

SEWRPC Community Assistance Planning Report No. 295
A COMPREHENSIVE PLAN FOR THE TOWN OF POLK: 2035

Chapter II

EXISTING PLANS AND ORDINANCES: 2007

This comprehensive plan is intended to update existing land use-related plans adopted by the Town of Polk to comply with the comprehensive planning law (Section 66.1001 of the *Wisconsin Statutes*) and to reflect changes that have occurred since earlier Town plans were adopted. This plan is also intended to identify changes to the Town zoning and subdivision ordinance needed to implement the comprehensive plan and to refine and detail the regional land use plan and other areawide plans adopted by SEWRPC and Washington County. Accordingly, an important step in the planning process was a review of the existing framework of areawide and local plans and related land use regulations. This chapter presents a summary of that review. Plans and ordinances described in this chapter summarize those documents as they existed in 2007. Plans summarized in this chapter are an inventory of plans and regulations adopted during or prior to 2007, and should not be confused with the recommendations developed and adopted as part of this comprehensive plan. Comprehensive plan recommendations are set forth in the following nine element chapters (Chapters IV through XII).

PART 1: AREA-WIDE PLANS

Regional Plans

For the past 40 years, SEWRPC has used a cooperative, voluntary approach to preparing regional comprehensive plans. That approach envisions a 10-year planning cycle, beginning with each Federal Census of population and housing. During the first several years of each decade, planning efforts at the regional level are focused on updating the comprehensive planning database (new orthophotography, updated census information, travel surveys, updated land use and environmental corridor inventories, and updated information on local plans and zoning regulations). Population, household, and employment projections for a new design year are also prepared. The next phase of activity involves the preparation, documentation, and adoption of updated regional plans, focusing in particular on the regional land use and transportation plans. The regional plans are prepared cooperatively, with the involvement of State agencies, county and local governments, and private sector interests.

The regional plan contains extensive and detailed inventory information relating to existing land use and natural resources; population and employment information and projections; and regional land use, transportation, and other plan elements that provide an areawide, or metropolitan, planning framework for the preparation of county and local comprehensive plans; although there is no requirement that County and local plans conform to regional plans. Plans prepared by SEWRPC are advisory to County and local governments; however, county and local plans often refine and detail the recommendations set forth in the regional plan. The recommendations and implementation actions related to county and local plans are taken into account when the regional comprehensive plan is updated every 10 years. As a result, there is a continuous feedback loop that seeks to fully integrate local, county, and regional planning in Southeastern Wisconsin.

Regional plans affecting the Town of Polk include:

- The regional land use plan for 2035, adopted in June 2006 (the fifth-generation regional land use plan). The regional land use plan is the building block for all regional plans prepared by SEWRPC. The plan recommends that urban development occur in centralized, compact areas that can be served efficiently by public water, sewer, and other public facilities; that primary environmental corridors be preserved; and that prime agricultural lands outside planned urban service areas be protected. The regional plan recommends that each County identify prime agricultural lands through its Farmland Preservation Plan.
- The regional transportation system plan for 2035, adopted in June 2006 (the fifth-generation regional transportation plan) is intended to provide a vision for, and guide to, transportation system development in the Region. The plan consists of four principal elements: public transit, systems management, bicycle and pedestrian facilities, and arterial streets and highways. Future needs for transit, street and highway, and other transportation improvements identified through the regional transportation planning process are designed to serve the future growth proposed in the regional land use plan. The Town of Polk has expressed concerns about some of the recommendations for arterial streets and highways in the plan, which are noted in the Transportation and Intergovernmental Cooperation Elements (chapters VIII and XI, respectively).
- The regional natural areas plan, adopted in September 1997, identifies the most significant remaining natural areas, critical species habitats, geological sites, and archaeological sites in the Region, and recommends means for their protection and management. The plan identifies potential sites to be placed in public or private protective ownership, and other sites to be protected, insofar as it is possible, through zoning or other regulatory means without protective ownership. It also recommends that a detailed management plan be prepared and implemented for each site placed under protective ownership. An inventory of natural areas, critical species habitat sites, and geological areas in the Town is included in Chapter V.
- The regional water quality management plan, adopted in 1979, is a guide to achieving clean and healthy surface waters within the seven-county Region. The plan has five elements: a land use element; a point source pollution abatement element; a non-point source pollution abatement element; a sludge management element; and a water quality monitoring element. The plan is currently being updated for the Milwaukee River watershed, which includes the Town. The point source pollution abatement element of the regional water quality management plan is of particular importance to land use planning. That plan element recommends major sewage conveyance and treatment facilities and identifies planned sewer service areas for each of the sewerage systems in Southeastern Wisconsin. Under Wisconsin law, major sewerage system improvements and all sewer service extensions must conform to the regional water quality management plan.
- A regional water supply plan is currently being conducted for the seven-county Region. The plan will include the following major components:
 - Water supply service areas and forecast demand for water use.
 - Recommendations for water conservation efforts to reduce water demand.
 - Evaluation of alternative sources of supply, recommended sources of supply, and recommendations for development of the basic infrastructure required to deliver that supply.
 - Identification of groundwater recharge areas to be protected from incompatible development.
 - Specification of new institutional structures necessary to carry out plan recommendations.
 - Identification of constraints to development levels in subareas of the Region due to water supply sustainability concerns.
- Telecommunications have become increasingly important in the local, national, and global economies. SEWRPC has undertaken a regional telecommunications planning effort to create a better understanding of telecommunications networks and the provision of services such as wireless and wireline

