

**ORDINANCE  
ROCK COUNTY BOARD OF SUPERVISORS**

Supervisor Alan Sweeney  
INITIATED BY



09/19/2023  
DATE DRAFTED

Amending 4.205 of the Rock County Code of Ordinances  
(Zoning of Shorelands – Minimum Lot Size and Setbacks)

1 Now therefore be it resolved that the Rock County Board of Supervisors assembled this  
2 12th day of October, 2023 does ordain as follows:

3  
4 I. Section 4.205 of the Rock County Code of Ordinances shall be amended to read as  
5 follows (added text appears as underlined; deleted text appears as ~~struck through~~):

6  
7 **4.205 Minimum Lot Size and Setbacks**

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

14  
15 In calculating the minimum area or width of a lot, the beds of navigable waters shall  
16 not be included.

17  
18 (2) Sewered Lots

19  
20 (A) Minimum Area and Width for Each New Lot. The minimum lot area shall be  
21 10,000 sq. ft. and the minimum average lot width shall be 65 feet.

- 22 1. The width shall be calculated by averaging measurements at the  
23 following 4 locations:  
24 a. The ordinary high water mark.  
25 b. The building setback line.  
26 c. One other location on the lot within 300 feet of the ordinary  
27 highwater mark.  
28 d. The rear lot line

29  
30 (B) Setbacks (Applicable to New and Existing Lots)

- 31 1. There shall be a side yard for each principal structure or building. The  
32 minimum width of one side yard shall be 8 feet. The minimum combined  
33 width of both principal side yards shall be 20 feet. There shall be a side  
34 yard of 5 feet for accessory structures ~~excluding fences~~.  
35 2. The rear yard setback for ~~all~~ structures shall be 25 feet.  
36 a. Accessory structures 800 square feet or less, rear yard setback of 5  
37 feet.  
38 3. The front yard setback for all structures shall be 25 feet.

39  
40 (3) Unsewered Lots

41  
42 (A) Minimum Area and Width for Each New Lot. The minimum lot area shall be  
43 20,000 sq. ft. and the minimum average lot width shall be 100 feet with at  
44 least 100 feet of frontage at the ordinary high-water mark.

- 45 1. The width shall be calculated by averaging measurements at the  
46 following 4 locations:  
47 a. The ordinary high water mark.  
48 b. The building setback line.

- c. One other location on the lot within 300 feet of the ordinary highwater mark.
- d. The rear lot line

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

- 1. There shall be a side yard for each principal structure or building. The minimum width of one side yard shall be 15 feet. The minimum combined width of both principal side yards shall be 40 feet. There shall be a side yard of 5 feet for accessory structures ~~excluding fences~~
- 2. The rear yard setback for ~~all~~ structures shall be 25 feet.
  - a. Accessory structures 800 square feet or less, rear yard setback of 10 feet.
- 3. The front yard setback for all structures shall be 50 feet, except as described in (C) below.

(C) Front Yard Setback Standard Applicable to Accessory Structures on Existing Substandard Unsewered Lots

An owner of a property that does not have a garage, carport or other accessory structure may request a reduction to a 25-foot front yard setback for the purpose of constructing a detached accessory structure not to exceed 720 square feet if all of the following requirements are met:

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

(4) Substandard Lots

(A) A legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current lot size requirements, may be used as a building site if all of the following apply:

- 1. The substandard lot or parcel was never reconfigured or combined with another lot or parcel by plat, survey, or consolidation by the owner into one property tax parcel.
- 2. The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.
- 3. The substandard lot or parcel is developed to comply with all other ordinance requirements, including setbacks.

(B) Other Substandard Lots. Except for lots which meet the requirements of sections 4.205(4)(A) a building permit for the improvement of a lot having lesser dimensions than those stated in sections 4.205(2)(A) and 4.205(3)(A) shall be issued only if a variance is granted by the Rock County Board of Adjustment.

II. This amendment shall be effective upon publication.

FISCAL NOTE:

No fiscal impact.

Sherry Oja  
Finance Director

LEGAL NOTE:

The County Board is authorized to take this action pursuant to § 59.02(2), Wis. Stats.

Richard Greenlee  
Corporation Counsel

ADMINISTRATIVE NOTE:

Recommended.

Josh Smith  
County Administrator

## EXECUTIVE SUMMARY

Amending 4.205 of the Rock County Code of Ordinances  
(Zoning of Shorelands – Minimum Lot Size and Setbacks)

This is an amendment to the Rock County Shoreland Zoning Ordinance 4.205, minimum lot size and setbacks. The primary purpose of the proposed amendment to the ordinance is add a provision for accessory structures of 800 feet or less, reducing the minimum setback to 5 feet in sewerred lots, and 10 feet in unsewered lots. Doing so maintains the purpose and intent of the ordinance while also aligning more consistently with Town Zoning Ordinances and recent applications for variances from the Rock County Board of Adjustment. The size threshold is based on the approximate size of a standard two-car garage.