

ORDINANCE NO. 11.2025

ORDINANCE TO AMEND THE ZONING CODE OF THE TOWN OF POLK, WASHINGTON COUNTY, WISCONSIN

WHEREAS, the Town Board for the Town of Polk adopted a comprehensive zoning code for the Town of Polk on June 11, 2024, by Ordinance No. 02.2024, and has amended said zoning code from time to time;

WHEREAS, that zoning code is titled "The Town of Polk Zoning Ordinance;"

WHEREAS, following proper notice, the Town of Polk Plan Commission conducted a public hearing on December 2, 2025, to consider the proposed amendments, accepted public comment, and recommended approval of the amendment on the same date;

WHEREAS, the Town Board considered the Plan Commission's recommendation at their meeting on December 16, 2025; and

WHEREAS, the Town Board of the Town of Polk, having reviewed the recommendations of the Plan Commission and having given the matter due consideration, finds that all procedural and notice requirements have been satisfied, and further finds that the amendment promotes the public health, safety, and welfare, preserves and enhances property values, and supports the orderly and desirable use of land within the Town;

WHEREAS, the Town Board and Plan Commission have reviewed the permitted and conditional uses within the Town's commercial and industrial districts and have identified the need to update the zoning code to accommodate evolving market demand for indoor recreation, fitness clubs, personal wellness facilities, and contractor's yard and land services operations in appropriate locations while maintaining strong protections for nearby residential areas; and

WHEREAS, the proposed amendments modernize and clarify the use tables for the B-1, B-2, M-1 and M-2 Districts, establish consistent performance standards for these contemporary commercial and contractor uses, enhance compatibility through access, screening, and operational requirements, and support the Town's economic development objectives by enabling desirable indoor recreational uses and properly-sited contractor operations within the industrial districts; and

NOW, THEREFORE, The Town Board of the Town of Polk, Washington County, does hereby ordain as follows:

Section 1. Amendment to § 336-52(C)(3) Commercial Uses.

§ 336-52(C)(3) is hereby amended to add Indoor Recreation, Fitness, and Personal Wellness Uses to the Table of Uses as follows:

	<i>A</i> <i>1</i>	<i>A</i> <i>2</i>	<i>R</i> <i>1</i>	<i>R</i> <i>2</i>	<i>R</i> <i>3</i>	<i>R</i> <i>4</i>	<i>B</i> <i>1</i>	<i>B</i> <i>2</i>	<i>M</i> <i>1</i>	<i>M</i> <i>2</i>	<i>M</i> <i>3</i>	<i>Q</i> <i>1</i>	<i>I</i> <i>1</i>	<i>P</i> <i>1</i>
<u>Indoor Recreation, Fitness, and Personal Wellness Uses</u>							<u>P</u>	<u>P</u>	<u>C</u>					

Section 2. Amendment to § 336-52(C)(4) Industrial and Manufacturing Uses.

§ 336-52(C)(4) is hereby amended to add Contractor's Yard and Land Services Operations to the Table of Uses as follows:

	<i>A</i> <i>1</i>	<i>A</i> <i>2</i>	<i>R</i> <i>1</i>	<i>R</i> <i>2</i>	<i>R</i> <i>3</i>	<i>R</i> <i>4</i>	<i>B</i> <i>1</i>	<i>B</i> <i>2</i>	<i>M</i> <i>1</i>	<i>M</i> <i>2</i>	<i>M</i> <i>3</i>	<i>Q</i> <i>1</i>	<i>I</i> <i>1</i>	<i>P</i> <i>1</i>
<u>Contractor's Yard and Land Services Operations</u>									<u>C</u>	<u>P</u>				

Section 3. Creation of § 336-108 Indoor Recreation, Fitness, and Personal Wellness Uses.

