

Zoning Update

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Introduction

- Polk County completed a comprehensive rewrite to the Comprehensive Land Use Ordinance on September 15, 2016
- Amended Chapter 18 Subdivision Ordinance effective March 29, 2017

New Zoning Districts

- Residential (R-1)
- Hamlet (H-1)
- Residential-Agricultural 5 (RA-5)
- Agriculture 10 (A-1)
- Agriculture 20 (A-2)
- Farmland Preservation (A-3)
- Natural Resources (N-1)
- General Business and Commercial (B-1)
- Recreational Business and Commercial (B-2)
- Small Business and Commercial (B-3)
- Industrial (I-1)
- Mining (M-1)

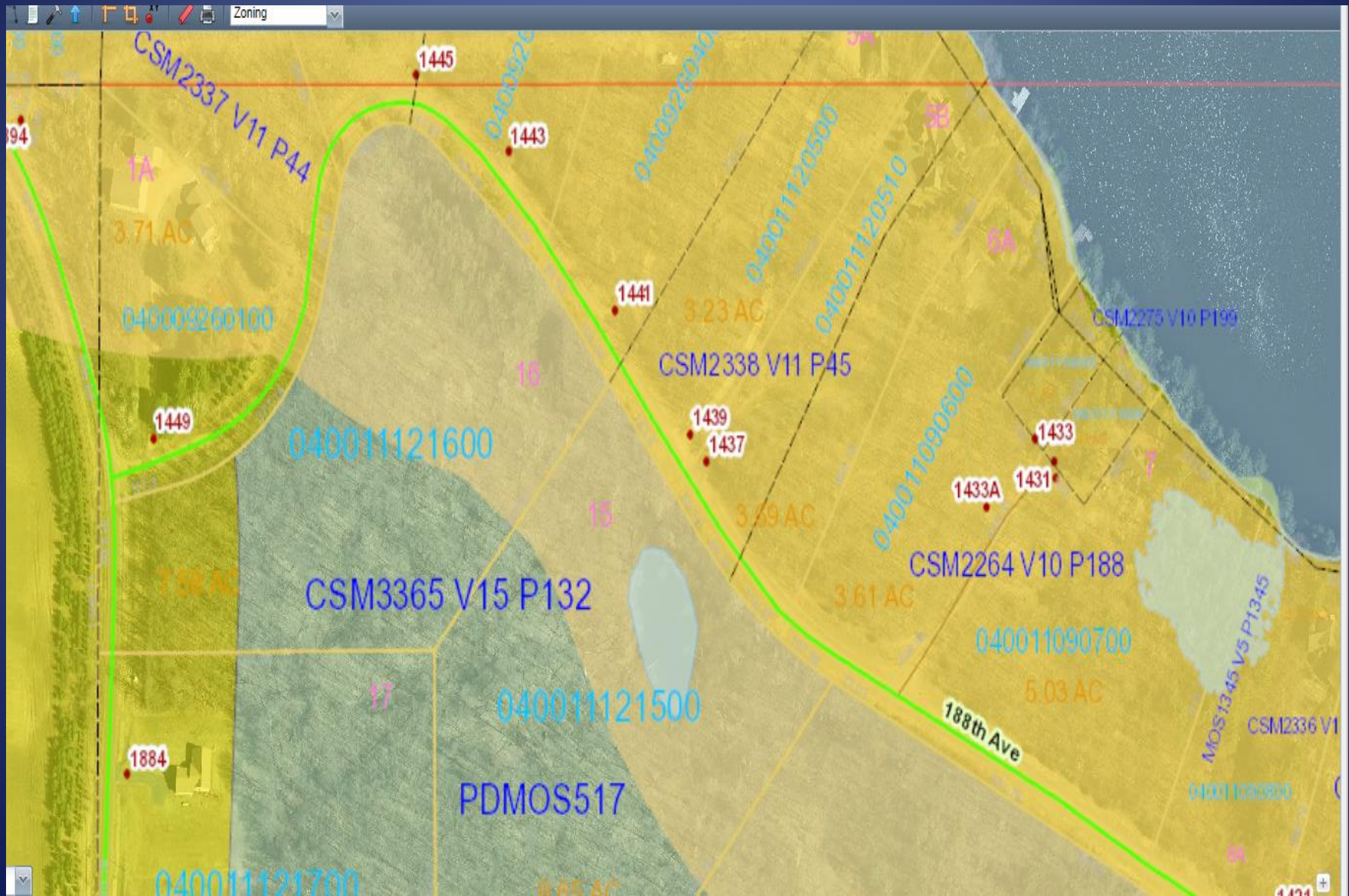
Minimum Lot Sizes

Zoning District		Without public sewer		With public sewer	
		Area			
Residential (R-1)		1 acre			
Hamlet (H-1)		30,000 sq. ft.		10,000 sq. ft.	
General Business/Commercial (B-1)		1 acre		.5 Acre (21,780 sq. ft.)	
Recreational Business/Commercial (B-2), Small Business/Commercial (B-3), Industrial (I-1)		1 acre			
Residential-Agricultural 5 (RA-5)		1 acre min.	Density Standard		
			8 dwellings/forty acres		
Agricultural 10 (A-1)		1 acre min.	4 dwellings/forty acres		
Agricultural 20 (A-2)		1 acre min.	2 dwellings/forty acres		
Farmland Preservation (A-3)		35 acres			
Natural Resources (N-1)		1 acre			
Mining District (M-1)		5 acres			
Shoreland		Area	Width(ft.)	Area	Width (ft.)
Shoreland	Non-Riparian	1 acre	100	20,000	90
Shoreland Riparian	Class I	1 acre	100	20,000	90
	Class II	60,000 ft ²	150		
	Class III	100,000 ft ²	250		

How to Calculate

- Take the existing parcel acreage and divide it by the density goal. For example:
 - RA-5= $40 \text{ ac}/5 = 8$ lots
 - RA-5= $12 \text{ ac}/5 = 2.4$ or 2 lots
 - RA-5= $13 \text{ ac}/5 = 2.6$ or 3 lots
 - A-10= $40 \text{ ac}/10 = 4$ lots
 - A-20= $40 \text{ ac}/20 = 2$ lots
- However, total allowable density cannot be exceeded