telecommunications and high speed, broadband telecommunications throughout the Region. An inventory of wireless telecommunications providers and antennas providing cell phone service in Washington County is included in SEWRPC Planning Report No. 51, *A Wireless Antenna Siting and Related Infrastructure Plan for Southeastern Wisconsin*, published in September 2006. In addition to presenting inventories of both infrastructure and performance for the existing cellular/PCS mobile wireless networks operating in the Region, the plan describes a recommended wireless telecommunications plan for the Region.

The wireless communications plan recommended in Planning Report No. 51 consists of two levels of wireless networks – a wireless backhaul¹ network plan and a community-level wireless access network plan. The plan sets forth an approach to implement both the regional wireless backhaul network and community level wireless network plans. The proposed plan implementation process is intended to influence, rather than replace, existing competitive private sector, market-driven planning in order to promote the public interest within the Region. The Towns of Addison and Wayne worked with SEWRPC to develop community-level wireless access network plans.

A regional broadband access plan, which built upon the wireless telecommunications plan, was completed in 2007.² Upon implementation, this plan will support a mix of wireline and wireless networks that will provide fourth generation (4G) video, voice, and data communications services to the entire Region. A central feature of the recommended plan is the potential for cooperative efforts between the public and private sectors in which infrastructure costs are shared between the public safety and commercial networks. Implementation of the recommended plan will require county or multi-county action, although partial implementation can be achieved at the community or multi-community level.

Wisconsin Department of Natural Resources Master Plans

Each property owned by the Wisconsin Department of Natural Resources (DNR) is required to have a "master plan" that establishes the goals and objectives for the property and identifies how the area will be managed and developed. These plans are designed to clearly communicate to the public how the property will "look" and what benefits the area will provide. The DNR has adopted master plans for the Allenton Wildlife Area, the Kettle Moraine State Forest – Northern Unit, the Kettle Moraine State Forest – Loew Lake Unit, and the Theresa Wildlife Area. The DNR is also currently preparing a master plan for the Kettle Moraine State Forest – Pike Lake Unit, which is located just west of the Town of Polk in the Town of Hartford.

In addition, the Jackson Marsh Wildlife Area, which is located just east of the Town of Polk in the Town of Jackson, does not have an adopted master plan, but does have a management plan. DNR staff prepared a management plan in 1985 to guide the management of the Jackson Marsh Wildlife Area. The major recommendations include land acquisition and property development and management. No major boundary changes were proposed. Property development and management recommendations include the development of up to five additional parking lots, renovating two developed flowages, additional potholes in wet meadow areas, continued cropping, stocking of pheasant, timber management, and the preservation and protection of identified natural areas. A master plan has not been completed for the Jackson Marsh Wildlife Area.

¹ *A backhaul network is designed to convey wireless communications data from multiple users in a relatively small service area to a centralized access point. Multiple access points in a larger service area in turn transmit wireless data to a cable Internet connection (gateway) maintained by a local exchange company. Information is also disseminated from the Internet to the access network, then to local users through the backhaul network.*

² *Documented in SEWRPC Planning Report No. 53, A Regional Broadband Telecommunications Plan for Southeastern Wisconsin, October 2007.*

Ice Age Trail Corridor Plan

The Ice Age Trail, which is planned to extend approximately 1,000 miles across the State of Wisconsin along the terminus of the continental glacier, was designated as a National Scenic Trail by the U.S. Congress in 1980. The Trail is administered by the National Park Service in cooperation with the DNR and the Ice Age Park and Trail Foundation. A trail corridor was established by the National Park Service in 1995. About 27 miles of the proposed 37-mile length of the Trail within Washington County had been completed by 2006, including about one mile of the Trail located in the Town of Polk. Existing segments of the trail are open to pedestrian travel only, which includes hiking, snowshoeing, and limited cross-country skiing. Such uses as biking, horseback riding, and snowmobiling are not permitted.

PART 2: WASHINGTON COUNTY PLANS AND ORDINANCES

Washington County Land Use-Related Plans

- ***Washington County Park and Open Space Plan.*** An updated County park and open space plan with a design year of 2020 was adopted by the Washington County Board in March 2004. That plan consists of both an open space preservation element and an outdoor recreation element, intended to, respectively, protect areas containing important natural resources and to provide major parks, areawide trails, and resource-oriented recreational facilities.
- ***Washington County Farmland Preservation Plan.*** Farmland preservation areas in Washington County were identified by the Washington County farmland preservation plan, which was adopted by the Washington County Board in August 1981. That plan defined farmland preservation areas as contiguous blocks of farmland at least 640 acres in size that were relatively uninterrupted by conflicting uses, with at least 50 percent of the soils on each farm meeting Soil Conservation Service (now the USDA Natural Resources Conservation Service (NRCS)) criteria as “Prime Farmland” or “Farmland of Statewide Importance.” Generally, prime farmlands are Class I or II soils and farmlands of statewide importance are Class III soils. The plan was amended in 2004 to update farmland preservation areas in the Towns of Hartford and Kewaskum, and to revise advisory guidelines for secondary farmland areas to discourage residential development not associated with farming.

