



PLANNING & DEVELOPMENT COMMITTEE  
THURSDAY, MARCH 14, 2013 – 8:00 A.M.  
COURTHOUSE CONFERENCE CENTER - (2<sup>nd</sup> FL – EAST WING)  
ROCK COUNTY COURT HOUSE  
JANESVILLE, WI  
AGENDA

1. Call to Order
2. Adoption of Agenda
3. Minutes of Meeting held Thursday, February 28, 2013
4. Citizen Participation, Communications and Announcements
5. Introduction of New Rock County Engineer – Adam Pritchard
6. Code Administration & Enforcement
  - A. **Action Item:** Preliminary Land Division Approval
    - LD2013 003 (Town of Bradford) – Loren Bobolz
  - B. **Action Item:** Zoning of County Owned Property
7. Finance
  - A. **Action Item:** Department Bills/Encumbrances/Amendments/Transfers
8. Community Development
  - A. **Action Item:** Request for Removal of Restrictive Covenants (Loan IDs 00701811 & 007029D1)
9. Planning Director's Report
  - Farmland Preservation Plan Update
  - Water Quality Planning Update
  - Towns' Workshop, March 19, 2013
  - Access Control Ordinance
10. Committee Reports
11. Adjournment

**Future Meetings/Work Sessions**

March 28, 2013 (8:00 AM)

April 11, 2013 (8:00 AM)

April 25, 2013 (8:00 AM)

May 9, 2013 (8:00 AM)

May 23, 2013 (8:00 AM)



**ROCK COUNTY GOVERNMENT**  
*Planning & Development Agency*

**INTEROFFICE MEMORANDUM**

**TO:** Rock County Planning and Development Committee

**THROUGH:** Paul Benjamin, Director, Planning & Development Agency

**FROM:** Planning & Development Agency Staff

**SUBJECT:** Preliminary Approval of Land Division

**DATE:** March 5, 2013

**Summary:**

The following applicants are seeking Preliminary Land Division approval from the P&D Committee:

- LD2013 003 (Bradford Township) – Loren Bobolz

**Recommendation:**

P&D Agency Staff recommends Preliminary Approval of Land Division 2013 003 with the conditions presented.

ROCK COUNTY PLANNING, ECONOMIC & COMMUNITY  
DEVELOPMENT AGENCY  
51 SOUTH MAIN STREET  
JANESVILLE, WI 53545

TELEPHONE: (608) 757-5587  
FAX: (608) 757-5586  
EMAIL: PLANNING@CO.ROCK.WI.US  
WEB: WWW.CO.ROCK.WI.US



AGENCY USE ONLY  
Application Number: 2013 003 Bobolz  
Received By - Date  
(MM/DD/YYYY): 1/15/2013

## PRELIMINARY MINOR LAND DIVISION – APPLICATION FORM

**\*\*PLEASE DO NOT COMPLETE THIS APPLICATION FORM UNTIL YOU HAVE READ THE ROCK COUNTY PRELIMINARY MINOR LAND DIVISION – APPLICATION FORM INFORMATION. PLEASE COMPLETE BOTH PAGES OF THIS FORM AND PREPARE A MAP CONTAINING ALL INFORMATION AS IDENTIFIED ON PAGE 2 OF THIS FORM.\*\***

1. Applicant has contacted Town, Rock County Planning, Economic & Community Development Agency, and City(s)/Village (if land division is within Extra-Territorial Plat Approval Jurisdiction (ETJ) area) officials and these parties have determined land division is feasible:  Yes  No
2. Land division is consistent with Town's Comprehensive Plan – Future Land Use Map:  Yes  No
3. Land division area is located in a Farmland Preservation zoning district certified by the State of Wisconsin:  Yes  No  
If you answered Yes, proceed to 4. If you answered No, proceed to 5.
4. Land division meets Town Base Farm Tract and any other applicable Farmland Preservation zoning district requirement:  Yes  No
5. Land division will require a zoning change:  Yes  No

### APPLICANT INFORMATION

**6. LANDOWNER OR AUTHORIZED LANDOWNER REPRESENTATIVE**

a. Name:	LOREN AND JAN BOBOLZ			Telephone:	449-4021	
Address:	7618 E. MAPLE LANE	City:	JANESVILLE	State:	WI	Zip: 53546
b. Name:				Telephone:		
Address:		City:		State:		Zip:

**7. AGENT (SURVEYOR AND DEVELOPER)**

a. Surveyor name:	COMBS AND ASSOCIATES, INC.			Telephone:	752-0575	
Address:	109 W. MILWAUKEE STREET	City:	JANESVILLE	State:	WI	Zip: 53548
b. Developer name:				Telephone:		
Address:		City:		State:		Zip:

