

CHAPTER 9 Implementation Element

66.1001(2)(i)Wis. Statutes

The Comprehensive Plan is intended to be used as the guide for future development decisions. To accomplish the goals, objectives, and policies of the plan, specific implementation measures must be taken to ensure the Town of Sharon's actions meet the desires of its Comprehensive Plan.

Section 9.1 Comprehensive Plan Adoption Procedures

The Wisconsin State Statutes establish the manner in which a Comprehensive Plan must be adopted by a community:

66.1001(4) Procedures for adopting Comprehensive Plans. A local governmental unit shall comply with all of the following before its Comprehensive Plan may take effect:

(a) The governing body of a local governmental unit shall adopt written procedures that are designed to foster public participation, including open discussion, communication programs, information services and public meetings for which advance notice has been provided, in every stage of the preparation of a comprehensive plan. The written procedures shall provide for wide distribution of proposed, alternative or amended elements of a Comprehensive Plan and shall provide an opportunity for written comments on the Plan to be submitted by members of the public to the governing body and for the governing body to respond to such written comments.

(b) The Plan Commission or other body of a local governmental unit that is authorized to prepare or amend a comprehensive plan may recommend the adoption or amendment of a Comprehensive Plan only by adopting a resolution by a majority vote of the entire commission. The vote shall be recorded in the official minutes of the Plan Commission or other body. The resolution shall refer to maps and other descriptive materials that relate to one or more elements of a comprehensive plan. One copy of an adopted Comprehensive Plan, or of an amendment to such a Plan, shall be sent to all of the following:

- 1. Every governmental body that is located in whole or in part within the boundaries of the local governmental unit.*
- 2. The Clerk of every local governmental unit that is adjacent to the local governmental unit that is the subject of the plan that is adopted or amended as described in par. (b) (intro).*
- 3. The Wisconsin Land Council.*
- 4. After September 1, 2003, the Department of Administration.*
- 5. The Regional Planning Commission in which the local governmental unit is located.*
- 6. The public library that serves the area in which the local governmental unit is located.*

(c) No Comprehensive Plan that is recommended for adoption or amendment under par.(b) may take effect until the political subdivision enacts an ordinance or the Regional Planning Commission adopts a resolution that adopts the plan or amendment. The political subdivision may not enact an ordinance or the Regional Planning Commission may not adopt a resolution under this paragraph unless the Comprehensive Plan contains all of the elements specified in sub.(2). An ordinance may be enacted or a resolution may be adopted under this paragraph only by a majority vote of the members-elect, as defined in s.59.001 (2m), of the governing body. An ordinance that is enacted or a resolution that is adopted under this paragraph, and the plan to which it relates, shall be filed with at least all of the entities specified under par.(b).

(d) No political subdivision may enact an ordinance or no regional planning commission may adopt resolution under par. (c) unless the political subdivision or Regional Planning Commission holds at least one public hearing at which the proposed ordinance is discussed. That hearing must be preceded by a class 1 notice under ch.985 that is published at least 30 days before the hearing is held. The political subdivision or Regional Planning Commission may also provide notice of the hearing by any other means it considers appropriate. The class 1 notice shall contain at least the following information:

1. *The date, time and place of the hearing.*
2. *A summary, which may include a map, of the proposed Comprehensive Plan or amendment to such a Plan.*
3. *The name of an individual employed by the local governmental unit who may provide additional information regarding the proposed ordinance.*
4. *Information relating to where and when the proposed Comprehensive Plan or amendment to such a plan may be inspected before the hearing, and how a copy of the plan or amendment may be obtained.*

A Town of Sharon Comprehensive Plan was adopted by resolution by the Town Plan Commission on July 29, 2005 and forwarded to the Town Board on July 29, 2005. (See Appendix A)

A public hearing was held by the Town of Sharon Board on August 9, 2005, pursuant to valid notice of proposed ordinance. The Town of Sharon Comprehensive Plan was reviewed. Changes and adjustments were made.

This revised Town of Sharon Comprehensive plan was prepared jointly by the Town of Sharon Board and the Town of Sharon Plan Commission in council.

The Plan Commission recommended the Plan to the Town of Sharon board (by resolution #2006-1PC) for consideration on December 21, 2006, with copies of the recommended draft made available for inspection at the Sharon Town Hall, Portage County Library and Portage County Planning and Zoning offices. A public hearing was held before the Town Board and Plan Commission on January 23, 2007 and the Town of Sharon Comprehensive Plan was officially adopted by ordinance at the Town of Sharon Board meeting on February 13, 2007.