At the time this comprehensive plan was being prepared, the State of Wisconsin was considering changes to the State Farmland Protection Program as part of its “Working Lands Initiative.” The Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP) launched the Working Lands Initiative in 2005 and established a steering committee to develop a consensus vision on managing Wisconsin’s farm and forest lands. The Working Lands Initiative Steering Committee issued a report in August 2006 with a set of recommendations intended to update and expand policies and programs affecting Wisconsin farmlands and forests. The report recommends an update to the Wisconsin Farmland Preservation Program, which would include setting a flat per-acre tax credit for landowners instead of basing the credit on household income; requiring all land in the program to be zoned for exclusive agricultural use; and streamlining the process of applying for the program and claiming the tax credits. Proposed changes to the Farmland Preservation Program were included in the DATCP 2007-09 budget request. The Committee’s report also recommends establishing a number of programs, including a Working Lands Enterprise Areas program, a purchase of development rights program, and a beginning farmer/logger program. Any new State laws and regulations resulting from the Working Lands Initiative will likely require a new Farmland Preservation Plan to be prepared by the County.

- ***Farmland and Open Space Preservation Tools.*** In 2004 the Washington County Planning, Conservation, and Parks Committee requested the Planning and Parks Department to study various means of preserving farmland and open space in Washington County. This study’s goal was to objectively research and analyze different tools and funding sources that could be used in Washington County for farmland and open space preservation. The preservation tools described and analyzed represent existing and potential strategies for the protection of farmland and open space within Washington County.

Preservation tools are grouped into three categories:

- Regulatory Based Tools – These tools control or define the activities or modifications that a landowner may conduct on his or her land through ordinances.³
 - Incentive Based Tools – These tools support or encourage a specific activity or modification that a landowner may conduct on his or her land and, although some of these tools may be incorporated into an ordinance, they are voluntary.
 - Economic Viability Tools – These tools focus on improving/enhancing the economic environment for the agricultural industry.
- ***Land and Water Resources Management Plan.*** An updated land and water resources management plan was adopted by the County Board in December 2005. The plan identifies eight priority issues related to County land and water resources. These issues include development, fertilizer and pesticides, stormwater, animal waste, groundwater, soil sustainability and sedimentation, nonmetallic mining, and waste management. To address these issues the plan identifies the following goals: improve and implement planning strategies that protect/preserve land and water resources; improve and protect surface and ground water through the proper use of fertilizers and pesticides; reduce the quantity and improve the quality of stormwater runoff from developed and developing areas; reduce the human and environmental risks posed by animal waste; protect and improve the quality and quantity of groundwater; protect and enhance the productivity and sustainability of all cropland; reduce sediment delivery into streams, lakes, and wetlands; assure reclamation of mines when operations are terminated; and reduce the human and environmental risks posed by hazardous waste. The plan defines a work plan. The work plan sets forth the objectives and actions that will be carried out in order to achieve the goals associated with each issue and identifies the agency or organization responsible for carrying out the listed action steps.
 - ***Jurisdictional Highway System Plan.*** In 1975 the Washington County Board of Supervisors adopted an initial jurisdictional highway system plan. That plan, with a design year of 1990, was intended to help provide the County with a highway transportation system that would serve and promote a desirable land use pattern in the County, abate traffic congestion, reduce travel time and costs, and reduce accident exposure. The initial plan has been amended periodically to cope with growing traffic demands and adjust the existing highway system to serve changes in traffic patterns taking place within the County, and achieve an equitable distribution of arterial street and highway development and maintenance costs and revenues among the various levels and units of government. The 2035 regional transportation plan, described earlier in this chapter, recommends updates to the current jurisdictional highway system plan for Washington County. Recommendations for the maintenance, improvement, and expansion of arterial streets and highways from the Regional Transportation System Plan were refined in 2007 and 2008 during the preparation of an updated Washington County Jurisdictional Highway System Plan for the year 2035.⁴ The updated County jurisdictional highway system plan is described in Chapter VIII.
 - ***A Public Transit Plan for Washington County.*** The current public transit plan for Washington County, adopted in 1996, sets forth the findings and recommendations from a study of transit service needs in Washington County and the means by which those needs might best be met. The primary focus of the plan was to provide transit service for Milwaukee County residents to jobs in Washington County through the establishment of the Washington County Commuter Express Service (described in Chapter VIII). The

³ *The Town of Polk does not support the use of regulatory based tools to preserve farmland. The Town believes that farmland preservation should be on a volunteer basis. If the agricultural landowner chooses to be a working land enterprise area or participate in a purchase of development rights program, the Town would encourage such programs, provided they are funded by Federal, State, or County funds.*

⁴ *Documented in SEWRPC Planning Report No. 23, 2nd edition, A Jurisdictional Highway System Plan for Washington County: 2035, July 2008. The plan was adopted by the Washington County Board on December 9, 2008.*

service has evolved over time to primarily provide traditional work commute trips from Washington County to downtown Milwaukee, Wauwatosa, and West Allis. The transit plan also recommended the establishment of shared-ride taxicab services, which are currently provided by Washington County and the Cities of Hartford and West Bend.

