

Kimberly, WI

§ 525-22R-3 Medium-Density Residential District.

A. Permitted uses.

(1) Any use permitted in the R-2 Moderate-Density Residential District.

(2) Two-family dwellings.

(3) Pursuant to § 66.1017, Wis. Stats., a family child-care home, defined as a dwelling licensed as a child-care center by the Wisconsin Department of Children and Families providing care for not more than eight children, provided that the proposed family child-care home shall meet all zoning regulations applicable to all other dwellings within this zoning district. [1]

[1] Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

(4) Single-family attached dwelling units, zero-lot-line duplexes.

(a) The height, area and setback requirements for two-family dwellings (duplexes) shall remain as previously set forth in the table of height, area and setback requirements as found in the presently existing Village ordinances, with the exception of minimum frontage, which shall hereinafter be established as ninety-foot minimum lot width, and minimum area, which shall hereinafter be established as 9,500 square feet, for single-family attached dwelling units, zero-lot-line duplexes.

(b) Zero-lot-line duplexes can be implemented within the Village of Kimberly. All certified survey maps and subdivision plats creating zero-lot-line duplexes shall have the following restrictive endorsement placed upon same: "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 no approving authority shall be held responsible for the enforcement of same."

(c) Easements shall be provided across zero lot lines when necessary for provision of water, sewer and utility services.

(d) Zero-lot-line duplexes shall share a common wall. Wherever improvements abut on the common boundary line between adjoining units, there shall be a one-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 waterproofed masonry.

(e) 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.

(f) The side yard setback may be zero on one side, provided that:

[1] The lot adjacent to that side yard is held under the same ownership at the time of initial construction;

[2] The adjoining side yard setback of the lot adjacent to the zero-side yard is also zero;

[3] The opposite side yard is not less than six feet; and

[4] Both units of duplex exterior finish shall be completed within one year of the issuance date of the building permit.

(g) In the event of the total destruction of the zero-lot-line duplex building, it shall be determined by agreement of both unit owners whether to rebuild, restore or sell the property. If damage is only to the unit on one parcel and such damage does not affect the other unit, the damaged unit shall be repaired by the owner of that damaged unit.

B. Height, area and setback requirements. See § 525-31.

Portage, WI

(2) Two-family. This dwelling unit type consists of a single structure with two separate residences, each having a private individual access, and no shared internal access. Two-family units can be constructed as attached side-by-side units (duplex or zero lot line construction) each with a ground floor and roof, or as a two-story structure (two-flat) with one unit above the other. Where side-by-side, each dwelling unit may share the same lot (duplex) or be located on a separate lot (zero lot line construction) per the applicable standards that follow. Regulations for two-family uses include the following:

(a) The structure must be in compliance with the State of Wisconsin Uniform Dwelling Code (UDC).

(b) A building code required fire rated wall must separate the two dwelling units from the lowest level floor to flush against the underside of the roof.

(c) Each dwelling unit shall have separate water laterals and sanitary sewer connections, separately metered.

(d) Refer to the Building Code for the State of Wisconsin for specific information related to the minimum dwelling unit size and related requirements. (e) Minimum required parking: Two spaces per residence.

(f) In the R-T traditional neighborhood residential district, this dwelling unit type is only permitted as a two-flat; a conditional use permit is required for duplexes and zero lot line construction.

(g) Construction and maintenance standards for zero lot line construction:

a. Each dwelling unit shall be located on an individual lot.

b. No dwelling unit can have more than one zero lot line (i.e., prohibiting townhomes and rowhouses).

c. Patios and decks for zero lot line construction shall have zero lot line side yard setbacks except when such side yard is opposite the lot line that includes the common wall. All other yards shall be as required for zoning districts in which two-family uses are permitted.

d. A zero lot line maintenance agreement or declaration, in a form acceptable to the zoning administrator and be recorded with the Columbia County Register of Deeds, shall be entered into by the owners of each dwelling unit specifying maintenance standards for the common wall (fire rated), maintenance and replacement standards for the exterior surfaces of the building, extending from the common wall between the lots outward, to maintain a neat and harmonious appearance of the building. The maintenance agreement shall provide that it may not be terminated or amended without the prior approval of the city council.

e. Driveways may be separate or joint. If joint, the standards for the joint driveway shall be part of the zero-lot line maintenance agreement or declaration.

(h) This following figure is intended to provide a graphic depiction of the setback and dimensional requirements for duplex land uses. Specific requirements for duplexes and other two-family dwellings can be found in article II under the density, intensity, and bulk requirements for each residential zoning district.

