

TOWN OF POLK

CHAPTER 17: ZONING ORDINANCE

CHAPTER 17 OF THE MUNICIPAL CODE OF THE TOWN OF POLK, WASHINGTON COUNTY, WISCONSIN

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**CHAPTER 17 OF THE MUNICIPAL CODE
OF THE
TOWN OF POLK, WASHINGTON COUNTY, WISCONSIN**

ZONING ORDINANCE

SECTION 1.00 INTRODUCTION

1.01 AUTHORITY

These regulations are adopted under the authority granted by Sections 60.62 61.35 and 62.23 of the *Wisconsin Statutes*. Therefore, the Town Board of Polk, Washington County, Wisconsin does ordain as follows:

1.02 PURPOSE

The purpose of Chapter 17 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.

1.03 INTENT

It is the general intent of Chapter 17 to regulate and restrict the use of all structures, land, and waters; and to regulate and restrict lot coverage, population distribution and density, and the size and location of all structures so as to: lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic, and other dangers; provide adequate light, air, sanitation, and drainage; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; obtain the wise use, conservation, development, and protection of the town's soil, water, wetland, woodland, and wildlife resources and attain a balance between land uses and the ability of the natural resource based to support and sustain such uses; further the maintenance of safe and healthful water conditions; secure safety from flooding, water pollution, contamination, and other hazards; prevent flood damage to persons and property, and minimize the expenditures for flood relief and flood control projects; prevent and control erosion, sedimentation, and other pollution of surface and subsurface waters; preserve natural growth and cover and help the natural beauty of the town; and implement those municipal, county, watershed, or regional comprehensive plans or their components adopted by the town. It is further intended to provide for the administration and enforcement of this Chapter and to provide penalties for its violation.

1.04 ABROGATION AND GREATER RESTRICTIONS

It is not the intent of Chapter 17 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.

1.05 INTERPRETATION

In their interpretation and application, the provisions of Chapter 17 shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by the *Wisconsin Statutes*.

1.06 NONLIABILITY AND SEVERABILITY

The Town does not guarantee, warrant, or represent that only those areas designated as wetland-floodplain conservancy on the zoning district map will be subject to periodic inundation and hereby asserts that there is no liability on the part of the Town Board, its agencies, or employees for any flood damages that may occur as a result of reliance upon and conformance with Chapter 17. Nothing in this Ordinance is intended to constitute a waiver of the Town’s various immunities. If any section, clause, provision or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected hereby.

If any application of this Chapter to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment.

1.07 REPEAL

All other ordinances or parts of ordinances of the Town inconsistent or conflicting with Chapter 17, to the extent of the inconsistency only, are hereby repealed.

1.08 TITLE

Chapter 17 of the Municipal Code of the Town of Polk, Washington County, Wisconsin may be referred to or cited as the “TOWN OF POLK ZONING ORDINANCE.” Individual sections may be cited by Section and subsection of this Chapter, such as “Section 3.14 of Chapter 17 of the Municipal Code of the Town of Polk, Washington County, Wisconsin.”

SECTION 2.00 GENERAL PROVISIONS

2.01 JURISDICTION

The provisions of Chapter 17 shall apply to all structures, land, water, and air within the Town of Polk, Washington County, Wisconsin, except as otherwise provided by law.

2.02 COMPLIANCE

- (1) No Structure, Land, or Water shall hereafter be used and no structure or part thereof shall hereafter be located, or structurally altered without a building and zoning permit without full compliance with the provisions of Chapter 17 and all other applicable local, county, and state regulations. No permit shall be required for minor structures for which the market value of the labor and materials does not exceed the sum of \$200.
- (2) The Duty of the Building Inspector, shall be to investigate all complaints, give notice of violations, and enforce the provisions of Chapter 17. The Building Inspector and his duly appointed deputies may enter at any reasonable time onto any public or private lands or waters to make a Zoning Inspection.

2.03 BUILDING AND ZONING PERMIT

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

- (1) Names and Addresses of the applicant, owner of the site, architect, professional engineer, or contractor.
- (2) Description of the Subject Site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the Zoning District within which the subject site lies.
- (3) Plat of Survey prepared by a land surveyor registered in the State of Wisconsin or other site plan approved by the Town Board at a scale of no less than one (1) inch equals 50 feet, showing the location, boundaries, dimensions, elevations, uses, and size of the following:
 - (A) When the subject sites does not border on a navigable lake or stream and does not contain floodplain: subject site; existing and proposed structures; streets and other public ways; offstreet parking; loading areas and driveways; existing and proposed street, side, and rear yards, and the type, slope, degree of erosion, and boundaries of the soils as shown on the operational soil survey maps prepared by the U. S. Department of Agriculture, Soil Conservation Service.
 - (B) When the subject site borders a navigable lake or stream and/or contains floodplain: subject site; existing and proposed structures; streets and other

public ways; offstreet parking; loading areas and driveways; existing and proposed street, side, and rear yards; the high water elevation, channel, floodway, floodplain, and shoreland boundaries; and the type, slope, and degree of erosion and the boundaries of the soils as shown on the operational soil survey maps prepared by the U. S. Department of Agriculture, Soil Conservation Service on or within 75 feet of the subject premises.

- (4) Additional Information as may be required by the Town Plan Commission or Building, Plumbing, or Health Inspectors.
- (5) Fee Receipt from the Zoning Administrator in the amount set forth in Section 12.01 of this Chapter.
- (6) The Building Permit shall be granted or denied in writing by the Building Inspector and issued by the Zoning Administrator within 30 days, unless extended for good cause. The permit shall expire within six (6) months of issuance unless substantial work has commenced. The deadline for completion is eighteen (18) months from issuance of the permit. Any permit issued in conflict with the provisions of Chapter 17 shall be null and void.

2.04 OCCUPANCY PERMIT

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

2.05 USE RESTRICTIONS

The following use restrictions and regulations shall apply:

- (1) Principal Uses: Only those permitted uses specified and their essential services shall be permitted in that district.
- (2) Accessory Uses and structures are permitted in any district but not until their principal structure is present or under construction. Single-family residential accessory uses shall not involve the conduct of any business, trade, or industry except permitted home occupations. The exterior materials of a single-family residential accessory use in nonagricultural districts constructed after the adoption of this ordinance shall be substantially the same in appearance as the principal structure.
- (3) Livestock on Residential Parcels in A-1 District.
 - (A) The maximum allowable number of animal units allowed is one per acre.

- (B) Animal Equivalency Factors. The following animal equivalents shall be used in calculating the maximum number of allowable animal units:

	Type of Animal	Animal Unit Factor
Dairy Cattle	Milking and Dry Cows	1.4
	Heifers (800 lbs. to 1200 lbs.)	1.1
	Heifers (400 lbs. to 800 lbs.)	0.6
	Calves (up to 400 lbs.)	0.2
Beef	Steers or Cows (600 lbs to market)	1.0
	Calves (under 600 lbs.)	0.5
	Bulls (each)	1.4
Swine	Pigs (55 lbs. to market)	0.4
	Pigs (up to 55 lbs.)	0.1
Poultry	Layers (each)	0.01
	Broilers (each)	0.005
	Broilers - continuous overflow watering	0.01
	Layers or Broilers - liquid manure system	0.033
	Ducks - wet lot (each)	0.2
	Ducks - dry lot (each)	0.01
	Turkeys (each)	0.018
Sheep		0.1
Goats		0.1
Llama		0.1
Alpacas		0.1
Horses		1

- (4) Livestock Accommodations.
- (A) Secure fencing shall be in place prior to the introduction of livestock on the property.
- (B) Adequate shelter, food, water, and grazing space shall be available at all times.
- (C) Waste shall be disposed of in a timely manner.
- (5) Performance Standards listed in Section 9.00 of this Chapter shall be complied with by all uses in all districts.
- (6) Temporary Uses and Structures.
- (A) The Plan Commission may authorize the establishment of certain temporary uses for a limited duration provided that such uses comply with the

general and specific standards of this Section. The following temporary uses are allowable with an approved Temporary Use Permit:

1. 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 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 Zoning Ordinance provided that no display shall be located within a right-of-way or restrict the vision clearance requirements.
3. 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. Yard Sales: A yard sale shall not exceed four days in duration, and no more than one sale shall be held in any two-month period. Yard sales are not required to obtain a temporary use permit.
5. The use of portable storage structures in residential districts are allowed without permit under the following conditions:
 - a. There shall be no more than one portable storage structure per property.
 - b. The portable storage structure shall be no larger than ten 10 feet wide, 20 feet long, and 10 feet high.
 - c. A portable storage structure shall not remain at a property in excess of 90 days.
 - d. The portable storage structure shall be setback a minimum of five feet from all property lines.
 - e. The portable storage structure shall be setback a minimum of five feet from the nearest wall of a building.
 - f. The portable storage structure shall be placed on a paved or gravel surface.
 - g. 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.
6. 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.
 7. Temporary Parking for Public Gatherings and similar events
 - a. 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 the Plan Commission.
 8. Agriculture-related events in the A-1 District including, breakfast on the farm, field days, corn mazes, pizza parties, and the like.
- (B) General Requirements for All Temporary Uses and Structures. All temporary uses or structures shall meet the following general requirements, unless otherwise specified in this Ordinance:
1. The temporary use or 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 structure are prohibited.
 3. If the property is undeveloped, it shall contain sufficient land area to allow the temporary use or 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) In a Q-1 Quarrying District a camper trailer or recreational vehicle may be permitted by the Town Board for accommodations of only the employee who is employed full-time at said site during the period of the operation.

- (8) Swimming Pools are a permitted accessory use in the A-1, R-1, R-2, P-1, and PUD districts provided that:
 - (A) All swimming pools shall be four (4) feet above ground or surrounded by a fence not less than four (4) feet or more than six (6) feet in height. Sidewalls of above-ground pools four (4) feet high may be used in lieu of a fence.
 - (B) Access to a swimming pool shall be controlled by a self-latching gate and all such gates shall be kept securely closed and locked at all times when the owner or occupant is not present at the pool. For an above-ground pool with no other access, a tip-up ladder may be provided in lieu of a gate.
 - (C) Swimming pools shall not be constructed directly over or under electric transmission lines. All electrical connections to a swimming pool shall be properly grounded so that no electrical current may be discharged into any part of the swimming pool or the surrounding fence.
 - (D) No water drained from a swimming pool shall be discharged onto or into any on-site sewerage system or directly into a navigable body of water.
 - (E) No lighting installed around swimming pools shall throw any rays onto adjacent properties.
 - (F) Swimming pools shall comply with the following yard requirements: front yard setbacks shall comply with the front yard setbacks for principal structures in the district in which they are located; rear and side yard setbacks shall comply with the rear and side yard setbacks for garden utility type accessory structures as set forth in Section 6.02(6) of this Code.
- (9) A Solar Collector System may be allowed as a conditional use in the Town. A ground-mounted solar collector system may be allowed in all districts, except R-1 Single-Family and R-2 Multi-Family Residential Districts, in accordance with the requirements set forth in Section 4.09. A building-mounted solar collector system may be allowed in any zoning district provided that a professional engineer certifies that the structure is adequate to support the load, in accordance with the requirements set forth in Section 4.10. The Town regulations will preserve and protect the public health and safety.

2.06 SITE RESTRICTIONS

The following site restrictions and regulations shall apply:

- (1) Minimum Frontage and Access:

- (A) All lots except those in an A-1 General Agricultural District, shall have a minimum frontage at the road right-of-way (whether public or private) of 66 feet. Lots in the A-1 District shall have a minimum frontage of 300 feet except that lots fronting on a cul-de-sac may have a minimum of 66 feet, if allowed by the Town Board.

- (B) All lots shall abut upon a duly dedicated or established public road or street except that lots in the A-1, B-1, and M-1 zoning districts may, upon approval of the Town Board, abut upon a private road. Lots in the R-1 District may, upon approval of the Town Board, abut a private road that was established prior to December 31, 2016. In determining whether to permit the use of a private road the Town Board shall give consideration to the following factors:
 - 1. The location and length of the road;
 - 2. Whether the road will ultimately serve only the adjacent lands or the public in general;
 - 3. The ability of the Town to maintain the road versus the ability of the landowners to maintain the road;
 - 4. The quality of the road required for the intended use; and
 - 5. Such other factors as the Town Board deems appropriate.

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

(2) Lot Area, How Measured:

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

- (B) In the A-1 District, lot area may include street right-of-way provided the street right-of-way is no more than 50 feet from the section line or centerline of the road.
- (4) Street Grade: Every building hereafter erected, structurally altered, or relocated shall be at a grade approved by the Building Inspector as being in satisfactory relationship with the existing street grade, with particular consideration for proper drainage and safe vehicular access.
- (5) Preservation of Topography: In order to protect the property owner from possible damage due to change in the existing grade of adjoining land, and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land shall be made which would result in increasing any portion of the slope to a ratio greater than one (1) horizontal to one (1) vertical within a distance of 20 feet from the property line, except with the written consent of the abutting property owner and with the approval of the Plan Commission, or which would alter the existing drainage or topography in any way as to adversely affect the adjoining property. In no case shall any slope exceed the normal angle of slippage of material involved, and all slopes shall be protected against erosion.
- (6) All Principal Structures shall be located on a lot. Only one (1) principal structure shall be located, erected, or moved onto a lot in a single-family residential district. The Plan Commission may permit more than one (1) structure per lot in other districts where more than one (1) structure is needed for the orderly development of the parcel. Where additional structures are permitted, the Plan Commission may impose additional yard requirements, landscaping requirements, or parking requirements, or require a minimum separation distance between principal structures.
- (7) No Building Permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.
- (8) Private Sewer and Water: In any district where public sewer service is not available, the width and area of all lots not serviced by a public sanitary sewer system or other approved system shall be sufficient to permit the use of an on-site sewage disposal system compliant with relevant Washington County and State of Wisconsin standards. In any district where a public water service or public sewerage is not available, the lot width and area shall be increased in accordance with Chapters SPS 383 and 385 of the *Wisconsin Administrative Code*, but not less than the Town's minimum requirements.
- (9) Lots Abutting More Restrictive district boundaries shall provide side and rear yards not less in size than those required in the more restrictive abutting district. The street yards on the less restrictive district shall be modified for a distance of not

more than 60 feet from the district boundary line so as to equal the average of the street yards required in both districts.

- (10) Sites in Excess of One (1) Acre proposed for any type of development except residential and platted lots shall be specifically reviewed by the Plan Commission as to the suitability of the site and demand for town services.
- (11) Land or Lot Divisions shall be reviewed by the Plan Commission and approved by the Town Board prior to the issuance of a Building Permit for said division and shall be subject to the Town Subdivision Ordinance applicable to such land division.
- (12) Ponds shall meet all yard setback requirements for the district in which they are located. Ponds may require a permit pursuant to Chapter 30 of the *Wisconsin Statutes*.
- (13) No Truck, gross weight of four (4) ton or more, and/or semi-trailer shall be parked or stored in a residential district. Agricultural vehicles or machinery located on an operating farm in a residential district are exempt from these provisions.
- (14) Abandoned Motor Vehicles and Other Materials:
 - (A) No disassembled, dismantled, junked, wrecked, inoperable, or unlicensed vehicle shall be stored or allowed to remain in the open upon private property within the Town of Polk 30 days after receiving written notice from the Zoning Inspector to remove or enclose the same unless: (a) the vehicle is being held as a part of an automotive sales or repair business enterprise located within a properly zoned area, or (b) due to individual hardship, a variance to keep the vehicle is obtained from the Board of Zoning Appeals, but such variance shall, if granted, not exceed one (1) year.
 - (B) The accumulation or storage of tractors, refrigerators, furnaces, washing machines, stoves, machinery, or parts thereof, junk, wood, brick, cement block, or other unsightly debris which may tend to depreciate property values in the area or create a nuisance or hazard shall not be allowed on any lot or parcel of land within the Town of Polk, except as permitted in Section 4.04 of this Chapter operating under a Conditional Use Permit, or elsewhere, if completely housed and out of public view.
- (15) Adequate Drainage Required: In no case may a Principal Structure be located in an area designated wetland-floodplain as shown on the Town of Polk Zoning Map. No Principal Structure shall be erected, structurally altered or relocated on land which is not adequately drained which has an observed or estimated high ground water table condition or having soil which may have a seasonal-zone of water saturation as may be determined by use of a U.S. Department of Agriculture (USDA) soil survey or an onsite soil investigation by a certified soil tester or other qualified engineer or soil scientist. Where the incidence of mottling is considered very severe or where ground water is observed in the soil profile, no basement shall be allowed

to be placed less than two (2) feet above where such conditions exist. The building inspector may request at the owner's expense the advice and assistance of a licensed professional engineer specializing in soil engineering or other qualified person in fulfilling their duties pursuant to this provision.

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

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

2.07 CONSERVANCY REGULATIONS

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

(1) Tree cutting and shrubbery clearing for home and park-site development, access roads, and path and trail construction shall not exceed 20 percent of the existing woodlands on the lot or tract. Paths and trails shall be so designed and constructed as to result in the least removal and disruption of woodland cover and the minimum impairment of natural beauty. Customary trimming, timberstand improvement, dead tree removal, and managed timber harvesting shall be permitted.

(2) Earth movements shall comply with the requirements of Town of Polk Chapter 19: Erosion Control and Stormwater Management.