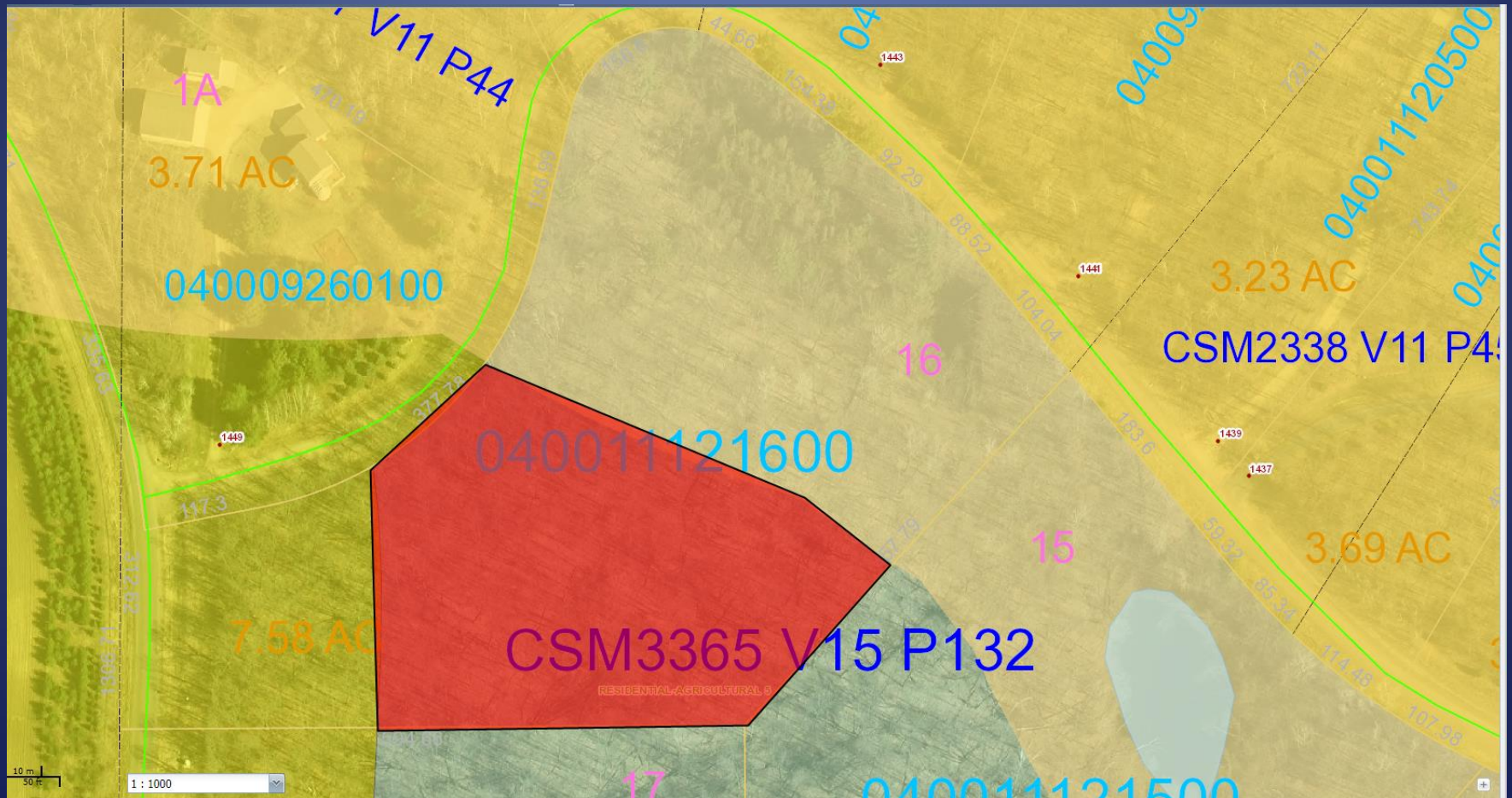
Density Example 1



Options for Example

- Total of 7.58 Acres
- Part of the property is zoned R-1, RA-5, and Shoreland
- Most restrictive minimum lot size applies
- 1 Acre lot size allowed in Residential and Shoreland areas
- RA-5 area is 2.8 Acres, so only 1 lot allowed
- R-1 area is just over 1 acre

Possible Division



One parcel number, two lots



Red is a No, Green is a Go



Building Encroachment

- If you have two lots, a CSM or description of the whole parcel must be completed to dissolve interior lot line.
- Can add on to structure as long as addition meets the setback to the interior lot line.