Quaas Creek Watershed Protection Plan

A Quaas Creek Watershed Protection Plan was adopted by the County Board in February 2004. The plan was created to address issues impacting the water quality and recreational use of Quaas Creek. A portion of the Quaas Creek watershed is located in the northeastern portion of the Town of Polk. These issues focus on future land development, especially the changing of rural land use to urban land use, and the detrimental effects these land use changes may have on the hydrology, water quality, habitat quality, bank stability, and fisheries within Quaas Creek.

Management measures, developed by the Quaas Creek Watershed Protection Committee, have been recommended to address five major issues of concern. These issues include land conservation and management; runoff management and pollution reduction; stream protection and enhancement; watershed education and outreach; and monitoring and evaluation. The recommendations in this plan focus on those measures that are applicable to all landowners and also to the public agencies with jurisdiction within the watershed. Local units of government are encouraged to adopt these recommendations and implement this protection plan through the use of existing policies, practices, and programs.

Washington County Land-Use Related Ordinances

- ***County Shoreland and Floodplain Zoning Ordinance.*** Under Section 59.692 of the *Wisconsin Statutes* and Chapter NR 115 of the *Wisconsin Administrative Code*, counties are responsible for regulating shoreland areas within unincorporated (town) areas. Shorelands are defined as all lands lying within 1,000 feet of the ordinary high-water mark of navigable lakes, ponds, and flowages; or within 300 feet of the ordinary high-water mark of navigable rivers and streams or to the landward side of the floodplain, whichever distance is greater. The Washington County shoreland, wetland, and floodplain zoning ordinance is set forth in Chapter 23 of the *Washington County Code of Ordinances* and applies to shorelands, shoreland-wetlands, and floodplains in all towns within the County, including the Town of Polk.⁵

The shoreland zoning ordinance includes restrictions on uses in wetlands of two acres or more located within the shoreland, and limits the types of uses that can occur within the 100-year floodplain zoning district to prevent damage to structures and property and to protect the floodwater conveyance and storage capacity of floodplains. The ordinance also includes restrictions on the removal of vegetation and filling, grading, and excavating within a shoreland area. Most structures must be set back a minimum of 75 feet from the ordinary high-water mark if adjacent to a Class 3 waterbody, 100 feet if adjacent to a Class 2 waterbody, and 125 feet if adjacent to a Class 1 waterbody, although the setbacks along Class 1 and 2 waterbodies may be reduced to 100 feet and 75 feet, respectively, subject to approval of mitigation measures. Minimum requirements for uses in unincorporated shoreland areas are set forth in Chapter NR 115 of the *Wisconsin Administrative Code*. Minimum floodplain requirements are set forth in Chapter NR 116.

Under Chapter NR 117 of the *Administrative Code*, cities and villages are required to restrict uses in wetlands located in the shoreland area. The provisions of NR 115, which regulate uses in unincorporated portions of the shoreland, apply in cities and villages in shoreland areas annexed to a city or villages after May 7, 1982. The same floodplain regulations set forth in NR 116 for unincorporated areas also apply

⁵ *Shoreland zoning maps are available for review at the office of the Washington County Planning and Parks Department.*

within cities and villages. Each city and village administers the floodplain regulations within its corporate limits.

- **County Land Division Ordinance.** Washington County adopted a Land Division Ordinance on June 12, 1972 which is updated periodically. The ordinance regulates land divisions in towns that initially or by subsequent divisions create five or more lots of five acres each or less in area within a five-year period. In addition, the Washington County shoreland and floodplain zoning ordinance includes land division regulations for areas located in the shoreland area. As required by Chapter NR 115 of the *Wisconsin Administrative Code*, the ordinance regulates land divisions in the shoreland area that create three or more lots of five acres or less within a five-year period.
- **County Nonmetallic Mining Reclamation Ordinance.** The Washington County nonmetallic mining reclamation ordinance (Chapter 18 of the *County Code of Ordinances*) was established to ensure the effective reclamation of nonmetallic mining sites in Washington County in compliance with Chapter NR 135 of the *Wisconsin Administrative Code* and Chapter 295 of the *Wisconsin Statutes*. The requirements of the ordinance apply to all operators of nonmetallic mining sites within Washington County operating or commencing operation after August 1, 2001, except for nonmetallic mining sites located in a city, village, or town that has adopted a local mining reclamation ordinance that meets State requirements, in which case the local ordinance requirements apply. The Town of Polk is regulated by the County nonmetallic mining ordinance. Washington County is responsible for the review and approval of reclamation plans for nonmetallic mines in the Town in accordance with County ordinance requirements.