2.08 USES NOT LISTED

(1) Determination of Use Classification by the Plan Commission: The Plan Commission, upon referral and recommendation by the Zoning Administrator, shall determine if a proposed use can be classified as one of the permitted uses already listed for any of the zoning districts. If a proposed use can be so classified, then the use shall be regulated as specified by this Ordinance.

(2) Unclassified Uses: A proposed use that cannot be classified as one of the principal uses shall be considered an unclassified use and shall be regulated as follows:

(A) The Plan Commission, upon referral and recommendation by the Zoning Administrator, shall determine if the proposed unclassified use is similar to other uses listed for the zoning district applicable to the site of the proposed unclassified use. If so, the application for the proposed unclassified use shall be processed as if the unclassified use were the similar use.

- (B) If the Plan Commission determines otherwise, then the application for the proposed unclassified use shall be denied and the applicant shall be so notified in writing.
- (3) After making a determination regarding an unclassified use, the Plan Commission will make a recommendation regarding whether to amend the Ordinance adding the previously unclassified use to the table of principal uses.

SECTION 3.00 ZONING DISTRICTS

3.01 ESTABLISHMENT

- (1) For the Purpose of Chapter 17, the Town of Polk is divided into the following eight (8) basic zoning districts and one (1) overlay zoning district:
 - A-1 General Agricultural District.
 - R-1 Single-Family Residential District.
 - R-2 Multi-Family Residential District (Sewered).
 - I-1 Institutional District.
 - B-1 Business District.
 - M-1 Industrial District.
 - Q-1 Quarrying District.
 - P-1 Park District.
 - PUD Planned Unit Development Overlay District.
- (2) Boundaries of these Districts are hereby established as shown on the Map entitled “Zoning Map, Town of Polk, Washington County, Wisconsin,” dated September 21, 1971, and amendments thereto, which accompanies and is a part of Chapter 17. Such boundaries shall be construed to follow: corporate limits; U. S. Public Land Survey lines; lot or property lines; centerline of streets, highways, alleys, easements, railroad rights-of-way, soil mapping unit lines, or such lines extended unless otherwise noted on the Zoning Map.
- (3) Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.

3.02 ZONING MAP

- (1) A Certified Copy of the Zoning Map shall be adopted and approved with the text as part of Chapter 17 and shall bear upon its face the attestation of the Town Chairman and Town Clerk, and shall be available to the public in the office of the Town Clerk.
- (2) Amendments to the Zoning Map shall take effect upon adoption by the Town Board, and the filing of proof of posting or publication thereof in the office of the Town Clerk. It shall be the duty of the Town Clerk to enter all Zoning Map amendments upon the certified copy of the Zoning Map and certify the same.

3.03 A-1 GENERAL AGRICULTURAL DISTRICT

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

- (1) Permitted Uses: Buildings, structures, or land may be used for the following purposes except as further regulated or prohibited by conservancy regulations provided for under Sections 2.08, and the location of all structures for which a

building permit is required may be subject to review and approval by the Plan Commission under the Town of Polk Building Code where such structures are proposed to be located within 300 feet of any district boundary.

- (A) Agriculture, general farming, pasturage, truck farming.
- (B) Dairying.
- (C) Floriculture, greenhouses, horticulture, nurseries, orchards, and viticulture.
- (D) Forestry.
- (E) Hatcheries, poultry raising.
- (F) Livestock raising, grazing, paddock, and horse stables except as restricted by Section 3.03 (2)(J).
- (G) Accessory Structures or uses, provided they shall comply with the yard requirement set forth in Section 6.02. For accessory structures exceeding these limitations for the sole purpose of uses listed in Sections 3.03 (1)(A)-(F) will be subject to review and approval by the Plan Commission.
- (H) Single-family residence.
- (I) Religious institutions.
- (J) Recreational structures.
- (K) Single-family farm dwellings which existed prior to January 1, 1972, and were converted and remodeled into two-family dwellings prior to the adoption of zoning text amendment on September 10, 2019.
- (L) Fish hatcheries.
- (M) Forest reserves, including wilderness areas and wildlife refuges, sustained yield forestry.
- (N) Boarding facilities for horses not owned by the owner.
- (M) Animal Care, including shelters, veterinary offices, commercial kennels, and the like.
- (O) Short-term rentals as defined in the Town of Polk Short-term Rental Ordinance.
- (P) Household pets.
- (Q) Farms stands, not to exceed 120 square feet in area.

(2) Conditional Uses: Conditional Uses in the A-1 District shall comply with the requirements of Section 15: Site Plan Review. The following uses require a conditional use permit in the A-1 District:

- (B) Farm barns and storage sheds may be converted to use as storage for hire and warehousing. In determining whether to issue a permit for such use, the Town Board shall consider, among other things, the nature of the items to be stored, the effect upon traffic and road conditions, the rate of turnover of inventories, and other considerations relating to the general compatibility of the proposed use with the predominant surrounding use of the area. Permits issued under this subsection shall be to a named permit holder and shall be for a specified period of time.
- (C) Boat rental and boat access sites.
- (D) Campgrounds, subject to the provisions of Section 3.12 of this Chapter.

- (F) Fishing clubs, parks or general recreational use, swimming beaches, group or organized camps (subject to the provisions of Section 3.12 of this Chapter), hunting clubs, and yachting clubs.
- (G) Picnic areas.
- (H) Junk yards and dumping areas subject to the requirements of Section 4.04 of this Chapter.
- (I) Storage of nonagricultural equipment within an enclosed building.
- (J) Riding stables..
- (K) In-Law Unit, subject to the following limitations and conditions:
 1. The in-law unit must be located within the same structure as the primary residence; no more than one (1) in-law unit may be permitted per primary residence or lot.
 2. The location, building plan, and site plan shall be subject to approval by the Plan Commission. The architecture of the residence shall be compatible with the adjacent neighborhood.
 3. The structure shall appear to be a single-family residence. There may be a separate entrance to the in-law unit, but there must be a communicating door between the primary residence and the in-law unit.
 4. The in-law unit shall not be served by separate utilities.
 5. The in-law unit shall contain not more than one (1) bedroom and shall not be occupied by more than two (2) people who are related by blood or marriage to each other.
 6. The owner of the property shall notify the Town Board in writing each time the occupancy of the unit ends or changes. If the unit is unoccupied for more than twelve (12) months, the conditional use permit shall lapse and the property owner shall convert the unit back to part of the primary residence.
 7. The property owner shall cause to be recorded in the Office of the Washington County Register of Deeds a restrictive covenant, prior to the issuance of a building permit. The covenant shall state that the in-law unit shall be occupied by persons related by blood or marriage and that the conditional use permit is not transferable without formal approval by the Plan Commission and Town Board, without the necessity of public hearing and that the unit shall be used as intended.
 8. No additional house number shall be assigned for the in-law unit.
- (L) Mobile service facilities, subject to the provisions of Section 4.05 of this Chapter.
- (M) Home-based business.
- (N) Art gallery
- (O) Bed & Breakfast
- (P) Fine arts and performing arts venue
- (Q) Retreat center or informal learning center
- (R) Reception venue
- (S) Winery, in conjunction with a vineyard located on the same parcel or an adjoining parcel

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

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

3.04 RESERVED

3.05 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

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

- (1) Permitted Uses: A building or premise shall be used only for the following purposes:
- (A) Single-family dwelling.
 - (B) Accessory Structures and uses shall comply with the yard requirements set forth in Section 6.02.
 - (C) Adult family home subject to the limitations set forth in Section 60.63 of the *Wisconsin Statutes*.
 - (D) Community living arrangements licensed by the State of Wisconsin, which have a capacity for eight (8) or fewer persons, subject to the limitations set forth in Section 60.63 of the *Statutes*.
 - (E) Foster homes.
 - (F) Religious institutions.
 - (G) Short-term rentals as defined in the Town of Polk Short-term Rental Ordinance.
 - (H) Household pets.
- (2) Conditional Uses: The following uses require a conditional use permit::
- (A) Residential planned unit developments (PUD) such as cluster developments. The district lot size may be altered and frontage and yard requirements may be varied provided that adequate open space shall be provided so that the average intensity and density of land use shall be no greater than that permitted in the district. The proper preservation, care, and maintenance by the original and all subsequent owners of the exterior design, and all common structures, facilities, utilities, access, and open spaces shall be assured by deed and/or plat restrictions enforceable by the Town. All PUD's shall comply with the following minimum standards:
 1. Minimum PUD development area shall be ten (10) acres.
 2. Minimum PUD lot area shall be 40,000 square feet without public sanitary sewer and 8,000 square feet with public sanitary sewer.
 3. Minimum PUD lot width shall be 100 feet without public sanitary sewer and 60 feet with public sanitary sewer.
 4. Minimum PUD building area, height, and setbacks shall be the same as required for permitted principal uses.
 5. No detached dwelling shall be located closer than 20 feet to another dwelling within the development. Yards adjacent to exterior property lines shall not be less that the same as for permitted principal uses.
 - (B) In-law unit, subject to the provisions of Section 3.03 (2)(K) of this Chapter.
 - (C) The keeping of chickens, subject to the following limitations and conditions:
 1. Maximum amount of chickens shall be limited to four (4) for egg production.
 2. Keeping of roosters shall be prohibited.

3. The rotating area to be used to keep chickens shall be identified on the site plan.
 4. The chickens shall be housed within a covered enclosure that is no smaller than four (4) feet by eight (8) feet in size.
 5. Proper manure disposal practices shall be adhered to so not to become a nuisance to adjoining properties by way of odor or aesthetics.
 6. The chickens shall not roam freely on the property.
 07. The slaughter of chickens on the premises is prohibited.
 08. 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.
- (D) Community living arrangements licensed by the State of Wisconsin, which have a capacity for nine (9) or more persons, subject to the limitations set forth in Section 60.63 of the *Wisconsin Statutes*.
- (E) Mobile service facilities, subject to the provisions of Section 4.05 of this Chapter.
- (F) Home-based business.

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

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

	Rear Yard Setback	Minimum 40 feet.
OPEN SPACE:	There shall be a minimum of 80% of lot area reserved for open space.	

3.06 R-2 MULTI-FAMILY RESIDENTIAL DISTRICT (SEWERED)

This District is intended to provide for multi-family development (three or more dwelling units) at densities not to exceed 10.9 dwelling units per net acre, served by municipal sanitary sewerage and water systems.

(1) Permitted Uses:

- (A) Single-family dwellings and associated accessory uses that existed before 1977.
- (B) Adult family homes.
- (C) Foster family homes.
- (D) Community living arrangements licensed by the State of Wisconsin, which have a capacity for 15 or fewer persons, subject to the limitations set forth in Section 60.63 of the *Wisconsin Statutes*.
- (E) Multi-family dwellings.
- (F) Religious institutions.
- (G) Short-term rentals as defined in the Town of Polk Short-term Rental Ordinance.
- (H) Household pets.

(2) Conditional Uses. The following uses require a conditional use permit:

- (A) Community living arrangements licensed by the State of Wisconsin, which have a capacity for 16 or more persons, subject to the limitations set forth in Section 60.63 of the *Statutes*.
- (B) Mobile service facilities, subject to the provisions of Section 4.05 of this Chapter

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

LOT SIZE:	Minimum 15,000 square feet, but not less than 4,000 square feet per dwelling unit, whichever is greater.	
HEIGHT:	Principal Structure:	Maximum 35 feet.
	Accessory Structure:	Maximum 15 feet.
FLOOR AREA:	1-bedroom dwelling units:	Minimum 750 sq. ft.
	2-bedroom dwelling units:	Minimum 950 sq. ft.
YARDS:	Street Yard Setback:	Minimum 25 feet from the street right-of-way line.
	Shore Yard Setback:	Minimum 75 feet.
	Side Yard Setback:	Minimum 25 feet.
	Rear Yard Setback	Minimum 25 feet.

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

3.07 I-1 INSTITUTIONAL DISTRICT

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

- (A) Schools.
- (B) Colleges.
- (C) Universities.
- (D) Hospitals.
- (E) Sanitariums.
- (F) Religious, charitable, and penal institutions.
- (G) Cemeteries and crematories.
- (I) Medical offices and/or clinics.
- (J) Sub-acute rehabilitation facilities.

- (2) Conditional Uses. The following uses require a conditional use permit:

- (A) Mobile service facilities, subject to the provisions of Section 4.05 of this Chapter.

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

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

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

- (5) Uses in the I-1 district shall comply with the requirements of Section 15: Site Plan Review

3.08 B-1 BUSINESS DISTRICT

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

- (1) Permitted Uses: The following categories of non-wholesale uses are permitted in the B-1 District:
- (A) Alcohol and Tobacco Sales
 - (B) Animal Care, including shelters, veterinary offices, commercial kennels, and the like.
 - (C) Boutique Retail
 - (D) Business & Professional Services
 - (E) Clothing
 - (F) Clubs
 - (G) Convenience Stores
 - (H) Dining
 - (I) Dining, Drive-In
 - (J) Discount Retail
 - (K) Drinking establishments including bars, pubs, taverns, and wineries
 - (L) Finance
 - (M) Food Storage, Cold Storage
 - (N) Foodstuff & Consumables
 - (O) Gardening & Floral, excluding commercial greenhouses
 - (P) Healthcare
 - (Q) Home, Hardware, & General Supply Stores
 - (R) Laundry & Dry Cleaning
 - (S) Lodging
 - (T) Personal Care
 - (U) Public garages and parking
 - (V) Religious Institutions
 - (W) Specialty Retail
 - (X) Vehicle sales and service
 - (Y) Other uses deemed by the Plan Commission to be substantially the same as a use listed above.
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- (B) Residential quarters for the owner, proprietor, commercial tenant, employee, or caretaker as a secondary use.
 - (C) No more than two rental apartments as a secondary use on a non-ground floor level and providing a minimum floor area of 750 square feet for a one (1) bedroom apartment and 900 square feet of floor space for a two (2) bedroom apartment.
 - (D) Accessory Structure or use including a garage for storage of vehicles used in conjunction with the operation of the business.
 - (E) Agriculture, general farming, pasturage, and cash cropping in existence and operating prior to the adoption of this ordinance.

- (F) Mini-warehouses lawfully established prior to August 8, 2017, provided no perishable, flammable, hazardous, or explosive materials are stored and no sale of merchandise is conducted.
- (G) Adult-oriented establishments as defined in the Town of Polk Adult-Oriented Establishments Ordinance, but only upon receipt of a license issued thereunder.

(2) Conditional Uses: The following uses require a conditional use permit:

A) Truck terminals.

(B) Mobile service facilities, subject to the provisions of Section 4.05 of this Chapter.

(C) Incubators, business (as defined in Section 13.02 and regulated under Section 4.06 of this Chapter).

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

LOT SIZE:	Minimum sufficient area for principal structure and Accessory Structure, off-street parking and loading area, onsite sewage disposal system, yard requirements, and open space requirements.	
HEIGHT:	Principal Structure:	Maximum 35 feet.
	Accessory Structure:	Maximum 20 feet.
FLOOR AREA:	Minimum required for residential purposes.	
YARDS:	Street Yard Setback:	Minimum 100 feet from the centerline of the roadway or 60 feet from the right-of-way line, whichever is greater.
	Shore Yard Setback:	Minimum 75 feet.
	Side Yard Setback:	Minimum one (1) side: 20 feet. Minimum combined: 40 feet.
	Rear Yard Setback:	Minimum 30 feet.
OPEN SPACE, RESIDENTIAL:	Minimum 15,000 sq. ft.	

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

(5) Uses in the B-1 District shall comply with the requirements of Section 15: Site Plan Review.

3.09 M-1 INDUSTRIAL DISTRICT

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

(1) Permitted Uses: The following categories of uses are permitted in the M-1 District:

- (A) Distributors
- (B) Breweries, Distilleries, Wineries
- (C) Computers, Electronics, Electrical Equipment, & Appliances
- (D) Crematories
- (E) Food, Beverage, & Tobacco
- (F) Food Storage, Cold Storage
- (G) Freight, Shipping, Cross-docking
- (H) Laboratories
- (I) Miscellaneous Manufacturing
- (J) Petroleum, Coal, Chemicals, Plastics, & Rubber
- (K) Primary Metal, Fabricated Metal, & Machinery
- (L) Storage & Warehousing, including personal
- (M) Textiles, Leather, & Apparel
- (N) Utilities
- (O) Vehicle Sales, Assembly, Manufacturing, & Repair, not including personal vehicle sales
- (P) Wholesale & Supply
- (Q) Wood, Paper, Printing, & Painting
- (R) Other uses deemed by the Plan Commission to be substantially the same as a use listed above.

(2) Conditional Uses: The following uses require a conditional use permit:

- (A) Residential quarters for the owner, proprietor, commercial tenant, employee, or caretaker as a secondary use.
- (B) Mobile service facilities, subject to the provisions of Section 4.05 of this Chapter.
- (C) Salvage/junk yards, subject to the provisions of Section 4.04 of this Chapter.
- (D) Religious institutions.
- (E) Incubators, manufacturing (as defined in Section 13.02 and regulated under Section 4.06 of this Chapter).

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

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

- (4) Parking in this district is to conform with Section 5.00 (Traffic, Parking, and Access) of this Chapter.
- (5) All Uses in this district are to conform with Section 9.00 (Performance Standards) of this Chapter.
- (6) Fencing may be erected where deemed necessary by the Plan Commission.
- (7) Uses in the M-1 District shall comply with the requirements of Section 15: Site Plan Review.

