum of four feet from structure to which it is attached.
- [5] Shall be constructed and erected so that lowest portion thereof is at least 12 feet above the level of a public or private drive.
- [6] Shall contain address number of the structure with which it is associated.
- [7] Shall be located no farther than 10 feet from direct access to Town street.
- [8] No portion of sign shall cross the property line or extend over a sidewalk or other public right-of-way.
- [9] Not allowed at the intersection of streets except at right angles to a building front.

- [10] Shall not project more than 13 inches from the wall to which it is attached or affixed.
- [11] Maximum number of wall signs per unit on a multitenant structure is one.
- [12] Total height of a wall sign, from the top of the sign to the bottom of the sign, shall not exceed eight feet
- [13] Top of sign shall not exceed 20 feet from base of building to which it is attached or affixed.
- [14] Shall not project higher than the parapet line of the wall to which sign is to be attached or affixed.

F. M-3 District.

- (1) Type of signs allowed. In addition to signs not requiring a permit, the following signs are allowed in the M-3 District:

Sign Type	Maximum Number	Maximum Face Area	Maximum Height	Minimum Street Yard Setback	Minimum Side and Rear Yard Setback
Ground [1]	1 per accessible street frontage	120 sq. ft.	10 ft.	10 ft. from right-of-way	3 ft.
Ingress/ egress	2	8 sq. ft.	5 ft.	None [2]	3 ft.
Pole	1	100 sq. ft.	80 ft. [3]	None [4]	10 ft.
Wall	1 per structure	Cumulative total: 500 sq. ft.	8 ft. [5] [6] [7] [8]	n/a	n/a

- [1] Shall contain address number of the structure with which it is associated.
- [2] Shall be located no farther than 10 feet from direct access to road or highway.
- [3] The lowest level of the sign atop a pole sign shall not be less than 15 feet above the natural grade for sidewalks, parking lots, driveways, and other areas used by motor vehicles.
- [4] No portion of sign shall cross the property line or extend over a public right-of-way.
- [5] Shall not project more than 13 inches from the wall to which it is attached or affixed.
- [6] Total height of a wall sign, from the top of the sign to the bottom of the sign, shall not exceed eight feet
- [7] Top of sign shall not exceed 20 feet from base of building to which it is attached or affixed.
- [8] Shall not project higher than the parapet line of the wall to which sign is to be attached or affixed.

G. Q-1 District.

- (1) Type of signs allowed. In addition to signs not requiring a permit, the following signs are allowed in the Q-1 District:

Sign Type	Maximum Number	Maximum Face Area	Maximum Height	Minimum Street Yard Setback	Minimum Side and Rear Yard Setback
Ground [1]	1 per accessible street frontage	120 sq. ft.	10 ft.	10 ft. from right-of-way	3 ft.
Ingress/ egress	2	8 sq. ft.	5 ft.	None [2]	3 ft.
Pole	1	100 sq. ft.	[3]	[4]	10 ft. [4]

- [1] Shall contain address number of the structure with which it is associated.
- [2] Shall be located no farther than 10 feet from direct access to road or highway.
- [3] The lowest level of the sign atop a pole sign shall not be less than 15 feet above the natural grade for sidewalks, parking lots, driveways, and other areas used by motor vehicles.
- [4] No portion of sign shall cross the property line, unless property line is in common ownership, or extend over a public right-of-way.

#### H. P-1 District.

- (1) Type of signs allowed. In addition to signs not requiring a permit, the following signs are allowed in the P-1 District:

Sign Type	Maximum Number	Maximum Face Area	Maximum Height	Minimum Street Yard Setback	Minimum Side and Rear Yard Setback
Ground [1]	One per accessible street frontage	128 sq. ft.	10 ft.	10 ft. from right-of-way	3 ft.
Ingress/ egress	Two	8 sq. ft.	5 ft.	None [2]	3 ft.

- [1] Shall contain address number of the structure with which it is associated.
- [2] Shall be located no farther than 10 feet from direct access to road or highway.

- I. PUD overlay. The type, number, total sign area, location, and height of signage in any PUD Overlay shall be established according to an approved signage plan reviewed in conjunction with the approval of the PUD Overlay and shall generally conform to the requirements of the zoning district most similar to the PUD Overlay or its various elements, areas, and neighborhoods. Amendments to the sign plan shall be reviewed and approved by the Plan Commission consistent with other amendments to the PUD Overlay.
- J. Gas canopy signs. Gas canopy signs shall be permitted for all gas stations, service stations, and convenience stores with fuel pumps, provided:
- (1) One gas canopy sign may be placed on each side of the canopy which directly abuts and faces a Town street the right-of-way.

- (2) Gas canopy signs shall not project more than 13 inches from canopy to which it is affixed.
  - (3) Decorative striping shall not be placed on the canopy's vertical fascia.
  - (4) Gas canopy signs may be unilluminated, internally illuminated, or backlit.
- K. Changeable copy and electronic message centers. Unless otherwise specified by this chapter, any sign herein allowed may use manual or automatic changeable copy or may be an electronic message center.
- L. Electronic message centers. Where allowed, electronic message centers shall comply with the following:
- (1) Transition time on electronic message centers shall not exceed two seconds. No black space is allowed in between message changes.
  - (2) Each electronic message center shall have a lighting sensing device that will adjust the brightness of the display as the natural ambient light conditions change.
  - (3) No electronic message centers shall be permitted within 200 feet of any railroad crossing.
  - (4) Electronic message centers shall not project more than 18 inches from a building space or the face of the sign.
  - (5) Electronic message centers shall contain a default design that will freeze the design in one position if a malfunction occurs.
- M. Multitenant signs.
- (1) Districts allowed.
    - (a) Multitenant signs are permitted in B-1, B-2, M-1, M-2, and M-3 Districts.
    - (b) Multitenant signs located at places of worship, fraternal clubs/lodges, and similar such institutional uses when located in an agricultural or residential district require a conditional use permit.
  - (2) General standards.
    - (a) Multitenant signs may be utilized whenever a development consists of several, separate units having appurtenant shared facilities, including but not limited to driveways, parking, common walls or structures, and pedestrian walkways.
    - (b) Entities represented on a multitenant sign shall not also erect or display additional ground signs or freestanding signs.
  - (3) Number.
    - (a) The maximum number of multitenant signs allowable in a single development is one.
    - (b) The maximum number of tenant panels on a multitenant sign shall be one associated with, and limited to, each business, entity, or tenant located in the development.
    - (c) A tenant panel shall consist of no more than two sign faces.
  - (4) Face area.

- (a) The anchor panel of a multitenant sign shall comply with the maximum face area for a ground sign in the applicable zoning district.
- (b) The cumulative face area for all panels displayed on a multitenant sign shall comply with the maximum face area for a ground sign in the applicable zoning district.
- (5) Height. The height of a multitenant sign shall comply with the maximum height for a ground sign in the applicable zoning district.
- (6) Setbacks. Multitenant signs shall comply with the setback requirements for a ground sign in the applicable zoning district.
- (7) Design standards. Multitenant signs shall comply with design standards ground signs.

**§ 336-139. Sign standards.**

- A. Height standards. The height of ground signs, pole signs, and other signs placed into or upon the ground shall be measured from the pre-construction/installation grade at the base of the sign.
- B. Construction standards.
  - (1) Signs shall comply in all respects with applicable sections of Town of Polk Building Code.<sup>4</sup>
  - (2) All ground signs shall be self-supporting structures and permanently attached to sufficient foundations.
  - (3) All signs, except those attached flat against the wall of a building and those signs of which no portion exceeds a height of three feet and are no greater than nine square feet in area shall be constructed to withstand wind loads as follows, with correct engineering adjustments for the height of the sign above grade:
    - (a) For solid signs, 30 pounds per square foot of the sign and structure.
    - (b) For skeleton signs, 30 pounds per square foot on the total face cover of the letters and other sign surfaces or 10 pounds per square foot of the gross area of the sign as determined by the overall dimensions of the sign, whichever is greater.
  - (4) Supports and braces shall be an integral part of the sign design. Angle irons, chain or wires used for supports or braces shall be hidden from public view to the extent technically feasible.
  - (5) All signs in which electrical wiring or connections are used shall be subject to all applicable provisions of state code. No person may erect any sign with exposed electrical cords or wires. Electrical service to ground signs shall be concealed wherever possible.
- C. Maintenance standards.
  - (1) Every sign shall be maintained in a safe, presentable, and structurally sound condition at all times. This includes restoring, repainting, or replacing a worn or damaged sign to its original condition. This also includes maintaining the premises on which the sign is erected in a clean and sanitary condition, free and clear of noxious substances.
  - (2) All signs shall be maintained in a legible condition (except when a weathered or natural surface

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4. Editor's Note: See Chapter 124, Building Construction.

is intended). Painted signs and murals shall be repainted at such times as the deterioration of the paint results in illegibility or disfiguration.

- (3) The Zoning Administrator and/or Building Inspector shall have the right to order the repair or removal of any sign which is defective, damaged, or substantially deteriorated.

D. Measurement standards.

- (1) Signable area. The signable area of a building is designated as the area of the facade of the building up to the roofline, which is free of windows and doors or major architectural detail on which signs may be displayed.
- (2) Measuring sign face. In calculating the area of a sign to determine whether it meets the requirement of this chapter, the Zoning Administrator shall include the sign copy and any border or frame surrounding that copy. Supporting posts or foundations shall be excluded from the area calculation. The area of irregularly shaped signs or signs containing two or more detached elements shall be determined by the area of the smallest regular polygon that will encompass all elements of the sign.
- (3) Measuring sign height. The sign height shall be the vertical distance measured from the grade at the base of the sign structure to the highest point of such sign or sign structure. In the case where a sign is to be located in a raised planting bed or berm, the grade shall be determined by the average of the grades measured at the base of the planting bed or the toes of the slope at the front and back of the bed or berm.

E. Illumination standards.

- (1) All signs.
  - (a) Except as otherwise prohibited in this chapter, signs may be internally or externally illuminated.
  - (b) The use of unshielded lighting, including exposed incandescent light bulbs hung or strung on poles, wires, or any other type of support intended to illuminate a sign is prohibited.
  - (c) All sign lighting shall be designed, located, shielded, and hooded so as to prevent the casting of glare or direct light upon adjacent roadways, surrounding properties, or into the sky.
  - (d) In no case shall the lighting intensity of any sign, whether resulting from internal or external illumination, exceed 650 lumens when measured with a standard light meter held perpendicular to the sign face at a distance of 10 inches.
- (2) Awning, canopy, and marquee signs.
  - (a) Downward directional lighting shall be used on the underside of the awning, canopy, or marquee.
  - (b) All lighting required to externally illuminate the top surface must be constructed in a manner that architecturally complements the building and must be directed entirely at the awning, canopy, or marquee.

F. Design standards for signs. The base of ground signs and pole signs, and the support structure of projecting signs and wall signs, shall be constructed with materials that are complementary in color



and architectural theme to the principal structure.

G. Landscape standards for signs.

- (1) All ground signs and pole signs for which a permit is required shall be set in a landscaped base of appropriate size to provide shrubs and base plantings that will enhance and compliment the sign.
- (2) Where any sign is proposed to be externally illuminated using ground-mounted fixtures, landscape plantings shall be installed in such a manner as will entirely shield the light source from the surrounding view.
- (3) Landscape species shall be consistent with the requirements of the landscaping section<sup>5</sup> of this chapter and shall be of a type as will ensure effective year-long screening.

**§ 336-140. Nonconforming signs.**

- A. Nonconforming signs. Nonconforming signs may be continued although the use, size, number, or location does not conform to the provisions of this chapter.
- B. Nonconforming status. A sign loses its legal, nonconforming status if one of the following occurs:
  - (1) The sign is structurally altered in any way other than normal maintenance and repair that makes the sign less compliant with the requirements of this chapter than it was before the alteration.
  - (2) The sign is relocated.
  - (3) The sign is abandoned.
  - (4) The permitted or conditional use associated with the sign changes.
- C. Reconstruction. A nonconforming sign can be reconstructed to its former state if it is destroyed by wind, vandalism, fire, ice, or flood.

**§ 336-141. Insurance requirement.**

Every sign contractor shall file with the Town Clerk a certificate of insurance to indemnify the Town against any form of liability to a minimum of \$300,000 (per occurrence and aggregate with regard to bodily injury and property damage). Such insurance shall not be canceled or reduced without the insured first giving 30 days' notice in writing to the Town of such cancellation or reduction.

**§ 336-142. Removal and disposition of signs.**

- A. Abandoned signs. All abandoned signs shall be removed within six months by the owner or lessee of the premises upon which an on-premises sign is located when the entity for which the sign is associated is no longer present or in operation. If the owner or lessee fails to remove the sign(s), the Zoning Administrator shall give the owner or lessee 30 days' written notice to remove said sign(s). Upon failure to comply with this notice, the Town may cause removal to be executed, the expenses of which will be assessed to the tax roll of the property on which the abandoned sign is located.
- B. Deteriorated dilapidated signs. The Zoning Administrator shall cause to be removed any deteriorated or dilapidated signs under the provisions of § 66.0413(1), Wis. Stats.

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5. Editor's Note: See Article X, Landscaping Requirements.

- C. Unlawful signs. The Zoning Administrator, following consultation with the Building Inspector, may declare any sign unlawful if it endangers public safety by reasons of inadequate maintenance, dilapidation, or abandonment. Any such declaration shall be in writing and shall state the reasons of the Zoning Administrator as to why any sign owned, kept, displayed, or maintained by any person within the Town is in violation of this chapter.

**§ 336-143. through § 336-149. (Reserved)**

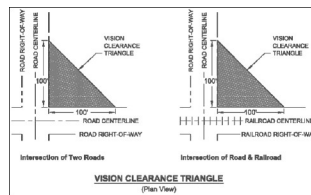
## ARTICLE VIII Traffic, Access, Loading, and Parking

### § 336-150. Purpose.

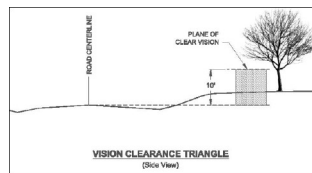
The regulations in this article are established to alleviate or prevent congestion of the public right-of-way, to provide for the parking and loading needs of uses and structures, to reduce the number of parking stalls required for new development, to reduce negative impacts to the land and water associated with impervious surfaces, to enhance the compatibility between parking and loading areas and their surroundings, and to regulate the design, maintenance, and location of off-street parking and loading spaces.

### § 336-151. Visibility and clearance.

- A. There shall be an unoccupied triangular vision clearance space at the street corner of a corner lot which is bounded by the street lines and a setback line connecting points 10 feet from the corner on each street line. In the case of arterial streets intersecting with other arterial streets or railways, the corner cut-off distances establishing the triangular vision clearance space shall be increased to 50 feet. No obstructions such as structures, parking, or vegetation, except for necessary highway and traffic signs or public utility lines, shall be permitted in any district between the heights of 2.5 feet and 10 feet above the curb level.
- B. Vision clearance.



- (1) Vision Clearance Triangle (Plan View).
- (2) Vision Clearance Triangle (Side View).



### § 336-152. Access.

- A. Adequate access to a public street shall be provided for each parking lot, and driveways shall be at least 24 feet wide for all uses.
- B. Driveways are means of ingress and egress to and from off-street parking areas and shall not be used for parking.
- C. Driveways shall not be used for storage, display, sales, rental, or repair of motor vehicles or other goods.

D. Driveways shall not be used for the storage of snow.

**§ 336-153. Loading requirements.**

A. General.

- (1) 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.
- (2) If a structure is enlarged, expanded, or changed, the structure shall not be used, occupied, or operated unless the structure has the minimum amount of off-street truck loading facilities that would apply if the increments were a separate structure.

B. Location.

- (1) Off-street loading facilities shall be located on the same lot that the structure requiring the loading area is located.
- (2) Loading facilities that are available in a cooperative arrangement may be located on another site.
- (3) Service yards shall be screened from adjacent residential property.