Land Transfers

- Allowed to transfer land between adjoining owners by deed/description if the minimum lot sizes of both parcels are met
- Allowed to transfer equal portions of land between adjoining owners with a CSM for lots **Less** than the minimum lot size.

Transfers by Deed



Transfer by Deed



Requires a CSM



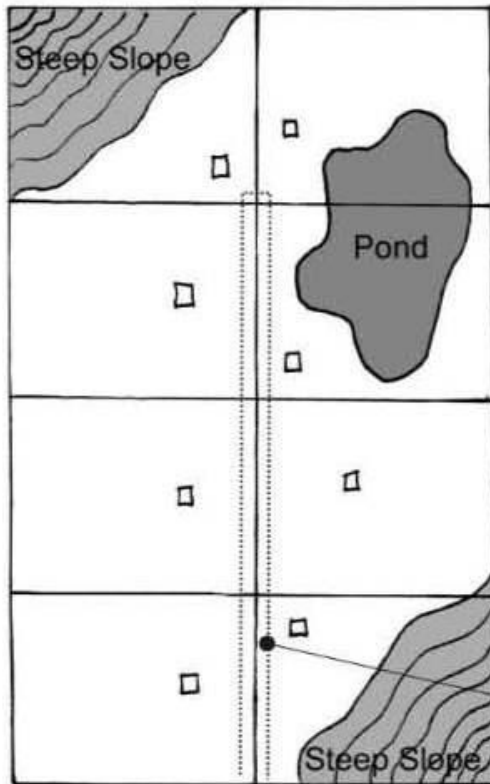
Condominium Review

- Not intended to prohibit/limit condo development
- Reviewed like a normal subdivision
- Condominium documents must be submitted along with plat
- Allows county to verify legal descriptions are accurate