3.10 QUARRYING DISTRICT

- (1) Purpose. This District is intended 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:
 - (A) Preserve the rural character and natural beauty of the Town.
 - (B) Ensure that development occurs in an orderly manner.
 - (C) Provide for the safety of Town residents.
 - (D) Encourage the most appropriate use of the land.
 - (E) Minimize the impact to the public and to the environment resulting from non-metallic mining operations.
 - (F) Realize goals, objectives, policies, and development standards set forth in plans, codes, and ordinances adopted by the Town.
 - (G) Protect and preserve surface and ground water resources, wildlife habitat, and open space to the greatest degree practicable.
 - (H) Minimize the risk of environmental pollution and surface and ground water contamination resulting from nonmetallic mining operations.
- (2) Terms Defined. For the purposes of this Chapter, the terms ‘nonmetallic mining operation’ and ‘quarry’ shall be considered synonyms.

(3) Applicability. The requirements of this Section apply to the allowable uses and structures and to the operations of all quarries in the Town of Polk. This Section does not apply to the reclamation of Nonmetallic Mining Operations as governed under Washington County Chapter 18: Nonmetallic Mining Reclamation and Chapter NR 135, Wis. Adm. Code.

(4) Permitted Uses:

- (A) Agriculture, general farming, pasturage, and cash cropping.
- (B) Nonmetallic mining uses, including the removal of rock, slate, aggregate, or any other non-ferrous minerals from the earth by excavating, stripping, leveling, blasting, or other means generally associated with nonmetallic mining in Wisconsin.

(5) Permitted Accessory Uses:

- (A) Washing, refining, or processing of rock, slate, gravel, sand, or minerals.
- (B) Processing of topsoil.
- (C) Mixing of asphalt.
- (D) Aggregate or ready mix plant.
- (E) Manufacture of concrete products.

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(6) Conditional Uses. The following uses require a conditional use permit.

- (A) Mobile service facilities, subject to the provisions of Section 4.05 of this Chapter.

(7) Lot Size, Bulk Restrictions, and Yard Requirements:

LOT SIZE:	Minimum area necessary to accommodate the following, as applicable: Principal Use and Structure, any required Accessory Structure(s), off-street parking and loading area, onsite sewage disposal system, yard requirements, and open space requirements.
MINIMUM SETBACK:	Adjacent Residence: 500 feet from perimeter of actual pit or extraction area. Road Right-of-Way: 150 feet from perimeter of actual pit or extraction area. Unimproved properties, unless under common ownership: 100 feet from perimeter of actual pit or extraction area.

(8) 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 Section 15.00: Site Plan Review of this Chapter, the Nonmetallic Mining Operations Site Plan shall include all of the following, as applicable:

- (A) The name, address, telephone number, and email address of the operator.
 - (B) Deed & 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.
 - (C) 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.
 - (D) 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:
 - 1. Property boundaries of the operator's owned and/or leased land consistent with the legal description of the premises.
 - 2. 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.
 - 3. Names and addresses of all parties of interest.
 - 4. The general location description all structures located within 1,500 feet of the property boundaries.
 - 5. Location of all private and/or public wells located within 1,500 feet of the property boundaries.
 - 6. The location of any high capacity wells located in the site or within 1,000 feet of the property boundaries.
 - 7. Location and description of mining site boundary stakes and permanent reference point.
 - a. 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 above ground level and painted with a highly visible color.
 - 8. Existing and proposed drainage within the property boundaries.
 - 9. The location and description of all setbacks, berms, fences, signs, and other required security features (see Section 3.10(9)H) below).
- (9) 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:
- (A) Type of mining, processing, and transportation equipment to be used.
 - (B) Type of material(s) to be extracted.
 - (C) A description of the proposed horizontal and vertical dimensions.

- (D) Description of site drainage plan.
- (E) Description and location on ingress/egress point(s) and internal roadway locations (as applicable).
- (F) Primary travel routes to be used to transport extracted material(s) off site.
- (G) 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.
 - 1. 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:
 - a. Paved entrance roadways and tracking pads/matts or similarly effective means.
 - b. Standard methods of water spray (weather permitting).
 - c. Dust covers on transfer points.
 - d. Screen covers.
 - e. Wheel washing (weather permitting).
 - f. Contract sweeping (as needed).
 - 2. 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.
- (H) 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.
 - 1. Berms. The operator shall construct vegetated berms as stripped overburden and topsoil become available on the site or from suitable outside sources.
 - a. Such berms shall be substantially completed prior to the commencement of nonmetallic mining operations.
 - b. 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.
 - c. 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 Section 16.00 of this Chapter, as applicable.

- d. 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.
 - 2. 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 section 6.05(1)(F) of this Chapter.
 - (I) Number of employees typically anticipated on site.
 - (J) The proposed hours of operation.
 - (K) A copy of the approved Reclamation Plan as required under Washington County Chapter 18: Nonmetallic Mining Reclamation and Chapter NR 135, Wis. Adm. Code.
- (10) Blasting Plan (as applicable).
- (A) Notifications. When blasting is required as part of the nonmetallic mining operation, the operator shall:
 - (B) Notify the Town Clerk within three working days of each intended day of blasting.
 - (C) Fly a visually conspicuous flag 24 hours prior to blasting and during each day wherein actual blasting occurs for the duration of normal office hours.
 - (D) Establish a call list for all residences and businesses within 1,500 feet of the nonmetallic mining site for the purposes of notifying residents of imminent blasting activity. This list shall be maintained and utilized by the operator on a request basis only for all residents within 1,500 feet of the site who ask to be notified prior to any blast. The operator's responsibility to provide such pre-blast notification will be satisfied by a single telephone call whether or not the resident requesting notice is reached. A telephone directory of residents within 1,500 feet of the site requesting notification will be kept onsite at the quarry office. A pre-blast written record shall be maintained at the site and shall include the date of the blast, residents contacted or attempted to be contacted, and any pertinent remarks. The operator will promptly submit a copy of such written record to the Town Board upon written request by the Town Clerk.
 - (E) The operator shall monitor and record the levels of ground vibration and air blast for each blast, measure at or near the dwelling, public building, place of employment, school, church, or community or institutional building located closest to the site of the blast which is not owned or controlled by the operator.
 - (F) All explosives stored onsite shall be stored in accordance with Chapter SPS 7, of the Wis. Adm. Code. The operator will annually submit a copy of the explosives storage permit to the local fire department.
 - (G) Flyrock traveling in the air or along the ground shall remain within the controlled blasting site area.
 - (H) All blasting on the site shall be performed by or under the direct supervision of a State-licensed blaster.

- (I) The operator shall maintain a blasting log of each blast and will keep the blasting logs onsite at the quarry office for not less than five years or until one year after cessation of nonmetallic mining operations. The operator shall submit to the Town each month copies of the prior month's blasting logs, redacted to exclude sensitive or proprietary information, but including at least the date, time, and location of the blast and the recorded peak levels of ground vibration and air blast. Each blast log shall include, at a minimum, all of the following:
1. Name and license number of blaster in charge of blast.
 2. Blast location identified on an aerial photograph of on the site map.
 3. Date and time of blast.
 4. Weather conditions at time of blast.
 5. Diagram and cross-section of blast hole layout.
 6. Number of blast holes.
 7. Blast hole depth and diameter.
 8. Spacing and burden of blast holes.
 9. Maximum holes per delay.
 10. Maximum pounds of explosives per delay.
 11. Depth and type of stemming used.
 12. Total pounds of explosives used, including primers and detonator cord.
 13. Distance to nearest inhabited building not owned or controlled by operator.
 14. Type of initiation system used.
 15. Seismographic and air blast information, which shall include:
 - a. Type of instrument and last calibration date.
 - b. Exact location of instrument and date, time, and distance from the blast.
 - c. Name and company affiliation of person taking the reading.
 - d. Name of the person and firm analyzing the seismographic and air blast data when required.
 - e. Vibrations and air blast levels recorded.
 - f. Copy of the seismographic printout.
 - g. The maximum percent opacity of fugitive dust following each blasting operation where opacity is likely to be the greatest considering the nature and location of the blast and weather conditions.
- (J) Off Site Inspections and Monitoring. When determined by the Plan Commission that the type and location of the nonmetallic mining operation and the generally understood topographic and subsurface conditions of the nonmetallic mining operation site has the potential to negatively effect nearby structures, the Plan Commission may require that the operator conduct house and foundation inspections and well inspections of said structures.
1. House and Foundation Inspections. All residences within 1,500 feet of the proposed or existing nonmetallic mining operation will have a video inspection undertaken by, and at the expense of, the operator prior to commencement of nonmetallic mining operations. The

purpose of such inspections shall be to provide baseline comparative data in the event of any future claims of damage resulting from nonmetallic mining operations. Such inspections shall be conducted by a qualified third-party consultant with substantial expertise and experience in conducting inspections related to alleged blasting damage. Selection of the consultant shall be by the operator, subject to Plan Commission approval, but such approval shall not be unreasonably withheld. Should any resident within 1,500 feet of the proposed or existing nonmetallic mining operation desire a second opinion inspection, such inspection shall be at the expense of the resident. The operator shall provide each resident within 1,500 feet of the site in writing the details of the house and foundation inspection program. House and foundation inspections shall be completed no less than 180 days prior to the date of first blasting. The results of all house and foundation inspections shall be submitted to the Plan Commission within 60 days of the inspection and shall be maintained onsite during the duration of nonmetallic mining operations and reclamation. Any adverse effects to structures and foundations within 1,500 feet of the nonmetallic mining operations which can be attributed to the nonmetallic mining operation shall be the responsibility of the operator.

2. Well Inspections. No less than 180 days prior to commencing nonmetallic mining operations the operator will inspect and test all community and private wells within 1,500 feet of the proposed or existing nonmetallic mining operation. Should any resident within 1,500 feet of the proposed or existing nonmetallic mining operation desire a second opinion inspection, such inspection shall be at the expense of the resident. The results of all well inspections shall be submitted to the Town Board and be maintained onsite during the duration of nonmetallic mining operations and reclamation. Upon commencement of nonmetallic mining operations the operator shall test all community and private wells within 1,500 feet of the proposed or existing nonmetallic mining operations. Any adverse effects to community and private wells within 1,500 feet of the nonmetallic mining operations which can be attributed to the nonmetallic mining operation shall be the responsibility of the operator.

- (11) Ground Water Quality and Monitoring. The Plan Commission may require the completion of a hydro-geologic study of the nonmetallic mining site be completed should existing evidence suggest the reasonable likelihood of ground water contamination resulting from the operation. The following shall apply should such study be required:

- (A) Prior to commencing nonmetallic mining operations the operator shall undertake a hydro-geologic study to determine the potential zone of influence of the operations on groundwater supplies. Written results of the hydro-geologic study shall be provided to the Plan Commission and

maintained onsite for the duration of nonmetallic mining operations and reclamation.

- (B) 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.
1. The operator shall inform the Plan Commission of the status and results of the monitoring program as part of its bi-annual report.
 2. The precise positioning and depths of the monitoring wells shall be determined in consultation with the Plan Commission.
- (12) 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.
- (13) Limits of Operation. Nonmetallic mining operations shall comply in all respects to the approved Site Plan and Operations Plan.
- (14) 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.
- (15) 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.
- (16) 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 or the enforcement of this Ordinance 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.

- 17) All Uses in the Q-1 Quarrying District are to conform with Section 9.0 (Performance Standards) of this Chapter.

3.11 RESERVED

3.12 P-1 PARK DISTRICT

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

(1) Permitted Uses:

- (A) Archery Ranges.
- (B) Beaches.
- (C) Boating.
- (D) Campgrounds, subject to paragraph (2) below.
- (E) Driving ranges.
- (F) Go-cart tracks.
- (G) Golf courses.
- (H) Hunting.
- (I) Ice boating.
- (J) Marinas.
- (K) Polo fields.
- (L) Refreshment/snack stand.
- (M) Riding academies.
- (N) Skating rinks.
- (O) Snowmobile courses.
- (P) Sport fields.
- (Q) Stadiums.
- (RS) Zoological and botanical gardens.

(2) Campgrounds shall comply with the following minimum standards:

- (A) All provisions of town and county ordinances shall be adhered to by the statement of intent and plans submitted.
- (B) Sale of alcoholic beverages shall be prohibited within campgrounds except in commercial recreation facilities.
- (C) Within a campground, no building, structure, or premise shall be used and no building or structure shall be erected, altered, or established which is intended or designed to be used in whole or in part for any other than the following specified purposes:
 - 1. One (1) single-family residential structure and accessory uses. Said residential structure shall exist for the primary use of the owner or operator of the campground.

2. Accessory Structures and structures incidental to the operation and maintenance of the entire campground, such as showers, toilet buildings, recreational buildings, pavilions, shelters, maintenance buildings, service buildings, and swimming pools.
 3. Sales of soft drinks, nonalcoholic beverages, sandwiches, confections, and campers' supplies in a structure or building not to exceed 400 square feet of floor area.
- (D) The duration of a camper's visit shall not exceed 21 days out of 28 days and shall be limited to the months of April through November inclusive.
- (E) All campgrounds shall conform to the following regulations:
1. Campground area shall be not less than three (3) acres.
 2. Interior roads shall be all-weather surfaced, and shall be 12 feet wide for one-way traffic and 20 feet wide for two-way traffic.
 3. Each campsite shall not exceed a one-family unit.
 4. The center of each campsite shall be not less than 50 feet from the center of any other site and there shall be within the entire campground at least 5,000 square feet per campsite.
 5. Drainage: Each campsite shall be located on well-drained land and be so graded as to ensure rapid runoff during storms and freedom from standing water.
 6. Yards: No portion of any campsite or its accessory uses except access roads shall be located closer than 25 feet to any exterior boundary of the campground.
 7. Parking: Each campsite shall have adequate off-street areas for the parking of campers' vehicles.
 8. Sanitary sewerage and waste disposal facilities shall be provided as required by Chapter ATCP 79 of the *Wisconsin Administrative Code*. Each campsite shall be located not more than 400 feet from a toilet, and no campsite shall be located closer than 75 feet to a nonflushing toilet.
 9. Water: There shall be an adequate source of pure water and supply outlets for drinking and domestic purposes located not more than 400 feet from any camping unit. Where a public water supply is not available, the well or wells supplying any campgrounds shall comply with the Wisconsin Well Construction Code except that well pits or pump pits shall not be permitted.
 10. Maintenance of the campgrounds shall be adequate so as to preclude the creation of any nuisance. Such maintenance shall include such activities as the cleansing of toilet facilities, the collection of trash and garbage, the upkeep of interior roads, the tidying of beach areas, the repair of recreational equipment, the removal of noxious flora, and the control of pests.

- (3) Uses in the P-1 District shall comply with the requirements of Section 15: Site Plan Review.
- (6) Conditional Uses. The following uses require a conditional use permit:
 - (A) Mobile service facilities, subject to the provisions of Section 4.05 of this Chapter.
 - (B) Arcades.
 - (C) Bowling Alleys.
 - (D) Clubs.
 - (E) Dance halls.
 - (F) Gymnasiums.
 - (G) Lodges.
 - (H) Physical culture.
 - (I) Pool and billiard halls.
 - (J) Race tracks.
 - (K) Firing range
- (7) Lot Size and Yard Requirements:

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

3.13 PUD PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

This Overlay District is intended to allow, as a conditional use, developments that will, over a period of time, be enhanced by coordinated area site planning, diversified location of structures, diversified building types, and/or mixing of compatible uses. Such developments are intended to provide a safe and efficient system for pedestrian and vehicle traffic, to provide attractive recreation and open spaces as integral parts of the development, to enable cost effective and efficient design in the location and use of public and private utilities and community facilities, and to ensure adequate standards of construction and planning. The PUD Overlay District under Chapter 17 will allow for flexibility in overall development design while at the same time maintaining, insofar as possible, the land use density and degree of intensity and other standards or use requirements set forth in the underlying basic zoning district. The use of the PUD Overlay District shall be subject to regulatory standards as necessary to be consistent with the direction set forth in the Town of Polk comprehensive plan and components thereof.

- (1) Application of District: The PUD Overlay District may only be used for mixed-use type developments consisting of areas zoned both R-2 Multi-Family Residential District (Sewered) and B-1 Business District. Such mixed multi-family and business planned developments may also include areas zoned I-1 Institutional District and/or P-1 Park District.
- (2) Uses: All uses shall be conditional upon the determination as to their appropriateness within the context of the Town comprehensive plan or components

thereof, their conformance with the provisions of the PUD Overlay District, and subject to such conditions as may be established as part of the planned unit development final plan approval. Uses allowed in a PUD Overlay District shall conform to permitted, accessory, or conditional uses generally allowed in the underlying basic use district. All open space and parking requirements of the underlying basic use district shall be complied with either individually or by providing the combined open space and parking space required for the entire development in one (1) or more locations within the development.