**§ 336-154. General provisions.**

- A. All parking spaces required to serve buildings or uses erected or established after the effective date of this article shall conform to the requirements within.
- B. Location of parking facilities shall be on the same lot as the principal use and 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.
- C. All parking lots shall comply with Section 208 of the Americans with Disabilities Act<sup>6</sup> standards for parking.
- D. The design of parking lots and parking areas in the B-1, B-2, M-1, M-2, Q-1, I-1, and P-1 Districts shall be subject to site plan approval.
- E. Parking and loading areas shall not be used for storage (including snow storage), display, sales, rental, or repair of motor vehicles or other goods.
- F. No parking space or area including driveways shall be permitted within 10 feet of a side yard lot line.

**§ 336-155. Parking standards.**

A. Parking lot design.

- (1) All off-street parking facilities shall be designed with appropriate direct vehicular access to a street or alley in a manner which will least interfere with traffic movement.
- (2) All parking areas containing five or more parking spaces shall include a turnaround area that is designed and located so that vehicles can enter and exit the parking area without backing onto a

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6. Editor's Notes: See 36 CFR Part 1190.

public right-of-way.

- (3) Parking lots shall provide for safe and accessible pedestrian ways to the principal use on the parcel.

B. Parking surface.

(1) B-1 and B-2 Districts.

- (a) Parking areas and appurtenant passageways and driveways shall be paved with concrete, asphalt, or a similar such hard surface approved by the Plan Commission.
- (b) All vehicles shall be parked on these surfaces.

(2) M-1, M-2 and M-3 Districts.

- (a) Parking areas for 10 or fewer vehicles shall be graded and surfaced so as to be dust free and properly drained.
- (b) Parking areas and appurtenant passageways and driveways for more than 10 vehicles shall be paved with concrete, asphalt, or a similar such hard surface approved by the Plan Commission.
- (c) All vehicles shall be parked on these surfaces.

C. Parking stalls. There shall be no preestablished minimum number of parking stalls required for any use. However, the following shall apply to all parking facilities:

- (1) Adequate parking shall be provided to serve the needs of all nonresidential and nonagricultural parcels.
- (2) The Plan Commission may limit the number of parking stalls provided when it determines during the site plan review process the proposed number of parking stalls exceeds the number of stalls reasonably expected to serve the use of the parcel.
- (3) All parking lots intended to serve a use or structure shall be located on the same parcel as the use or structure unless otherwise excepted in this chapter.
- (4) Town roads and streets shall not be used for parking purposes.
- (5) Parking shall comply with site plan, landscaping, and all other applicable standards of this chapter.
- (6) Requirements for accessible parking shall apply.

**§ 336-156. Accessible parking standards.**

- A. Accessible spaces must connect to the shortest accessible route to the accessible building entrance or facility they serve.
- B. All accessible parking spaces shall be marked by a sign which includes the international symbol for barrier-free environments and a statement informing the public that the parking space is reserved for use by physically disabled persons. Such sign shall comply with the requirements of §§ 346.503 and 346.505, Wis. Stats.

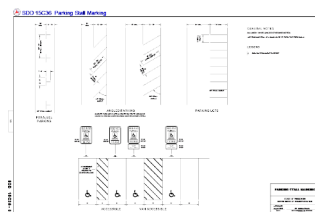
## C. Minimum number of accessible parking spaces.

Total Number of Parking Spaces in Parking Facility	Minimum Total Number of Accessible Parking Spaces Required	Minimum Number of Van Accessible Sparking Spaces
1 to 25	1	1
26 to 50	2	1
51 to 75	3	1
76 to 100	4	1
101 to 150	5	1
151 to 200	6	1
201 to 300	7	2
301 to 400	8	2
401 to 500	9	2

**§ 336-157. Parking stall dimensions.**

## A. Parking stalls shall conform to the requirements of WisDOT SDD 15C36 Parking Stall Marking as shown below and as updated from time to time.

## (1) Minimum dimensional standards for parking stalls.

**§ 336-158. Illumination.**

## A. Duration. All parking areas and appurtenant passageways and driveways in the B-1, B-2, I-1, and P-1 Districts shall be illuminated adequately from the hours of sunset to sunrise when the use is in operation.

## B. Direction.

## (1) Lighting shall be directed downward to prevent light pollution.

## (2) Downward directional lighting and adequate shielding shall be provided by commercial uses to protect adjacent residential zones from the glare of such illumination and from that of automobile headlights.

**§ 336-159. Screening and landscaping.**

- A. Screening. Wherever a lot located in a nonresidential zoning district abuts a residential zoning district, areas shall be provided opaque screening.
- B. Landscaping.
  - (1) Parking lots containing more than 15 parking spaces shall be broken by landscaped islands and dedicated pedestrian corridors.
  - (2) Landscaped islands shall be used for stormwater management purposes unless deemed impracticable by the Plan Commission.
- C. Maintenance. All parking areas shall be properly graded for drainage and maintained free of weeds, invasive species, dust, trash, and debris.

**§ 336-160. Existing parking areas.**

Parking areas in existence on the effective date of this article and located on the same lot as the building or use served shall not hereafter be reduced below the requirements for a similar new building or use under the provisions of this article.

**§ 336-161. through § 336-169. (Reserved)**

## ARTICLE IX Site Plan Review

### § 336-170. Purpose.

The purpose of this section is to promote compatible development; stabilize property values; foster the attractiveness and functional utility of the community as a place to live and work; preserve and enhance the character and quality of the built environment; maintain the integrity of those areas which have a discernible character or are of a special historic significance; protect public investments; and protect the natural environment by reducing stormwater runoff, sedimentation and erosion, and the destruction of environmentally sensitive areas.

### § 336-171. Permit required.

No person shall commence any use or erect any structure, other than those specifically exempted in this chapter, prior to the issuance of a Site Plan Permit under this section.

- A. Site plan permits issued by zoning administrator. The Zoning Administrator shall issue a site plan permit for residential development, which shall include: single-family and two-family development and redevelopment occurring on individual lots.
- B. Site plan permits issued by plan commission. The Plan Commission shall approve site plan permits, to be issued by the Zoning Administrator, for all nonresidential development, which shall include all development and redevelopment other than as specified in Subsection A above.

### § 336-172. Principles.

- A. To implement the purposes set forth in this section, the Plan Commission and Zoning Administrator shall review the following, as applicable: the site; existing and proposed structures; neighboring uses; utilization of landscaping and open space; parking areas; driveway locations; loading and unloading; street and highway access; traffic generation and circulation; drainage; sewerage and water systems; proposed operations; and, other requirements of this chapter.
- B. The following principles are established to apply to all new structures and uses and to changes or additions to existing structures and uses.
  - (1) The relative proportion of the scale and mass of a building to neighboring existing buildings, to pedestrians or observers, or to other existing buildings shall be maintained or enhanced.
  - (2) The visual continuity of roof shapes, rooflines, and their contributing elements (e.g., parapet walls, coping, cornices, and other architectural accoutrements) shall be maintained in building development or redevelopment.
  - (3) No building shall be permitted if the design or exterior appearance will be of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.
  - (4) No building shall be permitted if the design or exterior appearance of will be so similar to those adjoining as to create excessive monotony or drabness.
  - (5) No building shall be permitted where any exposed facade constructed or faced with a finished material not aesthetically compatible with nearby facade of surrounding buildings or presents an unattractive appearance to the public and to surrounding properties.



- (6) The facade of commercial, industrial, governmental, institutional, and recreational buildings which face upon a street right-of-way shall be finished with an aesthetically pleasing material.
  - (a) A minimum of 30% of a facade facing a street shall be finished with brick, wood, fieldstone, decorative masonry material, decorative glass panels, or decorative precast concrete panels, except where the building style requires a different material. Attractive aluminum or vinyl siding which has the appearance of wood siding, a brushed surface or other compatible attractive material may, however, be permitted.
  - (b) Such finished material shall extend for a distance of at least 20 feet along the sides of the structure.
  - (c) All buildings on corner and double frontage lots shall have the required finished facade facing each street.
  - (d) No plain concrete block building or metal-faced building, except those with an attractive finished surface mentioned above shall be permitted.
  - (e) Digital samples of all materials shall be furnished to the Plan Commission for review and approval.
- (7) Since the selection of building colors has a significant aesthetic and visual impact upon the public and neighboring properties, colors shall be selected to be in general harmony with existing neighborhood buildings. The use of bright colors should be limited and used only as an accent such as, for example, on trims.
- (8) Accessory structures shall be built with materials compatible with those of the principal structures on the same site.
- (9) Accessory structures which are permissible in the street yard shall be affixed upon a foundation and shall be constructed of substantially the same materials and be of substantially the same appearance as the principal structure.
- (10) No overhead door or loading dock for commercial, manufacturing, institutional or park buildings shall face a public street. The Plan Commission may permit overhead doors and docks to face a public street when it has made a finding that there is no feasible alternative location for such doors or docks and, insofar as is practicable, such doors and docks facing public streets are screened.
- (11) The appearance of buildings maintains a consistency of design, materials, colors, and arrangement.
  - (a) Buildings in the B-1, B-2, M-1, M-2 and M-3 Districts shall have an articulated front facade and/or varied rooflines.
  - (b) Large walls on buildings in the B-1, B-2, M-1, M-2 and M-3 Districts shall include windows or other treatments to break up the mass.
- (12) Outside storage areas for inventory, materials, equipment, supplies, scrap, and other materials utilized in the day-to-day operation of the principal use shall be paved and screened from view from public streets with appropriate vegetation or fencing or wall of a material compatible with the principal structure and the surrounding area. The Plan Commission may permit the outdoor display of products or merchandise when it makes a finding that such a display is essential to a

business or industrial use, such as a landscape-nursery or car-sales business, and attractive periphery landscaping is provided.

- (13) Refuse and recycling areas shall be screened by completely enclosing such areas with a wall, fence, or vegetated screening visually compatible with the principal structure and surrounding area.
- (14) Mechanical equipment, such as heating, air-conditioning, and ventilating equipment, at grade-level and on rooftops shall be screened from public view or located in a manner that is unobtrusive.
- (15) No building or sign shall be permitted to be sited on the property in a manner which would unnecessarily destroy or substantially damage the natural beauty of the area, particularly insofar as it would adversely affect values incidental to ownership of land in that area, or which would unnecessarily have an adverse effect on the beauty and general enjoyment of existing structures on adjoining properties.
- (16) No building or use shall be permitted that would have a negative impact on the maintenance of safe and healthful conditions in the Town.
- (17) Buildings and uses shall maintain existing topography, drainage patterns, and vegetative cover insofar as is practical to prevent indiscriminate or excessive earth moving or clearing of property, disfiguration of natural landforms, and disruption of natural drainage patterns.
- (18) Buildings and uses shall provide for safe traffic circulation and safe driveway locations.
- (19) Buildings and uses shall provide adequate parking and loading areas.
- (20) Appropriate buffers shall be provided between dissimilar uses. A minimum ten-foot vegetative buffering or opaque fencing is provided adjacent to any residential district lots. Plastic or wooden slats through cyclone fencing shall not be deemed sufficient.
- (21) No buildings shall impair the enjoyment or historic attractions of significant historic interest.
- (22) Development and redevelopment shall be consistent with the public goals, objectives, principles, standards, policies, and urban design guidelines set forth in the adopted comprehensive plan or element thereof.
- (23) Development shall comply fully with the requirements of Article X of this chapter.

**§ 336-173. Applications for residential site plan review requiring Zoning Administrator approval.**

- A. Fees. The applicant shall submit to the Town all fees based upon the fee schedule adopted by the Town of Polk Board of Supervisors.
- B. Complete application. An application shall be completed in full. An incomplete application shall not be accepted by the Town.
- C. Submittal requirements. In order for an application to be considered complete, the applicant shall submit to the Zoning Administrator:
  - (1) One paper copy of the application packet.
  - (2) One digital copy of the application packet, in PDF format or another format preapproved by the

Town.

D. Application packet requirements.

(1) Developed lots.

(a) Owner's name and address.

(b) Date of plan submittal.

(c) Lot size.

(d) Site plan drawing showing:

[1] Distance from all existing and proposed principal and accessory structures to applicable property lines and rights-of-way.

[2] Distance from existing or proposed principal structure to existing and proposed accessory structures.

[3] Existing and proposed rights-of-way and widths.

[4] Existing and proposed easements for and locations of all utility lines, including sanitary sewers, water mains, storm sewers, other drainage facilities and features, communications lines, electrical lines, natural gas lines and other utilities present on and around the site, as applicable.

(e) The type, size, height, location, and use of all existing and proposed structures with all building dimensions shown.

(f) Scaled architectural plans illustrating the design and character of proposed structures.

(g) Other information as may be required by the Zoning Administrator.

(2) Undeveloped lots. In addition to the requirements above, plan data for development on previously undeveloped lots shall include:

(a) Site plan drawn on a plat of survey to a recognized engineering scale, scale of drawing, north arrow, and site size information (area in acres or square feet).

(b) Architect, developer, and/or engineer's name and address, as applicable.

E. Decision of the Zoning Administrator.

(1) The Zoning Administrator's decision shall consist of either:

(a) Approval of the site plan.

(b) Approval of the site plan subject to any conditions, modifications or restrictions as imposed by the Commission.

(c) Denial of the site plan.

(2) If denied, Zoning Administrator shall provide written reason for denial to applicant.

**§ 336-174. Applications for nonresidential site plan review requiring Plan Commission approval.**

- A. Fees. The applicant shall submit to the Town all fees based upon the fee schedule adopted by the Town of Polk Board of Supervisors.
- B. Pre-submittal meeting. Prior to the submittal of a site plan, the developer shall meet with the Zoning Administrator and other appropriate Town officials and staff to discuss zoning district, site plan, timelines, infrastructure and utilities, and other Town requirements. Such meeting should occur prior to any extensive outlay of funds on the part of the developer since it is intended to identify potential problems and methods to alleviate them and to encourage a cooperative effort between the developer and the Town.
- C. Complete application. An application shall be completed in full and submitted to the Town no less than 21 days prior to the regularly scheduled Plan Commission meeting. An incomplete application shall not be accepted by the Town.
- D. Application packet requirements. A site plan submitted to the Town of Polk for review shall contain the following information, as applicable:
  - (1) Name of project/development.
  - (2) Location of project/development by street address and/or tax parcel number.
  - (3) Name and mailing address of developer/owner.
  - (4) Name and mailing address of engineer/architect.
  - (5) North arrow and scale.
  - (6) Boundary lines of property, with dimensions.
  - (7) Two-foot contours on the subject property and extending from the subject property a minimum distance of 25 feet in all directions.
  - (8) Location, identification, and dimensions of existing and proposed:
    - (a) Adjacent streets and street rights-of-way.
    - (b) Utility and any other easements, including but not limited to:
      - [1] Electric.
      - [2] Natural gas.
      - [3] Propane.
      - [4] Telephone.
      - [5] Water.
      - [6] Sewer (sanitary and storm).
      - [7] Fiber optic lines.
      - [8] Ingress/egress.
    - (c) All existing and proposed buildings and structures (including numbers of units within each

proposed building and/or structure).

