

**ORDINANCE NO. 2022-02
VILLAGE OF BELLEVILLE**

**AN ORDINANCE AMENDING CHAPTER 615
OF THE VILLAGE OF BELLEVILLE CODE OF ORDINANCES RELATED TO A NEW
ZERO LOT LINE RESIDENTIAL DISTRICT**

PURPOSE:

This ordinance is intended to create a uniform procedure for property owners to obtain authorization from the Village for a zero lot-line dwelling.

The Village Board of the Village of Belleville, Dane and Green County, Wisconsin, ordains as follows:

1. Create Chapter 615.18.2 to read as follows:

R-Z Zero Lot Line Residential District.

- (a) Purpose. This district is intended to provide for all attached zero lot line or common wall construction single-family duplex dwellings.
- (b) Requirements. The Plan Commission may not recommend, and the Village Board may not approve, any rezoning to R-Z unless the following conditions are satisfied:
 - (1) **Lot Size.** Every building hereafter erected, moved, or structurally altered shall provide a lot area of not less than (4,800) square feet with one dwelling unit per lot, and no such lot shall be less than (40) 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: (20) feet with a corner lot having minimum setback of twenty-five (25) feet for both streets; minimum side yard: zero (0) feet on side where common wall is shared with adjacent lot and minimum (6) feet on the other side; minimum rear yard: (20) feet.
 - (3) A letter from licensed plumber indicating that each dwelling unit is served with separate water laterals and curb stop valves for each dwelling unit and accessible from outside the building.
 - (4) **Height.** Maximum permitted – principal structure: thirty-five (35) feet; accessory structure: (15) feet.
 - (5) **Maintenance Agreement.** The lot owner(s) shall provide a list of protective covenants and/or signed agreement between the existing lot owners that is to be recorded with the zero lot-line certified survey map (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. The protective covenants or signed agreement must be acceptable to the Village and contain a condition that the protective covenants or signed agreement shall not be modified without Village approval.

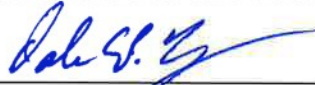
- (6) **Zero Lot Line CSM.** There must be a CSM reflecting the proposed lot line, the location of the sanitary sewer and water laterals and water curb stop valves servicing each unit. The map must show the location of the adjacent public right-of-way. The map must be signed by a licensed surveyor. The Village Board may conditionally approve the zero lot-line CSM at the same time as the rezoning approval. If an applicant receives conditional approval of the CSM, the lot owner(s) must obtain an early start permit, to include water and sewer utilities, to install the footings and foundations of the zero lot-line structure. After the concrete foundation has been poured, the licensed surveyor shall have the lot stakes installed and prepare a final zero lot line CSM. The final zero lot line CSM shall show the existing foundation location and proposed driveway location and shall be reviewed by the Village Engineer. If approved by the Village Engineer, the Village may approve the final zero lot line CSM, and a building permit may be issued upon payment of the Engineer's review fees. Occupancy of the zero-lot 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.

- (c) Zero Lot Line / Common Wall Construction Dwellings. For all attached zero lot line or common wall construction duplexes containing single-family dwellings, each unit shall have separate sewer and water lateral connections. The lateral connection size, type, and installation proposed to be constructed shall be in accordance with plans and specifications approved by the Village Engineer and/or the Village Board. The separate sewer and water lateral requirements may be waived if protective covenants are recorded with the CSM that establish an agreement between owners on maintenance, repairs, etc. of shared or common laterals to the sewer main in the street. A minimum one (1) hour fire-rated wall assembly, from the lowest level to flush against the underside of the roof decking, is required between each dwelling unit unless required otherwise by the Village's adopted building or fire codes. Each unit shall have the same siding and roofing material, colors, etc. as the other unit. Each unit shall have a separate sump pump and drainage system.
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(d) Existing R-T Two-Family Buildings. Existing R-T Two-Family buildings built prior to the date of this ordinance adoption may be rezoned following the same procedure for new construction except the draft CSM will be submitted as the final CSM since the footings and foundations are already installed and if the requirements of all sections above are met. The separate sewer and water lateral requirements may be waived if protective covenants are recorded with the CSM that establish an agreement between owners on maintenance, repairs, etc. of shared or common laterals to the sewer main in the street.

