

**Ordinance amendment revising Chapter 96:
Subdivision and Platting Regulations
as it relates to Zero Lot Line development**

§ 135-45 Permitted uses.

Permitted uses shall be as follows:

A. Parks, trails and playgrounds.

~~B. Single-family dwellings.~~

C. Two-family dwellings existing as of the date of adoption of Ordinance No. 2007-010.

D. Town structures.

§ 135-45 Permitted uses.

Conditional uses shall be as follows:

L. **Single-family dwellings**

§96-5 General provisions.

G. Land divisions not covered by chapter. The provisions of Ch. 236, Wis. Stats, and this chapter shall apply to all land divisions, except:

- (1) Transfers of interest in land by will or pursuant to court order.
- (2) Leases for a term not to exceed 10 years, mortgages, or easements involving five parcels or less.
- (3) Sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by these regulations or other applicable laws and ordinances.
- (4) A division of land resulting in parcels more than 40 acres in area.
- (5) Cemetery plats pursuant to § 157.07, Wis. Stats., and assessor's plat pursuant to § 70.27, Wis. Stats.
- ~~(6) Conversion of the form of ownership of existing buildings into condominiums or cooperatives.~~
- (7) The sale or exchange of parcels of public utility or railroad right-of-way to adjoining property owners if the Town Board and the Brown County planning agency approves such sale or exchange on the basis of applicable local ordinances or the provisions of Chapter 236.

§96-6 Definitions.

CONDOMINIUM

~~Property subject to a condominium declaration established under Chapter 703, Condominiums, Wisconsin State Statutes.~~ A property subject to a condominium declaration and/or plat under Wisconsin statutes, including a Conversion Condominium as defined in this ordinance.

CONDOMINIUM INSTRUMENT

Any condominium declaration, plat, or plan.

OWNER

~~Includes the plural as well as the singular and may mean a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or combination of these.~~ The owner of record of fee simple title to any lot that is a part of Properties, including contract sellers and vendees, but excluding those having such interest merely as security for the performance of an obligation, and excluding those who have a lien upon the property by provision or operation of law.

§ 96-10 Design Standards.

~~S. Lots~~

- ~~(8) Zero lot line structure lots shall not have less than 40 feet of frontage measured along the right-of-way line. If such lot is located on the outer radius of a curved street or cul-de-sac, the frontage may be measured at the building front setback line, provided that the right-of-way frontage is at least 25 feet.~~
- ~~(a) Lots shall not have less than 6,000 square feet in area.~~
- ~~(b) A note shall be placed on all certified survey maps and subdivision plats creating zero lot line lots which states: "When attached dwelling units are created, matters of mutual concern to the adjacent property owners, due to construction, catastrophe, and maintenance, shall be guarded against by private covenants and deed restrictions and the approving authorities shall not be held responsible for same."~~
- ~~(c) Easements shall be provided across zero lot lines where necessary for water, sewer, and utility services.~~
- ~~(d) A restrictive covenant shall be placed on all certified survey maps and subdivision plats creating zero lot line lots which states: "Building permits are limited to the development of zero lot line condos on Lots ____ through ____ inclusive, unless two adjoining lots are combined and used as a single lot for the construction of a single-family dwelling unit. In this case, an odd number of lots may not be left as a series of consecutive lots."~~
- ~~(e) There shall be a common wall. Wherever improvements abut on the common boundary line between adjoining units, there shall be a two-hour fire wall running from the lowest floor level, including the basement if it is the common wall, to the underside of the roof sheathing. Such basement wall, if any, shall be waterproof masonry.~~
- ~~(f) When attached dwelling units are created, the plans, specifications, and construction of such buildings shall require the installation and construction of separate sewer, water, and other utility services to each dwelling unit.~~
- ~~(g) Further division of lots containing 100 feet of frontage or less, presently abutting existing approved streets, shall not be permitted herein.~~

§ 96-10.5 Zero Lot Line Development.

A. Intent. This ordinance is intended to:

- (1) Provide for an attractive and economical form of ownership housing for Town residents that protects the community and the owners of such housing from the potential drawbacks of such housing as can be foreseen by the Town Board.
 - (2) Land division permitting Zero-lot-line homes and condominiums shall be approved only when compatible with current Town of Ledgeview Comprehensive Plan and any applicable Town of Ledgeview Master Plans; and only when in the public interest.
 - (3) Protect residents land uses, values and enjoyment of their property.
- B. Approval. Zero-lot-line homes and Condominiums may be created within the Town of Ledgeview pursuant to Wisconsin statutes and provided that the zero-lot-line home or condominium has prior approval from the Town of Ledgeview Board and staff and is then approved for recording by the Brown County Board pursuant to any ordinance Brown County may then have in place.
- C. Building Requirements:
- (1) Zero-lot-line condominiums may be placed on any lot that meets the requirements of the R-1 and R-2, Residential zoning districts. Zero-lot-line Homes shall be situated to meet all setback regulations in that District and with no more than two (2) units per building, with each dwelling unit being attached to the adjacent unit. Lots subdivided after construction of the building may be subject to specific utility considerations as required by the Wisconsin Public Service Commission.
 - (2) A subdivision plat, condominium plat or certified survey showing the common wall with a two (2) hour fire rating and lot line shall be submitted to the Town prior to the approval of a land division creating the zero-lot-line lot(s).
 - (3) Zero-lot-line homes and condominiums shall meet the front, side and rear setbacks required for the applicable zoning district in which the unit(s) are located, except that the shared, or party, wall shall have a setback requirement of zero (0) feet.
 - (4) Joint, or Party, Wall:
 - (a) All Town of Ledgeview building, fire and sanitary sewer codes are applicable to Zero-lot-line Homes and condominiums, including a minimum two-hour fire separation which provides for a vertical separation of all adjacent areas of each dwelling unit from the lowest level to flush against the underside of the roof deck.
 - (b) Common, or party, wall consists of, at minimum, 8" concrete block to at least two (2) feet above the ceiling of the living area with a (2) hour fire separation from that point to the underside of the roof deck.
 - (c) The common basement wall must be masonry-either block or poured concrete on a full footing with no passage through the wall.
 - (d) Two (2)-foot eve protrusion shall be accommodated along the entire structure including the joint wall into neighboring yard.
 - (5) When attached dwelling units, including conversion condominiums, are created, the plans, specifications and construction of such buildings shall require that the sewer, water and other utility services be done in such a manner to provide separate systems to each dwelling unit in conformance with Wisconsin Public Service Commission requirements or rulings.
 - (6) A maintenance easement must be in place creating an area for maintenance of the party wall that extends to five (5) feet along both sides of the joint property line.
 - (7) Both units must be constructed with identical or similar materials, unless otherwise approved by the Zoning and Planning Commission.
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D. Lot Requirements.