- (d) Parking facilities.
  - (e) Water bodies, wetlands, and floodplains.
  - (f) Stormwater ponds, drainage ditches, and drainage patterns.
  - (g) Sidewalks and walkways.
  - (h) Bicycle facilities.
  - (i) Driveway access locations.
  - (j) Off-street loading areas and docks.
  - (k) Fences and retaining walls.
  - (l) All exterior signs.
  - (m) Exterior refuse collection areas.
  - (n) Exterior lighting.
  - (o) Traffic flow on- and off-site.
  - (p) Location and dimensions of proposed outdoor display areas.
  - (q) Color architectural renderings of the proposed structures, buildings, and signage, including:
    - [1] All dimensions.
    - [2] Gross square footage of existing and proposed buildings and structures.
    - [3] Description and samples of all exterior finish materials.
  - (r) Grading and erosion control plans.
  - (s) Landscaping plans (see Article X).
  - (t) A staging plan for any projects involving more than one phase or construction season which sets forth the chronological order of construction and relates to the proposed uses and structures of various service facilities and estimated completion dates.
- (9) For new construction or alterations to any existing building, a table containing the following information:

- (a) Area of building to be used for a particular use such as retail operation, office, storage, etc.
  - (b) **RESERVED**
  - (c) Maximum seating capacity, where applicable.
  - (d) Number of parking spaces existing and required for the intended use.
  - (e) Elevation plans for all exterior facades of the proposed structure(s) and/or existing facades, plus addition(s) showing design features and indicating the type and color of signs to be used.
- (10) Other information considered pertinent by the Plan Commission and Zoning Administrator.
- E. Review by plan commission.
- (1) The Plan Commission, in its consideration of the complete application, shall take into account the purpose and intent of this chapter and criteria for review. The Plan Commission, in reviewing the application, may require such additional measures and/or modifications as it deems necessary to accomplish these objectives.
  - (2) If such additional measures and/or modifications are required, the Plan Commission may withhold approval of a site plan until a revision depicting such additional measures and/or modifications is submitted to the satisfaction of the Plan Commission.
  - (3) Such amended plans and conditions applicable to the proposed use shall be made a part of the official record, and development activity on the subject property may not proceed until the revised application has been approved by one of the two above procedures as directed by the Plan Commission.
  - (4) The Plan Commission may require appropriate sureties to guarantee that improvements will be completed on schedule.
- F. Criteria for review. In reviewing site plan applications, the Plan Commission shall utilize the following criteria as a basis to determine whether the submitted site plan shall be approved, approved with conditions, or denied. The purpose of these criteria is to identify site plan and design features that affect the physical aspect of the Town's environment. These criteria are not intended to restrict imagination, innovation, or variety, but rather to set minimum standards and assist in focusing on site plan and design principles that can result in creative solutions that will develop satisfactory visual appearance within the Town, preserve taxable values, and promote the public health, safety, and welfare.
- (1) All standards of this chapter and other applicable regulations are met.
  - (2) Adequate public facilities and utilities are provided.
  - (3) Adequate control of stormwater and erosion is provided and the disruption of existing topography, drainage patterns and vegetative cover is minimized insofar as is practical.
  - (4) Appropriate traffic control, parking, ingress/egress, and pedestrian ways are provided.
    - (a) Landscaped islands, trellises, raised sidewalks or similar techniques are employed to break up the expanse of a parking lot and provide safe pedestrian access.

- (b) Parking lots are located to the side or rear of the building, whenever possible.
- (5) Exterior lighting is contained on the lot to the extent practicable.
- (6) Outside refuse bins are located behind the principal structure and screened from view by use of solid screening or opaque fencing material. Plastic or wooden slats through cyclone fencing shall not be deemed sufficient.

G. Decision of the plan commission.

- (1) The Plan Commission's decision shall consist of either:
  - (a) Approval of the site plan.
  - (b) Approval of the site plan subject to any conditions, modifications or restrictions as imposed by the Commission.
  - (c) Denial of the site plan.
- (2) If denied, Town staff shall provide written reason for denial to the applicant.

**§ 336-175. Maintenance.**

The exterior walls and roofs of buildings shall be maintained in a clean, orderly, and attractive condition, free of cracks, dents, punctures, breakage, or other forms of visible marring. Materials that become excessively faded, chalked, cracked, chipped, damaged, or otherwise deteriorated shall be replaced, refinished, repaired, or repainted in accordance with the reasonable determination and order of the Zoning Administrator in consultation with the Building Inspector.

**§ 336-176. Modification of approved site plan.**

Any development activities deemed by the Plan Commission to constitute a substantive deviation from the approved site plan shall be in violation of this chapter.

**§ 336-177. Expiration.**

All site plan approvals by the Plan Commission shall expire if the proposed project has not started construction within 12 months of the date of approval and finished construction within 24 months of the date of approval, unless otherwise agreed upon.

**§ 336-178. through § 336-189. (Reserved)**

## ARTICLE X Landscaping Requirements

### § 336-190. Purpose.

The purpose of requiring landscaping as an integral element of development is to:

- A. Provide vegetation to visually soften paved areas and buildings.
- B. Establish positive environmental conditions by providing shade, air purification, oxygen regeneration, ground water recharge, stormwater runoff retardation, improved water quality, noise, glare and heat abatement, and protection from the forces of nature and erosion.
- C. Buffer uncomplimentary land uses, lessen the impact of high intensity uses, and generally enhance the quality and appearance over the entire site of the project.
- D. Provide habitat for beneficial animals and insects.
- E. Improve quality of life for the residents of, and visitors to, the Town of Polk.

### § 336-191. Principles.

Individual lots and conditions will afford distinctive and varied opportunities for landscape treatment. A landscape plan shall consider the preservation of existing, desired vegetation. Mature tree species that provide a substantial canopy shall be retained if possible. Installation of additional plant materials shall augment existing vegetation.

### § 336-192. Administration.

- A. Site plans. All nonresidential and nonagricultural site plans submitted in accordance with this chapter shall include a landscape plan. All landscape plans shall be prepared by a qualified person and shall contain the following information:
  - (1) North Arrow and scale.
  - (2) Topographic information based upon U.S. government datum, and final grading adequate to identify and properly specify planting for areas needing slope protection.
  - (3) The location, size, and surface materials of all structures and parking areas.
  - (4) The location, type, size, quantity and botanical name and common name of all proposed landscape materials.
  - (5) The location, size, and common name of all existing plant materials to be retained on the site.
  - (6) Plant materials shall be drawn to a scale to reflect mature sizes.
- B. Application. Applications shall be submitted to the Zoning Administrator for proper distribution and shall be fully integrated within the application packet when submitted as part of a site plan review application.
- C. Review and approval.
  - (1) The Zoning Administrator shall review all landscape plans and make a recommendation to the



Plan Commission to approve, conditionally approve, or deny the landscape plan.

- (2) The Plan Commission shall approve, conditionally approve, or deny the proposed landscape plan.

**§ 336-193. Design criteria.**

**A. General requirements.**

- (1) Relationship to existing vegetation.
  - (a) The addition of new plant materials shall augment existing vegetation.
  - (b) Existing healthy and noninvasive species of trees, shrubs, or woodlands shall be incorporated in a landscape plan, and contribute toward any quantity requirement.
- (2) Hardiness. All plants shall be selected based upon compatibility with United States Department of Agriculture (USDA) hardiness zone for the Town of Polk (at this time, Hardiness Zones 5a).
- (3) Plant standards. All plants shall meet the minimum standards for health, form, and root condition as outlined in the American Association of Nurserymen (AAN) Standards.
- (4) Setbacks. Landscaping and vegetation, other than hedges, shrubbery, and similar plantings when used as boundary feature, are exempt from the yard requirements of this chapter.

**B. Species variation.**

- (1) Diversity of vegetation species is required, although the selection of a plant palette shall consider new flora that is compatible with the growing and environmental requirements of existing vegetation.
- (2) Native or naturalized plant species shall be the dominant elements of a landscaping plan unless the applicant can provide information explaining to the satisfaction of the Plan Commission and Zoning Administrator why such requirements are not applicable.
- (3) No single species shall exceed 35% of the proposed landscape plan.
- (4) The majority of plant species included in the landscape plan shall be natives.

**C. Placement and setting.**

- (1) The location, dimensions, and spacing of required plantings shall be adequate for their proper growth and maintenance, taking into account the sizes of such plantings at maturity and their present and future environmental requirements, such as wind, soil, moisture, and sunlight.
- (2) Plants shall be spaced to provide optimum growing conditions and resemble a natural setting. Evenly spaced picket-fence-style plantings shall be avoided.

**D. Street adjacent planting.** Trees or shrubs that are planted immediately adjacent to street and road rights-of-way shall be moderately tolerant of both salt spray and salt absorbed into the soil.

**E. Size.**

- (1) Canopy trees that are newly installed shall reach a minimum height and spread of 30 feet at maturity (10 years growth) as determined by the American Nursery and Landscape Association (ANLA)

Standards. New canopy trees shall have a minimum caliper of two inches at planting.

- (2) Ornamental trees that are newly installed shall reach a typical minimum height of 15 feet at maturity, based on AAN Standards. Ornamental trees shall have a distinctive ornamental character such as showy flowers, fruit, habit, foliage, bark, or growth habit. New ornamental trees shall have a minimum caliper of 1.5 inches.

F. Ground cover.

- (1) All areas not covered by buildings or paving shall be covered with landscaping.
- (2) Open space areas shall, at a minimum, be established within six months of completion of construction.

**§ 336-194. District-specific design criteria.**

A. B-1, B-2, I-1, M-1, M-2, and M-3 Districts.

- (1) Preservation and visual blending of the existing natural landscape features shall be a priority in landscape planning.
- (2) Landscape buffer areas.
  - (a) Landscape buffers shall be established and maintained within the street yard outside of any right-of-way and in rear and side yards with the plant quantities and general plant types as indicated in the table below.
  - (b) Such buffers shall be established and maintained so as to frame the view of existing structures from the roadway and adjoining parcels.
  - (c) Plantings may be located anywhere within the respective yards so long as consistent with the purpose and intent of landscaping.
- (3) Required plantings.

Area	Minimum Requirement
Street yard — for each 50 feet of street/road frontage	<ul style="list-style-type: none"> <li>• One canopy tree or one evergreen</li> <li>• Five medium shrubs</li> </ul>
Rear yard — for each 50 feet of property line	<ul style="list-style-type: none"> <li>• One canopy tree or one evergreen</li> <li>• Three shrubs</li> </ul>
Side yards — for each 50 feet of property line	<ul style="list-style-type: none"> <li>• One canopy tree or one evergreen</li> <li>• Three shrubs</li> </ul>
Native species: No less than 50% of all canopy trees, all evergreens, all ornamentals, and all shrubs shall be native species	

B. Q-1 District. Landscaping plans in the Q-1 District shall be determined on a case-by-case basis by the Plan Commission during site plan review and shall:

- (1) Recognize the unique nature of a nonmetallic mining operation in contrast to other land use

types.

(2) Focus on soil stabilization and erosion prevention.

C. PUD overlay. Landscape requirements in the PUD District shall be determined on a case-by-case basis based upon, but not necessarily limited to, the following factors:

(1) The purpose of this section.

(2) The underlying zoning district(s) and use of abutting parcels.

(3) The intensity of uses on the parcel(s) in question.

(4) Existing vegetation on parcel(s) in question and abutting parcels.

(5) The purpose of this section.

(6) All applicable design criteria in this section.

### § 336-195. Recommended species.

The species listed in the table below are recommended for inclusion in all landscaping plans. Although they are not required, the burden will be on the applicant to justify to the satisfaction of the Plan Commission any nonlisted species in the proposed landscaping plan.

Latin Name	Common Name and Description	Code
Canopy Trees - 30 to 45 feet in Height at Maturity		
<i>Acer truncatum</i>	Shantung maple Attractive fall foliage, disease and insect pests are seldom serious	O
<i>Tilia cordata 'Halka'</i> <i>Summer Sprite</i>	Littleleaf linden Leaf color shifts from light green to glossy dark green to yellow throughout the seasons; offers great shade due to a dense canopy; yields nutlike fruit 1/4 in. in diameter; grows in a pyramidal to oval shape (dwarf linden grows to height of 15 ft.)	
Canopy Trees — Over 45 feet in Height at Maturity		
<i>Acer x freemanii</i> <i>'Celzam'</i>	Celebration Freeman maple Broadly ovate, has a compact upright crown with strong crotch angles; adaptable over a wide range of climate and soils, from wet to dry but neutral or acid soil preferred; disease-resistant foliage and less prone to storm damage; long lasting, dependable colorful autumn foliage	

Latin Name	Common Name and Description	Code
<i>Acer x freemanii</i> 'Armstrong'	Armstrong Freeman maple Upright narrow, has a dense crown with ascending branches and a central leader; grows best in full sun welldrained soils, tolerant of temporary wet conditions, five-lobed leaves have a silvery underside, fall color is an orange-red, depending upon the season; height: 50 ft. to 70 ft.; spread: 15 ft. to 20 ft.; habit/form: upright narrow; growth rate: fast; Zones: 3 to 6	
<i>Acer Rubrum</i>	Red maple The colorful red maple ( <i>Acer rubrum</i> ) not only decorates the landscape of Wisconsin with brilliant displays of scarlet and burgundy during the fall months, it also produces beautiful red and orange flowers during April and May. The red maple is a medium-sized tree that reaches heights between 40 ft. and 70 ft. tall. Summer foliage is medium-green and leaves are 2 in. to 4 in. long. Red maples thrive in full sun, but will tolerate partial shade. Although they adapt well to most soil conditions, the red maple will flourish in moist, acidic soils.	N, O
<i>Acer Saccharum</i>	Sugar maple One of Wisconsin's finest native trees, but needs good growing conditions and plenty of room for its roots	N, X
<i>Celtis occidentalis</i> 'Prairie Pride'	Common hackberry Crown broadly globose and compact, ascending branches with yellow fall foliage; bark develops attractive corky warts; tolerates drought and alkaline soils, wet to dry sites, soil compaction, salt, and pollution; susceptible to nipple gall on leaves; recovers slowly from transplant	
<i>Celtis occidentalis</i> 'Prairie Sentinel'	Common hackberry A columnar form of hackberry, grows to about 45 ft. tall but only gets 12 ft. wide. This tree has the characteristic toughness of the species trees and is narrow enough to be used in tough urban landscapes or areas where there isn't much room but a tree is needed. "Prairie Sentinel" has yellow fall color and bears fruits that attract wildlife. It is drought tolerant and hardy in Zones 4 to 9.	
<i>Corylus colurna</i>	Turkish Filbert Conical, symmetrical crown; withstands a range of adverse conditions; no serious diseases or pests; little maintenance required; leaves not particularly attractive in the fall, does produce nuts which can be a problem in the fall	

Latin Name	Common Name and Description	Code
<i>Gleditsia triacanthos</i> var. <i>inermis</i> 'Skyline' or 'Street Keeper'	Thornless honeylocust Broadly ovate to irregularly vase-shaped with a lacy texture; adaptable to a wide range of soils; tolerates salt, heat, drought, compaction, and other adverse urban conditions; the most common problems include nectria canker, thyronectria canker, honeylocust plant bug, honeylocust leaf hopper, prone to produce surface roots and basal suckers, sunscald on trunk, transplants readily; lacy crown allows more light to reach surrounding turf. 'Street Keeper' is a more upright form.	
<i>Gymnocladus dioica</i> 'Espresso'	Espresso Kentucky coffeetree Native, no pest problems, the male tree bears no fruit, colorful autumn foliage; irregularly ovate canopy; provides open, light shade in summer; slow recovery after transplanting then medium to fast growth rate; adaptable to urban conditions including alkaline soils, salt, and drought; no pest problems; colorful autumn foliage	O
<i>Quercus x bebbiana</i> Schneid	Bebb oak A naturally occurring hybrid of white oak and bur oak; native, disease seldom serious, massive tree with stout branches, bark and branches are attractive; slow grower; ovate becoming broadly globose with age; durable tree that tolerates urban stresses and a wide range of soils; does produce acorns; transplant in spring	
<i>Quercus bicolor</i>	Swamp white oak Broadly ovate to globose; native to moist or swampy sites, tolerates imperfect drainage after establishment; tolerates drought, salt, and soil compaction in urban environments; partial to full sun; chlorotic on alkaline soil and susceptible to some diseases and pests which seldom cause serious problems, less susceptible to oak wilt than red/black oaks; acorns can be a litter problem during mass fruitings; transplant in spring	
<i>Quercus macrocarpa</i>	Bur oak Native; massive tree with stout branches, bark and branches are attractive; slow grower; ovate becoming broadly globose with age; durable tree that tolerates urban stresses and a wide range of soils, from moist to dry and acid to alkaline although it is naturally occurring on alkaline soils; diseases and insects seldom cause serious problems; does produce acorns; transplant in spring	N
<i>Quercus x 'Pyramich'</i> 'Skymaster'	Hybrid oak Narrowly ovate crown, disease seldom serious, does produce acorns; transplant in spring	