§ 336-108 is hereby created as follows:

§ 336-108 Indoor Recreation, Fitness, and Personal Wellness Uses. This includes facilities primarily designed and equipped for indoor physical exercise, athletic training, recreational activities, or personal wellness services. Examples include but are not limited

to fitness clubs, health clubs, personal training studios, yoga or Pilates studios, martial arts academies, dance studios, indoor sports courts or fields, climbing gyms, trampoline facilities, and similar indoor movement-based uses.

A. Specific Standards.

- (1) Indoor Operation. All activities shall occur entirely within an enclosed building, except for temporary outdoor classes or events approved by the Zoning Administrator.*
- (2) Noise Control.*
 - (a) Uses involving amplified music, dropped weights, group fitness instruction, or similar sources of noise shall provide adequate sound mitigation to prevent adverse impacts on adjoining properties.*
 - (b) No noise shall exceed the limits established in § 336-28 of this Ordinance.*
- (3) Drop Off Areas. Larger facilities or those offering youth classes may be required to provide a designated, safe drop-off/pick-up area.*

B. Accessory Uses

- (1) Retail Sales. Retail sales of apparel, equipment, supplements, or accessories related to the principal use may be permitted as an accessory use upon Plan Commission approval, provided such sales do not exceed 10% of the gross floor area.*
- (2) Food and Beverage. Smoothie bars, juice counters, and similar incidental food or beverage services may be permitted with Plan Commission approval, provided such uses do not exceed 10% of the gross floor area.*
- (3) Child-Watch Rooms. Child-watch or supervised play areas for members may be permitted with Plan Commission approval, provided such areas do not exceed 10% of the gross floor area and do not operate as stand-alone childcare centers.*
- (4) Personal Wellness Services. Massage therapy, stretching labs, sauna/steam facilities, and similar personal wellness services may be permitted as accessory uses subject to Plan Commission approval, provided such uses do not exceed 10% of the gross floor area.*

Section 4. Creation of § 336-109 Contractor's Yard and Land Services Operations.

§ 336-109 is hereby created as follows:

§ 336-109 Contractor's Yard and Land Services Operations. These include businesses engaged in landscaping, lawn care, tree service, excavation, construction, or other field-service contracting activities. Typical uses include offices, indoor shops, storage of equipment and service vehicles, outdoor storage of materials such as soil, mulch, stone, or pipe, and related accessory uses. May include seasonal snow-removal equipment and material storage. Does not include retail sales to the general public unless incidental.

A. Arterial or Highway Access Required. Contractor's Yard and Land Services Operations shall have direct frontage on, and direct vehicular access to, a designated arterial road, collector road, or state/county highway. Access may be provided either:

- (1) Directly from the lot to the arterial/collector/highway; or*
- (2) Via a shared or joint access driveway that connects to the arterial/collector/highway and is supported by a recorded access and maintenance agreement approved by the Town.*

B. Residential Subdivision Prohibition. No Contractor's Yard or Land Services Operation shall be permitted on any lot located within a platted subdivision or within any predominantly residential area as determined by the Town based on surrounding zoning, lot size, and established land uses.

C. Site Plan Review. All uses shall require Site Plan and Plan of Operation approval prior to establishment or expansion, demonstrating compliance with the standards in this section.

D. Building and Site Layout

- (1) Indoor Operations. Administrative offices, indoor shops, and equipment maintenance shall occur within enclosed buildings except where expressly permitted outdoors.*
- (2) Outdoor Work Areas. Any designated outdoor work area shall be identified on the site plan and shall be screened in accordance with Subsection F.*
- (3) Setbacks. Outdoor storage and fleet parking areas shall not be located in any required front yard and shall meet or exceed all side and rear yard setbacks applicable to the zoning district.*

E. Vehicle and Equipment Parking

- (1) *Fleet Parking. Locations for trucks, trailers, equipment, and similar service vehicles shall be clearly shown on the site plan.*
- (2) *Surfacing. Parking and maneuvering areas used by commercial vehicles shall be paved or surfaced with dust-controlled gravel, crushed asphalt, or other durable material as approved by the Town Plan Commission.*
- (3) *Operational Condition. All stored vehicles and equipment shall be maintained in operable condition. Inoperable equipment shall be stored inside or removed from the site.*