- (2) Density Requirements: In the PUD Overlay District, the lot area, width, and yard requirements of the underlying basic zoning district may be modified; however, where the underlying zoning is a residential basic use district, the net density of the underlying residential zoning district shall not be exceeded.
- (3) Minimum Area Requirements: The planned unit development shall contain sufficient area for the Principal Structure(s) and its accessory structures, off-street parking and loading/unloading areas, and required setbacks, yards, and open space. The minimum lot area and width requirements of the underlying basic zoning district may be modified for the development if deemed appropriate by the Town Board, after considering a recommendation from the Plan Commission.
- (4) Building Height and Floor Area Requirements:
 - (A) The Town Board, after considering a recommendation from the Plan Commission, may grant an exception to the basic zoning district height restrictions if the deviation will not negatively impact the integrity of the neighborhood.
 - (B) Buildings shall provide a minimum floor area that is equal to or greater than that required in the underlying basic zoning district.
- (5) Setback and Yard Requirements: Setbacks and yards required by the underlying basic zoning district may be modified in the PUD Overlay District if deemed appropriate by the Town Board, after considering a recommendation from the Plan Commission.
- (7) Procedural Requirements:
 - (A) Pre-Petition Meeting and Conceptual Review.
 - 1. Prior to the official submittal of a petition for the approval of a Planned Unit Development Overlay District, the owner or his agent making such petition shall meet with the Plan Commission or its staff and provide sufficient written details and drawings concerning the scope and nature of the contemplated development as necessary to permit an adequate staff review.
 - 2. Staff review may involve all Town departments, the Plan Commission, or professional consultants in the assessment of the

feasibility and potential impacts of the project on Town infrastructure and resources as well as its conformity with the Town zoning ordinance and comprehensive plan.

3. The purpose of conceptual review is solely to allow for discussion and feedback about a possible project regarding issues that may have to be addressed in the event a petition is submitted.
4. Discussion and feedback about the proposed scope and nature of the proposed project based on review of a conceptual plan by Town staff and the Plan Commission shall be nonbinding commentary and shall not, under any circumstance, vest any party with any right with respect to any development proposed or discussed.

(B) Petition. Following the pre-petition meeting and conceptual review, the owner or his agent may file a petition with the Town Clerk for rezoning and approval of a Planned Unit Development Overlay District. Such petition shall be accompanied by a review fee as required by the Town Board pursuant to Section 12.01 of this Chapter, and the following information:

1. A statement that sets forth the relationship of the proposed PUD to the Town's adopted comprehensive plan or any adopted component thereof and the general character of and the uses to be included in the proposed PUD, including the following information as applicable:
 - a. Total area to be included in the PUD, area of open space, residential density computations, proposed number of dwelling units, population analysis, availability of or requirements for municipal services, and any other similar data pertinent to a comprehensive evaluation of the proposed development.
 - b. A general summary of the estimated value of structures and site improvement costs, including landscaping and special features.
 - c. 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.
 - d. Any proposed departures from the standards of development as set forth in Town zoning regulations, land division ordinance, other Town regulations, or other applicable guidelines.
 - e. A development timetable, including all benchmark dates from commencement to completion of the physical development of the proposed project.
2. A general development plan including the following as applicable:

- a. A legal description of the boundaries of the subject property included in the proposed PUD.
 - b. A description of the relationship between the lands included in the proposed PUD and its relationship to surrounding properties.
 - d. The location of public and private roads, driveways, and parking facilities and the calculations used to justify the number of parking spaces proposed.
 - e. The size, arrangement, and location of any individual building sites and proposed building groups on each individual lot.
 - f. The location of institutional, recreational, and open space areas and areas reserved or dedicated for public uses, including schools, parks, and drainageways.
 - g. The type, size, and location of all structures.
 - h. General landscape treatment.
 - i. Architectural plans, elevations, and perspective drawings and sketches illustrating the design and character of proposed structures.
 - j. The existing and proposed location of public sanitary sewer, water supply facilities, and stormwater drainage facilities.
 - k. The existing and proposed location of all private utilities or other easements.
 - l. Characteristics of soils related to contemplated specific uses.
 - m. Existing topography on the site with contours at no greater than two (2) foot intervals.
 - n. Anticipated compatibility with existing adjacent land uses.
 - o. If the development is to be staged (developed in phases), a staging plan.
- (C) Land Division. Any proposed division of land within a proposed PUD shall be subject to the requirements of Chapter 18, “Town of Polk Land Division Ordinance,” of the Town of Polk municipal code.
- (D) Referral to Plan Commission. The petition for a Planned Unit Development Overlay District shall be referred to the Plan Commission for its review and recommendation, including any additional conditions or restrictions which it may deem necessary or appropriate to promote the spirit and intent of this Chapter and the Town comprehensive plan.
- (E) Public Hearing. Upon receipt of the Plan Commission’s recommendation, the Town Board shall, before determining the disposition of the petition, hold a public hearing pursuant to the provisions of Section 11.05 of this Chapter. Notice for such hearing shall include reference to the development plans filed in conjunction with the requested zoning change.

- (8) Basis for Approval: The Plan Commission, in making its recommendations, and the Town Board, in making its determination, shall consider:
- (A) Whether the petitioners for the proposed Planned Development Overlay District have indicated that they intend to begin the physical development of the PUD within twelve (12) months following the approval of the petition; the development will be carried out according to a reasonable construction schedule and staging plan satisfactory to the Town; and the petitioners for the proposed development have the financial capacity to carry out the project as proposed.
 - (B) Whether 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 or any adopted component thereof; and would not be contrary to the general welfare and economic prosperity of the Town.
 - (C) The Plan Commission and Town Board shall not give their respective recommendations or approvals unless they find that:
 - 1. The proposed site shall be provided with adequate stormwater management facilities.
 - 2. 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.
 - 3. No undue constraint or burden will be imposed on public services and facilities, such as fire and police protection, street maintenance, and maintenance of public areas by the proposed development.
 - 4. The streets and driveways on the site of the proposed development shall be adequate to serve the residents and businesses of the proposed development and shall meet the minimum standards of all applicable Town ordinances.
 - 5. Adequate sanitary sewerage and water distribution facilities shall be provided where applicable. Public water and sewer services shall be required for all multi-family residential uses and may be required for other proposed uses.
 - 6. The entire tract or parcel of land to be included in a PUD shall be held under single ownership, or if there is more than one (1) owner, the petition for such PUD shall be considered as one (1) tract, lot, or parcel.
 - 7. The locations of 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 have an unreasonable adverse effect on the general traffic pattern of the surrounding neighborhood. Insofar as is practicable, consolidation of driveways, parking, and curb cuts and connecting driveways between properties, where appropriate, shall be provided to enhance safety and provide more efficient access and parking.

8. The size, quality, and design of all buildings, landscaping, and other site development features (i.e. berms, fencing, trees, etc.) of the project will be compatible with the general character of the surrounding neighborhood.

(D) For the overall Mixed-Use Planned Unit Development Overlay District:

1. The proposed mixture of residential and commercial (business) uses, as well as potential park, recreational, and/or institutional uses, produces a unified composite which is compatible with the underlying districts and which, as a total development entity, is compatible with the surrounding neighborhood.
2. The various types of uses conform to the general requirements set forth in this Section.
3. The proposed development shall be adequately provided with and shall not overburden public services and facilities, such as fire and police protection, and street and public area maintenance.

(E) For the multi-family residential portion of the mixed use development:

1. Such development will create an attractive environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, access to recreation space, and coordination with overall plans for the Town.
2. The total net residential density within the PUD will be compatible with the Town's comprehensive plan and will not exceed the average density and intensity of development allowed in the underlying basic use district (R-2 Multi-Family Residential District).
3. Provisions have been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities.
4. Provisions have been made for adequate fire and police protection.
5. The population composition of the development will not have an adverse effect on the community's capacity to provide needed schools or other municipal service facilities.
6. Adequate guarantee is provided for permanent preservation of open space areas as shown on the approved site plan either by private easements and maintenance or by dedication to the public.

(F) For the business (commercial) portion of the mixed use development:

1. The economic practicality of the proposed development can be reasonably demonstrated.
2. The proposed development will be adequately served by off-street parking and truck service facilities.

3. The proposed development shall be adequately provided with and shall not overburden public services and facilities, such as fire and police protection and street and public areas maintenance.
4. 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 that the development will not have an adverse effect on the general traffic pattern of the surrounding neighborhood.
5. The architectural design, landscaping, control of lighting, and general site development will result in an attractive and harmonious service area compatible with and not adversely affecting the property values of the surrounding neighborhood.

(9) Disposition of the Petition/Application:

- (A) General. The Town Board, after public hearing and due consideration, shall either approve the petition as submitted, approve the petition subject to modifications by additional conditions and restrictions, or deny the petition.
- (B) Approvals. The general and detailed approval of a planned unit 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.
 1. General Approval: Plans submitted for general or preliminary approval (approval of only the PUD concept, with details pending) need not necessarily be completely detailed at the time of rezoning provided they include sufficient information to satisfy the Town Board and Plan Commission as to the general character, scope, and appearance of the proposed PUD. Such preliminary plan shall designate the pattern of proposed streets and the size and arrangement of individual buildings and building sites. The approval of the preliminary plan shall be conditioned upon the subsequent submittal and approval of more specific and detailed plans as each stage or phase of development progresses.
 2. Detailed Approval: Plans submitted for detailed approval shall be sufficiently precise, and contain all items as required by the Plan Commission. A letter of credit for all improvements shall be submitted before such approval is granted. Detailed approval of the plans for each stage or phase of development shall be required before building permits will be issued for the construction of the buildings or structures that are included in the plans for that stage or phase of development.
- (C) Development Agreement. The owner or developer shall enter into a development agreement with the Town to guarantee the implementation of the development according to the conditions established as part of the approved PUD.

- (D) 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 Town Board shall be required and notice thereof be given pursuant to the provisions of Section 11.00 of this Chapter. 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) or structure(s).
 3. The addition of any principal uses or an increase in the intensity or frequency of use.
 4. A change in the basic concept of site development which would significantly alter the relationship or intensity of land uses within the development or to adjoining properties.
- (F) Termination. If a building permit is not issued within one (1) year of Town Board approval of the PUD zoning, the PUD zoning for the property shall be discontinued, unless extended by mutual agreement between the Town and developer. Any basic district rezoning that accompanied the PUD shall also revert to the previous zoning district upon termination.

SECTION 4.00 CONDITIONAL USES

4.01 PERMITS

A Conditional Use Permit shall be required for the uses listed as Conditional Uses in this Chapter.

4.02 PERMIT PROCEDURE

- (1) Application: Applications for conditional use permits shall be made to the Zoning Administrator upon such forms as shall be prescribed by the Zoning Administrator.

- (2) Plan Commission Review and Recommendation: 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. The Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewage and water systems, and any other matters relating to the proposed operation. The Plan Commission shall have the right to request the recommendations of any public agency it shall deem interested and affected by such conditional use.
- (3) Public Hearing: The Plan Commission shall hold a public hearing upon each petition after publishing a Class 2 notice under Chapter 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 ten (10) days prior written notice of such hearing to the Clerk of any municipality lying within 1,000 feet of any land to be affected by the proposed change or amendment, and to all parties of interest as defined in Section 13.02 of this 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.Chapter.
- (4) Granting of Permit:
- (A) After careful consideration of the recommendation of the Plan Commission and testimony submitted during the public hearing, , the Town Board may authorize the Zoning Administrator to issue a conditional use permit, provided that such conditional uses and structures are in accordance with the purpose and intent of Chapter 17, are found not to be hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or the community, and are found to be compatible with the surrounding predominant use.
- (B) The Town Board may impose time limitations upon conditional uses and subject them to periodic review, reissuance, or revocation.
- (5) 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 ten (10) days notice to the permit holder. The permit holder shall be entitled to a hearing before the Town Board on the questions of revocation of the conditional use permit and approval of the Town Board shall be required for the reinstatement of any conditional use permit.

4.03 SALVAGE/JUNK YARDS

- (1) Conditional Use: Any operation which requires or involves the collection, storing, dismantling, destruction, or resale of used automobiles, used machinery, used building materials, or similar materials, shall be a conditional use and shall only be permitted in M-1 and A-1 Districts.
- (2) Procedure: Except as otherwise provided by this section, the procedure for securing, granting, and revoking a conditional use permit under this section shall be as set forth in Section 4.02 of this Chapter.
- (3) Fees: Each application shall be accompanied by a fee in the amount determined by resolution of the Town Board from time to time, and in addition thereto the applicant shall pay the reasonable cost of a review of the operational and restoration plans by the Town.
- (4) Operational Plan: The application shall be accompanied by a detailed description of the proposed method of operation; the manner in which materials will be stored; the equipment proposed to be used; the method of disposition of end products; the manner in which adjoining property owners will be protected; the hours of operation; the town highways proposed to be used; the gross weight of equipment to be used in hauling in and hauling out of any of the product; and other similar information as the Zoning Administrator may require.
- (5) Restoration Plan: The application for the operation of a conditional use under this Section shall be accompanied by a proposed restoration plan and illustrative drawing showing the manner in which the site will be restored.
- (6) State Licenses: Any permit issued under this Section shall be subject to revocation if all or any necessary state licenses or permits have been withdrawn or revoked.
- (7) Bond: No permit shall be issued until the applicant furnishes a performance bond in such amount and on such conditions as shall be fixed by the Town Board.
- (8) Term of Permit: The permit shall be in effect on a continuing basis unless otherwise provided in the permit, subject to termination by the Town Board after notice and hearing for violations of the Plan of Operations or Restoration Plan.
- (9) Inspection: The Building Inspector or Town Engineer shall inspect the operations at least semi-annually to ensure compliance, and the reasonable fees of such inspection, as fixed by the Town Board at the time of granting the permit, shall be paid by the applicant.

4.04 PUBLIC GATHERINGS

- (1) Conditional Uses: All public gatherings, rallies, assemblies or festivals, at which attendance is greater than 500 persons for a one-day event and greater than 250 persons for a two-day or more event. The requirements for a Conditional Use

Permit shall not apply to events held in any regularly established permanent place of worship, stadium, school, athletic field, arena, auditorium, coliseum or other similar permanently established place for assemblies which do not exceed by more than 250 people the maximum seating capacity of the structure where the assembly is held; nor those events sponsored or approved by the Town of Polk.

(2) Procedure: Except as otherwise provided by this section, the procedure for securing, granting, and revoking a conditional use permit under this section shall be as set forth in Section 4.02 of this Chapter.

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

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

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

(5) Standards:

- (A) For events scheduled for two (2) successive days or more, at least one (1) acre of land, exclusive of roads, parking lots, and required yards, shall be provided for each 100 persons attending.
- (B) Every site proposed shall be generally well-drained ground and shall not be a ground on which storm or other waters accumulate or on ground which is wet or muddy due to subsoil moisture.
- (C) Provide proof that a fence completely enclosing the proposed location, of sufficient height and strength, will be erected to prevent people in excess of the maximum permissible number from gaining access to the assembly grounds. Said fence shall have at least four (4) gates, at least one (1) at or near four (4) opposite points on the compass.
- (D) Provide proof that illumination sufficient to light the entire area of the assembly at the rate of at least five (5) foot candles, but not to shine unreasonably beyond the boundaries of the enclosed location of the assembly, if the assembly continues beyond hours of darkness.
- (E) Provide free parking sufficient to accommodate one (1) parking space for every four (4) persons.
- (F) Provide security guards, licensed in Wisconsin, sufficient to provide adequate security for the maximum number of people to be assembled at the rate of at least one (1) guard for every 500 people. If it is determined by

the Town Chairman that additional police protection shall be required, he may contact the Washington County Sheriff's Department and all costs for the additional protection required shall be deducted from the posted cash bond.

(G) Provide fire protection devices, and fire lanes and escapes, sufficient to meet all state and local standards for the location of the assembly as set forth in the *Wisconsin Administrative Code* and ordinances of the county and municipality and sufficient emergency personnel to efficiently operate the required equipment.

(H) 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.

(6) Other Permits Required:

(A) Washington County Special Sanitary permit for public gathering.

(B) Any license required by Chapter 125 of the *Wisconsin Statutes*.

(C) All required permits and licenses must be on file with the Zoning Administrator prior to issuance of the Conditional Use Permit.

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

4.05 MOBILE SERVICE FACILITIES

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

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

(A) Application Process.

1. A Conditional Use permit is required for the siting and construction of any new Mobile Service Support Structure and facilities or a Class 1 Collocation that requires the substantial modification of an existing support structure and mobile service facilities.

2. A written permit application must be completed by any applicant and filed with the Zoning Administrator. The application must be in writing and contain the following information:

a. The name and business address of, and the contact individual for, the applicant.

b. An original signature of the applicant, land owner, lessees and holders of easements.

