

ZERO LOT LINE - Ordinance 13-1-31 R-2Z
R-2 TO R-2Z

PROCEDURES

File a petition for rezoning with \$250.00 fee, plus a \$500 Deposit
(Any other applicable professional fees will be billed if they exceed the deposit)

Produce a draft CSM by a Registered Land Surveyor (RLS) and Covenants and/or Maintenance Agreement.

The draft CSM shall be reviewed by the Village Engineer. A draft of the Covenants and/or Maintenance Agreement between the two sides shall be reviewed by an Attorney representing the Village. The Village Building Inspector will need to verify that there is the required fire wall separation between the two sides.

No less than 10 days, but not more than 45 days before a Public Hearing, a Class 2 notice must be published (twice) in the Village's local paper.

Public Hearing prior to the Village Board meeting – Allow comments on the proposed Zoning change.

Village Board Meeting

Approval or denial of the draft CSM and Covenants and/or Maintenance Agreement.

The RLS shall have lot stakes installed and prepare a zero lot line CSM, showing the existing foundation location.

If approved by the Village Engineer, the Village Attorney, the Village Building Inspector and all costs paid in full, the Village will sign the final zero lot line CSM.

The final CSM and Covenants and/or Maintenance Agreement **MUST** be recorded with Columbia County.

A copy of the recorded zero lot line CSM and Covenants and/or Maintenance Agreement **MUST** be provided to the Village.

VILLAGE OF FALL RIVER
ZONING CHANGE OR ANNEXATION APPLICATION

DATE _____

NAME _____

ADDRESS _____

OWNER NAME & ADDRESS OF SITE (IF DIFFERENT THAN APPLICANT)

DESCRIPTION OF PROPERTY PARCEL # _____

EXISTING ZONING _____ PROPOSED ZONING _____

OTHER ZONING OR VARIANCE REQUEST

MAP OR CSM ATTACHED OR PROVIDED YES NO

NAMES AND ADDRESSES OF PROPERTIES LYING WITHIN 100 FEET OF AREA
PROPOSED TO BE REZONED

Signature of applicant

ZONING FEE MUST BE SUBMITTED WITH THIS APPLICATION
ANY COSTS FOR ENGINEERING AND/OR ATTORNEY REVIEW WILL BE BILLED

For Office Use Only

Date Application Received _____ Payment Included YES NO

Date of Publication _____

Date of Public Hearing _____

Date of Board Meeting _____

Zoning is APPROVED
 NOT APPROVED

13-1-43

and no garage or other structure not designed for human habitation shall be used for living quarters.

- (7) Gardening, storage sheds and other accessory buildings meeting the requirements of Section 13-1-200 incidental to the residential use.
- (8) Class 2 collocation of a new mobile service facility on an existing support structure without substantial modification, per Section 13-1-182.
- (9) Uses customarily incident to any of the above uses, provided that no such use generates traffic or noise that would create public or private nuisance.
- (c) **Conditional Uses.** The following are conditional uses in the R-2 District:
 - (1) Conditional uses allowed in the R-1 District.
 - (2) Siting and construction of any new mobile support structure and/or facility or a Class 1 collocation of a new mobile service facility on an existing support structure, per Section 13-1-182.
- (d) **Area, Height and Yard Requirements.**

	One-Family Dwelling	Two-Family Dwelling
(1) Lot Size.		
a. Minimum Width	90 feet	90 feet
b. Minimum Area	10,000 sq. ft.	10,000 sq. ft.
(2) Building.		
a. Maximum Height	35 feet	35 feet
b. Minimum Floor Area	1,150 sq. ft. per family	1,000 sq. ft. per family
(3) Yards. Front, side and rear yard setbacks shall be the same as for the R-1 District.		

Sec. 13-1-44 R-2Z Two-Family Residential District (Zero-Lot Line).