Latin Name	Common Name and Description	Code
<i>Quercus muehlenbergii</i>	Chinquapin oak Native, disease seldom serious, does produce acorns; transplant in spring	N
<i>Quercus robur</i> x <i>Quercus bicolor</i> 'Long'	'Regal Prince' hybrid oak Disease seldom serious, does produce acorns; transplant in spring	
<i>Quercus rubra</i>	Northern red oak Native; broadly ovate, somewhat open canopy; slow growth initially after transplanting then becomes fast; native to moist sites but prefers well drained, acid soils and partial to full sun; tolerates urban stresses — salt, compacted soil, and pollutants; susceptible to some diseases and pests which seldom cause serious problems; acorns can be a litter problem during mass fruitings; transplant in spring	N
<i>Quercus x schuettei</i>	Schuettei oak Naturally occurring hybrid of swamp white oak and bur oak; native, disease seldom serious, massive tree with stout branches, bark and branches are attractive; slow grower; ovate becoming broadly globose with age; durable tree that tolerates urban stresses and a wide range of soils; does produce acorns; transplant in spring	
<i>Tilia Americana</i>	Basswood In addition to being a majestic tree in the landscape, basswood is a soft, light wood and prized for hand carvings and making baskets. The tree makes an excellent landscape plant with some tolerance to urban conditions depending on the cultivar. It is a perfect shade tree and can be used as a residential street tree.	
<i>Ulmus</i> x 'Frontier'	Frontier elm Released in 1990 by the USDA; high degree of resistance to DED, moderate resistance to elm leaf beetle, and high tolerance to the phytoplasma-caused elm yellows; emerging leaves in spring are red, gradually changing to yellow-green in summer, finally turning red-purple in autumn; pyramidal instead of vase-shaped as it matures; sustained some low- temperature injury in Minnesota, reliably hardy only through USDA Zone 5	
Evergreen Trees		
<i>Abies Concolor</i>	White Fir Native to the United States; gray-green foliage; moderate growth rate, broadly conical; height up to about 70 ft.; tolerates dry soil, heat; no serious pests; a good alternative to Colorado Blue Spruce	

Latin Name	Common Name and Description	Code
<i>Juniperus Virginiani</i>	Easter red cedar An evergreen tree that may grow 30 ft. to 40 ft. tall, the tree has scale-like, closely oppressed, glandular leaves. The bark is red-brown in color, exfoliating in long, fibrous strips, often ashy gray where exposed. Small, light blue-green clusters of flowers mature in late winter or early spring.	
<i>Picea Glauca</i>	White spruce A large tree with a narrow crown, it can grow to 40 m tall and one meter in diameter when mature. Needles are four-sided, sharp, and stiff, and are arranged spirally on the twigs; whitish-green and foul smelling when young, they become pleasant smelling with age.	N
<i>Pinus Nigra</i>	Austrian pine Features dark green needles grown in bundles of two that sometimes curve or twist slightly. They are three inches to 6 in. long and persist for four years to eight years, giving the tree its dense crown. Produces somewhat oval, light brown cones that are 2 in. to 4 in. in length. Each scale is tipped with a small prickle.	
<i>Pinus Strobus</i>	Eastern white pine Eastern White Pine is an evergreen gymnosperm tree that may grow 50 ft. to 80 ft. tall. The tree has three- to five-inch slender needles in clusters of five. The needle clusters are deciduous. The bark is green with some lighter patches in young trees.	N
<i>Thuja Occidentalis</i>	American arborvitae (also Northern white cedar) American Arborvitae ( <i>Thuja occidentalis</i> ) is a fast-growing evergreen hedge with feathery foliage. Emerald Green Arborvitae ( <i>Thuja occidentalis</i> 'Smaragd') is a dense, columnar evergreen that is very popular for privacy hedges due to its consistent green color, natural thickness, and low-maintenance habit.	N
<i>Thuja Occidentalis-Techny</i>	Techny American arborvitae Techny is a compact, broad-based, upright, conicalpyramidal, dwarf cultivar that typically matures to 10 ft to 15 ft tall. It is noted for its rich dark green foliage that does not yellow in winter. Foliage is scale-like and appears in flat, fan-shaped clusters.	
<i>Tsuga Canadensis</i>	Canadian hemlock Features soft, feathery deep green needles that form flat, horizontal sprays on the twigs; yields an abundance of small brown cones 1/2 inch to one inches long that hang from the branches like ornaments; may be sheared to any height or shape	N

Latin Name	Common Name and Description	Code
Ornamental Trees — Under 30 Feet in Height at Maturity		
<i>Amelanchier x grandiflora</i> 'Robin Hill'	Robin Hill apple serviceberry White flowers in the spring and purple fruit in the fall, colorful fall foliage, bark and branches are attractive, neutral, or acid soils preferred, low tolerance for compacted, poorly drained soils, medium tolerance to salt	N, O, X
<i>Cercis Canadensis</i>	Eastern redbud Reddish purple buds open to rosy pink before leaves appear, picturesque small tree, approx. 20 feet at age 30, neutral or acid soils preferred, look for Columbus, WI strain to assure hardiness	O
<i>Crataegus viridis</i> 'Winter King' —	Winter King hawthorn White flowers, red fruit, attractive fall foliage, crown width at maturity will be equal to or greater than the height	N,O
<i>Malus spp</i>	Flowering crabapple The most common problems include apple scab, fire blight, cedar apple rust, frog-eye leaf spot, eastern tent caterpillar, spider mites, Japanese beetles, gypsy moth, prone to basal suckers and water sprouts, poor form, fruit mess, rabbit, or vole injury susceptible; select disease resistant cultivars	O
<i>Syringa reticulata</i> 'Ivory Silk'	Ivory Silk Japanese tree lilac White flowers in the spring, bark and branches are attractive, neutral, or acid soils preferred, low tolerance for compacted, poorly drained soils, medium tolerance to salt	O
Ornamental Trees — 30 to 35 Feet in Height at Maturity		
<i>Betula nigra</i> 'Heritage'	River birch Native; tree form grows rapidly when established; salmon-white peeling bark; leaves are glossy dark green; briefly yellow in fall; susceptible to leaf miner and chlorosis (yellowing of leaves) if pH is too high; prefers moist but well drained acid soils	O, X
<i>Pyrus calleryana</i> 'Autumn Blaze' 'Chanticleer'	Autumn Blaze callery pear White flowers in spring, attractive fall foliage	O
Ornamental Trees — Over 45 Feet in Height at Maturity		
<i>Ginkgo biloba</i> 'Autumn Gold' or 'Princeton Sentry'	Ginkgo, male cultivars Variable and irregular, large spreading branches; slow growth for about 15 years then medium; tolerates wide range of soils, salt, and pollutants; very disease resistant and low maintenance; partial to full sun: colorful autumn foliage, leaves are distinctive	O
Tall Shrubs		



Latin Name	Common Name and Description	Code
<i>Amelanchier spp</i>	Serviceberry, juneberry, or salmonberry Upright, clump or bush form; partial shade, alkaline soil, white flowers in spring, edible purple fruits in fall; smooth gray bark; yellow to orange fall foliage	O
<i>Cornus racemosa</i>	Gray dogwood Erect small tree; dry or wet soil, prefers shade; woods edges; white flowers, purple fruits (birds like them), purple fall foliage	O
<i>Cornus stolonifera</i>	Redosier dogwood Spreading bush form; wet, moist soil; tolerates poor drainage; white flowers, white fruits, red twigs	O
<i>Cornus stolonifera</i>	Common witchhazel Spreading bush form; prefers shade; yellow flowers in October; yellow fall foliage	N, O
<i>Euonymus atropurpurea</i>	Eastern wahoo	N
<i>Physocarpus opulifolius</i>	Common (or Eastern) ninebark Vase-shaped bush form; prefers dry soil in partial shade; white flowers, red capsular fruits; shredded bark	N, O
<i>Viburnum dentatum</i>	Arrowwood viburnum Vase shaped shrub; prefers moist soil and shade; white flowers in June, blue fruits, and maroon fall foliage	O
<i>Viburnum lentago</i>	Nannyberry viburnum	N
<i>Viburnum trilobum</i>	American cranberrybush viburnum Upright shrub that prefers moist soil; lacy appearance, white flowers, and persistent, edible red fruits	O
Medium Deciduous Shrubs		
<i>Aronia arbutifolia</i>	Red Chokeberry Red chokeberry is a tall, multistemmed native shrub with abundant white flowers, red glossy berries, and outstanding red fall color	O
<i>Corylus Americana</i>	American Filbert (also American Hazelnut) American hazelnut is a thicket-forming, spreading shrub to 10 feet high. The leaves can be very colorful in autumn, varying from orange to brick red or purplish red, or with combinations of rose, orange, yellow, and pale green.	N, O
<i>Ilex verticillata</i>	Winterberry This slow-growing, multistemmed shrub typically develops an upright to rounded habit and grows between five feet and 15 feet tall. The leaves are typically two inches to three inches long, elliptic, toothed, and dark green. In the fall, the foliage turns yellow or, in some cases, maroon. The berries provide significant color and interest in the winter landscape.	N, O

Latin Name	Common Name and Description	Code
<i>Viburnum cassinoides</i>	<p>Withrod Viburnum</p> <p>Witherod viburnum grows to five feet to six feet in height and is typically found in wetter conditions such as swamps and marshes, moist fields, and woods. This native North American shrub offers visual interest during all four seasons with white flowers in the spring, beautiful red-orange leaves in the fall, and fruit that changes colors as it matures throughout the growing season.</p>	N, O
Medium Evergreen Shrubs		
<i>Juniper chinensis</i> 'Pfitzerana'	<p>Pfitzer Juniper (also Golden Pfitzer)</p> <p>Golden Pfitzer Juniper is a fast-growing evergreen conifer shrub that can reach 3 ft. to 5 ft. in height with a width of 10 ft. or more. It has main branches which emerge at a 45° angle to the ground. Branch tips often droop.</p>	O
<i>Junipers communis depressa</i>	<p>Oldfield Common Juniper</p> <p>Oldfield Common Juniper is a Wisconsin native groundcover evergreen. It's a cold hardy, shrubby evergreen which inhabits the sandy hills of the Kettle Moraine and the clay bluffs along Lake Michigan.</p>	N
<i>Thuja occidentalis</i> 'Woodwardii'	<p>Woodward Globe Arborvitae</p> <p>Woodward globe arborvitae is a compact to medium-sized shrub that naturally maintains its broadly rounded shape. The fine-textured, lacy foliage is a rich green, turning shades of green and brown in winter.</p>	
Low Deciduous Shrubs		
<i>Amelanchier stolonifera</i>	<p>Running Serviceberry</p> <p>Serviceberry is a small deciduous tree or shrub with attractive white spring blossoms that provides year-round interest in the landscape, as well as producing edible fruits</p>	N
<i>Aronia melanocarpa</i>	<p>Black Chokeberry</p> <p>Black chokeberry is a multistemmed, deciduous, eastern North American shrub which reaches four feet to eight feet in height. Its ornamental attributes include three seasons of interest: white flowers in spring, lustrous green foliage in summer and black fruits in late summer, and bright yellow-orange-red foliage in autumn.</p>	N, O
<i>Juniper horizontalis</i>	<p>Creeping Juniper</p> <p>Creeping juniper is a ground-hugging shrub native to North America that is often used as ground cover in gardens and landscapes</p>	N

Latin Name	Common Name and Description	Code
<i>Ribes alpinum</i>	Alpine Currant Alpine currant is a hardy, low mounded shrub commonly used as a hedge. Plants are tolerant of full sun to full shade. Very low maintenance with little ornamental appeal other than its dense green foliage.	
<i>Viburnum acerifolium</i>	Mapleleaf Viburnum Maple-leaf arrow-wood is a low, densely branched shrub, 4 ft. to 6 ft. tall and 3 ft. to 4 ft. wide; flat-topped clusters of white flowers are followed by berries turning from red to blue-black; bright-to dark-green, deciduous foliage, maple-like in shape, is very colorful in fall; a shrub with maple-like leaves and small, white flowers or uniform size in flat topped clusters	N
<i>Viburnum opulus</i> 'Nanum'	Dwarf European Cranberrybush A dense, rigidly upright-growing small shrub with good fall color; does not have the flowers or fruit of the species; hardy and adaptable; makes an excellent low hedge or garden background shrub, excellent in groupings	

## Codes:

N — Species native to Wisconsin

O — Also an ornamental

X — Not permissible within 20 feet of right-of-way.

**§ 336-196. Prohibited landscape species.**

A. The following species are prohibited for use in all landscaping plans in the Town of Polk.

## (1) Trees.

- (a) Amur maple. Nonnative; invades open grasslands, prairies, and forests; outcompetes native vegetation reducing overall biodiversity.
- (b) Ash. Emerald ash borers.
- (c) Black locust. Invade forests, prairies, old fields, and roadsides; vegetative reproduction forms groves of clones excluding native vegetation; vigorous sprouting, root suckering and lateral spread caused by damage to roots or stems making it difficult to control.
- (d) Boxelder. Weak wood and branch attachments are subject to storm damage; trees can be high maintenance due to drooping branches and poor growth form; attract boxelder bugs which can be a nuisance.
- (e) Callery pear, bradford. This cultivar of callery pear should be avoided due to poor branching structure. The narrow crotches make this tree susceptible to storm damage.
- (f) Cottonwood. Susceptible to storm damage due to shallow root system and weak wood and branch attachments; female cottonwoods produce large numbers of cottony seeds which litter the landscape.

- (g) Gingko, female. Fruit has pungent odor.
  - (h) Macho corktree. Nonnative; allelopathic, exuding chemicals from the roots which impact soil microorganisms and surrounding vegetation; tolerates a wide variety of site and soil conditions; prolific seed producers and stump sprouters.
  - (i) Norway maple. Nonnative, has escaped urban environment and now poses a threat to native maple species; aggressive roots frequently result in self-girdling; shallow, fibrous root system prevents grass from growing under the tree and is susceptible to being blown over in windy, wet environments.
  - (j) Poplar or aspen. Poplar/aspen trees are subject to canker and prone to branch failure in cold snowy climates like Wisconsin; trees are very short lived and have a poor growth form.
  - (k) Red oak. Oak wilt.
  - (l) Siberian elm. Nonnative; tolerates a wide variety of growing/site conditions; seeds develop and germinate quickly allowing dense stands to form rapidly and outcompete native vegetation; reduces forage for native fauna.
  - (m) Silver maple. Subject to branch breakage following ice storms; aggressive roots can clog drains and buckle sidewalks; susceptible to wood and root decay; trees can be high maintenance due to poor growth form.
  - (n) Willows. Willow trees are extremely fast-growing and quickly expand beyond their growing space; roots can interfere with water and sewer lines; weak wood is subject to storm damage and branch failure in high winds and heavy snow loads.
- (2) Shrubs.
- (a) Autumn olive. Nonnative, introduced from Asia; invades open and forested areas; produces numerous fruits in high light conditions; alters nutrient cycling by adding nitrogen to the soil.
  - (b) Buckthorn — common, glossy. Nonnatives; tolerate a wide variety of site conditions; leaf-out early and retain leaves late into season allowing for a longer growing season than native vegetation; shades out regeneration of native tree and shrub species; can quickly take over the understory of woodlots.
  - (c) Burning bush. Non-native, introduced from Asia in the 1860's as an ornamental; tolerates a wide variety of site and soil conditions; produces large amounts of seed; nonpalatable to deer, giving it a competitive advantage over native vegetation.
  - (d) Honeysuckle. Nonnative species include Japanese honeysuckle, Morrow's honeysuckle, Tatarian honeysuckle, Bell's honeysuckle, and Amur honeysuckle; outcompete native vegetation; will take over prairies, forests, fields, and roadsides.
  - (e) Japanese barberry. Nonnative ornamental; tolerates a wide variety of site and environmental conditions; spines deter deer browse giving it an advantage over native vegetation; spreading horizontal branches will root freely when they touch the ground leading to dense thickets; research has shown higher rates of Lyme disease carrying ticks in forests infested with this plant.