- c. Copy of the lease agreement that includes the legal description and amount of land leased.
 - d. A plat of survey showing the parcel boundaries, tower, accessory structures, ancillary facilities, location, access, landscaping and fencing.
 - e. Plans showing security measures such as, but not limited to, access, fencing and lighting.
 - f. The location of the proposed or affected support structure.
 - g. The location of the proposed Mobile Service Facility.
 - h. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
 - i. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receiver, base station, power supplies, cabling, and related equipment to be placed on or around the new cellular service support structure.
 - j. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the cellular service support structure attesting that collocation within the applicant's search ring would not result in the same cellular service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
3. A permit application will be provided by the town upon request of any applicant.
- (B) Completed Applications. If an applicant submits to the town an application for a permit to engage in an activity described in this 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.
- (C) Town Responsibilities. Within 90 days of its receipt of a complete application, the town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the 90 day period:

1. Review the application to determine whether it complies with all applicable aspects of the Town's building code and, subject to the limitations in this section, zoning ordinances.
 2. Make a final decision whether to approve or disapprove the application.
 3. Notify the applicant, in writing, of its final decision.
 4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- (D) Disapproval. The town may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under Section 4.05(A)2(j).
- (E) Application of Setback/Fall Zone. If an applicant provides the town with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the set back or fall zone area required in this or any other applicable ordinance, that zoning ordinance does not apply to such a structure unless the town provides the applicant with substantial evidence that the engineering certification is flawed.
- (F) Fees. The fee for the permit is \$3,000.00.
- (3) Class 2 Collocation:
- (A) Application Process.
1. Zoning and building permits are required for a class 2 collocation. A class 2 collocation is a permitted use in the town subject to the requirements of this section, but requires the issuance of town permits.
 2. A written permit application must be completed by any applicant and submitted to the town. The application must contain the following information:
 - a. The name and business address of, and the contact individual for, the applicant.
 - b. The location of the proposed or affected support structure.
 - c. The location of the proposed mobile service facility.
 3. A permit application will be provided by the town upon request to any applicant.
 4. A class 2 collocation is subject to the same requirements for the issuance of a building permit to which any other type of commercial development or land use development is subject.
- (B) Completed Applications. If an applicant submits to the town an application for a permit to engage in an activity described in this Chapter, which contains all of the information required in Sections (2)A.2.a, f, and g, the town shall consider the application complete. If any of the required information is not in the application, the town shall notify the applicant in writing, within 5 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required

information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

- (C) **Town Responsibilities.** Within 45 days of its receipt of a complete application, the town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the 45 day period:
 - 1. Make a final decision whether to approve or disapprove the application.
 - 2. Notify the applicant, in writing, of its final decision.
 - 3. If the application is approved, issue the applicant the relevant permit.
 - 4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- (D) **Fees.** The Class 2 collocation is subject to the same requirements for the issuance of the zoning and building permits to which any other type of commercial development or land use development is subject, except that the maximum fee for such zoning and building permits shall not exceed those allowed by Section 66.0404(4)(d) of the *Wisconsin Statutes*.

(4) Performance Standards:

- (A) **Removal.** Abandoned or unused antennas or other equipment mounted on a tower shall be removed within 18 months of the cessation of operation at the site. In the event that a tower is not removed within 18 months of cessation of operation at a site, the tower may be removed by the town and the costs of removal assessed against the property. The replacement of equipment used by a telecommunications provider different from a previous provider shall require the issuance of a conditional use permit.
- (B) **Security for Removal.** The owner of any mobile service support structure other than a municipality or other unit of government shall provide to the Town of Polk, prior to issuance of a conditional use permit, a performance bond in an amount based on a written estimate of a qualified remover of said types of structures, or twenty thousand dollars (\$20,000), whichever is less, to guarantee that the cellular service support structure will be removed when no longer in operation.
- (C) **Signs and Advertising.** The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.
- (D) **Illumination.** Towers shall not be illuminated except as required by the Wisconsin Division of Aeronautics or the Federal Aviation Administration. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas shall be attached to the tower. However, such lights shall be directional and shall not produce glare into residential areas.
- (E) **Screening and Landscaping.** All telecommunications facilities, except exempt facilities, shall be designed to blend into the surrounding environment to the greatest extent feasible.
 - 1. The tower location shall provide for the maximum amount of screening of the facilities. The site shall be landscaped and

maintained with a buffer of plant materials that effectively screen the view of all facility structures, equipment, and improvements at ground level from adjacent properties. The standard buffer shall consist of a landscaped strip at least 4 feet wide outside the perimeter of the area where tower accessory structures and equipment are located at ground level.

2. In locations where the visual impact of the facility would be minimal, the landscaping requirement may be reduced or waived by the Plan Commission. Existing, mature vegetation and natural landforms on the site shall be preserved to the maximum extent possible or replaced with vegetative screening meeting the intent of this section.
 3. Upon project completion, the owner(s)/operator(s) of the facility shall be responsible for maintenance and replacement of all required landscaping during the current growing season.
- (F) Interference with Public Safety Communications. No new or existing telecommunications service shall interfere with public safety telecommunications. All applications for a new antenna site to be located on an existing Town public safety communications transmitting station shall be accompanied by an intermodulation study which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems. Before introduction of new services or changes in existing service at such a site, telecommunication providers shall notify the town at least 10 calendar days in advance of such changes and allow the town to monitor interference levels during the testing process.
- (G) Parking. The Plan Commission may impose reasonable parking requirements in situations where parking may be required at a particular site.
- (H) Transferability of Permit. A conditional use permit for cellular and digital communication antennas and towers shall not be transferred to any other person, corporation, organization, or other entity without the written permission of the Town Board. Notwithstanding any provision contained in Section 4.03 of this Chapter, no public hearing shall be required prior to approval of the transfer by the Board.
- (I) Severability. If any provision of this Section 4.07 is deemed invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the other provisions of this Chapter.

4.06 BUSINESS AND MANUFACTURING INCUBATORS

- (1) B-1 Business Incubators.
 - (A) Applicability. This Section applies to business incubators. See Section 4.06(2) below for manufacturing incubators.

- (B) Purpose. It is the purpose of this Section to:
 - 1. Promote opportunities for small and expanding commercial businesses.
 - 2. Support entrepreneurs and grow the economy of the Town of Polk.
 - 3. Oversee the permitting of business incubators.
 - 4. Preserve and protect the public health and safety.
- (C) Standards.
 - 1. Districts Allowed.
 - a. Business incubators shall require a Conditional Use Permit in the B-1 District.
 - b. Business incubators may be a Principal Structure or Use or accessory to a Principal Structure or Use.
 - 2. Allowable Uses.
 - a. Any use listed as a Permitted Use or Conditional Use in the B-1 District may be potentially permissible.
 - b. 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.
 - c. All uses, unless otherwise approved by the Plan Commission, shall be conducted entirely within a building.
 - 3. Dimensional and Design Standards.
 - a. Business incubators approved as a Principal Use and/or Structure shall conform to the requirements for Principal Structures and Uses in the B-1 District.
 - b. Business incubators approved as an Accessory Use and/or Structure shall conform to the requirements for Accessory Uses and Structures in the B-1 District. The exterior materials of a business incubator when accessory to a Principal Structure shall be substantially the same in appearance and use substantially the same materials as the Principal Structure.
 - c. 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.
 - d. Outdoor equipment shall be screened from public view by a structure or landscaping and shall meet all applicable safety standards.

(2) M-1 Manufacturing Incubators.

- (A) Applicability. This Section applies to manufacturing incubators. See Section 4.09(1) above for business incubators.
- (B) Purpose. It is the purpose of this Section to:
 - 1. Promote opportunities for small and expanding light industrial businesses.

2. Support entrepreneurs and grow the economy of the Town of Polk.
 3. Oversee the permitting of business incubators.
 4. Preserve and protect the public health and safety.
- (C) Standards.
1. Districts Allowed.
 - a. Manufacturing incubators shall require a Conditional Use Permit in the M-1 District.
 - b. Manufacturing incubators may be a Principal Structure or Use or accessory to a Principal Structure or Use.
 2. Allowable Uses.
 - a. Any use listed as a Permitted Use or Conditional Use in the M-1 District may be potentially permissible.
 - b. 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.
 - c. All uses, unless otherwise approved by the Plan Commission, shall be conducted entirely within a building.
 - d. Corporate and administrative offices not ancillary to the Principal Use are prohibited.
 3. Dimensional and Design Standards.
 - a. 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.
 - b. 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. 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.
 - c. 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 fifty (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.
 - d. 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.
 - e. Outdoor equipment shall be screened from public view by a structure or landscaping and shall meet all applicable safety standards.

SECTION 5.00 TRAFFIC, PARKING, AND ACCESS

5.01 TRAFFIC VISIBILITY

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

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

5.02 LOADING REQUIREMENTS

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

5.03 PARKING REQUIREMENTS

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

- (1) Adequate Access to a public street shall be provided for each parking space, and driveways shall be at least 24 feet wide for all uses.
- (2) Parking spaces shall be sufficiently sized to provide for the safe ingress and egress of personal vehicles. A final determination as to the size of parking spaces shall be made based upon a consideration of unique site attributes during Site Plan Review.

Location of parking facilities shall be on the same lot as the principal use or not more than 400 feet from the principal use. No parking stall or driveway except in residential districts shall be closer than 25 feet to a residential district lot line or a street line opposite a residential district.

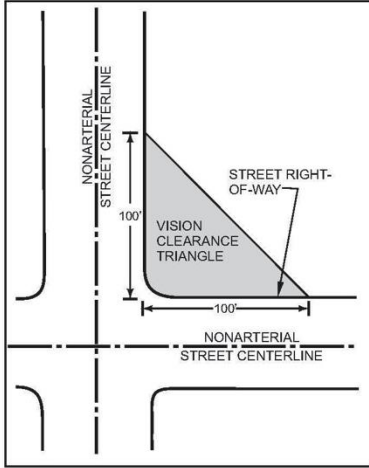
- (4) Surfacing: All off-street parking areas for more than ten (10) vehicles shall be graded and surfaced so as to be dust free and properly drained, and shall have the aisles and spaces clearly marked.

Illustration 5.01

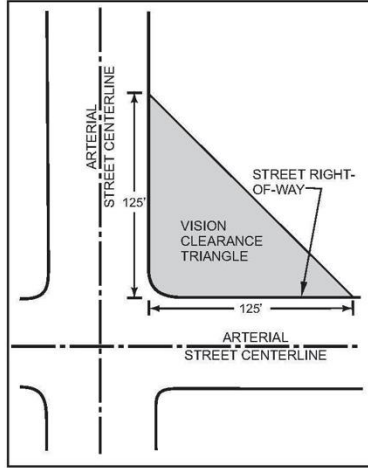
VISION CLEARANCE TRIANGLES

PLAN VIEWS

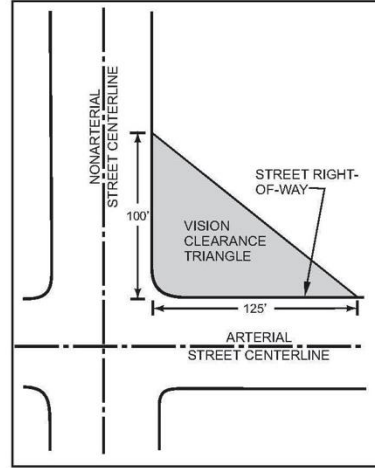
A. TWO NONARTERIAL STREETS INTERSECTING



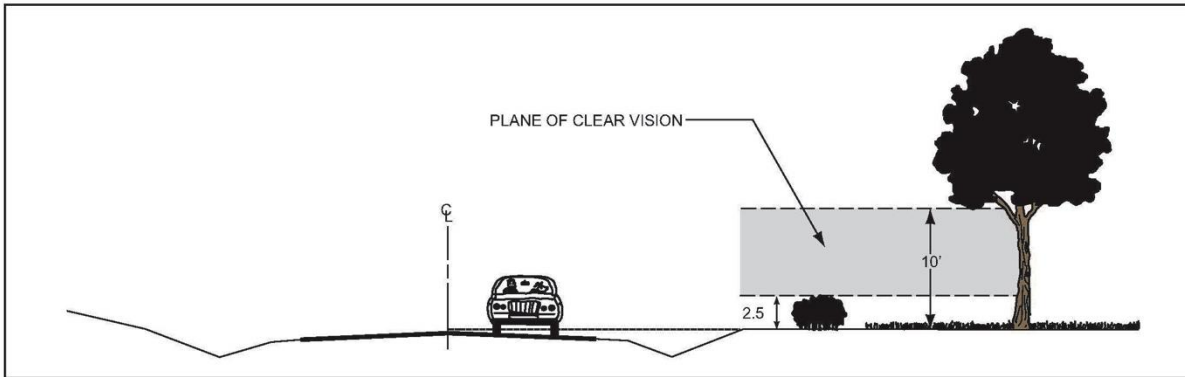
B. TWO ARTERIAL STREETS INTERSECTING



C. NONARTERIAL STREET INTERSECTING AN ARTERIAL STREET



CROSS-SECTION VIEW



Source: SEWRPC.

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

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

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

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

5.04 DRIVEWAYS

All driveways installed, altered, changed, replaced, or extended after the effective date of Chapter 17 shall meet the following requirements:

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

SECTION 6.00 MODIFICATIONS

6.01 HEIGHT

The height limitations stipulated elsewhere in Chapter 17 may be exceeded, but such modification shall be in accord with the following:

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

6.02 YARDS

The yard requirements stipulated elsewhere in Chapter 17 may be modified as follows:

- (1) Uncovered Stairs, landings, and fire escapes may project into any yard; but no such projection shall exceed six (6) feet nor closer than ten (10) feet to any lot line.
- (2) Architectural Projections such as chimneys, flues, sills, eaves, belt courses, and ornaments may project into any required yard, but such projection shall not exceed three (3) feet.
- (3) Fences: Refer to section 6.05 of this Ordinance.
- (4) Recreational Courts may not be illuminated in the A-1 General Agricultural or R-1 Single-Family Residential districts.
- (5) Accessory Uses and Detached Accessory Structures, subject to Section 2.05(2) of this Ordinance, are permitted in the rear and side yards only. Such uses and structures shall not be closer than ten (10) feet to the principal structure; shall not be closer than 25 feet to a rear lot line (unless a greater setback is required by the applicable zoning district), except that such structures shall be at least 75 feet from the ordinary high water mark of a lake, river or stream as required by county shoreland regulations; and provided further that in the A-1 General Agricultural District and lake lots, an accessory use or structure may be permitted in the street yard provided that the required setbacks are complied with.

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

Less than 1.0 acre	720 sq. ft.
1.01 to 2.0 acres	1,008 sq. ft.
2.01 to 3.0 acres	1,200 sq. ft.
3.01 to 4.0 acres	1,500 sq. ft.
4.01 to 6.0 acres	2,400 sq. ft.
6.01 acres to 10.0 acres	Total area (sq. ft.) for all Accessory Structures not to exceed 1% of total lot area.
10.1 acres and greater	No size limitation; provided however, that the Town Board reserves the right to impose size restrictions in order to protect the intent of this Zoning Ordinance as set forth in Section 1.03.

- (6) Garden Utility-type Accessory Structures 192 square feet or less in area may be located as close as ten (10) feet to a side or rear lot line provided that such structures are located within the rear yard, do not exceed a height of ten (10) feet and comply with the building separation requirements set forth herein. Swimming pools and

tennis courts accessory to residential uses may be located as close as ten (10) feet to a side or rear lot line.

- (7) Offstreet Parking and vehicle display areas are permitted in all yards of the B-1 Business District, but shall not be closer than 25 feet to any public right-of-way or side lot line.
- (8) Essential Services, utilities, and electric power and communication transmission lines are exempt from the yard and distance requirements of this Chapter.
- (9) Landscaping and Vegetation are exempt from the yard requirements of this Chapter.
- (10) Accessory Structures May Be Permitted in the Secondary Street Yard of a double frontage lot but shall not extend into the minimum street yard setback.
- (11) A Shoreland Permit issued by Washington County utilizing setback averaging or a variance granted by the Washington County Board of Adjustment shall eliminate the need for an additional variance approval by the Town.
- (12) Items such as, but not limited to, boats, truck bodies, semi-trailer boxes, manufactured homes, mobile homes, buses, railroad cars, shipping containers, trailers, and other similar vehicles and structures shall not be permissible as accessory structures.

6.03 NOISE

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

6.04 EXISTING SUBSTANDARD LOTS

A lot which does not contain sufficient area to conform to the dimensional requirements of Chapter 17 but which was of record in the Washington County Register of Deed's Office prior to the effective date of this Chapter and is in separate ownership from abutting lands may be utilized as a single-family detached dwelling site, provided:

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

LOT SIZE:	Width:	Minimum 50 feet
BUILDING AREA:	Minimum 1,200 sq. ft. with at least 800 sq. ft. on the first floor.	
YARDS:	Street Yard Setback:	Minimum 25 feet from the right-of-way.
	Shore Yard Setback:	Minimum 75 feet.

	Side Yard Setback:	minimum 10 feet.
	Rear Yard Setback:	Minimum 25 feet.
OPEN SPACE:	There shall be a minimum of 80% of lot area reserved for open space.	

(3) Vacant Substandard Lots

- (A) Merger. Pursuant to Wis. Stat. § 66.10015(4) of the Statutes, 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.
- (B) Conveyance of Ownership. Pursuant to Wis. Stat. § 66.10015(2)(e), a property owner of a legal substandard lot may do the following:
 - 1. Convey an ownership interest in a substandard lot.
 - 2. Use the substandard lot as a building site if all of the following apply:
 - a. The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.
 - b. The substandard lot or parcel is developed to comply with all other requirements of this Ordinance, except the minimum lot dimensional requirement unless otherwise specified.

6.05 FENCES AND WALLS

Fences and walls are subject to the provisions of this section.

(1) Height. The height of fences and walls shall be measured at grade.

(A) Residential zoning districts.

- 1. The maximum height of a fence or wall within required side and rear setbacks in a residential zoning district shall not exceed six (6) feet.
- 2. The maximum height of a solid fence or wall within a required street yard setback shall not exceed three (3) feet.
- 3. Such street yard fences may be increased to a maximum height of four feet (4) if open, decorative, ornamental fencing materials that are less than 50% opaque are used.
- 4. Such street yard fences or walls shall not be closer than one (1) foot to any public right-of-way
- 5. No residential fence or wall shall be permitted in the shore yard.