- (a) **Purpose.** The purpose of the R-2Z District is to provide the opportunity for construction and maintenance of primarily zero-lot line attached two-family dwelling units, particularly in new subdivisions and growth areas.
- (b) **Permitted Uses.** The following are permitted uses in the R-2Z District:
 - (1) Single-family dwellings.
 - (2) Two-family dwellings (duplex).
 - (3) Zero-lot line two-family dwellings (duplex).
 - (4) Community living arrangements and day care centers which have a capacity for eight (8) or fewer persons.
 - (5) Home occupations and professional home offices per Section 13-1-93.
 - (6) Two (2) private garages with not more than one thousand five hundred (1,500) square feet in aggregate for each residential parcel per Section 13-1-200, provided that one

- (1) garage is attached; such garage shall not be used in the conduct of any business, and no garage or other structure not designed for human habitation shall be used for living quarters.
- (7) Gardening, storage sheds and other accessory buildings meeting the requirements of Section 13-1-200 incidental to the residential use.
- (8) Class 2 collocation of a new mobile service facility on an existing support structure without substantial modification, per Section 13-1-182.
- (9) Uses customarily incident to any of the above uses, provided that no such use generates traffic or noise that would create public or private nuisance.
- (c) **Conditional Uses.** The following are conditional uses in the R-4 District:
 - (1) Conditional uses allowed in the R-2 District.
 - (2) Siting and construction of any new mobile support structure and/or facility or a Class 1 collocation of a new mobile service facility on an existing support structure, per Section 13-1-182.
- (d) **Area, Height and Yard Requirements – Principal Structures.**

	One-Family Dwelling	Two-Family Dwelling
(1) Lot Size.		
a. Minimum Width	90 feet	90 feet
b. Minimum Area	10,000 sq. ft.	10,000 sq. ft.
(2) Building.		
a. Maximum Height.	35 feet	35 feet
b. Minimum Floor Area	1150 sq. ft. per family	1000 sq. ft. per family
(3) Yards.	Front, side and rear yard setbacks shall be the same as for the R-1 District.	

- (e) **Zero-Lot Line Duplexes Standards.** Zero-lot line duplexes in the R-2Z Two-Family Residential District shall meet the following conditions:
 - (1) **Lot Area; Width.** Every building hereafter erected, moved, or structurally altered shall provide a lot area of not less than five thousand (5,000) square feet with one dwelling unit per lot, and no such lot shall be less than forty-five (45) feet in width of street frontage for a non-cul-de-sac lot. Cul-de-sac lots shall have a minimum street frontage width of twenty (20) feet and a minimum width of forty (40) feet at the setback line.
 - (2) **Setbacks.** Minimum front yard: twenty-five (25) feet with a corner lot having a minimum setback of twenty-five (25) feet for both streets; minimum side yard: zero (0) feet on the side where a common wall is shared with an adjacent lot and minimum ten (10) feet on the other side; minimum rear yard: twenty-five (25) feet.
 - (3) **Utility and Storm Water Management Easements.** Minimum front and rear yard easements: twelve (12) feet; minimum side yard easements: six (6) feet except on the side where a common wall is shared with an adjacent lot.

