

TOWN OF POLK
WASHINGTON COUNTY, WISCONSIN

ORDINANCE NO. 03.2026
ORDINANCE TO AMEND THE TOWN OF POLK ZONING CODE

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 January 6, 2026, 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 January 13, 2026; and

WHEREAS, the Town has previously approved nonresidential developments through comprehensive zoning review intended to function as long-term approvals governing site layout, building configuration, and permitted uses; and

WHEREAS, changes in operator, tenant, or internal business activity may occur within such developments without altering the development form or impacts previously evaluated by the Town; and

WHEREAS, the Town finds it appropriate to establish a proportional administrative process to confirm continued zoning compliance for such changes, while reserving Plan Commission review for proposals involving material changes or new impacts;

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

Section 1. Amendments to § 336-106 Multifunction hobby and work unit.

§ 336-106 is hereby amended as shown below (underline = additions; strike-through = deletions):

§ 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.

H. Future occupancy. Future occupancy and operation of individual units shall remain subject to Article IX.

I. Approval of a Multifunction Hobby and Work Unit development under this section constitutes approval of the overall site layout, circulation, building configuration, and permitted use framework for the development. Subsequent changes in operator, tenant, ownership, or internal use of individual units shall not require amendment of the original approval, provided such changes remain consistent with the approved Site Plan and Plan of Operation and do not introduce Commercial Activity or impacts exceeding those previously evaluated, except as may be reviewed pursuant to § 336-175.

Section 2. Creation of § 336-175 Commercial Zoning Compliance Permit
§ 336-175 is hereby created as shown below:

§ 336-175 Commercial Zoning Compliance Permit

- A. Purpose and Intent. The purpose of this section is to provide a clear, proportional administrative review process for changes in operator, tenant, or business activity within buildings or use areas that have previously received zoning approval, without requiring repeated policy-level review of site layout, building configuration, or development standards that have already been evaluated and approved. This section is intended to distinguish between foundational zoning approvals and subsequent operator-level compliance review, while preserving Plan Commission authority where material changes or new impacts are proposed.
- B. Applicability.
 - (1) Where it is determined that direct review and approval by the Plan Commission pursuant to this chapter is not otherwise required, a Commercial Zoning Compliance Permit shall be required prior to the establishment of any Commercial Activity, as defined herein.
 - (2) This section shall apply only to existing sites or buildings with a prior zoning approval and shall not be construed to authorize new development, building expansion, or site modification otherwise requiring site plan review or Plan Commission approval under this chapter.
- C. No operator, lessee, or owner shall occupy or commence operations subject to this section unless a Commercial Zoning Compliance Permit has been issued by the Zoning Administrator. Review of a Commercial Zoning Compliance Permit may occur concurrently with review by the Building Inspector; however, the Zoning Compliance Permit shall be issued prior to any granting of occupancy by the Building Inspector.
- D. Application Requirements. An application for a Commercial Zoning Compliance Permit shall be submitted on a form provided by the Town and shall include:
 - (1) A description of the proposed operations and activities;
 - (2) Identification of materials, equipment, or substances to be stored or used onsite;
 - (3) Proposed hours of operation;
 - (4) A certification by the applicant identifying the last authorized operator or use of the unit; and
 - (5) Any additional information reasonably necessary to determine compliance with this chapter and the approved SPPO.
- E. Fees. Applications for a Commercial Zoning Compliance Permit shall be subject to the applicable fee established in the Town's adopted fee schedule.
- F. Review and Approval Authority.
 - (1) The Zoning Administrator shall review applications for completeness and compliance with this chapter and may approve, approve with conditions, or deny a Commercial

Zoning Compliance Permit.

- (2) Issuance of a Commercial Zoning Compliance Permit shall confirm zoning compliance only and shall not be construed as approval under state building codes, fire codes, or other applicable regulations.

G. Scope of administrative review. The Zoning Administrator's review under this section shall be limited to determining whether the proposed operator, lessee, or owner will operate in compliance with:

- (1) The zoning district regulations;
- (2) The approved Site Plan and Plan of Operation; and
- (3) All applicable conditions of approval previously imposed by the Town.

The Zoning Administrator shall not approve any modification to the approved Site Plan or Plan of Operation under this section.

H. Waiver for non-commercial use. Within developments previously approved under § 336-106, where a proposed occupancy or use of an individual unit consists solely of personal use or personal storage and does not meet the definition of Commercial Activity, the Zoning Administrator may administratively waive the requirement for a Commercial Zoning Compliance Permit.