- (f) Multiflora rose. Nonnative; produces up to 500,000 seeds/year that remain viable in the soil for 10 to 20 years; tolerates a wide variety of site conditions; can form dense thickets that exclude native vegetation.
  - (g) Russian olive. Nonnative; invades open areas, including wet areas; can dry up riparian areas as it uses more water than native species; alters nutrient cycling by adding nitrogen to the soil.
  - (h) Smooth sumac. Sumac growth can block rain and sunlight and begin to change the ecosystem's soil chemistry, temperature, and light levels. This can cause existing plants and small shrubs in the area to wither. By blocking the sunlight, sumac trees may also prevent new plants and vegetation from growing.
  - (i) White mulberry. Produces abundant pollen debris which may cause allergic reactions in some people.
- (3) Vines.
- (a) American bittersweet.
  - (b) Oriental bittersweet.
- (4) Ground covers.
- (a) Birds-foot trefoil.
  - (b) Crown vetch.
- (5) Flowers.
- (a) Dames rocket.
  - (b) Multiflora rose.
  - (c) Purple loosestrife.
  - (d) Yellow iris.
- (6) Grasses.
- (a) Maiden grass.
  - (b) Reed canary grass.
- (7) Aquatic.
- (a) Flowering rush.
  - (b) Water hyacinth.
  - (c) Water lettuce.
  - (d) Yellow floating heart.

**§ 336-197. Preservation of landscaping.**

## A. Maintenance.

- (1) All landscaped areas shall be maintained and preserved in accordance with the approved landscape plan.
- (2) Maintenance of landscaping shall be the responsibility of the owner, lessee, heirs, assigns, agents, homeowners' association, or other liable entity of the property.

## B. Plant replacement.

- (1) Trees and shrubs.
  - (a) Any tree or shrub included in an approved landscaping plan that is diseased or damaged beyond nonrecovery shall be removed.
  - (b) Any tree or shrub removed due to damage or disease, or otherwise lost due to natural or nonnatural circumstances, shall be replaced with the same or like species and shall comply fully with the requirements of this article.
- (2) Other plant materials.
  - (a) Plant materials, other than trees or shrubs, included in an approved landscaping plan that do not survive a plant establishment period of two years after installation, or are diseased or damaged beyond nonrecovery, shall be replaced with plant material(s) of the same or like species of equal size within the next planting season, but in any event, within six months of the plant's demise.

**§ 336-198. through § 336-209. (Reserved)**

**ARTICLE XI**  
**Administration and Enforcement**

**§ 336-210. Purpose.**

- A. This article shall set forth the requirements to adequately provide and develop the proper administration and enforcement of this chapter.
- B. This article shall provide for the position of Zoning Administrator, Plan Commission, and Zoning Board of Appeals.

**§ 336-211. General administrative system.**

The Zoning Administrator shall administer this chapter. Certain considerations, particularly with regard to granting of conditional uses, issuance of site plan permits for all nonresidential development, changes in zoning districts and the zoning map, and amending the text of this chapter shall require review and approval by the Plan Commission and/or Town Board. A Zoning Board of Appeals is provided to assure proper administration of the Chapter and to avoid arbitrariness.

**§ 336-212. Zoning Administrator.**

The duty of the Zoning Administrator shall be to interpret, administer, and enforce this chapter and to issue all permits required by this chapter.

- A. Responsibilities. The Zoning Administrator shall further:
  - (1) Maintain records of all reports prepared, permits issued, work approved, and other official actions.
  - (2) Investigate all complaints made relating to the location of structures and the use of structures, lands, and waters, and any other purported violations of this chapter.
  - (3) In case of any finding of a violation of a provision of this chapter, notify in writing, the owner of the property on which the violation has taken place indicating the nature of the violation and the action necessary to correct it.
  - (4) Prohibit the issuance of any permit until any required zoning approvals have been issued.
  - (5) Request assistance and cooperation from the Building Inspector, Town Attorney, and other applicable parties as deemed necessary.
  - (6) Carry out such additional responsibilities as are hereinafter set forth by the provisions of this chapter.
- B. Authority. In the enforcement of this chapter, the Zoning Administrator shall have the power and authority for the following:
  - (1) At any reasonable time and for any proper purpose, and in conformance with applicable law, to enter upon any public or private premises and make inspection thereof.
  - (2) Upon reasonable cause or question as to proper compliance, to revoke any zoning permits and issue cease and desist orders requiring the cessation of any building, moving, alteration, or use which is in violation of the provisions of this chapter; or take any other action as directed by the Town Board to ensure compliance with or to prevent violation of its provisions.

- (3) In the name of the Town, in consultation with the Town Attorney, and with authorization of the Town Board, commence any legal proceedings necessary to enforce the provisions of this chapter, including the collection of forfeitures provided for herein.

#### **§ 336-213. Plan Commission.**

- A. Duties. The Plan Commission, together with its other statutory duties, shall make reports and recommendations relating to the plan and development of the Town to the Town Board, other public officials and other interested organizations and citizens. The Plan Commission, its members, and staff, in the performance of its functions, may enter upon any land and make examinations and surveys.
- B. Powers. The Plan Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning. Under this chapter, its functions are primarily recommendatory to the Town Board pursuant to guidelines set forth in this chapter as to various matters, and, always, being mindful of the intent and purposes of this chapter. Recommendations shall be in writing. A recording thereof in the Commission's minutes shall constitute the required written recommendation. The Commission may, in arriving at its recommendation, on occasion and of its own volition, conduct its own public hearing.

#### **§ 336-214. Board of Zoning Appeals.**

- A. 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 this chapter in harmony with the purpose and intent of this chapter and as determined by state law.
  - (1) Membership. The Board of Zoning Appeals shall consist of five members appointed by the Town Chairman, confirmed by the Town Board, and composed as follows:
    - (a) Terms shall be for staggered three-year terms.
    - (b) Chair shall be designated by the Town Chair.
    - (c) Alternate members.
      - [1] No more than two alternate members may be appointed.
      - [2] Alternate members shall serve staggered three-year terms.
      - [3] An alternate member shall act only when a regular member is absent or recuses themselves from a vote.
  - (2) Secretary shall be the Zoning Secretary.
  - (3) Staff shall attend meetings as requested by the Board of Zoning Appeals.
  - (4) Official oaths shall be taken by all members in accordance with § 19.01, Wis. Stats., within 10 days of receiving notice of their appointment.
  - (5) Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.
- B. Organization. The Board of Zoning Appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of chapter.



- (1) Meetings shall be held at the call of the Chair 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 members of the Board shall be necessary to grant and appeal or a variance.
- C. Powers. The Board of Zoning Appeals shall have the following powers:
- (1) Appeals. To hear and decide appeals where it is alleged there is error in any administrative order, requirement, decision, or determination made by the Town Board, Plan Commission, Zoning Administrator, Building Inspector, or any other duly designated officer or official of the Town of Polk. The Board of Appeals may not hear or decide upon appeals of any Town Board decision on a conditional use permit application.
  - (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 be result in practical difficulty or unnecessary hardship, so that the spirit and purposes of This chapter shall be observed and the public safety, welfare, and justice secured. Use variances shall not be granted.
- D. Appeals and applications. Appeals concerning the literal enforcement of this chapter 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. 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 Zoning Administrator. 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.
  - (3) Additional Information as may be required by the Zoning Board of Appeals.
- E. 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 Plan Commission at least 10 days prior to the hearing. At the hearing the appellant or applicant may appear in person, by agent, or by attorney.
- F. Findings. No variance to the provisions of this chapter shall be granted by the unless the Zoning Board of Appeals 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 this chapter or the public interest.
- G. 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 Plan Commission.
- H. 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.

#### **§ 336-215. Fees.**

- A. Application fees. The application fee charged for a permit issued under this chapter shall be in an amount as indicated in the most recently Town Board adopted fee schedule. No application shall be accepted unless accompanied by the established application fee.
- B. Reapplication fee. A reapplication fee shall be paid with the submission of any revised or amended application for a permit issued under this chapter which contains substantial changes from the original submittal. Such reapplication fee shall be 50% of the application fee as cited above. If the submittal is so different as to constitute a new application, the full review fee shall be paid.
- C. Consultant fees. The Town may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and other experts) to assist in the Town's review of a proposal coming before the Plan Commission and/or Town Board. The submittal of a development proposal application or petition shall be construed as an agreement to pay for such professional review services applicable to the proposal. The Town may apply the charges for these services to the petitioner. The Town may delay acceptance of the application or petition as complete, or may delay final approval of the proposal, until the petitioner pays such fees. Review fees which are applied to a petitioner, but which are not paid, may be assigned by the Town as a special assessment to the subject property. The petitioner shall be required to provide the Town with an executed copy of a professional services reimbursement form as a prerequisite to the processing of the development application.
- D. Fees doubled. Fees shall be doubled if the work, use, or activity is commenced prior to the issuance of a permit required under this chapter.

**§ 336-216. Violations.**

It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this chapter. In case of any violation, the Town Board of Supervisors, the Building Inspector, the 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 chapter or cause a structure to be vacated or removed.

**§ 336-217. Penalties.**

Any person, firm, or corporation who fails to comply with the provisions of this chapter shall, upon conviction thereof, forfeit not less than \$200 or more than \$500 and costs of prosecution for each violation, plus reasonable attorneys' fees, 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. The Town may also seek equitable relief such as injunctions and abatement orders in the event of a violation.

**§ 336-218. through § 336-229. (Reserved)**

## ARTICLE XII Changes and Amendments

### **§ 336-230. 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 this chapter or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the Plan Commission.

### **§ 336-231. Initiation.**

A change or amendment may be initiated by the Town Board or Plan Commission or by a petition of one or more of the owners or lessees of property within the area proposed to be changed.

### **§ 336-232. Petitions.**

Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Zoning Administrator, 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:

- A. Plot plan drawn to scale of one 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.
- B. Owners' names and addresses of all parties in interest as defined in this chapter.
- C. Additional Information required by the Plan Commission or Town Board in order to give appropriate consideration to the petition.

### **§ 336-233. Review and recommendations.**

- A. The Zoning Administrator or designee shall review the application and prepare a report for the Plan Commission. The report shall include the Zoning Administrator's recommendation to approve, conditionally approve, or deny the proposed change or amendment.
- B. The Plan Commission shall review the proposed changes or amendments to This chapter and consider the recommendations of the Zoning Administrator before making a recommendation to the Town Board that the petition be granted as requested, modified, and granted, or denied.

### **§ 336-234. Public hearing.**

The Plan Commission shall hold a public hearing upon each petition after publishing a Class 2 notice under Ch. 985, Wis. Stats. The Town Clerk shall give at least 10 days' prior written notice of such hearing to the Clerk of any municipality lying within 1,500 feet of any land to be affected by the proposed change or amendment, and to all parties of interest as defined in this chapter. Following the Public Hearing, or within a reasonable amount of time thereafter, the Plan Commission shall make a recommendation to the Town Board that the proposed change or amendment be granted as requested, modified, and granted, or denied.

### **§ 336-235. Town Board action.**

After careful consideration of the recommendation of the Plan Commission, and testimony submitted at

the public hearing, the Town Board shall vote on the proposed change or amendment as set forth in the petition.

**§ 336-236. Protest.**

In the event of a protest against such district change or amendment to the regulations of this chapter, duly signed and acknowledged either by the owners of 20% or more of the areas of the land included in such proposed change, by the owners of 20% or more of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20% 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.

**§ 336-237. through § 336-299. (Reserved)**

## ARTICLE XIII Definitions

### § 336-300. Terms defined.

For the purpose of this chapter, 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.

- A. Words used in the present tense in this chapter include the future.
- B. The word "person" includes a firm, association, partnership, trust, company, or corporation as well as an individual.
- C. The word "shall" is mandatory, the word "should" is advisory, and the word "may" is permissive.
- D. Any words not defined in this article shall be presumed to have their customary dictionary definitions.
- E. Words and phrases defined.

**ABANDONMENT OF OPERATIONS** — The cessation of nonmetallic mining operations for more than 365 consecutive days where the cessation is not specifically set forth in an operator's application, operation, or reclamation plan, or by another written request deemed sufficient by the Town. Abandonment of operations does not include the cessation of activities as a result of labor strikes or natural disasters.

**ACCOSSORY BUILDING** -- A building subordinate to a principal building and used for a purpose customarily incident to the permitted use of the principal building.

**ACCESSORY STRUCTURE** -- A subordinate structure that is detached from, incidental to, and located on the same lot or parcel as the principal structure, and which is not used as a dwelling unit or for living quarter.

**ACCESSORY USE** -- A use of land or a structure that is subordinate to and customarily incidental to the principal use of the land, structure, or water. An accessory use shall be located on the same lot or parcel as the principal use, unless otherwise expressly permitted by this chapter.

**ADJACENT (also, ADJOINING)** — Located on land parcels that touch each other, or on land parcels that are separated only by a river, stream, or transportation or utility right-of-way.

**ADULT FAMILY HOME** — A licensed place where three or four adults who are not related to the operator reside and receive care, treatment, or services that are above the level of room and board and that may include up to seven hours per week of nursing care per resident; or a licensed private residence where three or four adults or any number of adult siblings, each of who has a developmental disability, who are not related to the operator reside and receive care, treatment, or services that are above the level of room and board but not including nursing care. An adult family home does not include any of the following: a convent, a facility or private home for victims of domestic abuse, a shelter, or other facilities excluded in § 50.01(1) and (1g), Wis. Stats.

**AGRICULTURAL EQUIPMENT** -- Tractors, combines, balers, tillage implements, planting and seeding equipment, trucks, and other machinery used for agricultural purposes, as defined in Wis. Stat. § 91.01(2). For purposes of this chapter, agricultural equipment shall be limited to machinery and vehicles customarily used in the operation of a farm and shall not include equipment or vehicles primarily used for commercial or industrial purposes unrelated to agriculture.

**AGRICULTURAL USE** — Any of the following:

- (1) Any of the following activities conducted for the purpose of producing an income or

livelihood:

- (a) Crop or forage production.
- (b) Keeping livestock.

- (c) Beekeeping.
- (d) Nursery, sod, or Christmas tree production.
- (e) Floriculture.
- (f) Aquaculture.
- (g) Fur farming.
- (h) Forest management.
- (i) Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.

- (2) Any other use that DATCP, by rule, identifies as an agricultural use.

AGRICULTURE-RELATED USE — Any of the following:

- (1) An agricultural equipment dealership, facility providing agricultural supplies, facility for storing or processing agricultural products, or facility for processing agricultural wastes.
- (2) Any other use that DATCP, by rule, identifies as an agriculture-related use.

ALLEY — A special public right-of-way affording only secondary access to abutting properties.

ANIMAL UNITS — A unit of measure used to determine the total number of single animal types or combination of animal types permissible on a given lot or parcel of land.

ANIMATED SIGN — A sign, excluding an electronic changeable copy sign, which involves motion or rotation of any part by mechanical or artificial means, or which displays flashing or intermittent lights.

ANSI — Refers to the American National Standards Institute.

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.

APPEAL — A process initiated by an aggrieved person to review a decision made pursuant to this chapter, or an alleged failure to act as required by this chapter.

APPLICANT — A person that submits an application as required by this chapter.

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.

ARTIFICIAL LAKE — A body of water other than a natural body of water, two acres or greater in size, utilized for recreational, aesthetic, or conservation purposes.