Conservation Design Development

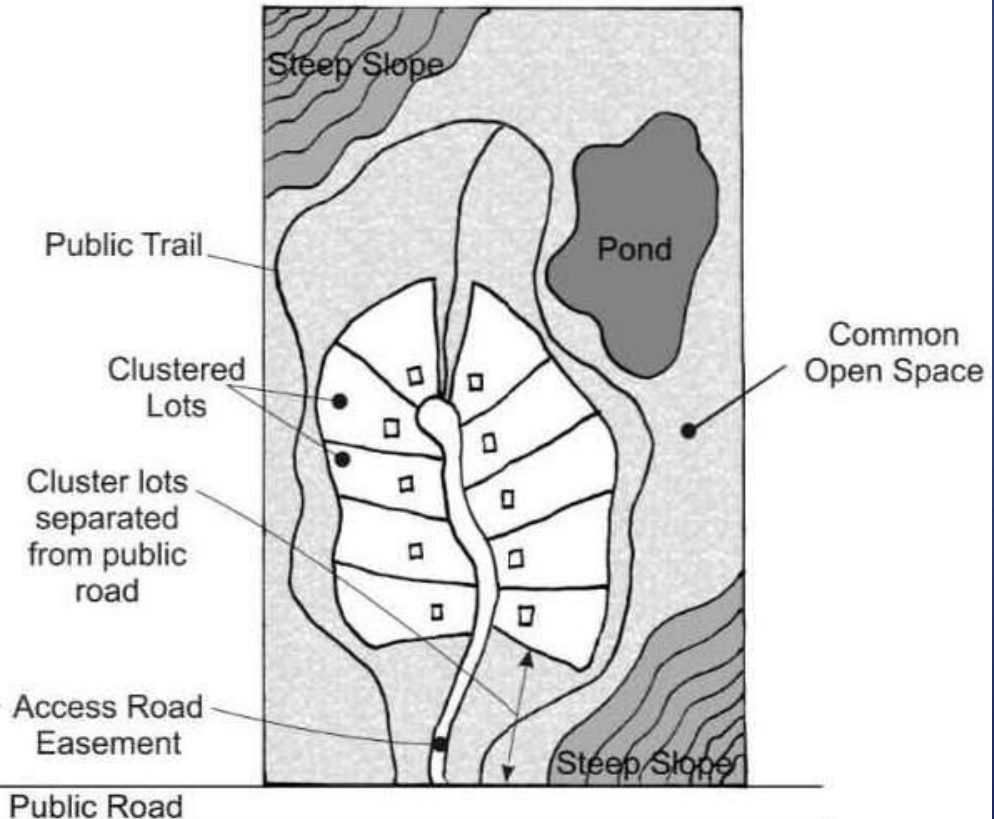
Standard Subdivision

40 acres with eight 5-acre lots



Conservation Subdivision

40 acres with ten 1-acre lots* and 30 acres of common open space



Conservation Design Development

- Allows lots to be reduced to 1/2 acre minimum
- Gives a 25% increase in allowed density (8 dwellings = 10 under CDD)
- Has aesthetic and other requirements

Town Roads

- Roads may be dedicated to the town if they meet the town road specs.
- If private road, each lot shall hold a fractional interest in the private road (i.e. $1/10^{\text{th}}$ interest for a 10 lot subdivision)
- A resolution acknowledging a reduced ROW from the Town Board may be required for a subdivision review if the ROW is less than 66 feet.

Shoreland Zoning

- All the area within 1000' of a lake or pond and 300' of a river or stream
- Polk County Zoning regulates land use in these above the ordinary high water mark
- Wisconsin DNR has jurisdiction below the ordinary high water mark

New Shoreland Definitions

- “Shoreland setback area” means an area that is within a certain distance of the ordinary high-water mark in which the construction or placement of structures has been limited or prohibited under an ordinance enacted under this section.
- “Structure” means a principal structure or any accessory structure including a garage, shed, boathouse, sidewalk, stairway, walkway, patio, deck, retaining wall, porch or fire pit.

Building Setbacks

- Required setback is 75' for all lakes or an average setback if the proposed development qualifies
- All structures are required to meet the setback from the OHWM unless they are identified and qualify as an exempt structure.

Exempt Structures to 75' Setback

- Boathouses, located in the access & viewing corridor, do not contain plumbing and are not used for human habitation.
- Open-sided and screened structures that satisfy 59.692(1v).
- Fishing rafts under 30.126
- Broadcast signal receivers
- Utility transmission and distribution lines, etc. well pump house covers, POWTS
- Walkways, stairways, or rail systems that are necessary to provide access to the shoreline and are a maximum of 60 inches wide.