- (1) Width. Consistent with underlying zoning district requirements. Minimum of fifty (50) feet per unit, and sixty (60) feet for a corner lot. See § 135-23, Zoning Code of the Town of Ledgeview. Further division of lots containing less than 100-feet of frontage, presently abutting existing approved streets, shall not be permitted herein.
- (2) Area. Each parcel containing a zero-lot line home shall be one-half (½) of the area requirement for the underlying zoning district.

E. Principal Buildings.

- (1) Street. Required setbacks are consistent with underlying zoning district requirements.
- (2) Rear. Required setbacks are consistent with underlying zoning district requirements.
- (3) Side. Required setbacks are consistent with underlying zoning district requirements, except that the side of the building with the shared or party wall shall have no setback requirement.
- (4) Height. Limits are consistent with underlying zoning district requirements. See §135-25, Zoning Code of the Town of Ledgeview.

F. Matters of Mutual Concern: The creation of a zero-lot-line home or a condominium shall have restrictive covenants or condominium instruments approved by the Town Board that address matters of mutual concern between the Dwelling units. The restrictive covenants shall be filed with the Building Inspector prior to the issuance of any permit to split two-family dwellings into zero lot line homes or creation of a condominium or conversion condominium. The matters of mutual concern must address, at a minimum, the following matters:

- (1) Share of Repair and Maintenance. The cost of reasonable repair and maintenance of each party wall shall be shared by the Owners who make use of the wall in proportion to the use.
- (2) Destruction by Fire or Other Casualty. If a party wall is destroyed or damaged by fire or other casualty or by physical deterioration, any Owner who has used the wall may restore it, and shall have an easement over the adjoining Dwelling Unit for the purposes of making such restoration, and if other Owners thereafter make use of the wall, they shall contribute to the cost of restoration thereof in proportion to such use without prejudice, however, to the right of any such Owner to call for a larger contribution from other Owners under any rule of law regarding liability for negligent or willful acts or omission.
- (3) Right of Contribution Runs with Land. The right of any Owner to receive any contribution from any other Owner under this Article shall be appurtenant to the Lot and shall pass to such Owner's successors in title.
- (4) Encroachment. If any portions of a Dwelling Unit or any Lot shall actually encroach upon any other Lot within the Properties, or if any such encroachment shall hereafter arise because of settling or shifting of the building or other cause, there shall be deemed to be an easement in favor of the Owner of the encroaching Dwelling Unit to the extent of such encroachment so long as the same shall exist.
- (5) Easements. Easements shall be provided across zero lot lines where necessary for water, sewer, and utility services.
- (6) Mechanics' Liens. Each Owner of a Dwelling Unit agrees to indemnify and hold harmless the Owner of an adjoining Dwelling Unit for any mechanics' liens arising from work done or material supplied to make repairs or replacements for which the defaulting owner is responsible.

- (7) Insurance. Replacement/Construction. Each Owner shall maintain fire and extended coverage insurance on their Dwelling Unit to the full replacement value/ construction cost thereof, and, in the event of damage to or destruction of their Dwelling Unit, shall restore it to the condition in which it was prior to the damage or destruction.
 - (8) Maintenance. Each Owner of a Dwelling Unit shall maintain their Lot and the exterior of their Dwelling Unit in good condition and repair and in a neat and clean condition.
 - (9) Architectural Control. The Owner of a Dwelling Unit may replace exterior components of the other Owner's Dwelling Unit with similar components of the same design and color, and may paint the exterior of the Owner's Dwelling Unit with paint of the existing color of the exterior, but the Owner may not, either in the course of ordinary replacement or remodeling or restoration after damage or destruction, employ different siding or roofing material or a different color scheme, without the written consent of the Owner of the adjoining Dwelling Unit.
- G. Release of Town Liability. Notwithstanding the fact that these requirements are a condition of various approvals from the Town, the Owners, their assignees, or heirs absolve the Town of Ledgeview of any and all liability. Further, the Owners, their assignees, or heirs understand the Town is not an enforcing agency of any portion of this document, although it retains the discretion to enforce violations of the Ordinance set forth herein as violations of the zoning code of the Town of Ledgeview. Any other type of relief or remedies sought by any Owner remains a private civil matter between the parties.