Key to Figure

A Minimum lot width (at building minimum setback line)

B Street setback (lot line to principal building or attached garage)

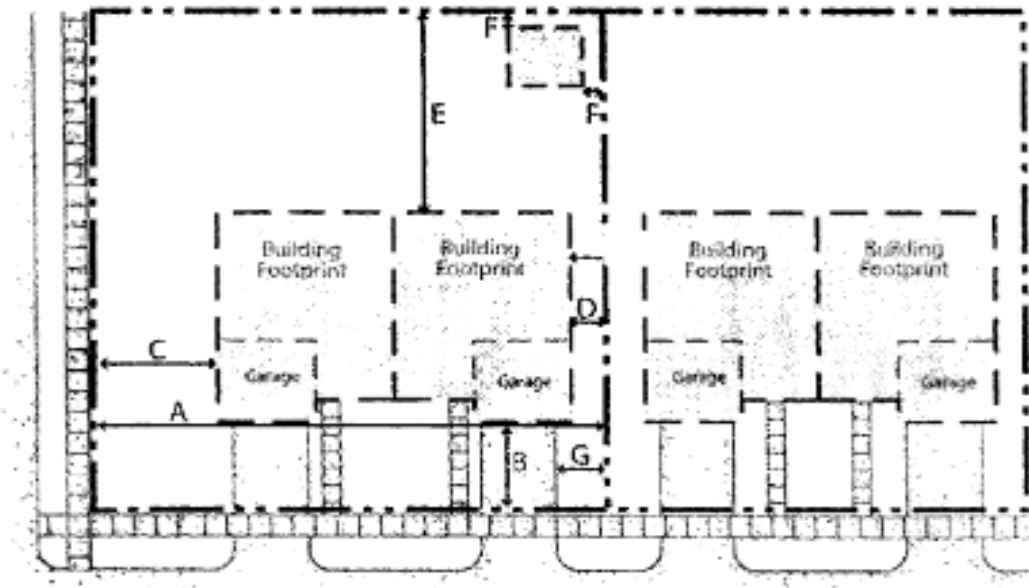
C Corner lot (street side) setback (lot line to principal building or attached garage)

D Side setback (lot line to principal building or attached garage)

E Rear setback (lot line to principal building or attached garage)

F Accessory building side and rear setback (lot line to accessory building)

G Minimum pavement setbacks (lot line to pavement excluding driveways entrances, etc.)



Durand, WI

ZERO LOT LINE RESIDENCES

REQUIREMENTS FOR A CONDITIONAL USE PERMIT

Zero lot line residences in the City of Durand, Wisconsin are permitted as a conditional use in the R-1 and R-2 zoning districts. What this means is the land division or sale of a zero-lot line residence, the property owner or applicant must first obtain approval of a conditional use permit by the City of Durand's Plan Commission. The Plan Commission is charged with the responsibility of ensuring that the requirements of the Zoning Ordinance are met. In order to appear in front of the Plan Commission, an application must be completed and accompanied by additional materials that will allow the Plan Commission to determine whether or not the proposed request meets the standards set forth in the Zoning Ordinance. The following is a list of required materials to be submitted:

1. Completed and signed Conditional Use Permit Application on a form provided by the City of Durand.
2. Site Plan/Plot Plan which shows:
 - a. the overall size of the lot to be divided,
 - b. verification that the minimum lot size and frontage requirements will be met,
 - c. verification that the appropriate yard setbacks are met (including front, rear, and side opposite the zero-lot line),
 - d. verification that each unit will have separate utility services,
 - e. indication of driveway access to the two residential units (note, use of shared driveways must first be approved by the Zoning Administrator),

f. provisions for an eight (8) foot maintenance easement (4 feet on each side of the zero-side yard setback) shall be provided on the Certified Survey Map creating each separate lot,

g. verification that the 1-hour fire wall requirements are met including the waterproof masonry wall in the basement.

3. A draft Maintenance Agreement and Restrictive Covenant for review and approval by the Zoning Administrator which ensures that equal and reasonable maintenance and repairs are performed on the attached zero-lot line dwellings which include the following:

a. water, sewer and other utilities

b. the grounds, inclusive of landscaping, yard and driveways if shared

c. the exterior and roofs of each residence (a restrictive covenant is required which stipulates that any repairs or modification of the exteriors of the zero-lot line dwellings shall be of the same color, quality and consistency as the attached zero-lot line dwelling unit)

4. A Certified Survey Map (CSM) is required to establish separate lots for each zero-lot line dwelling. The applicant may wish to apply for approval of the CSM at the same time as the conditional use permit for a Zero-Lot Line Residence or following the approval of said permit. In either case, the Plan Commission is also charged with the responsibility of reviewing and recommending approval of the CSM to the City Council. The following statement must be placed of all CSM's creating zero-lot line dwellings: "When two attached, single family dwelling units are created, matters of mutual concern to the adjacent property owners, due to construction, catastrophe, and/or maintenance, shall be guarded against by private covenants and deed restrictions and the City of Durand shall not be responsible for the same."

Additionally, a restrictive covenant shall also be placed on all CSM's stating: "Building permits are limited to the development of zero-lot line dwellings on Lots __ through __ inclusive, unless two adjoining lots are combined and used as a single lot for the construction and occupancy of a single-family residence."