The above and foregoing ordinance was duly adopted at a regular meeting of the Village of Belleville on the 4 day of April, 2022.

VILLAGE OF BELLEVILLE



Dale Yurs, Village President

ATTEST:



Rhea McGee, Village Clerk



(Published/Posted) this 21 day of
April, 2022.

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MEMORANDUM

To: Village President Yurs, Village Trustees, and Village Clerk

From: Jeffrey D. O'Dell, Village Administrator

Date: March 31, 2022

Re: Plan Commission Ordinance Recommendations

Executive Summary: At its March 23 meeting, the Plan Commission conducted three public hearings to consider proposed amendments to the Village's Zoning Code. Those proposed amendments included a new zero lot-line residential district, changes to lot and corner yard definitions and the family definition, and the creation of a new downtown festival overlay district. The Plan Commission was required to conduct these public hearings before considering and making recommendations to the Village Board. All three proposed amendments received unanimous approval by the Plan Commission and a positive recommendation has been forwarded on to the Village Board for its consideration and approval.

- Agenda Item # 12 c: Creation of a new zero lot line residential district and the proposed amendment to the Zoning Code is intended to provide a uniform procedure for property owners to obtain authorization for a zero-lot line dwelling. The attached ordinance adds a new Chapter 615.18.2 to the Village's Zoning Code and clarifies definitions related to a zero-lot line residential district and the process for the Plan Commission and Village Board to approve requests to the RZ District. The new zoning district will provide for all attached zero lot line or common wall construction single-family duplex dwellings.

After the Plan Commission meeting, staff, the Village's building inspector, and a residential developer met and based on that discussion, recommend that Section 1(b)(6) be amended further to include an additional phrase to the following sentence: "If an applicant receives conditional approval of the CSM, the lot owner(s) must obtain an early start permit, to include water and sewer utilities, to install the footings and foundations of the zero lot-line structure. The ordinance previously approved by the Plan Commission, requires a developer put the foundation in first and then would allow for the installation of water and sewer utility infrastructure. That would require boring into the foundation to attach to these utility lines versus allowing water and sewer utilities being installed first before the foundation is poured.

- Agenda Item #12 b: Amending the definitions of lot and regulation of corner yards is intended to provide additional clarity and address the confusion of frontage definitions. Existing structures that do not meet the new definitions will be considered legal and non-conforming uses. Amending the definition of family is intended to create more inclusivity to address its impact on lower income families and the potential for discrimination. While the Plan

Commission previously discussed eliminating the definition of family from the Zoning Code, the Village Attorney opined that some form of a definition of family should remain as it is applicable to other sections of the code.

- Agenda Item #12 d: Amending Chapters 446 (Special Events) and Chapter 615 (Zoning Code) is intended to promote festivals and other special events in Belleville's downtown area. Showcasing the downtown area through community events and festivals allows residents and other visitors to gather, celebrate, and increase economic development activity for our local businesses. Creation of a Downtown Festival Overlay District requires several amendments to various sections of the Village Code to ensure what uses are permitted, regulations that must be followed within the district, and the process for obtaining approval for an applicant to host a special event or festival. Attached to the ordinance is a map defining the boundaries of the new Downtown Festival Overlay District.

As noted in the attached ordinance, specifically, Section 615-18.2 (D), there are multiple regulations in place to ensure festival organizers, liquor license business holders, and attendees follow for the special or festival event to take place. In addition, Section 446-5(A) has been enhanced to include additional requirements before applications requesting a special event permit are considered and approved by the Village Board. Since organizers of special events in the Downtown Festival District will be required to obtain a special event permit from the Village, staff and Village Attorney used this opportunity to further enhance what was required of organizers when submitting their application for a special event held in the Village.

Direction Requested: The Village Board discuss and consider recommendations from the Plan Commission and adopt Ordinances 2022 - 01, 2022 - 02, and 2022 – 03.

Attachments: R-Z Zero Lot Line Ordinance
 Lot and Corner Yard Definitions and Family Definition Ordinance
 Downtown Festival Overlay District Ordinance