F. Outdoor Material Storage

- (1) *Allowed Materials. Typical permitted outdoor materials include mulch, soil, stone, pipe, pallets, landscape supplies, and seasonal salt/sand materials.*
- (2) *Placement. All outdoor materials shall be placed within a designated storage area identified on the approved site plan.*
- (3) *Height Limit. Stockpiles shall not exceed eight (8) feet in height unless approved by the Plan Commission based on site context and screening.*
- (4) *Containment. Bulk materials subject to wind or water migration (mulch, soil, salt, sand) shall be placed on a hard surface and contained to prevent runoff or blowing debris.*

G. Operational Standards

- (1) *Contractor's Yard and Land Services Operations shall comply with all Town performance standards under §336-28, including limitations on noise, odors, emissions, dust, lighting, discharges, fire hazards, and waste materials. The Plan Commission may require additional mitigation measures where necessary to ensure compatibility with surrounding uses.*

H. Screening and Buffering.

- (1) *Adjacent Residential Zoning and Uses. Where the use abuts a residential district, a continuous screen of one of the following shall be provided:*
 - (a) *A six-foot opaque fence;*
 - (b) *A vegetative buffer of evergreen plantings; or*
 - (c) *A combination fence-and-landscape buffer that achieves equal opacity.*
- (2) *General Screening. Outdoor storage areas, dumpster enclosures, fleet parking, and equipment staging areas shall be screened from public rights-of-way to the extent practicable.*
- (3) *Maintenance. All screening and buffering required under this section shall be maintained in good condition and replaced as needed.*

I. Traffic, Access, and Circulation

- (1) *Driveway Standards.* Access driveways shall comply with all applicable Town driveway and access requirements.
- (2) *On-Site Circulation.* Site circulation shall prevent backing movements onto public roads and shall accommodate large-vehicle turning movements.
- (3) *Truck Routing.* Routine truck traffic through local residential streets is prohibited except during emergency access or temporary detours approved by the Town.

J. Environmental Performance

- (1) *Stormwater.* All site development, grading, outdoor storage areas, and parking or maneuvering surfaces shall comply with all applicable Wisconsin Department of Natural Resources (WDNR) stormwater and erosion control requirements, as well as all Washington County stormwater, grading, and erosion control regulations. Proof of compliance, including any required permits or approved plans, shall be provided to the Town prior to the issuance of zoning or building approvals.
- (2) *Hazardous Materials.* Storage and handling of fuels, oils, chemicals, and other hazardous substances shall comply with §336-28(D) (Fire and Explosive Hazards), all applicable state and federal regulations, and the State Fire Code. The Town may require written confirmation from the Fire Department regarding compliance prior to zoning or building approvals.
- (3) *Dust Controls.* Dust and particulate emissions shall comply with §336-28(A). Additional surfacing or mitigation may be required where necessary to prevent dust migration onto adjoining properties.

K. Retail sales. All retail sales shall be specifically approved by the Plan Commission, shall be incidental and subordinate to the principal use and shall not exceed 10% percent of the gross floor area.

L. Expansion or Modification. Any enlargement of outdoor storage, increase in fleet size beyond that shown on the approved plan, addition of new structures, or change in operational characteristics shall require an amended Site Plan/Plan of Operation approval.

Section 5. This ordinance shall take effect upon passage and posting as provided by law pursuant to Wis. Stat. §§ 60.80 and 66.0103.

All other provisions of the Town of Polk's Zoning Ordinance remain in full force and effect.

ADOPTED this 16th day of December, 2025.

Albert J. Schulteis
Albert Schulteis, Town Chairman

Ayes: 2 Nays: 0 Absent: 1

Attest:

Alison Pecha
Alison Pecha, Town Clerk