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RESOLUTION NO. 21-9A-315

AGENDA NO. 5.1(1)

**ORDINANCE
ROCK COUNTY BOARD OF SUPERVISORS**

PLANNING &
DEVELOPMENT
COMMITTEE
INITIATED BY



ANDREW BAKER, DIRECTOR
DRAFTED BY

PLANNING &
DEVELOPMENT
COMMITTEE
SUBMITTED BY

JULY 28, 2021
DATE DRAFTED

**AMENDING VARIOUS SECTIONS OF THE ROCK COUNTY SHORELAND ZONING
ORDINANCE (CHAPTER 4 PART 2)**

1 The County Board of Supervisors of the County of Rock does ordain as follows:

2

3 I. Chapter 4, Part 2, of the Rock County Ordinances shall be amended to read as follows (new
4 language underscored, ~~deleted language crossed out~~):

5

6 **4.205 Minimum Lot Size and Setbacks**

7 (1) Purpose. Minimum lot sizes and setbacks in the shoreland area shall be established
8 to afford protection against danger to health, safety, and welfare, preserve natural beauty, reduce flood
9 hazards and protect against pollution of the adjacent body of water. Shoreland setbacks standards are
10 addressed in Section 4.206 of this Ordinance.

11

12 In calculating the minimum area or width of a lot, the beds of navigable waters shall
13 not be included.

14

15 (2) Sewered Lots

16

17 (A) Minimum Area and Width for Each New Lot. The minimum lot area shall be 10,000 sq.
18 ft. and the minimum average lot width shall be 65 feet.

19 1. The width shall be calculated by averaging measurements at the following 4
20 locations:

21 (a) The ordinary high water mark.

22 (b) The building setback line.

23 (c) One other location on the lot within 300 feet of the ordinary highwater mark.

24 (d) The rear lot line

25

26 (B) Setbacks (Applicable to New and Existing Lots)

27 1. There shall be a side yard for each principal structure or building. The minimum width
28 of one side yard shall be 8 feet. The minimum combined width of both principal side
29 yards shall be 20 feet. There shall be a side yard of 5 feet for accessory structures
30 excluding fences.

31 2. The rear yard setback for all structures shall be 25 feet.

32 3. The front yard setback for all structures shall be 25 feet.

33

34 (3) Unsewered Lots

35

36 (A) Minimum Area and Width for Each New Lot. The minimum lot area shall be 20,000 sq.
37 ft. and the minimum average lot width shall be 100 feet with at least 100 feet of
38 frontage at the ordinary high-water mark.

39 1. The width shall be calculated by averaging measurements at the following 4 locations:

40 (a) The ordinary high water mark.

41 (b) The building setback line.

42 (c) One other location on the lot within 300 feet of the ordinary highwater mark.

43 (d) The rear lot line

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- 45 (B) Setbacks (Applicable to New and Existing Lots)
- 46 1. There shall be a side yard for each principal structure or building. The minimum width
- 47 of one side yard shall be 15 feet. The minimum combined width of both principal side
- 48 yards shall be 40 feet. There shall be a side yard of 5 feet for accessory structures
- 49 excluding fences
- 50 2. The rear yard setback for all structures shall be 25 feet.
- 51 3. The front yard setback for all structures shall be 50 feet, except as
- 52 described in (C) below.

53

54 (C) Front Yard Setback Standard Applicable to Accessory Structures on

55 Existing Substandard Unsewered Lots

56

57 An owner of a property that does not have a garage, carport or other accessory structure

58 may request a reduction to a 25-foot front yard setback for the purpose of constructing a

59 detached accessory structure not to exceed 720 square feet if all of the following

60 requirements are met:

- 61 1. The lot(s) was platted prior to the adoption of the Shoreland Zoning Ordinance (1971)
- 62 2. The property can meet all other County Ordinance standards for Shoreland Zoning and
- 63 Floodplain Zoning, including, but not limited to, other setbacks and impervious surface
- 64 standards.
- 65 3. An area for a replacement private onsite wastewater treatment system (POWTS) is
- 66 documented by a certified professional.
- 67 4. The lot fronts on a local, Town, road with a speed limit of 35 mph or less
- 68 5. Existing lots under common ownership must be combined via Certified Survey Map if
- 69 the new accessory structure will cross the common lot line. Existing lots combined for
- 70 the purpose of constructing an accessory structure as per the standards of this section
- 71 may be approved without meeting the current minimum lots size and width standards
- 72 required for new lots.

Respectfully submitted:

PLANNING AND DEVELOPMENT COMMITTEE

/s/Alan Sweeney
 Alan Sweeney, Chair

ABSENT
 Wayne Gustina, Vice-Chair

/s/J. Russell Podzilni
 J. Russell Podzilni

/s/Wes Davis
 Wes Davis

/s/Robert Potter
 Robert Potter

FISCAL NOTE:

No fiscal impact.

/s/Sherry Oja
 Sherry Oja
 Finance Director

LEGAL NOTE:

The County Board is authorized to take this action by Wisconsin Statutes section 59.02(2).

s/ Bridget Laurent
 Bridget Laurent
 Deputy Corporation Counsel

ADMINISTRATIVE NOTE:

Recommended.

/s/Josh Smith
 Josh Smith
 County Administrator

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Executive Summary

In a number of subdivisions platted well prior to the Shoreland Zoning Ordinance (1971) there are lots that are considered substandard, i.e don't meet current standards for new lots. Those lots are generally considered buildable as long as all other standards are met per Ordinance. Many of these lots are service by public sewer, especially in the vicinity of Lake Koshkonong. However, there are lots that are served by private onsite septic systems. By ordinance, these lots require a 50-foot road setback, just as a larger lot in a more rural area would. This is to primarily maintain a greater distance from the road for safety purposes because speed limits are higher than would normally be in a subdivision setting.

Unless prohibited for some other reasons (such as state minimum standards), if the same provision in an ordinance is regularly generating variance applications, the correct thing to do is to amend the ordinance. That is the case for these smaller lots with a required 50 foot front yard setback. A vast majority of variance requests heard by the Board of Adjustment are for a reduction of the front yard setback, often to build a detached garage. Either the existing house is already too close to the road to allow space of the garage or the lot is simply too small to make the setback functional. These variances are typically approved provided the applicant proves their case and the size of the accessory structure is reasonable (roughly a two-car garage).

The proposed ordinance amendment reduces the required setback to 25 feet as long as certain conditions are met, most importantly safety from the public road and documenting an approvable location for replacement private onsite sanitary system. A 25-foot front yard setback is consistent with the requirement for all sewerred lots.