The Plan Commission continued work to revise the Town Zoning Map to bring it into line with the adopted Comprehensive Plan. In the process it became apparent that the Town's Comprehensive Plan also needed some amendments to clarify some land use issues through both map and text changes. Several new Plan Commission members were appointed to the Plan Commission and time was needed to get them familiar with the planning documents. After meeting from June 2007 to June 2008, the Plan Commission ultimately recommended amendments to the Plan to the Town Board on June 26, 2008. Copies of the recommended draft were made available for inspection at the Sharon Town Hall, Portage County Library and Portage County Planning and Zoning Department Offices, and through the Portage County website. A public hearing was held before the Town Board and Plan Commission on August 12, 2008 and the Town of Sharon Comprehensive Plan as revised in 2008 was officially adopted by ordinance at the Town of Sharon Board meeting on August 12, 2008.

Section 9.2 Comprehensive Plan Implementation

Wisconsin State Statute 66.1001(3) establishes the actions that must be based on the adopted comprehensive plan (2003 Wisconsin Act 233 revised the original list of items to meet the consistency requirement) to include:

(3) Actions, procedures that must be consistent with Comprehensive Plans. Beginning on January 1, 2010, if a local governmental unit engages in any of the following actions, those actions shall be consistent with that local governmental unit's Comprehensive Plan:

- (a) *Official mapping established or amended under s.62.23 (6).*
- (b) *Local subdivision regulation under s.236.45 or 236.46.*
- (c) *County zoning ordinances enacted or amended under s.59.69.*
- (d) *City or Village zoning ordinances enacted or amended under s.62.23 (7).*
- (e) *Town zoning ordinances enacted or amended under s. 60.61 or 60.62.*
- (f) *Zoning of shore lands or wetlands in shore lands under s.59.692, 61.351 or 62.231.*

The Town of Sharon came under Portage County Zoning jurisdiction in June 1970 and Portage County still administers the Zoning Ordinance for the Town. The Town is also subject to the following County regulatory tools: Shore land and Floodplain Zoning, Subdivision, Private Sewage, Tower, Nonmetallic Mining Reclamation, Road, and Parkland Ordinances as well as others. The Town of Sharon has its own subdivision, non-metallic mining, road, and parkland ordinances.

The Town shall undertake a review of these regulatory tools for compatibility and consistency with the various goals, objectives and policies of the adopted Town Comprehensive Plan, and identify any sections of the documents that may need updating. This review period shall commence approximately 12 to 18 months after the initial adoption of the plan.

To ensure that this Plan will accomplish its intended goals, more steps will need to be taken beyond simply adopting this document. In general, the plans effectiveness depends upon the commitment of Town and County officials, as well as local residents, to follow through with the policies, recommendations and action plan contained herein.

Action Plan: Specific actions needed to preserve the Town’s rural atmosphere, guide growth and otherwise successfully implement this Plan include:

1. Update the Town of Sharon zoning map to reflect land use recommendations.
2. Keep abreast of communal septic system technology as it develops for WI Dept Code
3. Review Comprehensive Plan Goals, Objectives, and Policies when it is warranted.
4. Create a Comprehensive Plan text and map amendment application form.
5. Form policies for future road locations, extensions and connections, to guide the review of development plans and proposals.
6. Develop and maintain a Town Transportation Improvement Plan that is reviewed by the Town of Sharon
7. Develop a method for identification and storage of historic Town records.
8. Consider Mobile Home Ordinance
9. Improve intergovernmental relationships
 - a. Maintain current list of school board members and administration for all three school districts and continue to invite district representatives to attend Town meetings to share information regarding each district.
 - b. Regularly invite County Board supervisors to attend Town meetings.
 - c. Meet with adjacent units of government on an annual basis to discuss intergovernmental issues.
 - d. Maintain communication and interaction with County departments.
 - e. Maintain written road agreements with surrounding Towns.

10. Consider ordinance for telecommunication towers when warranted.
11. Consider ordinance for wind towers when warranted.
12. Assess the recreational needs and issues within the Town.
13. Continue to monitor, identify, and publicize land preservation opportunities.
14. Consider the creation of a public nuisance ordinance.
15. Assess Town support and enforcement needed to manage inoperable or junk vehicles and other items that negatively impact natural resources.
16. Consider an impact fee ordinance.
17. Work with various organizations to provide educational materials to the public regarding agricultural operations and activities, the “Right to Farm Law”, and the realities of rural living.
18. Implement Lot Size Density zoning in the Town of Sharon. (Once Portage County and Towns approve lot size density concept and ordinance, it will be implemented in the Town of Sharon.