(B) Nonresidential zoning districts.

- 1. The maximum height of a fence or wall shall not exceed eight (8) feet except in required street yard setbacks where the maximum height of a solid fence or wall shall not exceed three (3) feet.
- 2. Such street yard fences may be increased to a maximum height of four (4) feet if open, decorative, ornamental fencing materials that are less than 50% opaque are used.

- (C) Schools. There is no maximum height for fences around schools.
 - (D) Boundary fence. A boundary fence or wall shall not be more than six (6) feet in height in residential districts and not more than twelve (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.
 - 1. 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.
 - (E) 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.
 - (F) Security fence. Security fences are permitted on the property lines in all districts except residential districts but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
 - (G) Recreational fence. Recreational fences (such as for tennis courts, etc.) shall not exceed ten (10) feet in height and shall be a minimum of ten (10) feet from the property line.
- (2) Setback from Property line.
 - (A) Residential Districts. Fences in residential districts shall be set back no less than one (1) foot from the property line.
 - (B) Non-Residential Districts. Fences in non-residential districts shall be set back no less than two (2) feet from the property line.
 - (3) D. Materials and Construction.
 - (A) Barbed wire fences, electrical fences, and single, double, and triple strand fences are prohibited except on active agricultural operations in the A-1 District.
 - 1. Fences on farms adjoining residential parcels must be screened by a non-electric fence with no less than two (2) feet of space separating the fences. The owners of any adjoining residential parcel shall be

notified in writing prior to the construction or installation of an electric fence.

- (B) For all zoning districts, fence 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 ordinance.
 - (C) Fences and walls located in the front yard must be made of materials such as wood, brick, vinyl or stone.
 - (D) 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.
- (4) Exceptions. Protective security on industrial sites, publicly owned lands or semi-private 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 (7) feet above the ground level, and except such fences shall be a minimum of two-thirds (2/3) open to vision equally distributed throughout the fence length, and maintain allowable height when located within the defined vision corner.
- (5) Setback. No fence in a residential district shall extend closer than five (5) feet to or from a road right-of-way nor extend closer than twelve (12) inches from a side or back yard property line.
- (6) 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.
- (7) Permit Required. A zoning permit is required for all fences in residential districts except for temporary seasonal fences (e.g. snow fences).

SECTION 7.00 PERSONAL ENERGY SYSTEMS

7.01 SMALL WIND ENERGY SYSTEMS.

- (A) Applicability.
 - 1. This Section applies to:
 - a. New small wind energy systems as defined in Section 13.00 of this Chapter and in Chapter PSC 128, Wis. Stats.
 - b. An expansion of a previously-approved winder energy system other than those described in Section 2 below.
 - 2. This Chapter 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 Chapter 66.0401, Wis. Stats., and Chapter PSC 128 Wis. Stats.

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

- 1. Districts Allowed A solar 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. Stats., 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 systems permit.
 - c. There is no required setback for a wind energy systems 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 Chapter PSC 128.105(1), Wis. Stats., 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 Chapter PSC 128.105(1), Wis. Stats.

- (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 in subs. (2), (d)(3) and (e), 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 paragraph 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 Chapter 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 Chapter PSC 128.14, Wis. Stats., 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 Chapter PSC 128.105(1), Wis. Stats., 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 Chapter PSC 128.105(1), Wis. Stats.

(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 Chapter 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 paragraph.
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 Chapter PSC 128.19, Wis. Stats.

(D) Application.

1. Pre-Application 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) The 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 Chapters PSC 128.105(1)(a) and 128.42(1).
 - (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 Chapter 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 Chapter 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 Chapter PSC 128.30(2) and 128.50 (1), Wis. Stats.
- (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 re-file an application. For incomplete applications, the owner shall provide additional information as specified in by the Zoning Administrator.
- (4) An additional 45-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 Chapters PSC 128.105(1)(a), 128.30(5), and 128.42(1), Wis. Stats.
 - (3) A copy of any notice or correspondence that the Town issues related to the application.
 - (4) A record of any public meeting under Chapter PSC 128.30(6)(c), Wis. Stats., 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 Chapter PSC 128.30(6)(b), Wis. Stats.

- (6) Minutes of any Town meetings held to consider or act on the application.
- (7) A copy of the written decision under Chapter PSC 128.32(3)(a), Wis. Stats.
- (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 Chapter PSC 128.32(2)(b)1 or 2, Wis. Stats.
- 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 Chapters PSC 128.30(1), (3) to (5), (6)(a) and (b), and (7); and 128.31 to 128.34, Wis. Stats.
- 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. Making a Complaint.

- a. An aggrieved person may make a complaint regarding failure by an owner to comply with an obligation under this Chapter.
- b. A complaint shall be made first to the owner of the wind energy system pursuant to a complaint resolution process developed by the owner.
- c. 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.
- d. The Town's decision is subject to review under Chapter 66.0401(5), Wis. Stats.

7.02 SOLAR ENERGY SYSTEMS

- (A) Applicability.
 - 1. This Section applies to solar energy systems, including photovoltaic and solar thermal systems, constructed after the effective date of the Chapter.
 - 2. Any upgrade, modification, or structural change to a solar energy system constructed prior to the effective date of this Chapter shall comply with the provisions of Chapter.
- (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 Chapter 66.0401, Wis. Stats.
- (C) Standards. The installation and operation of a solar energy system shall be subject to the following standards:
 - 1. Districts Allowed. A solar energy system is a Permitted Use in all zoning districts as an accessory to a principal use.
 - 2. A solar energy system shall be constructed, installed, and operated in conformance with all applicable State and Town building codes, and in accordance with Chapters 66.0401, 66.0403, 700.35, and 700.41, Wis. Stats.
 - 3. A solar energy system shall provide power for the principal use and/or accessory use of the property on which the solar energy system is located and shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.
 - 4. A solar energy system connected to the utility grid shall provide written authorization from the local utility company to the Town acknowledging and approving such connection.
 - 5. Roof-mounted solar energy systems.
 - a. A roof-mounted system may be mounted on a principal building or accessory building.
 - b. A roof-mounted system, whether mounted on the principal building or accessory building, may not exceed the maximum principal building height or accessory building height specified for the building type in the underlying zoning district.

- c. In no instance shall any part of the solar energy system extend beyond the edge of the roof.
 - d. A roof-mounted system must have a three-foot setback from the edge of the gutter and from the chimney.
 - e. A roof-mounted system shall be located to ensure that any solar glare is directed away from adjacent properties and roads.
6. Ground-mounted solar energy systems.
- a. A ground-mounted system shall not exceed the maximum building height for accessory buildings.
 - b. The surface area of a ground-mounted system, regardless of the mounted angle, shall be calculated as part of the overall lot coverage.
 - c. A ground-mounted system or system attached to an accessory building shall not be located within the required front yard setback.
 - d. Solar panels shall be placed such that concentrated solar radiation or solar glare shall not be directed onto nearby properties or roadways.
 - e. All exterior electrical and/or plumbing lines must be buried below the surface of the ground and placed in a conduit.
 - f. A ground-mounted system shall be placed in the side and rear yard only and shall meet all setback and yard requirements for the district in which it is located.
7. All mechanical equipment associated with and necessary for the operation of the solar energy system shall comply with the following:
- a. Mechanical equipment shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of shrubbery, trees, or other non-invasive plant species that provides a visual screen. In lieu of a planting screen, a decorative fence meeting the requirements of this Chapter may be used.
 - b. Mechanical equipment shall not be located within the minimum front or street yard of the parcel.
 - c. Mechanical equipment shall comply with the setbacks specified for accessory structures in the underlying zoning district.
8. No adjacent property owners shall be required to remove vegetation or structures that may block sunlight to the solar energy system during the initial installation of a system.
9. A solar energy system shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials. The manufacturers and equipment information, warning, or indication of ownership shall be allowed on any equipment of the solar energy system provided they comply with the prevailing sign regulations.

10. The design of the solar energy system shall conform to applicable industry standards. A building permit shall be obtained for a solar energy system per Chapter 101, Wis. Stats. All wiring shall comply with the applicable version of the National Electric Code (NEC). The local utility provider shall be contacted to determine grid interconnection and net metering policies. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturer from a certifying organization and any such design shall be certified by an engineer registered in the State of Wisconsin.
11. If a solar energy system is defective or is deemed to be unsafe by the Building Inspector, the solar energy system shall be required to be repaired by the Owner to meet federal, state, and local safety standards, or be removed by the property Owner within the time period allowed by the Plan Commission. If the Owner fails to remove or repair the defective or abandoned solar energy system, the Town may pursue a legal action to have the system removed at the Owner's expense.

7.03 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 systems 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 Chapter 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. Above ground 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 onsite 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.

7.04 OUTDOOR FURNACES

(A) Applicability.

1. This Section applies to outdoor furnaces installed or constructed after the effective date of the ordinance.
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 District 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 in Table 19-1. For the purpose of this Section of the Ordinance, 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 2 feet
50 feet to 99 feet.	75 percent of the height of the highest eave of that residence plus 2 feet
100 feet to 149 feet.	50 percent of the height of the highest eave of that residence plus 2 feet
More than 150 feet.	25 percent of the height of the highest eave of that residence plus 2 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 of the Ordinance.
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.

7.05 ELECTRIC VEHICLE INFRASTRUCTURE

- (A) Applicability.
 1. This Section applies to 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 the R-1, R-2, B-1, M-1, and P-1 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 the A-1, R-1, and R-2 Districts is prohibited.
 - b. Level-3 electric vehicle charging stations shall require a Conditional Use Permit in the B-1 and M-1 Districts as an accessory to a principal use, other than as described in Section 4.08(5)(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 located in zoning districts that permit service stations and shall require a Conditional Use Permit.
- (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.
 - c. When a sign provides notice that a parking spaces a publicly designated electric vehicle charging station, no person shall park or stand any non-electric 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.

7.06 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 with a Conditional Use Permit in the A-1 and R-1 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.

SECTION 8.00 NONCONFORMING USES, STRUCTURES, AND LOTS

8.01 EXISTING NONCONFORMING USES

The lawful nonconforming use of a structure, land, or water existing at the time of the adoption or amendment of Chapter 17 may be continued although the use does not conform with the provisions of this Chapter; however:

- (1) Only That Portion of the land, water, or structure in actual use may be so continued and the nonconforming use may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Chapter.
- (2) Total Lifetime Structural Repair or alterations to a structure containing a nonconforming use shall not exceed 50 percent of the Town's assessed value of the structure unless it is permanently changed to conform to the use provisions of this 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.
- (3) Substitution of New Equipment may be permitted by the Board of Zoning Appeals if such equipment will reduce the incompatibility of the nonconforming use with neighboring uses.
- (4) 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 Chapter 17.

- (5) 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 percent of its assessed value, it shall not be restored except so as to comply with the provisions of Chapter 17.

8.02 EXISTING NONCONFORMING STRUCTURES

- (1) A Nonconforming Structure with a conforming use lawfully existing at the time of the adoption or amendment of this Ordinance may be continued although the structure's size or location does not conform to the Development Regulations of this Ordinance.
- (2) 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.
- (3) Additions and Enlargements to existing nonconforming structures with a conforming use are permitted and shall conform to the established yard/setback, height, parking, loading, and access provisions of this Ordinance. 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 onsite sewage treatment systems (POWTS).
- (4) Existing Nonconforming Structures may be moved and shall conform to the established yard/setback, height, parking, loading, and access provisions of this Ordinance.
- (5) 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 Ordinance, 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.

- (6) Once a nonconforming use or structure has been changed to conform with the provisions of Chapter 17, it shall not revert back to a nonconforming use or structure.

8.03 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.

- (1) 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.
- (2) 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.

SECTION 9.00 PERFORMANCE STANDARDS

9.01 COMPLIANCE

Chapter 17 permits specific uses in specific districts, and these performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or district. No structure, land, or water shall hereafter be used except in compliance with the district regulations and with the following performance standards.

9.02 AIR POLLUTION

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

9.03 FIRE AND EXPLOSIVE HAZARDS

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

9.04 GLARE AND HEAT

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

9.05 LIQUID OR SOLID WASTES

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

9.06 NOISE

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

9.07 ODORS

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

9.08 RADIOACTIVITY AND ELECTRICAL DISTURBANCES

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

SECTION 10.00 BOARD OF ZONING APPEALS

10.01 ESTABLISHMENT

There is hereby established a Board of Zoning Appeals for the Town of Polk for the purpose of hearing appeals and applications and granting variances and exceptions to the provisions of Chapter 17 in harmony with the purpose and intent of Chapter 17.

10.02 MEMBERSHIP

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

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

10.03 ORGANIZATION

The Board of Zoning Appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of Chapter 17.

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

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

10.04 POWERS

The Board of Zoning Appeals shall have the following powers:

- (1) Errors: To hear and decide appeals where it is alleged there is error in any 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 result in practical difficulty or unnecessary hardship, so that the spirit and purposes of Chapter 17 shall be observed and the public safety, welfare, and justice secured. Use variances shall not be granted.

10.05 APPEALS AND APPLICATIONS

Appeals concerning the literal enforcement of Chapter 17 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 or any other person approved by the Building Inspector showing all of the information required under Section 2.03 of this Chapter for a Building Permit.
- (3) Additional Information as may be required by the Zoning Board of Appeals.

10.06 HEARINGS

The Zoning Administrator 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 ten (10) days prior to the hearing. At the hearing the appellant or applicant may appear in person, by agent, or by attorney.

10.07 FINDINGS

No variance to the provisions of Chapter 17 shall be granted by the Board unless it finds by the preponderance of evidence presented that all the following facts and conditions exist and so indicates in the minutes of its proceedings.

- (1) Preservation of Intent: No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted use, accessory use, or conditional use in that particular district.
- (2) Exceptional Circumstances: There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties of uses in the same district, and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Ordinance should be changed.
- (3) Economic Hardship and Self-Imposed Hardship Not Grounds for Variance: No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.
- (4) Preservation of Property Rights: The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
- (5) Absence of Detriment: No variance shall be granted that will create substantial detriment to adjacent property and will materially impair or be contrary to the purpose and spirit of Chapter 17 or the public interest.

10.08 DECISION

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

10.09 REVIEW BY COURT OF RECORD

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

SECTION 11.00 CHANGES AND AMENDMENTS

11.01 AUTHORITY

Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Town Board may, by ordinance, change the District boundaries or amend, change, or supplement the regulations established by this Chapter or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the Plan Commission.

11.02 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.

11.03 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:

- (1) 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.
- (2) Owners' Names and Addresses of all parties in interest as defined in Section 13.02 of this Chapter.
- (3) Additional Information required by the Plan Commission or Town Board in order to give appropriate consideration to the petition.

11.04 REVIEW AND RECOMENDATIONS

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.

The Plan Commission shall review the proposed changes or amendments to Chapter 17 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.

11.05 PUBLIC HEARING

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

11.06 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.

11.07 PROTEST

In the event of a protest against such district change or amendment to the regulations of Chapter 17, duly signed and acknowledged either by the owners of 20 percent or more of the areas of the land included in such proposed change, by the owners of 20 percent or more of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of the full Town Board membership.

SECTION 12.00 FEES AND PENALTIES

12.01 FEES

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

12.02 VIOLATIONS

It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of Chapter 17. 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.

12.03 PENALTIES

Any person, firm, or corporation who fails to comply with the provisions of Chapter 17 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.

SECTION 13.0 DEFINITIONS

13.01 GENERAL DEFINITIONS

For the purpose of Chapter 17, certain words or phrases shall have meanings that either vary somewhat from their customary dictionary meanings or are intended to be interpreted to have a specific meaning. Words used in the present tense in this Chapter include the future. The word “person” includes a firm, association, partnership, trust, company, or corporation as well as an individual. The word “shall” is mandatory, the word “should” is advisory, and the word “may” is permissive. Any words not defined in this Section shall be presumed to have their customary dictionary definitions.

13.02 SPECIFIC WORDS AND PHRASES

- (1) Abandonment of Operations. The cessation of nonmetallic mining operations for more than three hundred and sixty-five (365) consecutive days where the cessation is not specifically set forth in an operator’s application, operation, or reclamation plan, or by other 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.
- (2) Accessory Use or Structure.
A structure which:
 - (A) Is or will be subordinate to and serves a Principal Structure, land, or water.
 - (B) Is or will be located on the same lot or parcel.
 - (C) Is detached from the Principal Structure.
 - (D) Is not used as living quarters.
- (3) Adult Family Home. A licensed place where three (3) or four (4) 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 (7) hours per week of nursing care per resident; or a licensed private residence where three (3) or four (4) 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 Section 50.01(1) and (1g) of the *Wisconsin Statutes*.

Agricultural Use. 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.
- (4) Alley. A special public right-of-way affording only secondary access to abutting properties.
- (5) 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.
- (6) ANSI. Refers to the American National Standards Institute.
- (7) 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.
- (8) Art Gallery. An institution or business exhibiting or dealing in works of art.
- (9) 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.
- (10) Basement. That portion of any structure located partly below the average adjoining lot grade.
- (11) Battery charging station. An electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles.
- (12) Battery electric vehicle. Means 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.
- (13) Bed & Breakfast. Any place of lodging that provides six (6) or fewer rooms for short-term lodging for more than ten (10) nights in a twelve (12) month period, is the owner's personal residence, is occupied by the owner at the time of rental and in which the only meal served to guests is breakfast. Bed and breakfast establishments shall comply with the standards of Chapter HSS 197, Wisconsin Administrative Code.
- (14) 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.

