ORDINANCE NO. 11.2026

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

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

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

WHEREAS, following proper notice, the Town of Polk Plan Commission conducted a public hearing on November 5, 2026, to consider the proposed amendments, accepted public comment, and recommended approval of the amendment on the same date;

WHEREAS, the Town Board considered the Plan Commission's recommendation at their meeting on November 5, 2026; and

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

WHEREAS, the Town Board and Plan Commission have reviewed the Town's regulations governing residential uses, including single-family, two-family, multifamily, and multigenerational dwellings, and have determined that amendments are appropriate to clarify the types of residential uses permitted within the Town's zoning districts and the standards applicable to such uses; and

WHEREAS, the proposed amendments revise the zoning districts in which two-family and multifamily dwellings may be permitted, eliminate the existing multigenerational dwelling classification, and make related amendments to the dimensional and definitional provisions of the Zoning Ordinance; and

WHEREAS, the Town Board and Plan Commission recognize that there are circumstances in which a limited secondary living area within a single-family residence may appropriately accommodate related family members while maintaining the use and appearance of the property as a single-family residence; and

WHEREAS, the proposed amendments therefore establish an In-Law Dwelling Unit as an authorized accessory use and establish standards addressing occupancy, size, sanitation, building code compliance, exterior appearance and access, parking, and continued use of such units; and

WHEREAS, the Town Board finds that these amendments provide reasonable opportunities for multigenerational family living while maintaining the distinction between single-family, two-family, and multifamily residential uses and preserving the residential character of the Town's zoning districts;

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

For purposes of this Ordinance, existing Zoning Ordinance text is shown in *italics*; text proposed for deletion is shown in strikethrough; and text proposed for addition is shown in bold.

Section 1. § 336-9(B)
§ 336-9(B) is repealed and recreated to read as follows:

B. *All principal structures shall be located on a lot, and only one principal residential structure shall be located, erected, or moved onto a lot ~~except in the case of planned unit developments and multifamily developments.~~*

Section 2. § 336-25(B)
§ 336-25(B) is hereby repealed and recreated to read as follows:

No more than one principal structure shall be permitted on a lot in a residential zoning district~~, unless as part of an approved planned unit development or multifamily use~~.

Section 3. § 336-52(C)(2)
§ 336-52(C)(2) is hereby repealed and recreated to read as follows:

(2) Residential Uses

Uses	A-1	A-2	R-1	R-2	R-3	R-4	B-1	B-2	M-1	M-2	M-3	Q-1	I-1	P-1
Adult family home	P	P	P	P	P	P								
Community living arrangements, eight or fewer persons	C	C	P	P	P	P								
Community living arrangements, nine or more persons			C	C	C	C								
Dwelling units, second or third story							C	C						

Foster homes	P	P	P	P	P	P	C							
Multifamily dwellings				C										
~~Multigenerational dwellings~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~								
Residential quarters for the owner, proprietor, commercial tenant, employee, or caretaker as a secondary use							P		P			P		
Single-family dwellings	P	P	P	P	P	P								
Single-family farm dwellings which existed prior to January 1, 1972, and were converted to two-family dwellings prior to September 10, 2019	P	P												
Two-family dwellings			~~P~~	P	~~P~~	~~P~~								
~~Three to Four family dwellings~~	-	-	~~C~~	~~C~~	~~C~~	~~C~~								

Section 4. § 336-52(C)(7)

336-52(C)(7) is hereby repealed and recreated to read as follows:

(7) Accessory uses and structures.

Uses	A-1	A-2	R-1	R-2	R-3	R-4	B-1	B-2	M-1	M-2	M-3	Q-1	I-1	P-1
Aggregate or ready-mix plant												P		
Artificial bodies of water	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Keeping of chickens	P	P	P	P	P									
Garage for storage of vehicles used in conjunction with the operation of the business							P	P	P	P				
Garage lots						C								
Home-based businesses	C	C	C											
Home occupations	P	P	P	P	P	P								
In-Law Dwelling Unit	**P**	**P**	**P**		**P**	**P**								
Keeping of bees	P	P	P	P	P	P	P	P					P	P
Manufacture of concrete products												P		
Mixing of asphalt												P		
Outdoor furnace	P	P	C	C										
Outdoor storage of equipment and vehicles when accessory to a principal use									P	P				
Processing of topsoil												P		
Residential quarters, lawfully in existence at the time of adoption of this chapter, as a secondary use (see specific provisions)							P		P			P		

Short-term rentals	P	P	P	P	P	P								
Washing, refining, or processing of rock, slate, gravel, sand, or minerals												P		

Section 5. § 336-53(C)
§ 336-53(C) is hereby repealed and recreated to read as follows:

§ 336-53(C), Building and Structure Standards — A-1 District:
~~*Single-family dwelling*~~ ***Principal structure****, Minimum residential floor area: 1,200 sq. ft.*

Section 6. § 336-54(C)
§ 336-54(C) is hereby repealed and recreated to read as follows:

§ 336-54(C), Building and Structure Standards — A-2 District:

~~*Single-family dwelling*~~ ***Principal structure****, Minimum residential floor area: 1,200 sq. ft.*

Section 7. § 336-55(C)
§ 336-55(C) is hereby repealed and recreated to read as follows:

§ 336-55(C), Building and Structure Standards — R-1 District:

~~*Single-family dwelling*~~ ***Principal structure****, Minimum residential floor area: 1,200 sq. ft.*

Section 8. § 336-56(C)
§ 336-56(C) is hereby repealed and recreated to read as follows:

§ 336-56(C), Building and Structure Standards — R-2 District:

~~*Three and four unit*~~ ***Multifamily dwelling****, Minimum residential floor area: 500 sq. ft. per unit.*
Maximum height: 35 ft.
Accessory structures, ~~*multi-family dwelling*~~ ***Multifamily dwelling***
Maximum area, all accessory buildings: 400 sq. ft. per unit or 2% overall, whichever is greater.
Maximum height: 25 ft.
Maximum number: One per unit.

Section 9. § 336-57(C)
§ 336-57(C) is hereby repealed and recreated to read as follows:

§ 336-57(C), Building and Structure Standards — R-3 District:

~~*Single-family dwelling*~~ ***Principal structure***, *Minimum residential floor area: 1,200 sq. ft.*

Section 10. § 336-110

§ 336-110 of the Town of Polk Zoning Ordinance is hereby created to read as follows:

§ 336-110. In-Law Dwelling Units.

A. Description. A room or suite of rooms having a separate kitchen facility, located in a single-family dwelling, occupied by not more than two persons related by blood or marriage to the family occupying the primary portion of the dwelling.

B. Parking Requirements. Adequate off street parking shall be provided.

C. Supplemental Standards.

(1) Compliance with sanitation requirements. Prior to the establishment of an in-law dwelling unit, Washington County Natural Resources Department shall certify that the existing on-site sewage disposal system can accommodate the proposed use in accordance with County sanitation requirements.

(2) Compliance with building codes. Prior to establishment of an in-law dwelling unit, the Town Building Inspector shall certify that the single-family dwelling meets all applicable building codes.

(3) Limitation on floor area and bedrooms. The maximum living area in an in-law dwelling unit shall not exceed 1,000 square feet and shall not contain more than two (2) bedrooms.

(4) Exterior appearance. The architecture of the residence shall be compatible with the adjacent residential neighborhood and appear to be a single-family residence.

(5) Exterior doors. A separate exterior entrance to the in-law dwelling unit may be permitted, provided that the entrance is designed and located so that the residence maintains the exterior appearance of a single-family dwelling and does not appear to be a duplex or two-family dwelling.

(6) Interior door between units. An interior door providing direct access between the principal dwelling unit and the in-law dwelling unit shall be required.

(7) Utility Accounts and Addressing. The in-law dwelling unit shall not have separate utility meters, utility accounts, or a separate street address. All utilities shall be served through the principal dwelling unit, and both units shall share a single street address.

(8) Deed restriction. Prior to the establishment of an in-law dwelling unit, the property owner shall file a deed restriction in the Washington County Register of Deeds Office, acceptable to the Town Planner, that includes a statement that the

living unit is for family members of the principal dwelling unit only and the approval of an in-law dwelling unit is not transferable to another property owner without formal approval of the Plan Commission or its designee.

Section 11. § 336-300 Definitions

The following definitions in § 336-300 of the Town of Polk Zoning Ordinance are hereby amended as follows:

DWELLING, MULTIFAMILY — *A residential building designed for or occupied by three or more families~~, with the number of families in residence not to exceed the number of dwelling units provided~~.*

~~***DWELLING, MULTIGENERATIONAL*** — *A single dwelling unit occupied by at least two adult generations of a family and children or grandchildren under the age of 25.*~~

DWELLING, SINGLE-FAMILY — *A ~~detached~~ residential building designed for or occupied exclusively by one family ~~and surrounded by open space or yards and which is not attached to any other dwelling by any means~~.*

DWELLING, TWO-FAMILY — *A ~~detached or semidetached~~ residential building designed for and occupied exclusively by two families.*

Section 12: Severability. If any provision of this Ordinance, or the application thereof to any person, property, or circumstance, is held invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect any other provision or application of this Ordinance that can be given effect without the invalid or unenforceable provision or application. To that end, the provisions of this Ordinance are declared to be severable. Except as expressly amended by this Ordinance, all other provisions of Chapter 336, Zoning, of the Town of Polk Code of Ordinances shall remain unchanged and in full force and effect.

Section 13. Effective Date. This ordinance shall take effect upon passage and posting as provided by law pursuant to Wis. Stat. §§ 60.80 and 66.0103.

ADOPTED this 10th day of November, 2026.

Albert J Schulteis

Albert Schulteis, Town Chairman

Ayes: 3 Nays: 0 Absent: —

Attest: Alison Pecha

Alison Pecha, Town Clerk