Such determination shall be made in writing, based on the criteria set forth in the definition of Commercial Activity, and shall be retained in the zoning file.

I. State Building Code Coordination. Where Commercial Activity is proposed, state plan approval may be required pursuant to Wisconsin Department of Safety and Professional Services administered building codes, as determined by the Building Inspector; Approval of building plans for initial construction or for personal storage occupancy shall not be presumed to authorize subsequent Commercial Activity.

J. Agency Consultation. Where applicable based on objective operational characteristics, the Zoning Administrator shall forward the application materials to one or more of the following agencies for review and comment:

- (1) Fire Department, for operations involving flammable, hazardous, or combustible materials;
- (2) Police Department, for operations raising security or public safety concerns;
- (3) County Sanitarian or Environmental Health Department, for activities that may affect wastewater generation or septic system performance.

K. Mandatory Plan Commission review triggers. Administrative review under this section shall terminate, and Plan Commission review and approval of an amended Site Plan and Plan of Operation (SPPO) shall be required, if any of the following apply:

- (1) The proposed operator or activity is not permitted by the zoning ordinance;
- (2) The proposed operation exceeds the scope or intensity contemplated by the approved SPPO;
- (3) The proposal requires physical modification to buildings or site improvements

- beyond interior tenant improvements that do not affect the approved Site Plan;
- (4) The proposal would introduce a change in wastewater generation, wastewater characteristics, or septic system impacts relative to the last authorized use of the unit; or
 - (5) The Building Inspector determines that the proposed operation constitutes a change of use or a new establishment of use under Wisconsin Department of Safety and Professional Services-administered state building codes, *unless* the applicant submits plans that have been reviewed and approved by the Wisconsin Department of Safety and Professional Services for the proposed use and occupancy.
- L. Referral to Plan Commission. The Zoning Administrator may also refer an application for Commercial Zoning Compliance Permit to the Plan Commission for review and action if it is determined that the proposed application presents ambiguity regarding zoning compliance, use classification, operational characteristics, or potential impacts.
- M. Zoning Administrator Determination. Upon completion of review, the Zoning Administrator shall issue a written determination that:
- (1) Issues a Commercial Zoning Compliance Permit confirming compliance; or
 - (2) Determines that administrative review is not available due to one or more conditions in this section.
- N. Effect and limitation of permit. A Commercial Zoning Compliance Permit:
- (1) Is specific to the approved operator, lessee, or owner and the described operations;
 - (2) Does not run with the land;
 - (3) Does not authorize occupancy; and
 - (4) Shall automatically become void upon a change in operator, lessee, ownership, or operations.
- O. Authority. Nothing in this section shall be construed to limit, waive, or supersede the Town's authority to require site plan review, Plan Commission review, conditional use approval, or any other permit or approval otherwise required by this chapter or by applicable law, as determined by the Town, including where additional review is deemed necessary to address land use compatibility, operational impacts, or compliance with applicable standards.
- P. Enforcement and revocation. Operation in violation of a Commercial Zoning Compliance Permit or the approved SPPO shall constitute a violation of this chapter and may result in enforcement action, revocation of the permit, or referral to the Plan Commission.

Section 3. Amendments to § 336-300 Definitions.

§ 336-300 is hereby amended by adding the following definition, to be inserted alphabetically:

COMMERCIAL ACTIVITY — Any use or activity conducted for business, trade, professional, manufacturing, processing, service, or income-producing purposes, whether or not conducted for profit, including but not limited to one or more of the following indicators:

- a. Employment of one or more employees, contractors, or agents at the site;
- b. Regular presence of customers, clients, or members of the public;
- c. On-site sale, distribution, assembly, fabrication, processing, or storage of goods, inventory, equipment, or materials associated with a business or trade;
- d. Business signage, advertising, or public representation of the site or unit as a place of business;
- e. Regular commercial deliveries, freight shipments, or waste hauling beyond typical residential or personal use;
- f. Generation of wastewater, emissions, noise, traffic, or utility demand exceeding that typically associated with personal storage;
- g. Operation requiring a state, federal, or local business license or permit.

Section 4. 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 13th day of January, 2026.

TOWN OF POLK TOWN BOARD

Albert J. Schulteis
Albert Schulteis, Town Chairman

ATTEST:

Alison Pecha
Alison Pecha, Town Clerk

Ayes: ____ Nays: ____ Absent: ____