- (15) Billboard. A free standing sign which advertises a business, trade, activity, commodity, position or like concern which is not located on the same parcel of land on which the sign is located and which exceeds fifty (50) square feet in sign area per face.
- (16) 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.
- (17) 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.
- (18) 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.
- (19) Charging levels. The standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms 1, 2, and 3 are the most common charging levels, and include the following specifications:
- a. Level-1: Voltage from 0 through 120; considered slow charging.
 - b. Level-2: Voltage from 120 through 240; considered medium charging.
 - c. Level-3: Voltage greater than 240; considered fast or rapid charging.
- (20) Clean Wood. Natural wood that has that has been seasoned to reduce its water content and provide more efficient combustion. The term clean wood does not include wood:
- a. Coated with paint, stain, oil, resin or any other preservative, fire retardant or decorative materials.
 - b. Impregnated with preservatives or fire retardants.
 - c. Exposed to salt water.
 - d. Manufactured with use of adhesives, polymers or resins, such as strand, particle ^{board} and veneer lumber and recycled lumber.
- (21) Clothing Repair Shops. Shops where clothing is repaired, such as shoe repair shops, seamstress shops, tailor shops, shoe shine shops, and clothes pressing shops, but none employing more than five (5) persons.
- (22) Clothing Stores. Retail stores where clothing is sold, such as department stores, dry goods and shoe stores, and dress, hosiery, and millinery shops.
- (23) 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.

- (24) Cluster Development. A form of residential development that concentrates buildings or lots and their supporting infrastructure on a portion of the site found to be most favorable for construction, while preserving the remaining land for common open space, agriculture, wildlife habitat, open vistas and views, recreation, or environmentally sensitive features. The concentration of lots is facilitated by a reduction in lot size, while complying with the density provisions of this Chapter. Such development could consist of one or more cluster groups surrounded by common open space.
- (25) Commercial communications. Communications used by government and military entities for emergency purposes, licensed amateur radio service, and non-emergency 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.
- (26) Community-Based Residential Facility (CBRF). A place where five (5) or more adults who are not related to the operator or administrator of the facility reside and receive care, treatment, or services above the level of room and board, but not including more than three (3) hours of nursing care per week per resident nor above intermediate-level nursing care. A CBRF is subject to State-level licensing and operational limitations as set forth in Chapter 50 of the *Wisconsin Statutes*. A CBRF does not include any of the following: a convent, facilities for victims of domestic abuse, a shelter, or other facilities excluded in Section 50.01(1g) of the *Statutes*.
- (27) 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).
- (28) CSA. Refers to the Canadian Standards Association testing service.
- (29) Decommissioning. The removal of all of the following:
- (a) The above ground 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.
 - (b) All below ground facilities, except the following:
 1. Underground collector circuit facilities.
 2. Those portions of concrete structures 4 feet or more below grade.
- (30) Density, Net. The net area required for a residence not located in the A-1 District divided by an acre (43,560 square feet). The result is expressed as dwelling units per net acre. Net acres, used in computing net density, are the net area or actual site area of a parcel devoted to the residential use, excluding street rights-of-way, and consists of the building footprint area including any driveway, patio, or deck; required yards; and open space that is part of the residential lot or site.

- (31) Development Regulations. Those portions of this Chapter pertaining to lot area, lot width, bulk, yard, frontage, height, parking, loading, or separation distance requirements.
- (32) District, Basic. A part or parts of the Town for which the regulations of this Chapter governing the use and location of land and buildings are uniform (such as the Agricultural, Residential, Institutional, Business, Industrial, Quarrying, Sanitary Landfill, and Park Zoning District classifications).
- (33) District, Overlay. A zoning designation that modifies the underlying basic use zoning district requirements in a specific manner.
- (34) 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.
- (35) Dwelling, Single-Family. A detached residential building designed for or occupied exclusively by one (1) family and surrounded by open space or yards and which is not attached to any other dwelling by any means.
- (36) Dwelling, Multi-Family. A residential building designed for or occupied by three (3) or more families, with the number of families in residence not to exceed the number of dwelling units provided.
- (37) Efficiency. A dwelling unit consisting of one (1) principal room with no separate sleeping rooms.
- (38) 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:
 - e. A battery electric vehicle.
 - f. A plug-in hybrid electric vehicle.
- (39) 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.
- (40) Electric vehicle charging station-private restricted use. An electric vehicle charging station that is:
 - a. Privately owned and restricted access (e.g., single-family home, executive parking, designated employee parking); or
 - b. Publicly owned and restricted (e.g., fleet parking with no access to the general public).

- (41) Electric vehicle charging station-public use. Means an electric vehicle charging station that is:
- a. Publicly owned and publicly available (e.g., Park & Ride parking, public library parking lot, on-street parking); or,
 - b. Privately owned and available to visitors of the use (e.g., shopping center parking).
- (42) Electric vehicle infrastructure. Means conduit/wiring, structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations and rapid charging stations.
- (43) Electric vehicle parking space. Means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.
- (44) Emergency Shelter. Public or private enclosures designed to protect people from aerial, radiological, biological, or chemical warfare and from fire, flood, windstorm, riots, and invasions.
- (45) 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.
- (46) 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.
- (47) Essential Services. Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings.
- (48) ETL. Refers to the Intertek ETL testing service.
- (49) Expressway. A divided arterial street or highway with full or partial control of access and with or without grade-separated intersections.
- (50) Family. Any number of persons related by blood, adoption, or marriage, or not to exceed four (4) persons not so related, living together in one (1) dwelling as single housekeeping entity.
- (51) Farm. All land under common ownership that is primarily devoted to agricultural use

- (52) 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.
- (53) 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.
- Flyrock. Rock, gravel, soil, and other materials which may be ejected during blasting operations associated with a nonmetallic mine.
- (54) Foster Home. Any facility operated by a person required to be licensed by the State of Wisconsin pursuant to Section 48.62 of the *Wisconsin Statutes* for the care and maintenance of four (4) or fewer children or, if necessary to enable a sibling group to remain together, for no more than six (6) children or, if the State promulgates rules permitting a different number of children, for the number of children permitted under those rules.
- (55) Flood, Regional. A flood determined to be representative of large floods known to have occurred in Wisconsin and has a one (1) percent chance of being equaled or exceeded in any given year (also referred to as the one (1) percent annual probability flood or 100-year recurrence interval flood).
- (56) Floodfringe. The portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.
- (57) Floodplain. Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.
- (58) Floodway. The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
- (59) Freeway. An expressway with full control of access and with fully grade-separated intersections.
- (60) Frontage. The smallest dimension of a lot abutting a public or private street measured along the street line.
- (61) Geothermal Energy System. A sealed, watertight loop of pipe buried outside of a building foundation, intended to re-circulate 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.
- (62) Geothermal 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.

- (63) Geothermal 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.
- (64) Ground-Mounted Solar Energy System. A solar energy system not attached to another structure and is ground mounted.
- (65) Gift Stores. Retail stores where items such as art, antiques, jewelry, books, and notions are sold.
- (66) Group Home. Any facility operated by a person required to be licensed by the State of Wisconsin pursuant to Section 48.625 of the *Wisconsin Statutes* for the care and maintenance of five (5) to eight (8) children.
- (67) Hardware Stores. Retail stores where items such a plumbing, heating, and electrical supplies, sporting goods, and paints are sold.
- (68) 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.
- (69) 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.
- (70) Household Pets. When conducted within the house or within a residential accessory structure on the same site, include, but are not necessarily limited to: dogs, cats, guinea pigs, hamsters, rabbits, ferrets, domestic or exotic birds (except game fowl, poultry, ostriches, emus and other similar birds), non-poisonous reptiles and amphibians, fish, and/or the keeping of other domesticated or caged small animals when deemed by the Plan Commission to be substantially the same as an animal listed above.
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- (71) Home Occupation. An occupation in a residential district conducted entirely in a dwelling unit, provided that:
- a. The use of the dwelling unit for the home occupation shall be clearly
 - b. incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character thereof.

- c. No person other than members of the family residing on the premises shall be engaged in such occupation.
- d. 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, non-illuminated, mounted flat against the wall of the principal building.
- e. No home occupation shall occupy more than 25 percent of the first floor area of the residence. No home occupation shall be conducted in any accessory building or structure.
- f. 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.
- g. 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.

(72) Incubator, Business. 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 zoning district.

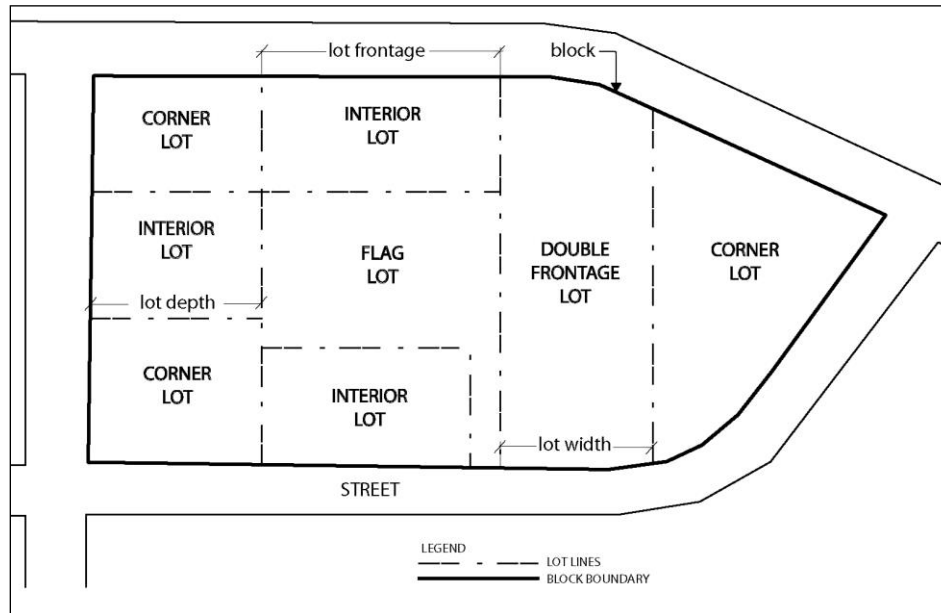
(73) Incubator, Manufacturing. A public or private facility or structure designed to cultivate and accelerate the growth of light manufacturing businesses that may include flexible physical space, access to capital, common services, and computer networking connections that may be the Principal Use or Structure or accessory to the Principal Use or Structure, the uses of which are compliant with the M-1 zoning district.

(74) 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.

(75) Interchange. A grade-separated intersection with one (1) or more turning lanes for travel between intersection legs.

(76) Intermediate-Level Nursing Care. Basic care that is required by a person who has a long-term illness or disability that has reached a relatively stable plateau.

- (77) 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.
- (78) Livestock. Bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish.
- (79) Living Rooms. All rooms within a dwelling except closets, foyers, storage areas, utility rooms, and bathrooms.
- (80) Loading Area. A completely offstreet space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.
- (81) Lot and Lot Area. For the purpose of the Town of Polk Zoning Ordinance, a lot shall be defined as a tract of land on which a Principal Structure and its Accessory Structure(s) are or may be placed, together with the required open spaces. No lands dedicated to the public or reserved for roadway purposes shall be included in the computation of lot area except in the A-1 General Agricultural District. Lot areas in an A-1 District shall be measured as provided in Section 2.06(2)(B).
- (82) Lot, Corner. A lot abutting two (2) or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side (See Lot Type Illustration).
- (83) Lot, Double Frontage (also Through Lot). A parcel of land, other than a corner lot, with frontage on more than 1 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 2 Street Yards and no Rear Yard (See Lot Type Illustration).
- (84) 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).
- (85) Lot, Interior.
Any lot that is not a corner lot or a double frontage lot (See Lot Type Illustration).
- (86) Lot Lines. The peripheral boundaries of a parcel of land within which lot area is computed.
- (87) Lot Type Illustration



(88) Lot Width. The width of a parcel of land measured at the rear of the specified street yard. Exception: Lot width in an A-1 District shall be measured at the road right-of-way.

(89) Machine Shops. Shops where lathes, presses, grinders, shapers, and other wood and metal working machines are used, such as blacksmith, tinsmith, welding, and sheet metal shops, and plumbing, heating, and electrical repair and overhaul shops.

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.

(90) Mineral Extraction. The removal of rock, slate, gravel, sand, topsoil, or other natural material from the earth by excavating, stripping, leveling, or any other process.

(91) 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.

(92) Minor Structures. Any small, movable accessory erection or construction such as birdhouses, tool houses, pet houses, play equipment, or arbors; walls and fences under four (4) feet in height; and name, occupation, and warning signs less than two (2) square feet in area.

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.

- (88) Motel. A series of attached, semi-attached, or detached sleeping units for accommodation of transient guests for a continuous period of not more than 30 days within each calendar quarter.
- (89) Nameplate capacity. The nominal generating capacity of a wind energy system, as listed in the wind turbine specifications provided by the wind turbine manufacturer.
- (90) Non-Commercial Signs. Signs that convey a message which has no relationship to commerce.
- (91) 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 Chapter 17 or amendments thereto which does not conform to the use restrictions of this Chapter.
- (92) Nonconforming Structure. A dwelling or other structure that existed lawfully at the time of the effective date of Chapter 17 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.
- (93) Nonelectric vehicle. Any motor vehicle that does not meet the definition of electric vehicle.
- (94) 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.
- (95) 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.
- (96) 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 minerals 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.

- (97) Nonparticipating property. Real property that is not a participating property.
- (98) Nonparticipating residence. A residence located on nonparticipating property.
- (99) Occupied community building. A school, church or similar place of worship, daycare facility or public library.
- (96) 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.
- (97) 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.
- (98) Outdoor Furnace. A fuel-burning device (also known as a hydronic heater, wood-fired boiler, and wood-burning appliance), designed:
- a. To burn clean wood or other fuels specifically tested and listed for use by the manufacturer.
 - b. By the manufacturer specifically for outdoor installation or installation in structures not normally intended for habitation by humans or domestic animals.
 - c. 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.
- (99) Owner" means:
- (a) 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.
 - (b) 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.
- (100) Parking Lot. A structure or premise containing 10 or more parking spaces open to the public for rent or a fee.
- (101) 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.

- (102) Participating property. Any of the following:
- (a) A turbine host property.
 - (b) Real property that is the subject of an agreement that does all of the following:
 - 1. 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.
 - 2. 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.
- (103) Participating residence. A residence located on participating property.
- (104) Parties in Interest, General. Includes all abutting property owners, all property owners within 100 feet, and all property owners of opposite frontages.
- (105) 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.
- (106) 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) as defined in Section 4.08 and elsewhere in this Chapter.
- (107) Personal communications. Includes wireless telecommunications, personal communications service, radio, television, wireless internet service, and other systems used for personal use purposes.
- (108) Photovoltaic Cell. A semiconductor device that converts solar energy into electricity.
- (109) Plug-in hybrid electric vehicle. An electric vehicle that:
- a. Contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor.
 - b. Charges its battery primarily by connecting to the grid or other off-board electrical source (generally, the electric grid).
 - c. May additionally be able to sustain battery charge using an on-board internal-combustion-driven generator.
 - d. Has the ability to travel powered by electricity.
- (110) Physical Culture. An establishment such as a health club, exercise business, or other business where people go for exercise or other physical activity.

Principal Structure. The primary structure on a parcel of land where the Principal Use occurs.

- (111) Principal Use. The Permitted Use or Conditional Use that fulfills the primary function the parcel.

- (112) Rear Yard. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the street yard or one (1) of the street yards on a corner lot.
- (113) 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.
- (114) 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 18: Nonmetallic Mining Reclamation and Chapter NR 135, Wis. Adm. Code.
- (115) 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 other wise may be deemed unbuildable due to site limitations.

Residence. An occupied primary or secondary personal residence including a manufactured home as defined in Chapter [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:

- (a) A recreational vehicle as defined in s. [340.01 \(48r\)](#), Stats., notwithstanding the length of the vehicle.
- (b) A camping trailer as defined in s. [340.01 \(6m\)](#), Stats.
- (c) A permanently abandoned personal residence.

- (116) Residential Care Center for Children and Youth. A facility operated by a child welfare agency licensed by the State pursuant to Section 48.60 of the *Wisconsin Statutes* for the care and maintenance of children residing in that facility.
- 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.
- (117) Retreat Center or Informal Education Facility. An establishment providing a place for a period of withdrawal for 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.

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.

- (118) Shore Yard. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between a navigable body of water and a line parallel thereto through the nearest point of the principal structure.
- (119) Side Yard. A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure.
- (120) Signs. Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity, or product being sold or produced on the premises and which is visible from any public street or highway.
- (121) 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.
- (121) Smoke Unit. The number obtained when the smoke density in Ringelmann number is multiplied by the time of emission in minutes.
- (122) Soil Mapping Unit Lines. The boundaries of soils shown on the operational soil survey maps prepared by the U. S. Department of Agriculture, Natural Resources Conservation Service (NRCS).
- (123) Solar Collector System. A device, structure or part of a device or structure a substantial purpose of which is to transform solar energy into thermal, mechanical, chemical or electrical energy.
- (124) Solar Energy. Radiant energy received from the sun.
- (125) Solar Glare. The effect produced by light reflecting from a solar panel with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.
- (126) Solar Panel. A group of photovoltaic cells are assembled on a panel. Panels are assembled on-site into solar arrays.
- (127) 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.