ARTISAN SHOP — A place where handmade craft items or works of art are made on a small scale and offered for retail sale. Examples of such items include paintings, textiles, photography, sculptures, pottery, leather products, handmade paper, jewelry, hand-blown glass, small wooden items, candles, soaps, and lotions.

AWNING SIGN — A sign that is mounted or painted on, or attached to an awning, canopy, or marquee.



**BANNER** — A sign made of fabric or any nonrigid material with no enclosing framework.

**BASEMENT** — That portion of any structure located partly below the average adjoining lot grade. If a basement is occupied for living purposes, it shall be counted as a story for purposes of height measurement.

**BATTERY CHARGING STATION** — An electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles.

**BATTERY ELECTRIC VEHICLE** — Any vehicle that operates exclusively on electrical energy from an off-board source (generally, the electric grid) that is stored in the vehicle's batteries and produces zero tailpipe emissions or pollution when stationary or operating.

**BED AND BREAKFAST** — Any place of lodging that provides eight or fewer rooms for rent to no more than a total of 20 tourists or other transients for more than 10 nights in a twelve-month period, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast, as defined in § ATCP 73, Wis. Adm. Code.

**BEES** — Honeybees or mason bees raised for honey or pollination.

**BERM or VEGETATED BERM** — A raised bank of soil and rock, topped by native plants, shrubs, and or trees most often constructed so as to provide a visually appealing barrier between incompatible adjoining land uses.

**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 50 square feet in sign area per face.

**BILLBOARD, DIGITAL** — A sign that is static and changes messages by any electronic process or remote control.

**BOUTIQUE WINERY** — An establishment operating under § 125.53, Wis. Stats., that manufactures, bottles, and stores wine on premises and which produces less than 100,000 gallons per year. Locally issued licenses/permits may allow wine sales directly to consumers, on premises tasting of wine, and may impose additional restrictions. Excludes homemade wine, defined under § 125.06(3), Wis. Stats.

**BREEZEWAY** — An above-ground, roofed area for passage for the purpose of connecting two structures or buildings and which meets all standards of §336-26-B-4.

**BREWERY** — A use which manufactures, bottles, and packages a total of more than 10,000 barrels or 310,000 U.S. gallons of fermented malt beverages per calendar year on premises including storage and distribution of fermented malt beverages that have been manufactured on the premises.

**BREW PUB** — See "microbrewery."

**BUILDABLE AREA** — The space remaining on a lot after the minimum open space and setback requirements have been complied with, and excepting any floodway, wetland, or similarly designated environmental corridors.

**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.

**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.

**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.

**BUILDING-INTEGRATED SOLAR ENERGY SYSTEM** — A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

**CANOPY (also MARQUEE)** — A roof-like structure projecting from a wall and supported in whole or in part by vertical supports from the ground and erected primarily to provide shelter from the weather.

**CHANGEABLE COPY SIGN, AUTOMATIC** — A sign on which the copy changes automatically on a lamp bank or through mechanical means, e.g., electrical or electronic time and temperature units.

**CHANGEABLE COPY SIGN, MANUAL** — A sign on which copy is changed manually in the field, e.g., reader boards with changeable letters.

**CHARGING LEVELS** — The standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms "Level-1," "Level-2" and "Level-3" are the most common charging levels and include the following specifications:

- (1) Level-1: Voltage from 0 through 120; considered slow charging.
- (2) Level-2: Voltage from 120 through 240; considered medium charging.
- (3) Level-3: Voltage greater than 240; considered fast or rapid charging.

**CLEAN WOOD** — Natural wood that has been seasoned to reduce its water content and provide more efficient combustion. The term clean wood does not include wood:

- (1) Coated with paint, stain, oil, resin or any other preservative, fire retardant or decorative materials.
- (2) Impregnated with preservatives or fire retardants.
- (3) Exposed to saltwater.
- (4) Manufactured with use of adhesives, polymers, or resins, such as strand, particle and veneer lumber and recycled lumber.

**CLUB** — An association of persons organized for some common, nonprofit purpose, but does not include any group organized primarily to render a service which is customarily carried on as a business.

**COMMERCIAL COMMUNICATIONS** — Communications used by government and military entities for emergency purposes, licensed amateur radio service, and nonemergency communications used by agricultural, business, government, and military entities including aviation radar, commercial mobile radio service, fixed wireless service, global positioning, line-of-sight, microwave, personal communications service, weather radar, and wireless internet service.

**COMMERCIAL STORAGE AND OFFICE WAREHOUSE** — A building or buildings consisting of varying sizes of individual, compartmentalized, self-contained, and controlled access units, which may or may not be climate-controlled, and may or may not include office space and restrooms, that are rented, leased, or owned for the warehousing of business goods, materials, or wares associated

with a business establishment in operation at another location.

**COMMUNITY LIVING ARRANGEMENTS** — Community living arrangement facilities for children or adults. Such facilities for children mean a group home or a residential care center for children and youth. Such facilities for adults mean a community-based residential facility (CBRF).

**COMMUNITY SOLAR** — A commercial solar-electric (photovoltaic) array that provides retail electric power to multiple households or businesses residing or located off-site from the location of the solar energy system. A community solar system may be either an accessory or principal use.

**COMPREHENSIVE PLAN** — The Town of Polk Comprehensive Plan, as adopted and amended from time to time.

**CONDITIONAL USE PERMIT** — A permit issued by the Town Board authorizing establishment of a conditional use consistent with the provisions of this chapter.

**CONSERVANCY (also CONSERVANCY AREA)** — Areas designated by the Southeast Wisconsin Regional Planning Commission as either Primary Environmental Corridor, Secondary Environmental Corridor, or Isolated Natural Resource Area, and lands held in conservation by nonprofit organizations.

**CRAFT-DISTILLERY** — A use which manufactures, bottles and packages a total of not more than 100,000 proof gallons of intoxicating liquor under the name of "whiskey," "brandy," "gin," "rum," "spirits," "cordials," or any other name per calendar year on the premises including storage and distribution of intoxicating liquor that has been manufactured on the premises.

**CSA** — Refers to the Canadian Standards Association testing service.

**DECOMMISSIONING** — The removal of all of the following:

- (1) The aboveground portion of a wind energy system, including wind turbines and related facilities, except for access roads if removal has been waived by the property owner.
- (2) All below-ground facilities, except the following:
  - (a) Underground collector circuit facilities.
  - (b) Those portions of concrete structures four feet or more below grade.

**DEVELOPMENT** — Any human-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures, or accessory structures; the construction of additions or substantial alterations to buildings, structures, or accessory structures; the placement of buildings or structures; ditching, lagooning, dredging, filling, grading, paving, excavation, or drilling operations; and the deposition or extraction of earthen materials.

**DEVELOPMENT REGULATIONS** — Those portions of this chapter pertaining to lot area, lot width, bulk yard, frontage, height, parking, loading or separation distance requirements.

**DISTILLERY** — A use which manufactures, bottles and packages a total of more than 100,000 proof gallons of intoxicating liquor under the name of "whiskey," "brandy," "gin," "rum," "spirits," "cordials" or any other name per calendar year on the premises including storage and distribution of intoxicating liquor that has been manufactured on the premises.

**DOOR SIGN** — A sign that is applied or attached to a door and is visible from outside the structure.

**DWELLING** — A 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.

**DWELLING, MULTIFAMILY** — A residential building designed for or occupied by three or more families, with the number of families in residence not to exceed the number of dwelling units provided.

**DWELLING, MULTIGENERATIONAL** — A single dwelling unit occupied by at least two adult generations of a family and children or grandchildren under the age of 25.

**DWELLING, SINGLE-FAMILY** — A detached residential building designed for or occupied exclusively by one family and surrounded by open space or yards and which is not attached to any other dwelling by any means.

**DWELLING, TWO-FAMILY** — A detached or semidetached building designed for and occupied exclusively by two families.

**ELECTRIC VEHICLE** — Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; either partially or exclusively, on electrical energy from the grid, or an off-board source (generally, the electric grid, that is stored on-board via a battery for motive purpose. Electric vehicle includes:

- (1) A battery electric vehicle.
- (2) A plug-in hybrid electric vehicle.

**ELECTRIC VEHICLE CHARGING STATION** — A public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

**ELECTRIC VEHICLE CHARGING STATION-PRIVATE RESTRICTED USE** — An electric vehicle charging station that is:

- (1) Privately owned and restricted access (e.g., single-family home, executive parking, designated employee parking); or
- (2) Publicly owned and restricted (e.g., fleet parking with no access to the general public).

**ELECTRIC VEHICLE CHARGING STATION-PUBLIC USE** — An electric vehicle charging station that is:

- (1) Publicly owned and publicly available (e.g., park-and-ride parking, public library parking lot, on-street parking); or
- (2) Privately owned and available to visitors of the use (e.g., shopping center parking).

**ELECTRIC VEHICLE INFRASTRUCTURE** — Conduit/wiring, structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations and rapid charging stations.

**ELECTRIC VEHICLE PARKING SPACE** — Any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

**ELECTRONIC MESSAGE CENTER** — An electrically activated changeable sign where the variable message capability can be electronically programmed.

**ENLARGEMENT** — As applied to nonmetallic mining operations, any horizontal or vertical increase beyond dimensions of the original application for the project site. Such increases, if undertaken, shall be subject to the diminishing assets rule.

**ENVIRONMENTAL POLLUTION** — The contaminating or rendering unclean or impure the air, land, or waters of the state or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal, or plant life.

**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, stormwater drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings.

**ETL** — Refers to the Intertek ETL testing service.

**FACADE** — The entire front or any other face of a building, including the parapet.

**FAMILY** — Any number of persons related by blood, adoption, or marriage, or not to exceed four persons not so related, living together in one dwelling as single housekeeping entity.

**FARM** — All land under common ownership that is primarily devoted to agricultural use.

**FENCE** — An accessory structure providing enclosure or serving as a barrier, such as wooden posts, wire, iron, brick, stone or other manufactured material or combination of materials erected to enclose, screen or separate areas. Structures designed to enclose recreational facilities, such as tennis courts or backstops, shall not be considered fences.

**FENCE, SECURITY** — A fence intended to guard property against unauthorized entry, and to protect stored goods and products from theft and other unauthorized handling. Security fences usually exceed six feet in height, are often made of wrought iron or woven wire, and may incorporate additional security features such as barbed wire or as otherwise identified in this.

**FENCE, SOLID** — A structure of boards, rails, planks, stakes, slats, or similar material erected as an enclosure, barrier, or boundary. Solid fences are those with 50% or less of their surface area open for free passage of light and air. Examples of such fences are stockade, board-on-board, board and batten, basket weave, and louvered fences or as otherwise identified in this chapter.

**FESTOON** — A string of balloons, ribbons, tinsel, small flags, or pinwheels.

**FINE ARTS VENUE** — A structure or structures providing facilities for the study, practice, and presentation of visual and performing arts such as painting, sculpture, music, or theater, and which may include on-site lodging, and meal preparation for persons directly involved in programs hosted by the venue.

**FLAG** — Any fabric, banner or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a business, corporation, government, political subdivision, or other entity.

**FLASHING SIGN** — A sign which contains an intermittent or sequential flashing light source used primarily to attract attention. Does not include changeable copy signs, animated signs, or signs which, through reflection or other means, create an illusion of flashing or intermittent light.

**FLICKER, or SHADOW FLICKER** — The effect that results when the shadow cast by the rotating blade of a wind energy system moves across a fixed point.

**FLOODPLAIN** — Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the flood fringe and may include other designated floodplain areas for regulatory purposes.

**FLOODWAY** — The channel of a river or stream and those portions of the floodplain adjoining the

channel required to carry the regional flood discharge.

**FLYROCK** — Rock, gravel, soil, and other materials which may be ejected during blasting operations associated with nonmetallic mine.

**FOSTER HOME** — Any facility operated by a person require to be licensed by the State of Wisconsin pursuant to § 48.62, Wis. Stats., for the care and maintenance of four or fewer children or, if necessary to enable a sibling group to remain together, for no more than six children or, if the state promulgates rules permitting a different number of children, for the number of children permitted under those rules.

**FREESTANDING SIGN** — Any sign supported by structures or supports that are placed on, or anchored in, the ground that are independent from any building or other structure.

**FRONTAGE** — The smallest dimension of a lot abutting a public or private street measured along the street line.

**GARAGE LOT** — An undeveloped lot, or lot with an off-site residential garage, associated with a lakefront lot as defined in this chapter. The garage lot shall be a separate tax parcel from the lakefront lot.

**GEOHERMAL ENERGY SYSTEM** — A sealed, watertight loop of pipe buried outside of a building foundation, intended to recirculate a liquid solution through a heat exchanger. This includes but is not limited to vertical closed-loop, horizontal closed-loop and body of water closed-loop systems.

**GEOHERMAL ENERGY SYSTEM, HORIZONTAL** — A geothermal energy system constructed to contain horizontal piping and the installation and grouting of the horizontal piping when such piping does not exceed 20 feet in depth.

**GEOHERMAL ENERGY SYSTEM, VERTICAL** — A geothermal energy system constructed to contain vertical piping and the installation and grouting of the vertical piping exceeding 20 feet in depth.

**GOVERNMENTAL SIGN** — A sign posted by a governmental entity.

**GRID-INTERTIE SOLAR ENERGY SYSTEM** — A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.

**GROUND SIGN** — A low sign independent from any building that is in contact with or in close proximity to the ground and usually supported by posts or pillars on the sides and/or a structural base of not less than 75% of the width of the sign face (for example, a sign with a face eight feet wide would require a structural base of six feet or more in width).

**GROUND-MOUNT** — A solar energy system mounted on a rack or pole that rests or is attached to the ground. Ground-mount systems can be either accessory or principal uses.

**GROUP HOME** — Any facility operated by a person required to be licensed by the State of Wisconsin pursuant to § 48.625, Wis. Stats., for the care and maintenance of five to eight children.

**HEAVY INDUSTRIAL** — Activities involved in the manufacture, processing, fabrication, storage, transportation, distribution, or wholesaling of heavy industrial goods which, in the sole opinion of the Plan Commission, may emit a significant level of noise, smoke, dust, odor, vibration, etc., and which may not be compatible with the surrounding land use.

**HEDGE** — A dense row of vegetation forming a boundary, fence, or barrier.

**HIGHWAY SIGN** — A freestanding sign, memorial sign, or ground-mounted sign that is erected and

maintained within the view of motorists who are driving on a state or interstate highway.

**HOME OCCUPATION** — An occupation in a residential district conducted entirely in a dwelling unit, provided that:

- (1) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and shall under no circumstances change the residential character thereof.
- (2) No person other than members of the family residing on the premises shall be engaged in such occupation.
- (3) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one square foot in area, nonilluminated, mounted flat against the wall of the principal building.
- (4) No home occupation shall occupy more than 25% of the first-floor area of the residence. No home occupation shall be conducted in any accessory building or structure.
- (5) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in required front yard.
- (6) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates audible or visual interference in any radio or television receivers off the premises.

**HOME-BASED BUSINESS, A-1 DISTRICT** — A gainful occupation operating from a primary place of residence that occupies no more than 25% of the home; or is located in a specialized building on the property; employs no more than four persons who are not a member of the household; does not require any specialized equipment or utility services; has customers and truck delivery services daily; and has adequate off-street parking to accommodate the same.

**HOME-BASED BUSINESS, R-1 DISTRICT** — A gainful occupation operating from a primary place of residence that occupies no more than 25% of the home; employs no more than one person who is not a member of the household; does not require any specialized equipment or utility services; has customers and truck delivery services frequently but not daily; and has adequate off-street parking to accommodate the same.

**ILLUMINATED SIGN** — A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

**INCIDENTAL SIGN** — A sign, emblem or decal affixed to a door or window informing the public of goods, facilities, or services available on the premises, e.g., credit card sign or sign indicating hours of business. Incidental signs shall include signs placed on items for sale.