Setback Averaging

- Where an existing development pattern exists, the shoreland setback for a proposed principal structure may be reduced to the average shoreland setback of the principal structure on each adjacent lot, but the shoreland setback may not be reduced to less than 35 feet from the OHWM.

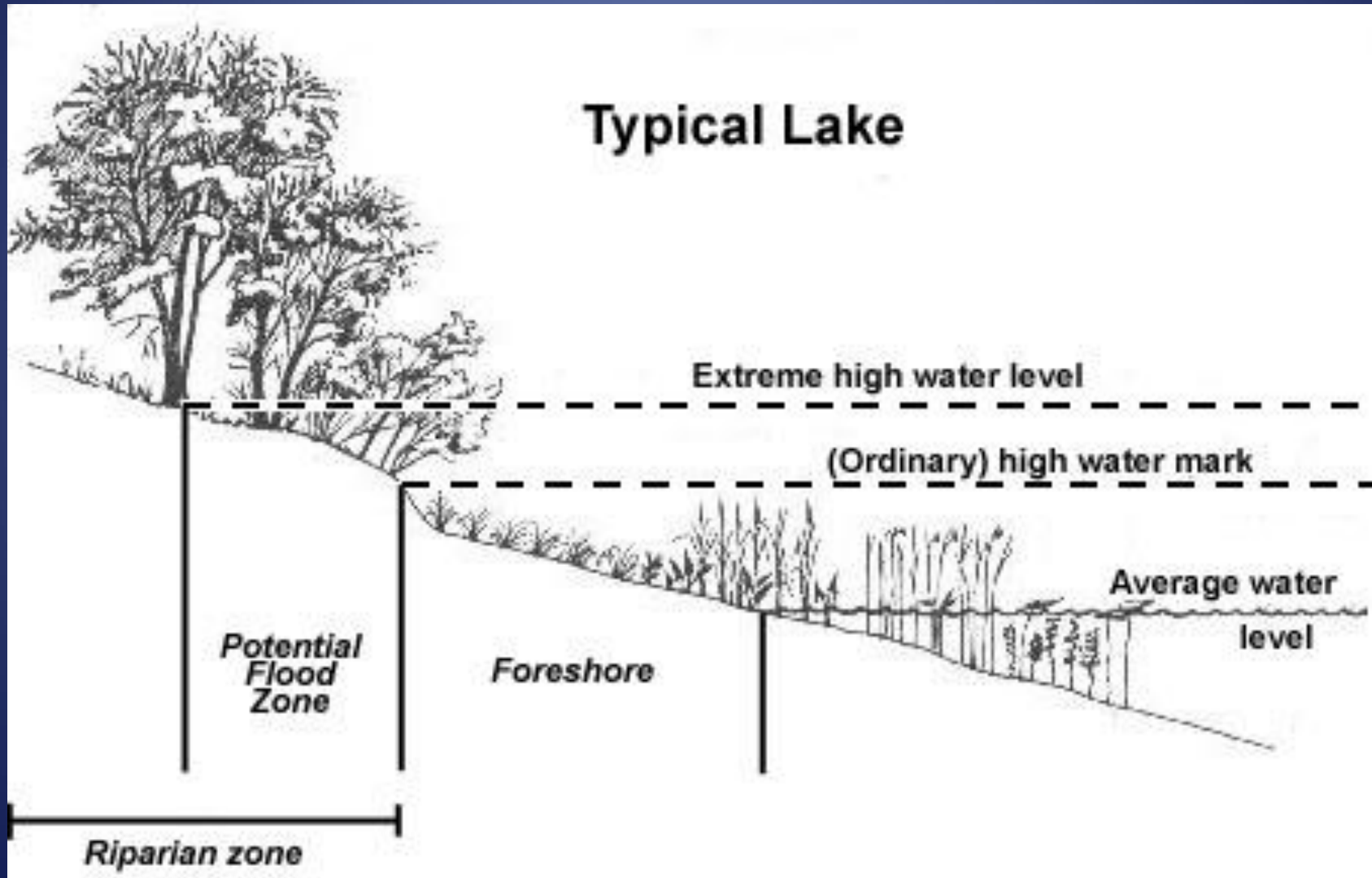
How to measure?

- Measure from the closest part of the structure to the ordinary high water mark for each principle structure on the adjoining lots
- Add the two setbacks together and divide by 2.