The County ordinance requires that a reclamation plan be prepared and submitted for approval by the Land and Water Conservation Division of the Planning and Parks Department. The ordinance includes minimum standards for surface water and wetland protection, groundwater protection, topsoil management, final grading and slopes, topsoil redistribution for reclamation, and re-vegetation and site stabilization, and also sets forth the criteria for assessing completion of successful site reclamation, intermittent mining, and maintenance.

PART 3: TOWN LAND USE-RELATED PLANS AND ORDINANCES

Town of Polk Land Use Plan

The Town of Polk did not have a Land Use or Master Plan prior to this plan, but has historically relied on the regional land use plan to guide development in the Town. This comprehensive plan will be the first land use plan adopted by the Town and will allow the Town to meet State comprehensive planning requirements.

Stormwater Management and Erosion Control Ordinance

The Town of Polk adopted an updated Town Erosion Control and Stormwater Management Ordinance in June 2009 that applies to all lands within the jurisdictional boundaries of the Town. The Town has entered an intergovernmental agreement with the County for administration of the ordinance by the County. Under this ordinance, operators of all construction sites that meet the listed applicability provisions are required to submit erosion control and stormwater management plans to the County for approval. All applicable sites must meet the requirements listed in the ordinance, except for sites meeting at least one of the criteria for exemption listed in the ordinance.

The Town ordinance sets forth requirements for land development and land disturbing activities aimed to minimize sedimentation, water pollution, flooding, and related property and environmental damage caused by soil erosion and uncontrolled stormwater runoff during and after construction, in order to diminish the threats to public health, safety, welfare, and natural resources of the Town.

Zoning and Subdivision Regulations

Good community development depends not only on quality planning at all levels of government, but on practical implementation measures. Land use and development regulations affect the type of uses allowed, as well as the

detailed design and site layout of proposed developments. The following presents a summary of zoning and subdivision regulations adopted by the Town as of 2007.

Town of Polk Zoning Ordinance

A zoning ordinance is a public law that regulates and restricts the use of property in the public interest. The primary function of zoning should be to implement an adopted master or comprehensive plan. Indeed, Section 66.1001(3) of the *Wisconsin Statutes* requires that zoning, land divisions, and official mapping decisions made by local and county governments be consistent with local and county comprehensive plans, respectively, as of January 1, 2010.

A zoning ordinance divides a community into districts for the purpose of regulating the use of land and structures; the height, size, shape, and placement of structures; and the density of housing. A zoning ordinance typically consists of two parts: a text setting forth regulations that apply to each of the various zoning districts, together with related procedural and administrative requirements; and a map delineating the boundaries of zoning districts.

The Polk Town Board adopted a zoning ordinance in September 1971. The zoning ordinance was updated with amendments approved through April 2007. The zoning map for the Town was adopted in March 1988, and was most recently revised in March 2009. Zoning within the Town consists of eight basic zoning districts, as shown on Map II-1. Table II-1 presents a summary of district regulations included in the zoning ordinance.

Washington County enforces shoreland and floodplain zoning regulations in shoreland areas in the Town of Polk. The County shoreland and floodplain zoning ordinance is described in Part 2 of this chapter.

Extraterritorial Zoning Regulations

The *Wisconsin Statutes* authorize cities and villages to adopt extraterritorial zoning regulations for adjacent unincorporated areas, in cooperation with the adjacent town, within three miles of a city of the first, second, or third class, and within 1.5 miles of a city of the fourth class or villages. The cities of Hartford and West Bend are third-class cities, and are therefore entitled by the *Statutes* to exercise extraterritorial zoning authority up to three miles outside their respective city boundaries, if agreed to by the Town. A summary of the process set forth in the *Statutes* for enacting an extraterritorial zoning ordinance and other land-use related extraterritorial authorities granted to cities and villages is provided in Appendix C. A city or village can initiate preparation of an extraterritorial zoning ordinance and map at any time. Initiation of the extraterritorial zoning ordinance freezes existing zoning in the extraterritorial (town) area for two years, while the city or village and affected town jointly develop an extraterritorial zoning ordinance and map. A joint committee is formed to develop the ordinance. The time period can be extended for one additional year at the end of the two-year period.

The Town of Polk is almost entirely encompassed within six extraterritorial areas, the Cities of Hartford and West Bend and the Villages of Germantown, Jackson, Richfield, and Slinger. None of these Cities or Villages exercises extraterritorial zoning in the Town. In February 2003, the Village of Slinger initiated preparation of an extraterritorial zoning ordinance that included a portion of the Town of Polk, as well as portions of the Towns of Addison, Hartford, and West Bend. In February 2005, the affected Towns voted against continuing the process beyond the two-year period specified in Section 62.23(7a) of the *Statutes*, and the process was terminated.