**INCUBATOR, COMMERCIAL** — A public or private facility or structure designed to cultivate and accelerate the growth of entrepreneurial endeavors by providing an array of business, medical, technology, or research support resources and services that may include flexible physical space, access to capital, common services, and computer networking connections, that may be the principal use or structure or accessory to the principal use or structure, the uses of which are compliant with

the B-1 District.

**INCUBATOR, MANUFACTURING** — A public or private facility or structure designed to cultivate and accelerate the growth of light manufacturing businesses that may include flexible physical space, access to capital, common services, and computer networking connections that may be the principal use or structure or accessory to the principal use or structure, the uses of which are compliant with the M-1 and M-2 Districts.

**INDIVIDUAL SOLAR ENERGY SYSTEM** — A solar energy system permissible as an accessory to a principal use.

**INTEGRAL SIGN** — A sign that is embedded, extruded, or carved into the material of a building facade. A sign made of bronze, brushed stainless steel, or aluminum, or similar materials attached to the building facade.

**INTENSITY** — The degree to which land is occupied or the density of development. There is no single measure of the intensity of land use. Rather, a land use is relatively more or less intense than another use. Generally, a particular use may be more intense due to one or more characteristics, such as traffic or parking generated, amount of impervious building and/or pavement surface, bulk of structures, number of employees, density such as number of dwelling units per acre, or impacts such as pollution, noise, light, etc.

**INTERIOR SIGN** — A sign located within the interior of any building or structure which is not visible from the public right-of-way. This does not, however, exempt such signs from the structural, electrical, or material specifications of this chapter.

**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.

**LIGHT INDUSTRIAL** — The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing.

**LIVE/WORK UNIT OR SPACE** — A building or space within a building used jointly for business and residential purposes where the residential use of the space is usually secondary or accessory to the principal or primary use as a place of work.

**LIVESTOCK** — Bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish.

**LIVING AREA** -- The gross floor area within a dwelling unit that is designed and intended for human occupancy, including areas used for sleeping, eating, cooking, or general living. Living area shall not include finished basements.

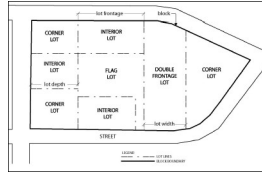
**LOADING AREA** — A completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

**LOT AND LOT AREA** — For the purpose of the Town of Polk Zoning Ordinance, a lot shall be defined as a tract of contiguous land with described boundaries and abutting or having access via an approved easement to a public street or other approved way. 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 General Agricultural District. Lot areas in an A-1 District shall be measured as provided in § 336-53C.

**LOT LINES** — The peripheral boundaries of a parcel of land within which lot area is computed.

**LOT TYPE ILLUSTRATION** —





**LOT WIDTH** — The width of a parcel of land measured at the setback line.

**LOT, CORNER** — A lot abutting two or more streets at their intersection provided that the corner of such intersection shall have an angle of 135° or less, measured on the lot side (See "lot type illustration").

**LOT, DOUBLE FRONTAGE (also THROUGH LOT)** — A parcel of land, other than a corner lot, with frontage on more than one street or with frontage on a street and a navigable body of water. Double frontage lots, for the purpose of this chapter, shall be deemed to have two street yards and no rear yard (See "lot type illustration").

**LOT, FLAG** — A lot, situated generally behind a lot or lots fronting on the street or road, with its widest point set back from the road, and having a relatively thin, long strip of land connected to the road to provide legal access and frontage (See "lot type illustration").

**LOT, INTERIOR** — Any lot that is not a corner lot or a double frontage lot (See "lot type illustration").

**MANUFACTURE or MANUFACTURING** — Any activity involving the processing, assembling, or production of any property, including the processing that results in a change in the condition of the property and any related activity or function, together with the storage, warehousing, distribution, and related office facilities.

**MANUFACTURED HOME** — A residential dwelling for one family as is defined in § 101.91(2), Wis. Stats., fabricated in an off-site facility for installation or assembly at the building site, bearing a HUD label or insignia certifying that it is built in compliance with the Federal Manufactured Housing Construction Standards under 42 U.S.C. § 5401 et seq., and built after June 14, 1976. A manufactured home shall be considered a single-family dwelling for the purposes of this chapter only where it meets said regulations.

**MAXIMUM BLADE TIP HEIGHT** — The nominal hub height plus the nominal blade length of a wind turbine, as listed in the wind turbine specifications provided by the wind turbine manufacturer. If not listed in the wind turbine specifications, "maximum blade tip height" means the actual hub height plus the blade length.

**MICROBREWERY (also, BREWPUB)** — A use which manufactures, bottles and packages a total of not more than 10,000 barrels or 310,000 U.S. gallons of fermented malt beverages per calendar year and may or may not operate restaurant on the premises including storage and distribution of fermented malt beverages that have been manufactured on the premises.

**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 chapter.

**MOBILE HOME** — A transportable factory-built structure as is defined in § 101.91(2k), Wis. Stats., designed for long-term occupancy by one family and built prior to June 15, 1976, the effective date of the Federal Manufactured Housing Construction and Safety Standards Act.<sup>7</sup> A mobile home is not considered to be a type of single-family dwelling for the purposes of this chapter.

**MODIFICATION** — As applied to a nonmetallic mining operation, any vertical or horizontal increase or decrease within the dimensions of the original application for the project site.

**MULTIFUNCTION HOBBY AND WORK UNIT** — A building or buildings consisting of varying sizes of individual, compartmentalized, self-contained, and controlled access units, which may or may not be climate-controlled, and may or may not include restrooms, and may or may not include communal spaces such as meeting rooms, club houses, shower facilities, and the like, that are rented, leased, or owned for private, noncommercial use as hobby and workshops.

**MULTITENANT SIGN** — A type of ground sign which identifies and advertises businesses, entities, or tenants located within a multitenant building, complex, development, or subdivision.

**NAMEPLATE CAPACITY** — The nominal generating capacity of a wind energy system, as listed in the wind turbine specifications provided by the wind turbine manufacturer.

**NONCOMMERCIAL SIGNS** — Signs that convey a message which has no relationship to commerce.

**NONCONFORMING STRUCTURE** — A dwelling or other structure that existed lawfully at the time of the effective date of this chapter or amendments thereto which does not conform with one or more of the development regulations of this chapter for the district in which it is located.

**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 this chapter or amendments thereto which does not conform to the use restrictions of this chapter.

**NONELECTRIC VEHICLE** — Any motor vehicle that does not meet the definition of electric vehicle.

**NONMETALLIC MINING or NONMETALLIC MINING OPERATION** — Operations or activities for the extraction from the earth for sale or use by the operator of mineral aggregates such as stone, sand gravel and nonmetallic minerals such as asbestos, beryl, clay, feldspar, peat, talc; and topsoil-related operations or activities such as excavation, grading or dredging if the purpose of those operations or activities is the extraction of mineral aggregates and nonmetallic minerals; and related processes such as crushing, screening, scalping, dewatering and blending. Nonmetallic mining or nonmetallic mining operation does not include or allow the following activities or uses by way of illustration which include but are not limited to manufacture of concrete building blocks or other similar products, asphalt or hot blacktop mixing and production of ready mix concrete.

**NONMETALLIC MINING REFUSE** — Waste, soil, rock, mineral, liquid, vegetation, and other waste material resulting from nonmetallic mining operations. This term does not include merchantable byproducts resulting from or displaced by the nonmetallic mining operation.

**NONMETALLIC MINING SITE or PROJECT SITE or SITE** — The location where a nonmetallic mining operation is proposed to be conducted or is conducted, including all surface areas from which are removed, related storage and processing areas, areas where nonmetallic mining refuse is deposited, and areas disturbed by the nonmetallic mining operation by activities such as construction or improvement of roads, haulage-ways, berms, and setbacks.

**NONPARTICIPATING PROPERTY** — Real property that is not a participating property.

**NONPARTICIPATING RESIDENCE** — A residence located on a nonparticipating property.

**OCCUPIED COMMUNITY BUILDING** — A school, church or similar place of worship, day-care

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7. Editor's Note: See 42 U.S.C. § 5401 et seq.

facility or public library.

**OFF-GRID SOLAR ENERGY SYSTEM** — A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.

**OPEN SPACE** — The areas of a lot which contain permeable surfaces and shall remain unbuilt and shall not be used for parking, storage, access drives, or display. The use of gravel or pavers shall not be considered permeable surface for the calculation of open space. Open space represents many different landscaping elements, including greens, quadrangles, lawns, hedgerows, gardens, pathways/walkways, groves, wooded areas, fields, and natural areas.

**OPERATOR** — As applied to a nonmetallic mining operation, any person engaged in a nonmetallic mining operation, whether such operation is owned individually, jointly, or through subsidiaries, agents, employees, contractors, or subcontractors.

**ORDINARY MAINTENANCE AND REPAIR** — Ordinary and routine actions necessary to continue or restore the safe and healthy use of a structure which has been damaged or has deteriorated through natural aging and wear and which does not result in a substantial structural improvement or a significant increase in value. Such actions may include, but are not limited to, painting and staining, and the repair of the following; exterior windows, skylights, doors, vents, siding, insulation, shutters, gutters, flooring, shingles, roofing materials, walls or the foundation, and internal improvements within the structural envelope without doing a structural alteration.

**OUTDOOR FURNACE** — A fuel-burning device (also known as a hydronic heater, wood-fired boiler, and wood-burning appliance, designed:

- (1) To burn clean wood or other fuels specifically tested and listed for use by the manufacturer.
- (2) By the manufacturer specifically for outdoor installation or installation in structures not normally intended for habitation by humans or domestic animals.
- (3) To heat building space and/or water via distribution, typically through pipes, of a fluid heated in the device, typically water or a water/antifreeze mixture.

**OVERLAY (also, OVERLAY DISTRICT)** — A zoning district that is super-imposed on one or more other zoning districts and imposes additional restrictions on the underlying districts.

**OWNER** —

- (1) A person with a direct ownership interest in a wind energy system, regardless of whether the person was involved in acquiring the necessary rights, permits and approvals or otherwise planning for the construction and operation of a wind energy system.
- (2) At the time a wind energy system is being developed, a person who is acting as a wind energy system developer by acquiring the necessary rights, permits and approvals for or by planning for the construction and operation of a wind energy system, regardless of whether the person will own or operate the wind energy system.

**PARAPET** — The extension of a false front or wall above a roofline.

**PARKING LOT** — A structure or premise containing 10 or more parking spaces open to the public for rent or a fee.

**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.

**PARTICIPATING PROPERTY** — Any of the following:

- (1) A turbine host property.
- (2) Real property that is the subject of an agreement that does all of the following:
  - (a) Provides for the payment of monetary compensation to the landowner from the owner regardless of whether any part of a wind energy system is constructed on the property.
  - (b) Specifies in writing any waiver of a requirement or right under this chapter and that the landowner's acceptance of payment establishes the landowner's property as a participating property.

**PARTICIPATING RESIDENCE** — A residence located on participating property.

**PARTIES IN INTEREST, GENERAL** — Includes all abutting property owners, all property owners within 100 feet, and all property owners of opposite frontages.

**PARTIES IN INTEREST, NONMETALLIC MINING OPERATION** — The owner and operator of a proposed or existing nonmetallic mine and all owners of property located within 1,500 feet of said nonmetallic mining site.

**PASSIVE SOLAR ENERGY SYSTEM** — A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

**PERSONAL COMMUNICATIONS** — Includes wireless telecommunications, personal communications service, radio, television, wireless internet service, and other systems used for personal use purposes.

**PERSONAL ENERGY SYSTEM** — A wind energy system, solar energy system, geothermal heating system, outdoor furnace, electric vehicle infrastructure, earth sheltered structures, or other system(s).

**PHOTOVOLTAIC SYSTEM** — A solar energy system that converts solar energy directly into electricity.

**PLANNED DEVELOPMENT** — A development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, may be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines.

**PLUG-IN HYBRID ELECTRIC VEHICLE** — An electric vehicle that:

- (1) Contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor.
- (2) Charges its battery primarily by connecting to the grid or other off-board electrical source (generally, the electric grid).
- (3) May additionally be able to sustain battery charge using an on-board internal combustion-driven generator.
- (4) Has the ability to travel powered by electricity.

**POND, LANDSCAPE** — An artificial water body with a maximum depth of three feet the primary

purpose for which is as an aesthetic or functional enhancement to the property upon which it is located, and which is not designed, and shall not be used, for recreational purposes.

**POND, STORMWATER** — An artificially created pond for the purposes of capturing and retaining stormwater.

**POND, SWIMMING** — An artificial water body with a maximum depth of 20 feet the primary purpose for which is recreational use. No less than 50% of the area of a swimming pond shall dedicated to natural plantings.

**PORTABLE SIGN** — Any sign without a permanent foundation or otherwise permanently attached to a fixed location, which can be carried, towed, hauled, or driven and is primarily designed to be moved rather than limited to a fixed location regardless of modifications that limit its movability. (See "sign type illustration").

**POWTS** — Personal on-site wastewater treatment systems.

**PREMISES** — Any lot or parcel of land owned by any person, firm, or corporation, public or private, improved with building, whether occupied or unoccupied.

**PRINCIPAL STRUCTURE** — The primary structure on a parcel of land where the principal use occurs.

**PRINCIPAL USE** — The permitted use or conditional use that fulfills the primary function of the parcel.

**PRIVATE PROPERTY SIGN** — A sign erected to inform of public or private property boundaries and any prohibitions associated with such property, not to exceed 1.5 square feet in area per sign.

**PROJECTING SIGN** — A sign attached to and projecting outward from a building face or wall, generally at a right angle to the building. (See "sign type illustration").

**PROOF** — The ethyl alcohol content of a liquid at 60°F, stated as twice the percentage of ethyl alcohol by volume.

**PROOF GALLON** — A gallon of liquid at 60°F which contains 50% by volume of ethyl alcohol having a specific gravity of 0.7939 at 60°F referred to water at 60°F as unity, or the alcoholic equivalent thereof.

**RECEPTION VENUE** — A facility associated with a working farm accommodating weddings, wedding receptions, baby showers, family reunions, memorials, and other events deemed to be of a similar nature by the Plan Commission.

**RECLAMATION** — As applied to a nonmetallic mining operation, the rehabilitation of a nonmetallic mining site, including, but not necessarily limited to: removal of nonmetallic mining refuse; grading of the site; replacement of topsoil; stabilization of soil conditions; establishment of vegetated cover; control of surface water and groundwater and prevention of its contamination; prevention of environmental pollution; construction of fences, berms, and similar structures; and, if practicable, restoration of plant, fish, and wildlife habitat, as governed under Washington County Chapter 265, Nonmetallic Mining Reclamation and Ch. NR 135, Wis. Adm. Code.

**RECREATIONAL STRUCTURE** — A transitory structure including, but not necessarily limited to, deer stands, fishing cabins, hunting cabins, and ice fishing shacks/shanties, without plumbing or utilities, located on land that otherwise may be deemed unbuildable due to site limitations.

**RECREATIONAL VEHICLE** — Any of the following:

- (1) **TRAVEL TRAILER** — A vehicular, portable structure built on a chassis and on wheels

that is between 10 and 36 feet long, including the hitch, and eight feet or less in width, designated to be used as a temporary dwelling for travel, recreation, vacation, or other uses and towed by a car, station wagon or truck. It includes so-called fifth-wheel units.

- (2) **PICK-UP COACH** — A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, vacation, or other uses.
- (3) **MOTOR HOME** — A portable, temporary dwelling to be used for travel, recreation, vacation, or other uses, constructed as an integral part of a self-propelled vehicle.
- (4) **CAMPING TRAILER** — A canvas or folding structure mounted on wheels and designed for travel, recreation, vacation, or other uses.
- (5) **CHASSIS MOUNTS MOTOR HOMES AND MINI-MOTOR HOMES** — Recreational structures constructed integrally with a truck or motor-van chassis and incapable of being separated therefrom.
- (6) **CONVERTED AND CHOPPED VANS** — Recreational structures which are created by altering or changing an existing auto van to make it a recreational vehicle.
- (7) **BOAT OR SNOWMOBILE TRAILER** — A vehicle on which a boat or snowmobile may be transported and is towable by a motor vehicle.