Section 9.3 Relationship to Zoning

This Plan is intended to serve as a guide in updating the Town zoning map. The State’s Comprehensive Planning law requires that beginning on January 1, 2010, if a local governmental unit engages in any of the following actions, those actions shall be consistent with that local governmental unit’s Comprehensive Plan. One of those actions is zoning, therefore, the Town’s zoning map will have to be consistent with the recommendations found in this Comprehensive Plan. Zoning revisions in the Town are based on the Comprehensive Plan’s 9 elements, zoning compatibility with neighboring properties, directing residential growth to areas of existing higher density in Polonia and Ellis and preserving rural character, the landowner’s request and use of tools such as Lot Averaging.

The Portage County Board has the final decision-making authority regarding amendments to the Town zoning map, since the Town of Sharon is under County zoning jurisdiction. It is the County Board’s established practice to seek the input of the Town Board, interested residents/landowners, and the Planning and Zoning Department when formulating decisions. Under State law, the Sharon Town Board is granted the power to veto any zoning change made within the Town by the County Board pursuant to Wisconsin Statutes 59.69(5)(e)3. and *Quinn vs. Town of Dodgeville*, 122 Wis.2d 570(1985).

The Town of Sharon will rely on the Portage County Zoning Ordinance and Town ordinances as the primary tools for implementing their Comprehensive Plan. Both the Comprehensive Plan and the Zoning Ordinance use districts to separate incompatible uses and specify appropriate development densities. Each land use district identified by this Plan describes the community’s expectations of what future development should consist of within specific areas. To implement those expectations, the Town must assign zoning districts that match the intent of their land use districts. Table 9.1 is provided to show appropriate zoning/land use district relationships.

If a landowner wishes to change his/her acreage classification to another acreage classification within the land use category he/she is already in, he/she shall request a hearing with the Planning Commission to give reasons for the change. The request will be considered for possible change if it is deemed warranted by the Town of Sharon Board, consistent with rules and regulations.

Table 9.1
ZONING/LAND USE PLAN COMPATIBILITY TABLE
TOWN OF SHARON

COMPREHENSIVE PLAN MAP CATEGORIES	Enterprise Agriculture (L-1)	General Agriculture (L-2) (4)	Limited Agriculture/ Mixed Use (L-3) (4)	Natural Area- Protected	Resi- dential	Non- Metallic Mineral Extraction (1)	Commercial (2)	Institutional (3)	Industrial
PORTAGE COUNTY ZONING DISTRICTS									
R-1 Rural & Urban Fringe					X			X	
R-2 Single Family Residence					X			X	
R-3 1&2 Family Residence					X			X	
A1-Exclusive Agriculture		X				X			
A20-Primary Agriculture		X	X						
A2-Agricultural Transition		X	X			X		X	
A3-Low Density Agriculture		X	X			X		X	
A4-General Agriculture			X					X	
C1-Neighborhood Commercial							X	X	
C3-Commercial							X	X	
C4-Highway Commercial							X	X	
Industrial								X	X
Conservancy				X				X	

- 1 All non-metallic extractions greater than 30,000 sq. feet are regulated by special exception.
- 2 Requests for commercial uses will be considered on a case-by-case, primarily in areas designated on Land Use Map.
- 3 Most institutional uses are regulated by special exception. Requests for these uses should be directed to the County Zoning Administrator.
- 4 The Lot Averaging subdivision option will be an option in this category once created by Portage County & the Town of Sharon..

Section 9.4 Integration, Amendment, and Update of Comprehensive Plan Elements

A. Integration

The goals, objectives, and policies contained within the preceding eight elements (chapters) of this Comprehensive Plan, along with the accompanying inventory and analysis, have been thoroughly reviewed, amended and approved by the Town of Sharon Plan Commission and the Town of Sharon Board. Throughout the drafting and review process, great care was taken to include all issues and concerns from Board and Commission members, as well as from the community at large. Special attention was then given to making sure that the policies required to address the individual issues or concerns did not conflict, either with each other within the chapter, or between the different chapters. The future revision of any Comprehensive Plan goal, objective, or policy shall receive the same level of deliberation and analysis as the original Plan; special attention shall be given so that the new adopted language does not create conflicts within or between chapters. It is understood that this is a complicated and difficult process and therefore adjustments may need to be made to clean up areas of conflict as they become apparent by the Town of Sharon Plan Commission and/or Town of Sharon Board. This is, first and foremost, a guide, not an unchangeable, inflexible document.