Land Division Regulations

A land division ordinance is a public law that regulates the division of land into smaller parcels. Land division ordinances provide for appropriate public oversight of the creation of new parcels and help ensure that new development is appropriately located; lot size minimums specified in zoning ordinances are observed; street rights-of-way are appropriately dedicated or reserved; access to arterial streets and highways is limited in order to preserve the traffic-carrying capacity and safety of such facilities; adequate land for stormwater management, parks, drainageways, and other open spaces is appropriately located and preserved; street, block, and lot layouts are appropriate; and adequate public improvements are provided. Land division ordinances can be enacted by cities, villages, towns, and counties, with the latter's approval authority applying only in unincorporated (town)

Table II-1

**TOWN OF POLK ZONING ORDINANCE
 SUMMARY OF DISTRICT REGULATIONS**

District	Examples of Principal Uses	Examples of Conditional Uses	Minimum Lot Size	Minimum / Maximum Floor Area (square feet)
A-1 General Agricultural District	Agriculture, general farming, dairying, floriculture and horticulture, forestry, hatcheries, livestock raising, accessory buildings or uses, and single-family residences	Campgrounds, fish hatcheries, forest reserves, picnic areas, junk yards and dumping areas, equipment storage, boarding and riding stables, in-law units, and communication towers	5 acres	1,200 minimum for one-story with full basement, 1,400 minimum for one-story without basement; 1,400 minimum for 1.5-story, 950 first floor; 1,400 minimum for two-story, 800 first floor; 1,200 minimum for bi-level and tri-level with at least 400 basement area, 1,400 minimum without basement, 750 first floor for one bedroom dwelling, 990 first floor for two bedroom dwelling, and 1,250 first floor for three or more bedroom dwelling
R-1 Single-Family Residential District	Single-family residences and accessory buildings and uses	Residential planned unit developments (PUD) such as cluster developments with a minimum development area of 10 acres and minimum lot size of 40,000 square feet for unsewered properties and 8,000 square feet for sewerer properties	60,000 square feet	1,200 minimum for one-story with full basement, 1,400 minimum for one-story without basement; 1,400 minimum for 1.5-story, 950 first floor; 1,400 minimum for two-story, 800 first floor; 1,200 minimum for bi-level and tri-level with at least 400 basement area
I-1 Institutional District	Schools, colleges, universities, hospitals, sanitariums, religious institutions, penal institutions, cemeteries and crematories, agriculture, general farming, medical offices, and subacute rehabilitation facilities	Communication towers	10 acres	N/A
B-1 Business District	Retail establishments, personal services, restaurants, residential quarters for owner/employee and rental apartments, buildings or uses accessory to business, agriculture, and general farming	Adult entertainment establishments, truck terminals for five or more trucks, and communication towers	N/A	1,200 minimum for one-story with full basement, 1,400 minimum for one-story without basement; 1,400 minimum for 1.5-story, 950 first floor; 1,400 minimum for two-story, 800 first floor; 1,200 minimum for bi-level and tri-level with at least 400 basement area
M-1 Industrial District	Printing and publishing; machinery and equipment storage; auto body repairs; manufacture; fabrication, processing, assembly, packaging, packing, warehousing, and wholesaling of goods and products; and agriculture and general farming	Freight yards and freight terminal, breweries, crematories, residential quarters for owner/employee, ready mix plants, and communication towers	N/A	N/A
Q-1 Quarrying District	Removal of rock, slate, gravel, sand, and topsoil and accessory or related uses, subject to issuance of a quarrying permit. Agricultural uses are permitted by right.	Communication towers	N/A	N/A

Table II-1

**TOWN OF POLK ZONING ORDINANCE
SUMMARY OF DISTRICT REGULATIONS
(continued)**

District	Examples of Principal Uses	Examples of Conditional Uses	Minimum Lot Size	Minimum / Maximum Floor Area (square feet)
L-1 Sanitary Landfill District	None	Sanitary landfills and structures and lands used for purposes designated in an approved restoration and reuse plan	N/A	N/A
P-1 Park District	Archery ranges, beaches, boating, campgrounds, conservatories, golf courses, hunting, riding academies, sports fields, zoological and botanical gardens, and commercial recreation facilities	Communication towers	4 acres	N/A

Note: This table is a summary and should not be used as a guide to answer zoning-related questions. Refer to the Town of Polk zoning ordinance and map for specific zoning information.

Source: Town of Polk Zoning Ordinance, adopted September 1971 and most recently amended in April 2007, and SEWRPC.

areas and limited objecting authority applying within cities and villages. Cities and villages also have extraterritorial plat approval jurisdiction over subdivisions proposed in town areas near their corporate boundaries.

Chapter 236 of the *Wisconsin Statutes* sets forth general requirements governing the subdivision of land, including, among others, surveying and monumenting requirements, necessary approvals, recording procedures, and requirements for amending or changing subdivision maps. The *Statutes* also grant authority to county and local governments to review subdivision maps, commonly referred to as plats, with respect to local plans and ordinances. Section 236.45 authorizes county and local governments to adopt their own land division ordinances, which may be more restrictive than State requirements. Washington County has adopted a County land division ordinance, which is summarized in Part 2 of this chapter.