**RENEWABLE ENERGY EASEMENT, SOLAR ENERGY EASEMENT** — An easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land, consistent with § 700.35, Wis. Stats.

**RENEWABLE ENERGY SYSTEM** — A solar energy or wind energy system. Renewable energy systems do not include passive systems that serve a dual function, such as a greenhouse or window.

**RESIDENCE** — An occupied primary or secondary personal residence, including a manufactured home as defined in § 101.91(2), Wis. Stats., a hospital, community-based residential facility, residential care apartment complex or similar facility, or a nursing home. Residence includes a temporarily unoccupied primary or secondary personal residence. Residence does not include any of the following:

- (1) A recreational vehicle.
- (2) A permanently abandoned personal residence.

**RESIDENTIAL PARCEL** — A parcel located in any zoning district where a single-family dwelling or other dwelling unit is the primary use of the parcel.

**RETREAT CENTER or INFORMAL EDUCATION FACILITY** — An establishment providing a place for a period of withdrawal or prayer, meditation, study, and/or instruction. Such establishments shall be distinguished from public and private schools by their emphasis on holistic experiences that may include on-site lodging and meal preparation.

**ROOF PITCH** — The final exterior slope of a building roof calculated by the rise over the run, typically but not exclusively expressed in twelfths such as 3/12, 9/12, 12/12.

**ROOF SIGN** — A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above a point of a building with a flat roof, the eave line of a building with a gambrel, or hip roof, or the deck line of a building with a mansard roof. (See "sign type illustration").

**ROOF-MOUNT** — A solar energy system mounted on a rack that is fastened to or ballasted on a building roof. Roof-mount systems are accessory to the principal use.

**SELF-SERVICE STORAGE FACILITY** — A building or buildings consisting of varying sizes of unheated, unattended, private, individual, compartmentalized, self-contained, and controlled access units, stalls, or lockers that are rented, leased, or owned for the storage of household goods.

**SELF-SERVICE STORAGE UNIT** — A building or buildings or individual component of a building or buildings located at a self-service storage facility.

**SETBACK** — The minimum horizontal distance between the existing or proposed road, street, or highway right-of-way and a line parallel thereto through the nearest point of the principal structure.

**SHADOW FLICKER** — A pattern of moving shadows cast on a residence, or an occupied community building caused by sunlight shining through moving wind turbine blades resulting in alternating changes in light intensity.

**SIGN (also, SIGNAGE)** — A name, identification, description, display, or illustration, which is affixed to, painted, or represented directly or indirectly upon a building or other outdoor surface which directs attention to or is designed or intended to direct attention to the sign face or to an object, product, place, activity, person, institution, organization, or business. Signs located completely within an enclosed building and not exposed to view from a street or road are not considered signs. Each display surface of a sign or sign face is considered a sign. Neither official court or public notices, nor the flag of the nation or state shall be considered a sign under this chapter.

**SIGN AREA** — The space enclosed within the extreme edges of the sign for each sign face, not including the supporting structure; or, where attached directly to a building wall or surface, the space within the outline enclosing all the characters of the words, numbers, or design.

**SIGN CONTRACTOR** — Any person, partnership or corporation engaged in whole or in part in the erection or maintenance of signs, excluding the business which the sign advertises.

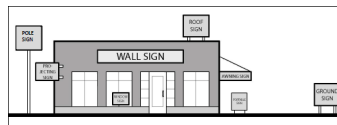
**SIGN COPY** — The wording and/or symbols on a sign surface in either permanent or removable letter form.

**SIGN FACE** — The entire display surface area of a sign upon, against, or through which copy is displayed.

**SIGN HEIGHT** — The vertical distance measured from the highest point of the sign to the surface grade beneath the sign.

**SIGN STRUCTURE** — Any device or material, which supports, has supported or is capable of supporting a sign in a stationary position, including decorative covers.

**SIGN TYPE ILLUSTRATION** —



**SITE PLAN** — A drawing of a subject property that shows existing and proposed conditions and other features required by this chapter.

**SKELETON SIGN** — A sign composed of letters, characters, or symbols applied to a background which is not a structural part of the sign.

**SMALL WIND ENERGY SYSTEM** — A wind energy system that has a total installed nameplate capacity of 300 kilowatts or less and that consists of individual wind turbines that have an installed nameplate capacity of not more than 100 kilowatts.

**SOLAR ACCESS** — Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

**SOLAR COLLECTOR** — A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

**SOLAR COLLECTOR SURFACE** — Any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. Collector surface does not include frames, supports and mounting hardware.

**SOLAR DAYLIGHTING** — A device specifically designed to capture and redirect the visible portion of the solar spectrum, while controlling the infrared portion, for use in illuminating interior building spaces in lieu of artificial lighting.

**SOLAR ENERGY** — Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

**SOLAR ENERGY SYSTEM** — A device, array of devices, or structural design feature, the purpose of which is to provide for generation of electricity, the collection, storage, and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating.

**SOLAR FARM** — A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the primary purpose of wholesale sales of generated electricity. A solar farm is the principal land use for the parcel on which it is located.

**SOLAR HEAT EXCHANGER** — A component of a solar energy device that is used to transfer heat from one substance to another, either liquid or gas.

**SOLAR HOT AIR SYSTEM** (also referred to as Solar Air Heat or Solar Furnace) — A solar energy system that includes a solar collector to provide direct supplemental space heating by heating and recirculating conditioned building air. The most efficient performance typically uses a vertically mounted collector on a south-facing wall.

**SOLAR HOT WATER SYSTEM** (also referred to as Solar Thermal) — A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

**SOLID SIGN** — Any sign other than a skeleton sign.

**SPA or HOT TUB** — A hydromassage pool or tub for recreational or therapeutic use designed for immersion of users which may or may not have a filter, heater, and motor-driven blower.

**STACK** — Any vertical structure enclosing a flue(s) that carry off smoke or exhaust from a furnace or other fuel-burning device, especially that part of a structure extending above a roof.

**STREET** — Includes all accessways in common use such as streets, roads, lanes, highways, avenues, boulevards, alleys, parkways, viaducts, circles, courts, and culs-de-sac, and includes all of the land lying between the right-of-way lines as delineated on a plat showing such streets, whether improved or unimproved, and whether dedicated for public use or held in trust, under the terms of a reservation, but shall not include those accessways such as easements and rights-of-way intended for solely limited utility purposes such as for electric power lines, gas lines, telephone lines, waterlines, or



drainage and sanitary sewers.

**STRUCTURAL ALTERATIONS** — Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders.

**STRUCTURE** — Any man-made object with form, shape, and utility, either permanently or temporarily attached to, placed upon, or set into the ground, streambed, or lakebed.

**STRUCTURE** -- Any man-made object with form, shape and utility that is constructed or otherwise erected on the ground or attached to something on the ground, or permanently or temporarily placed, either upon the ground or upon another structure. For the purposes of this Ordinance, the term “structure” includes, but is not limited to, Principal and Accessory Buildings (including garages, sheds, boathouses, porches and gazebos), signs, swimming pools, hot tubs, patios, decks, sidewalks, walkways, retaining walls, and monuments. The term “structure” does not include flag poles, mailboxes, basketball hoops, satellite dishes eighteen (18) inches or less in diameter, or small objects that are easily moved by hand, such as lawn chairs, portable grills, portable picnic tables, bird feeders, birdhouses, and birdbaths.

**SWIMMING POOL** — Any depression in the ground, either temporary or permanent, or container of water, either temporary or permanent, either aboveground or below-ground, which is used primarily for the purpose of wading or swimming, which shall cause retaining of water over a depth greater than 18 inches and/or having a larger plane surface of water greater than 150 square feet.

**SWIMMING POOL, PORTABLE** — A container of water less than 18 inches in depth that can be readily disassembled for storage and assembled to its original integrity.

**TASTING ROOM** — A facility or portion of a facility supporting a rural craft brewery, distillery, or winery where the public may sample and purchase products produced by the facility and which has ancillary related retail sales. Retail sales shall be limited only to on-site production and merchandise directly related to the facility. Tasting rooms may include food sales.

**TEMPORARY BUILDING OR STRUCTURE** — A structure without any foundation or footings and that is removed when the designated time period has ceased, or which is built of such materials and in such a way that it would commonly be expected to have a relatively short useful life or is built for a purpose that would commonly be expected to be relatively short-term and not to be habitable.

**TEMPORARY SIGN** — A sign which may be displayed for a limited period of time.

**TOPSOIL** — That material, typically the "A" and "Upper B" of the soil horizon, which based upon the official federal or county soil survey, is acceptable for respreading on the surface of regarded areas to provide a medium which sustains dense plant growth consistent with native species typical of adjoining areas capable of preventing wind and water erosion of the topsoil and materials below.

**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.

**TOWN** — The Town of Polk, Washington County, Wisconsin.

**TRAILER** — Any structure which is or may be mounted upon wheels for moving about and is propelled by its own or drawn by other motive power, and which is used as a dwelling or as an accessory building or structure in the conduct of a business trade or occupation, or is used for hauling purposes.

**TRANSITORY ACCESSORY STRUCTURE** — An accessory structure in a residential district including the following: enclosed structures no larger than 120 square feet in area; pergolas (not including decks and gazeboes); trellises; fences and walls; towers; personal energy systems; children's playhouses, play apparatus, swing sets, sand boxes, and the like; raised bed gardens; bee hives; enclosures for backyard chickens; dog enclosures; swimming or wading pools with a maximum wall

height of 18 inches that may be readily disassembled for storage; and other structures deemed to be substantially the same by the Plan Commission.

**TRANSITORY STRUCTURE** — A nonpermanent structure that may be the sole structure in an agricultural zoning district but is accessory to a principal structure in a nonagricultural zoning district.

**TURBINE HOST PROPERTY** — Real property on which at least one wind turbine is located.

UL — Refers to the Underwriters Laboratories testing service.

UPLAND CONSERVANCY — Woodlands, wildlife habitat areas, areas of rough or steep topography, scenic areas, and other elements of the natural resource base as established on the Town of Polk Zoning Map. Regulations for upland conservancy areas are set forth in this chapter.

USE — The use of property is the purpose or activity for which the land or building thereon is occupied or maintained.

USE, ACCESSORY — A use on the same lot with, and of a nature customarily subordinate to, the principal use or structure, and serving the occupants of the principal use or structure.

USE, CONDITIONAL — A use allowed under a conditional use permit, special exception, or other special zoning permission, but not including a variance, which, because of its unique or varying characteristics, cannot be properly classified as a permitted use in a particular district.

USE, INCIDENTAL — A use that is affiliated with but subordinate to a principal use of land or structure.

USE, PERMITTED — A permitted use is a use which may be lawfully established in a particular district or districts, provided it conforms with all requirements and regulations of the district in which such use is located.

USE, PRINCIPAL — The main use of land or building as distinguished from a subordinate or accessory use.

USE, TEMPORARY — A use that has been allowed to be located and/or to operate for a limited time only.

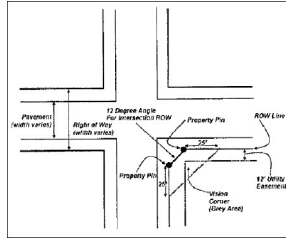
USEPA — Refers to the United States Environmental Protection Agency.

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.

VARIANCE — An authorization granted by the Zoning Board of Appeals to construct, alter, or use a building, structure, or property in a manner that deviates from the dimensional standards of this chapter. A variance may not permit the use of a property that is otherwise prohibited by the chapter or allow flood land construction that is not protected to the flood protection elevation.

VISION CORNER — An established line of sight that does not obstruct or impair the line of sight for motorized or nonmotorized vehicles traveling in an established right-of-way. Vision corners shall extend a minimum of 25 feet from all public right-of-way street intersections. Vision corners shall be a minimum of 30 feet from public right-of-way intersections if a county highway or state trunk highway is involved.

VISION CORNER ILLUSTRATION —



**WALL SIGN** — A sign, mural, or similar display fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign, mural, or similar display. (See "sign type illustration").

**WEDDING VENUE** — An establishment or structure providing a place for hosting wedding ceremonies and wedding receptions other than churches, synagogues, mosques, temples, or other places of worship.

**WIND ENERGY SYSTEM** — A system as defined in § 66.0403(1)(m), Wis. Stats., used to convert wind energy to electrical energy.

**WIND ENERGY SYSTEM EMERGENCY** — A condition or situation at a wind energy system that presents a significant threat of physical danger to human life or a significant threat to property or a natural event that causes damage to wind energy system facilities.

**WIND ENERGY SYSTEM FACILITY** — Any component of a wind energy system, such as a wind turbine, collector circuit, access road, electric system interconnection facility or operation and maintenance facility.

**WIND ENERGY SYSTEM LEASE** — A written agreement between a landowner and the owner that establishes the terms and conditions associated with the placement, construction or operation of a wind turbine or other wind energy system facility on a landowner's property.

**WIND ENERGY SYSTEM TYPES** — The following types of wind energy systems are regulated under the terms of this chapter:

- (1) **SMALL WIND ENERGY SYSTEM** — A wind energy system that has a nameplate capacity of 50 kilowatts or less, and one wind tower and turbine, and a maximum height of 100 feet.
- (2) **PERSONAL WIND ENERGY SYSTEM** — A wind energy system that has a nameplate capacity of 10 kilowatts or less, one wind tower and turbine, and a maximum height of 35 feet.

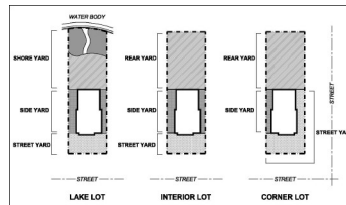
**WIND GENERATOR** — Blades and associated mechanical and electrical conversion components mounted on top of the tower.

**WIND TOWER** — The monopole, freestanding, or guyed structure that supports a wind turbine generator.

**WINERY** — An establishment operating under § 125.53, Wis. Stats., that manufactures, bottles, and stores wine on premises and which produces at least 100,000 gallons per year. Locally issued licenses/permits may allow wine sales directly to consumers, on premise tasting of wine, and may impose additional restrictions.

**YARD** — 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.

## YARD TYPE ILLUSTRATION —



**YARD, PRIMARY STREET** — A yard associated with the primary mailing address or fire number for the principal structure 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 line and a line parallel thereto through the nearest point of the principal structure. (See "yard type illustration").

**YARD, REAR** — 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 primary street yard on a corner lot. (See "yard type illustration").

**YARD, SECONDARY STREET** — A yard that abuts an existing or proposed street or highway not otherwise defined as a primary street 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 line and a line parallel thereto through the nearest point of the principal structure. (See "yard type illustration").

**YARD, SIDE** — 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. (See "yard type illustration").

**YARD, STREET** — 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 line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two such yards. The primary street yard on a double frontage lot or corner lot shall be that associated with the mailing address or fire number, as applicable. (See "yard type illustration").

**ZONING BOARD OF APPEALS** — A body consisting of appointed members with a primary role to review and decide case where there is an alleged error in a zoning decision or where a relaxation of the ordinance is sought.

**ZONING DISTRICT, BASE** — A part or parts of the Village for which the uniform regulations of this chapter govern the use and location of land and buildings.

**ZONING DISTRICT, OVERLAY** — A zoning district that is super-imposed on one or more base zoning districts and imposes additional restrictions or additional development options on the underlying districts.

**ZONING PERMIT** — A permit issued by the Zoning Administrator to certify that the use of lands, structures, air, and waters subject to this chapter are or shall be used in accordance with the provisions of said chapter. Zoning permits include, but are not necessarily limited to: sign permits, site plan permits, and temporary structure/use permits. A conditional use permit is not considered a zoning permit for the purposes of this chapter.