B. Plan Amendment and Update

As cited at the beginning of this chapter, State Statute section 66.1001(2)(i), states that the Comprehensive Plan shall be updated no less than once every 10 years. To comply with this requirement, the Town of Sharon will need to undertake a complete update of this nine-chapter document and appendices by the year 2017. The Town may commence the update at any time prior to 2017 as Town conditions or needs change.

Smaller-scale amendments to portions of the Comprehensive Plan may also be considered by the Town Board at any time. The public shall be notified of any proposed changes and allowed the opportunity to review and comment. The Town should consider resident's opinion concerning their own property in evaluating a proposed change. The procedure for amendment and update will be the same as original Plan adoption outlined in Section 9.1 above.

1. Amendment Initiation

The following may submit an application for a Comprehensive Plan amendment:

- Sharon Town Board
- Sharon Plan Commission
- Any person having title to land within the Town
- Any person having a contractual interest in land affected by a proposed amendment
- Any agent for the above

The applicant that proposes an amendment to the Future Land Use Map shall have the burden of proof to show that the proposed amendment is in the public interest.

2. Application and Review Procedure

The amendment process described in Section 9.1 shall also include the following steps:

- a. **Submittal of Application.** The applicant shall submit a complete application to the Town Clerk, along with any applicable application fees. A copy of the application shall be forwarded by the Clerk to each member of the Plan Commission.

- b. Application Review. The Plan Commission shall review the application at one of its regular or special meetings for compliance with the Comprehensive Plan. Upon conclusion of their review, Plan Commission shall make a written recommendation to the Town Board for either approval or denial. This recommendation shall include finding of fact to justify the recommendation.
 - c. The Town Board shall hold a public hearing on the request, per State Statute requirements. After reviewing the application, Plan Commission recommendation, and comments from the public hearing, the Town Board shall make a decision to deny the proposed amendment; approve the proposed amendment; or approve the amendment with revision(s) that it deems appropriate. Such revisions to the proposed amendment shall be limited in scope to those matters considered in the public hearing.
 - d. Update History of Adoption and Amendment. The Plan Commission shall establish a table entitled “History of Adoption and Amendment” for the purpose of keeping records on Plan amendments.
3. Application Requirements
- a. An application submitted by a resident/landowner/agent to amend the Future Land Use Map shall include the following:
 - A scaled drawing of the subject property.
 - A legal description of each of the parcels in the subject property.
 - A map of existing land uses occurring on and around the subject property.
 - A written description of the proposed change.
 - A written statement outlining the reason(s) for the amendment.
 - Other supporting information the Town of Sharon Board deems appropriate.
 - b. Other Amendments. For all other types of amendments, the application shall include the following:
 - A written description of the proposed change.
 - A written statement outlining the reason(s) for the amendment.
 - Other supporting information the Town of Sharon Board deems appropriate.
4. Special Considerations for Plan Amendments
- a. Internal Consistency. Amendments shall be made so as to preserve the internal consistency of the entire Comprehensive Plan.
 - b. Granting special privileges or placing limitations is not permitted. No amendment to change the Future Land Use Map shall contain special privileges or rights or any conditions, limitations, or requirements not applicable to all other lands in the district.
 - c. The amendment shall not create an adverse impact on adjacent land/land uses.
 - d. The amendment shall not create an adverse impact on public facilities and services.

Section 9.5 Monitoring/Formal Review of the Plan

To assure that this Comprehensive Plan will continue to provide useful guidance regarding development within the Town, the Sharon Town Board will periodically review and amend the Plan to ensure that it remains relevant and reflects current Town values and priorities.

In order to achieve this, the Town Plan Commission Chair shall request, at least once every year, to place the performance of the Comprehensive Plan on the agenda of a regular or special Plan Commission meeting for discussion and recommendation to the Town Board. Discussion should include a review of the number and type of amendments approved throughout the previous year, as well as those that were denied. This information serves to gauge the adequacy of existing policies; multiple changes indicate policy areas in need of re-assessment. Other topics would include changes to either the development market or residents' attitudes and values toward different aspects of Town life. As a result of this discussion, the Plan Commission would recommend either no change to the Plan, or one or more specific changes that should be addressed. At this point the process detailed in Sections 9.1 and 9.4 above would commence.

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