The Town of Polk adopted a land division ordinance in March 1985. The land division ordinance was updated to include amendments approved through February 2006. Under Chapter 236, local governments are required to review and take action on plats for subdivisions. Subdivisions are defined in the *Statutes* as “a division of a lot, parcel, or tract of land by the owner thereof or the owner’s agent for purpose of sale or of building development, where the act of division creates five or more parcels or building sites of 1.5 acres each or less in area; or five or more parcels or building sites of 1.5 acres each or less in area are created by successive divisions within a period of five years.” Local subdivision ordinances may be broader in scope and require review and approval of land divisions in addition to those meeting the statutory definition of a “subdivision,” which is the case in the Town.

The Town of Polk land division ordinance applies to all lands within the Town. A subdivision is defined as a land division that creates five or more parcels or building sites of 1.5 acres each or less in area or where five or more parcels or building sites of 1.5 acres each or less created by successive divisions within a five-year period (the Statutory definition). All other divisions of land within the Town require Town Board approval of a certified survey map.

Extraterritorial Plat Authority

Under Section 236.10 of the *Statutes*, a city or village may review, and approve or reject, subdivision plats located within its extraterritorial area if the city or village has adopted a subdivision ordinance or an official map. Section 236.02 of the *Statutes* defines the extraterritorial plat review jurisdiction as the unincorporated area within three miles of the corporate limits of a city of the first, second, or third class, or within 1.5 miles of the corporate limits of a city of the fourth class or a village. In accordance with Section 66.0105 of the *Statutes*, in situations where the extraterritorial plat approval jurisdiction of two or more cities or villages would otherwise overlap, the extraterritorial jurisdiction between the municipalities is divided on a line, all points of which are equidistant from the boundaries of each municipality concerned, so that no more than one city or village exercises extraterritorial jurisdiction over any unincorporated area. The extraterritorial area changes whenever a city or village annexes land, unless the city or village has established a permanent extraterritorial area through a resolution of the common council or village board or through an agreement with a neighboring city or village, as is the case with the Village of Slinger and the City of Hartford, which both exercise extraterritorial authority over different portions of the Town of Polk. The City of West Bend and the Villages of Germantown, Jackson, and Richfield also have extraterritorial plat authority over portions of the Town. A municipality may also waive its right to approve plats within any portion of its extraterritorial area by adopting a resolution that describes or maps the area in which it will review plats, as provided in Section 236.10(5) of the *Statutes*. The resolution must be recorded with the County register of deeds.

Official Mapping Ordinances

Section 62.23(6) of the *Wisconsin Statutes* allows the Common Council of any City to establish an official map for the precise identification of right-of-way lines and boundaries of streets, highways, waterways,⁶ and parkways and the location and extent of railroad rights-of-way, public transit facilities, parks, and playgrounds. An official

⁶*Waterways may be placed on the map only if included within a comprehensive surface water drainage plan.*

map is intended to be used as a precise planning tool for implementing master and comprehensive plans and for insuring the availability of land for the above features.