- (128) Street Yard, Primary. 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 right-of-way lines, whichever is greater, and a line parallel thereto through the nearest point of the principal structure. Except in the A-1 District, corner lots shall have two (2) such yards.
- (129) Street Yard, Secondary. A yard extending across the full width of the lot, not otherwise defined as a Primary Street Yard, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway right-of-way lines, whichever is greater, and a line parallel thereto through the nearest point of the Principal Structure.
- (130) Street. A public right-of-way or private road providing primary access to abutting properties.
- (131) Structure. Any manmade object with form, shape, and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed, or lake bed.
- (132) Structural Alterations. Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders.
- (133) 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 re-spreading 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.
- (134) 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.
- (135) Transitory Structure. A non-permanent structure that may be the sole structure in an agricultural zoning district but is accessory to a Principal Structure in a non-agricultural zoning district.
- (136) Turbine host property. Real property on which at least one wind turbine is located.
- (137) Turning Lanes. An existing or proposed connecting roadway between two (2) arterial streets or between an arterial street and any other street. Turning lanes include grade-separated interchange ramps.
- (138) UL. Refers to the Underwriters Laboratories testing service.
- (140) 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 Section 2.08 of this Chapter.

- (141) USEPA. Refers to the United States Environmental Protection Agency.
- (142) 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.
- (143) 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.
- (144) Wind energy system. A system as defined in Chapter [66.0403\(1\)\(m\)](#), Wis. Stats., used to convert wind energy to electrical energy.
- (145) 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.
- (146) 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.
- (147) 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.
- (148) Wind Energy System Types. The following types of wind energy systems are regulated under the terms of this Chapter:
 - a. 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.
 - b. 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.
- (149) Wind Generator. Blades and associated mechanical and electrical conversion components mounted on top of the tower.

(150) Wind Tower. The monopole, freestanding, or guyed structure that supports a wind turbine generator.

(151) Winery. A retail operation associated with a Principal Use that includes the production, sale, and consumption of wine; exhibits, displays, and demonstrations; and ancillary recreational and educational activities including receptions.

(152) Yards. An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation. The street and rear yards extend the full width of the lot.

SECTION 14.00 ADOPTION

14.01 VILLAGE POWERS

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

14.02 REFERENDUM

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

14.03 PUBLIC HEARINGS

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

14.04 PLAN COMMISSION RECOMMENDATION

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

14.05 TOWN BOARD APPROVAL

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

14.06 EFFECTIVE DATE

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

SECTION 15.00 SITE PLAN REVIEW

15.01 Purpose.

The Site Plan Review process provides the Town with a means to promote compatible development; prevent the impairment or depreciation of property values; mitigate against adverse, offsite impacts; and, ensure to the greatest extent practicable that proposed development occurs in harmony with surrounding land uses. Development and redevelopment shall be consistent with the Town of Polk Comprehensive Plan, as amended from time to time.

15.02 Applicability.

A Site Plan Permit is required for development and redevelopment in the zoning districts:

- (1) A-1 General Agricultural District.
 - (A) All conditional uses in the A-1 District.
- (2) R-1 Single-Family Residential District.
 - (A) New construction of single-family residential development created via a subdivision plat or condominium plat.
 - (B) Expansion of or changes to an existing residential subdivision development via replat or similar modification, or a substantial change in the use of any outlots or common facilities.
 - (C) The post-development construction of perimeter fencing, outlot fencing, or other fencing of common facilities.
- (3) R-2 Multi-Family Residential District (Sewered).
 - (A) All new construction and substantial modifications to existing development.
- (4) I-1 Institutional District.
 - (A) All new construction and substantial modifications to existing development.
- (5) B-1 Business District and M-1 Industrial District
 - (A) New construction of a building or other structure.
 - (B) Expansion of an existing structure that involves a floor space increase of twenty (20) percent or more within any 10-year period.
 - (C) The construction of a new parking lot, or alteration or expansion of an

existing parking, lot that affects greater than ten (10) percent of the total number of parking spaces.

- (D) Remodel or exterior alteration of any building or other structure, the cost of which exceeds five (5) percent of the structure's total fair market value as determined by the Permit Issuer.

(6) P-1 Park District

- (A) A new park.
- (B) The addition of new structures or facilities at an existing park.
- (C) The substantial modification of existing facilities at a park.

(7) PUD Planned Unit Development Overlay District

- (A) Refer to section 3.13.

15.03 Principles.

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 façade constructed or faced with a finished material not aesthetically compatible with nearby façades of surrounding buildings or presents an unattractive appearance to the public and to surrounding properties.
- (6) The façade 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 minimum of 30% of a façade 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. Such finished material shall extend for a distance of at least 20 feet along the sides of the structure. All buildings on corner and double-frontage lots shall have the required finished façade facing each street. No plain concrete block building or metal-faced building, except those with an attractive finished surface mentioned above shall be permitted. 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 located in a 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) 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.
- (12) 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.
- (13) 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.
- (14) 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.

- (15) No building or use shall be permitted that would have a negative impact on the maintenance of safe and healthful conditions in the Town.
- (16) 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 land forms, and disruption of natural drainage patterns.
- (17) Buildings and uses shall provide for safe traffic circulation and safe driveway locations.
- (18) Buildings and uses shall provide adequate parking and loading areas.
- (19) Appropriate buffers shall be provided between dissimilar uses, consistent with the standards presented in Section 16.00 of this Chapter.
- (20) No buildings shall impair the enjoyment or historic attractions of significant historic interest.
- (21) 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.
- (22) Development shall comply fully with the requirements of Section 16.00 of this Chapter.
- (23) Other principles deemed appropriate as may be imposed by the Plan Commission.

15.04 Initiation of Process: Payment of Fee.

The site plan review process shall be initiated prior to the commencement of any site disturbing activities such as grading, filling, vegetation removal, etc. associated with the proposed activity. Payment of the appropriate fee, as set forth by the Town of Polk Fee Schedule upon submittal of the formal application as described in Section 15.06.

15.05 Pre-application Conference.

To assist the Town and the applicant in the site plan review process, an applicant for site plan review may arrange for a preapplication conference with the Plan Commission by submitting forms and sketch plans as prescribed by the Permit Issuer prior to submission of a formal application. A preapplication conference need not include extensive field inspection or correspondence. The purposes of the preapplication conference are to bring

about an informal discussion regarding a proposed project, and to assist the applicant by identifying the following:

- (1) Requirements for submittal, including any other types of permits necessary to complete the proposal.
- (2) Applicable community plans, goals, policies, codes or guidelines and possible revisions to the proposed project that will enhance the proposal with respect to these requirements.
- (3) Required plans, studies, reports, and/or other materials specific to the proposal that will provide necessary information for staff to review the project.
- (4) The discussion at the preapplication conference shall not bind or prohibit the community's future enforcement or application of its codes and ordinances.

15.06 Application.

An Application for Site Plan Review shall be made on a form provided by the Town and shall be submitted to the Zoning Administrator along with any required information as set forth in this Section. Upon determination of receipt of a complete application the Zoning Administrator shall transmit copies to the Plan Commission and other parties as deemed necessary. Within 21 days of receipt of the application packet, the Zoning Administrator or designee shall review the application packet and prepare a staff report for the Plan Commission with recommendations to approve, approve conditionally, or deny the proposed site plan.

15.07 Submission Requirements.

A site plan shall be prepared on standard 24" x 36" sheets, with continuation on 8 1/2" x 11" sheets as necessary for written narrative. The Permit Issuer or other decision-making body may require any of the following items as part of the formal site plan submission:

- (1) Name of the project, boundaries, and location maps showing the site's location in the community, date, north arrow and scale of the plan.
- (2) Name and address of the owner of record, developer, and seal of the engineer, architect or landscape architect.
- (3) Names and addresses of all owners of record of abutting parcels and those within one hundred feet (100') of the property line.
- (4) All existing lot lines, easements, and rights-of-way. Include area in acres or square feet, abutting land uses and the location and use of structures within one hundred feet (100') of the site.
- (5) The location and use of all existing and proposed buildings and structures within the development. Include all dimensions of height and floor area, and show all exterior entrances, and all anticipated future additions and alterations.

- (6) The location of all present and proposed public and private ways, parking areas, driveways, sidewalks, ramps, curbs, fences, paths, landscaping walls and fences.
- (7) Location, type, and screening details for all waste disposal containers shall also be shown.
- (8) The location, height, intensity and coverage area of all external lighting fixtures.
- (9) The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.
- (10) The location, height, size, materials, and design of all proposed signage.
- (11) The location of all present and proposed utility systems including sewage system; water supply system; telephone, cable and electrical systems; storm drainage system including existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, hydrants, manholes and drainage swales.
- (12) Soil logs, percolation tests and storm runoff calculations for large or environmentally sensitive developments.
- (13) Plans to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive runoff, excessive raising or lowering of the water table, and flooding of other properties as applicable.
- (14) Existing and proposed topography at two-foot (2') contour intervals. If any portion of the parcel is within the 100-year floodplain, the area shall be shown and base flood elevations given. Indicate areas within the proposed site and within fifty feet (50') of the proposed site, where ground removal or filling is required, and give its approximate volume in cubic yards.
- (15) A landscape plan showing all existing natural land features, trees, forest cover and water sources, and all proposed changes to these features including size and type of plant material. The Town will encourage the use of regionally native plant species. Water sources will include ponds, lakes, brooks, streams, wetlands, floodplains and drainage retention areas.
- (16) Zoning district boundaries within five hundred feet (500') of the site's perimeter shall be drawn and identified on the plan.
- (17) Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on the site and within one hundred feet (100') of the site.
- (18) 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) Maximum number of employees.
- (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.

15.08 Procedure.

An Application for Site Plan Review shall be made on a form provided by the Town and shall be submitted to the Zoning Administrator along with any required information as set forth in this Section. Upon determination of receipt of a complete application the Zoning Administrator shall transmit copies to the Plan Commission and other parties as deemed necessary. Within 21 days of receipt of the application packet, the Zoning Administrator or designee shall review the application packet and prepare a staff report for the Plan Commission with recommendations to approved, approve conditionally, or deny the proposed site plan.

15.10 Decision of Plan Commission.

The Plan Commission's decision shall consist of either:

- (1) Approval of the site plan.
- (2) Approval of the site plan subject to any conditions, modifications or restrictions as imposed by the Commission.
- (3) Disapproval of the site plan.

15.11 Criteria for Review.

The Plan Commission shall review the site plan and supporting documents to assess the reasonable fulfillment of the requirements listed in Section 15.03 and 15.07 above.

SECTION 16.00 LANDSCAPING STANDARDS

16.01 General.

The Town of Polk finds that is in the public interest for all developments to provide landscape improvements for the purposes of complementing the natural environment; improving the general appearance of the Town and enhancing its aesthetic appeal; preserving the economic base; improving quality of life; delineating and separating use areas; increasing the safety, efficiency, and aesthetics of use areas and open space; screening and enhancing privacy; mitigating the diverse impact of climate; conserving energy; abating erosion and stabilizing slopes; deadening sound; and preserving the quality of our air and water.

16.02 Landscape Plan.

All applicants for building permits for proposed development or redevelopment in all zoning districts, excepting in the A-1 District and residential development via Certified Survey Map in the R-1 District, shall submit a landscape plan, prepared pursuant to Section 16.03 below, for review and approval as required herein prior to the request for a building permit. Where procedures and requirements imposed by this section are either more restrictive or less restrictive than comparable procedures and requirements imposed by any other provision of this chapter or any other law, ordinance, resolution, rule or regulation or any kind, the regulations which are more restrictive or impose higher standards or requirements shall govern.

16.03 Procedure.

The following procedure shall be followed for the submittal of landscape plans:

- (3) Preliminary consultation. Prior to the submittal of a landscape plan, it is recommended that the developer/owner meet with the Zoning Administrator to discuss zoning district, site plan, and landscaping plan 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/owner and the Town.
- (4) Plan submittal. Twelve copies of all landscape plans requiring approval by the Plan Commission shall be submitted to the Zoning Administrator. Landscaping plans may be submitted separately or included in the site plan. All plans shall be drawn to an engineering scale no greater than one inch equals 100 feet plus one complete set of such plans reduced in size to 11 inches by 17 inches and contain the following information:
 - (A) The location and dimensions of all proposed open space/green space areas.
 - (B) Identification of all proposed vegetation:
 1. Symbols, quantities, common names, and size of all plant materials.
 2. Showing all species to scale of mature crown diameter or spread.

- (C) All existing vegetation to be retained on site.
- (D) Typical sections of berms, fences, retaining walls, planter boxes, etc.
- (5) Reviews. Review of landscape plans shall be conducted concurrently and follow the same procedure as site plan review.
- (6) Appeals. Appeals of Zoning Administrator and Plan Commission decisions may be made to the Appeals Board.

16.04 Specific requirements.

- (2) Ground cover. Open space areas shall, at a minimum, be seeded six months after completion of building. The following exceptions may be granted by Town staff during the review process:
 - (A) The use of mulch material for shrubs and foundation plantings.
 - (B) The seeding of future expansion areas delineated on site plan.
 - (C) Areas maintained in a natural state that are undisturbed during construction.
 - (D) Other landscape elements such as decks, patios, stepping stones (pavers), or landscape stones may be incorporated therein.
- (3) Minimum size of plantings. Tree size, spacing and frequency requirements shall be determined per land use, site plan configurations and as deemed appropriate by the Zoning Administrator and Plan Commission during the site review procedure. Such requirements may vary depending upon the use and intensity of adjoining parcels.
- (4) Species.
 - (A) All trees used in site development shall be indigenous to the appropriate hardiness zone and physical characteristics of the site.
 - (B) All plant material shall conform to "American Standards for Nursery Stock," latest edition; sponsored by the American Association of Nurserymen, Inc. All vegetation shall be planted in accordance with accepted planting procedures.
 - (C) All proposed vegetation included in the landscape plan shall be reviewed by the Zoning Administrator and Plan Commission to assure compliance with the requirements contained herein.
- (5) Implementation/replacement.

- (A) All approved landscaping is to be installed in accordance with compliance timetable.
 - (B) Any vegetation included on an approved landscape plan that dies shall be replaced by the owner/developer within one planting season. Vegetation replaced shall conform to the approved landscape plan and the requirements contained herein.
- (6) Prohibited landscaping species. The following species have been identified as invasive by the Wisconsin Department of Natural Resources (WDNR) due to their ability to invade wild areas, outcompete native species, degrade habitats, and potentially cause extensive ecological damage. They are prohibited for use in all landscaping plans in the R-2, I-1, B-1, and M-1 Districts, and for residential subdivision development in the R-1 District.
- (A) Trees and shrubs.
 - 1. Autumn olive.
 - 2. Buckthorn – common, glossy.
 - 3. Honeysuckle – Amur, Morrow, showy, Tatarian.
 - 4. Japanese barberry.
 - 5. Maple – Amur, Norway.
 - 6. Smooth sumac.
 - 7. White mulberry.
 - (B) Vines.
 - 1. American bittersweet.
 - 2. Oriental bittersweet.
 - 3. Ground covers.
 - 4. Birds-foot trefoil.
 - 5. Crown vetch.
 - 6. Flowers and Wildflowers.
 - 7. Dames rocket.
 - 8. Multiflora rose.
 - 9. Purple loosestrife.
 - 10. Yellow iris.
 - (C) Grasses.
 - 1. Maiden grass.
 - 2. Reed canary grass.
 - (D) Aquatic.
 - 1. Flowering rush.
 - 2. Water hyacinth.
 - 3. Water lettuce.

4. Yellow floating heart.
- (E) Any other species determined by the town of Polk, Washington County, or WDNR to be invasive and harmful to the environment.
- (7) Maintenance. It shall be the joint responsibility of the owner and/or lessee of the principal use, uses, or building to maintain in a neat and adequate manner all landscaping materials, vegetation, screening, and fences contained in the approved landscape and site plans.
- (8) Compliance timetable. All landscape plans shall include a timetable for construction, installation or planting within a period not to exceed two years from the date of commencement of construction. Any person who is, or has been, required to landscape any part of a zoning lot and who has not complied with that requirement shall, within 60 days of receipt of written notice from the Zoning Administrator/Building Inspector that a violation of this chapter exists, comply with all requirements.

16.05 District requirements.

Future development within the Town shall meet the following minimum requirements:

- (1) R-2 District and residential subdivisions in the R-1 District shall contain, at a minimum:
 - (A) One tree per 50 feet of road frontage.
 - (B) Forty percent of total lot area shall remain open/green space.
- (2) I-1, B-1, and M-1 Districts, shall contain, at a minimum:
 - (A) One tree per 50 feet of road frontage.
 - (B) Twenty-five percent of total lot area shall remain open/green space.
- (3) Buffers. That portion of any R-2, I-1, B-1, and M-1 District that is abutting property zoned R-1 District shall have a landscaped area of at least six feet wide extending the full length of the business, industrial, or multifamily district and meeting the following minimum requirements:
 - (A) One tree per 35 lineal feet, or fraction thereof, of lot line bordering R-1 District.
 - (B) A shrub, border, hedge, wall, fence, or other durable landscape barrier, or combination thereof, at least four feet high, but not exceeding six (6) feet high, which is 90% impervious to sight placed along the perimeter of such landscaped strip, except in the front yard setback.