Ordinary High Water Mark

- Surveyors given authority to set OHWM (59.692(1h))
- Polk County has OHWM elevations for some of the larger lakes based off DNR data.
- Could impact whether structures are conforming or nonconforming
- Wetlands can be considered part of lakebed.

Ordinary High Water Mark



OHWM with Rip Rap



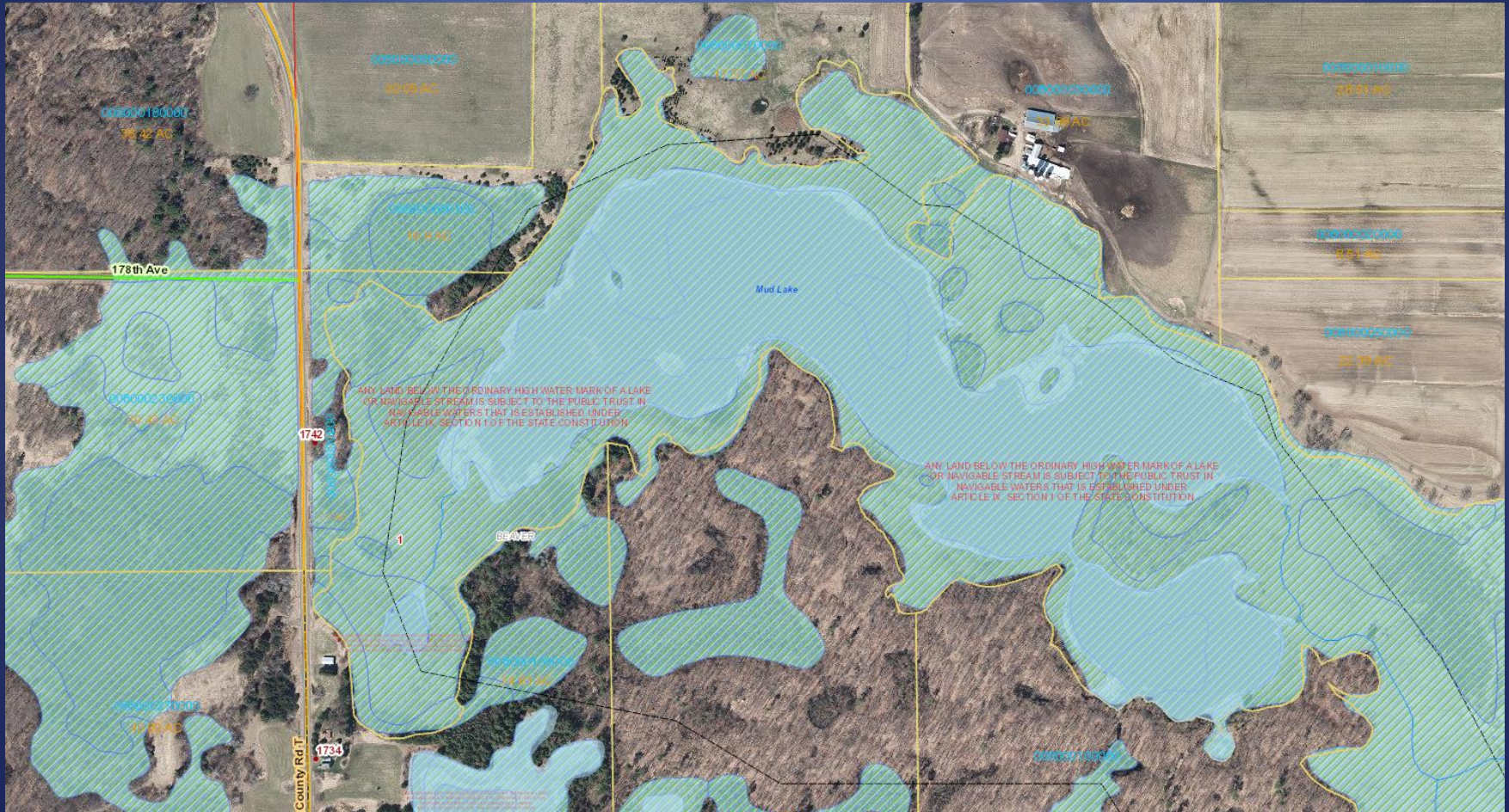
About half way on the Rock



At the Vegetation Break



Wetland = Lakebed



Questions? Comments?

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