- (4) **Bulk Standards.** The lot owner(s) shall provide a list of protective covenants and/or signed agreement between both parties that is to be recorded with the zero line line CSM that addresses common elements between the units such as maintenance, repairs, etc. of common walls, driveways, siding, roof replacement, and/or common elements for a condominium plat.
- (5) **Common Dividing Wall.** The common wall dividing the zero-lot line duplex shall be centered on the dividing line between the two (2) halves of the lot, and shall be a minimum of one (1) hour fire wall construction per State Building Code standards. The common fire wall shall be constructed from the lowest floor level, including the basement, to the underside of the roof sheathing. Such common wall shall be masonry in the basement area.
- (6) **Separate Utilities Required.** Each lot/unit shall have separate water laterals and shut-off valves, separate sewer laterals, separate water meters, and separate electrical service meters. Each unit shall be equipped with its own forced-air furnace heating system. When zero-lot line duplex dwelling units are created, the plans, specifications, and construction of such building shall require that the installation and the construction of sewer, water and other utility services be done in such a manner so as to provide separate systems to each dwelling unit.
- (7) **Joint Maintenance Agreement.** When zero-lot line duplex dwelling units are created, a joint maintenance agreement shall be entered into by the owners of both zero-lot line units to ensure that equal and reasonable maintenance and repairs are performed for both single-family attached residential units. Prior to the issuance of a building or zoning permit for the construction or conversion of a zero-lot line duplex, or occupancy of either unit, the property owner(s) shall cause the fully executed joint maintenance agreement to be recorded with the County Register of Deeds so that the terms and conditions of the agreement will be a covenant running with each of the lots and binding upon all owners of each of the lots on which the zero-lot line duplex is located. A copy of the recorded joint maintenance agreement, showing the recording information, shall be filed with the Village at the time of issuance of a building, zoning or occupancy permit, or prior to occupancy of a unit. The joint maintenance agreement deed restriction shall include the following provisions, but not be limited to:
 - a. Each side of the building shall be constructed at the same time and in such a manner as to be harmonious with the other side so that the overall effect is aesthetically pleasing. The agreement shall address the provision of common siding, roofing, and driveway materials.
 - b. The duplex structure shall be painted, stained, or sided one (1) color scheme and any subsequent repainting, staining, or siding shall be of one (1) color scheme, or according to the plan established by the covenants. The agreement shall include provisions on the allocation of costs and method of determining if repairs or replacement are necessary.

- c. Each side of the zero-lot line duplex shall be provided with a minimum of two (2) trees and foundation plantings covering two-thirds (2/3) of the street side of the unit. Lots shall be maintained equally with respect to lawn care, pruning of shrubs and trees.
 - d. No fences shall be permitted along the zero-lot line in the front or rear yards.
 - e. Each unit shall have an attached garage for at least one (1) vehicle.
 - f. A basement shall be provided across zero lot lines as necessary for water, sewer, and other utilities services.
 - g. A twelve (12) foot maintenance easement [six (6) feet on each side of the zero-lot line side property line] to allow for normal maintenance of each single-family residential unit shall be recorded with the County Register of Deeds and a recorded copy filed with the Village. This easement shall also be provided on the Certified Survey Map (CSM) or plat dividing the property.
 - h. A provision against the construction of a detached single-family residence on either lot in the event either or both sides of the zero-lot line duplex are destroyed.
 - i. A dispute resolution system shall be provided for in the agreement.
 - j. Violation of these covenants contained in the agreement shall be addressed by the signing parties to the agreement; the Village shall not be held responsible for the same. The Village, however, reserves the right to enforce violations of the requirements of a conditional use permit.
 - k. The written agreement shall provide that it may not be terminated, amended, or otherwise altered without the approval of the Village. Changes to the agreement, covenants or deed restrictions shall require an amendment to the conditional use permit required by the Zoning Code.
- (8) **Zero Lot Line CSM and Rezoning.** Lot owner(s) shall follow the procedures for rezoning outlined in Sections 13-1-240 through 13-1-245 which requires a petition to be filed, publication of a Class 2 notice, and a public hearing in front of the Village Board. The lot owner(s) shall also have a Registered Land Surveyor (RLS) in the State of Wisconsin produce a draft zero lot line CSM that will need to be conditionally approved by the Village Board at the same time as the rezoning approval. After conditional approval of the CSM, the lot owner(s) will need to obtain an early start building permit to install the footings and foundations. After the concrete foundation has been poured, the RLS shall have the lot stakes installed and prepare a final zero lot line CSM. The final zero lot line CSM, which shall show the existing foundation location and proposed driveway location, shall be reviewed by the Village Engineer. If approved by the Village Engineer, the Village will sign the final zero lot line CSM and a building permit will be issued upon payment of the Engineer's review fees. Occupancy of the zero line building shall only be granted when both sides of the building are completed and satisfy the requirements of the Village's adopted building code and a copy of the recorded zero lot line CSM is provided to the Village.