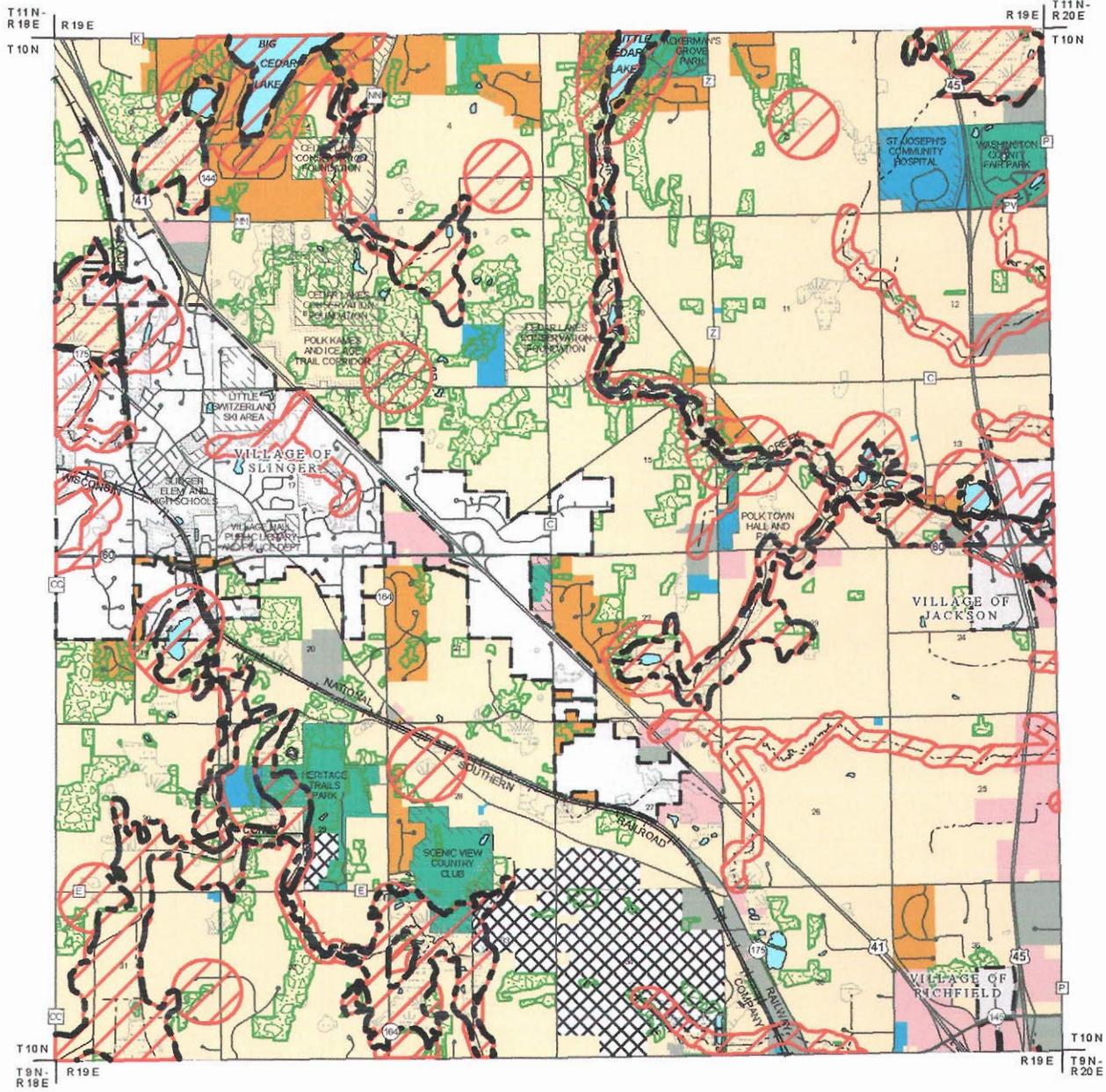
Section 61.35 of the *Statutes* applies the authority given to cities under Section 62.23 to develop an official map to villages. A town may prepare and adopt an official map if it has adopted village powers, which is the case in the Town of Polk. The clerk of any local government that adopts an official map by ordinance or resolution must record a certificate showing that the local government has established an official map with the Washington County register of deeds.

One of the basic purposes of the official map is to discourage the construction of structures and their associated improvements on land that has been designated for future public use. Local government subdivision ordinances can also require land shown on the official map to be dedicated for street, park, or other public use at the time land is subdivided. The official map is a plan implementation device that operates on a communitywide basis in advance of land development and can thereby effectively assure the integrated development of the street and highway system, and unlike subdivision control, which operates on a plat-by-plat basis, the official map can operate over the entire community in advance of development proposals. The official map is a useful device to achieve public acceptance of long-range plans in that it serves legal notice of the government's intention well in advance of any actual improvements.

The Town of Polk has not adopted an official map and is not required to do so.⁷

⁷ *An official map under Section 62.23(6) of the Statutes is not the same as a zoning map, which is often mistakenly referred to as an "official map."*

Map II-1 EXISTING ZONING IN THE TOWN OF POLK: MARCH 2009



ZONING DISTRICTS

- A-1: GENERAL AGRICULTURAL DISTRICT
- R-1: SINGLE - FAMILY RESIDENTIAL DISTRICT
- I-1: INSTITUTIONAL DISTRICT
- B-1: BUSINESS DISTRICT
- M-1: INDUSTRIAL DISTRICT
- Q-1: QUARRYING DISTRICT
- P-1: PARK DISTRICT
- L-1: SANITARY LANDFILL DISTRICT (NONE)

OVERLAY DISTRICTS

- UPLAND CONSERVANCY
- WETLAND CONSERVANCY (INCLUDES SHORELAND - WETLANDS)
- FLOODPLAIN CONSERVANCY
- SHORELANDS

NOTE: THIS MAP REFLECTS THE SHORELAND AND ZONING MAPS ADOPTED BY WASHINGTON COUNTY IN 2001. CONTACT WASHINGTON COUNTY FOR CURRENT SHORELAND AREAS AND REGULATIONS.

THE WASHINGTON COUNTY SHORELAND REGULATIONS ESTABLISHED PURSUANT TO SECTION 59.092 OF THE WISCONSIN STATUTES ARE APPLICABLE IN AREAS LOCATED WITHIN 1,000 FEET OF A NAVIGABLE LAKE, POND, OR FLOWAGE AND WITHIN 300 FEET OF A NAVIGABLE RIVER OR STREAM, OR TO THE LANDWARD EDGE OF THE FLOODPLAIN, SHORELAND-WETLANDS, AND OTHER SHORELAND AREAS THAT ARE REGULATED BY WASHINGTON COUNTY.

NOTE: PLEASE CONTACT THE TOWN ZONING ADMINISTRATOR TO DETERMINE IF THE TOWN BOARD HAS APPROVED ANY REZONINGS SINCE THIS MAP WAS PREPARED.

SOURCE: TOWN OF POLK, WASHINGTON COUNTY, AND SEWRPC.