8. Identify the individual from 6. or 7. that will serve as the primary contact:  6a.  6b.  7a.  7b.

### LAND DIVISION INFORMATION

9. Reason for land division:  Sale/ownership transfer  Farm consolidation  Refinance  Other:

10. Land division area location:

Town of BRADFORD	NW 1/4 of NE 1/4
Section 19	Tax parcel number(s) - 6-3-129

11. Land division area is located within the Extra-Territorial Plat Approval Jurisdiction (ETJ) Area of a City(s)/Village:  
 Yes  No If Yes, identify: City(s)/Village of

12. Land division area is located adjacent to (check all that apply):  
 Local/Town road  County highway  State highway  U.S. highway

13. Landowner's contiguous property area (Square feet or acres): 81 ACRES ML	14. Land division area (Square feet or acres): 5 ACRES ML	15. Current zoning of land division area: A-1
16. Number of new/additional lots created by land division: ONE	17. Future zoning of new/additional lot(s) created by land division: A-1 (CUP)	18. Future zoning of parent lot: A-1

19. Covenants or restrictions will be placed on the land division area:  Yes  No  
If Yes, identify covenants or restrictions:

20. A residential building is currently located in the land division area:  Yes  No  
If Yes, the building utilizes a:  Private onsite wastewater treatment system  Public sanitary sewer system

21. Public improvement construction proposal/plan will be submitted by (mm/dd/yyyy): NONE

22. Public improvement construction will begin on (mm/dd/yyyy):

### APPLICANT STATEMENT AND SIGNATURE

I, as the undersigned, am a landowner applying for a minor land division in unincorporated Rock County, or am serving as the primary contact for said landowner. I do hereby verify that I have reviewed the ROCK COUNTY PRELIMINARY MINOR LAND DIVISION – APPLICATION FORM INFORMATION, reviewed and completed this application form, and submitted all information as required per said documents, and that all information is correct, accurate, and true to the best of my knowledge and belief, with all information accessible to me. These statements are being made to induce official action on the part of Rock County, its agents, employees, and officials.

LANDOWNER/PRIMARY CONTACT SIGNATURE: *Sh Rudy* DATE: 1-15-13

APPLICATION CHECKLIST			Yes	No	Comment
1. Have you included a map clearly marked "PRELIMINARY PLAT OF SURVEY OR CERTIFIED SURVEY MAP", identifying the land division area and containing all of the following information?	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
a. Location of the land division area by section, township, and range:	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
b. Approximate location and dimension of all EXISTING streets and property lines, including name and ownership (if applicable), in and adjacent to the land division area:	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
c. EXISTING/PROPOSED County, Town, and City/Village (if applicable) zoning designations of all EXISTING/PROPOSED lot(s) and outlot(s), in and adjacent to the land division area:	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
d. Approximate location and dimension of all PROPOSED lot(s), outlot(s) and blocks(s), numbered for reference, in the land division area:	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
e. Indication of all PROPOSED lot(s) and outlot(s) use if other than single-family residential, in the land division area:	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
f. Distance from all PROPOSED lot(s) and outlot(s) point of beginning to section corner or quarter corner, in the land division area:	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
g. Approximate location, dimension (if applicable), and name (if applicable) of all of the following, whether EXISTING or PROPOSED, in the land division area:	<input type="checkbox"/>	<input type="checkbox"/>			
(1) Buildings:	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
(2) Streets, alleys, and public ways:	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
(3) Driveways:	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
(4) Rail lines:	<input type="checkbox"/>	<input checked="" type="checkbox"/>			NONE
(5) Private water wells or water supply systems:	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
(6) Private onsite wastewater treatment systems or public sanitary sewer systems:	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
(7) Any other public utilities:	<input checked="" type="checkbox"/>	<input type="checkbox"/>			BUILDINGS HAVE UTILITY SERVICES
(8) Easements (Utility, drainageway, pedestrian way, etc.):	<input type="checkbox"/>	<input checked="" type="checkbox"/>			NONE PROPOSED
(9) Vegetative land cover type:	<input checked="" type="checkbox"/>	<input type="checkbox"/>			SEE AIR PHOTO
(10) Environmentally sensitive areas (Floodplain, steep slope, etc.):	<input type="checkbox"/>	<input checked="" type="checkbox"/>			NONE
(11) Productive agricultural soils, cultural resources, and woodlands:	<input type="checkbox"/>	<input checked="" type="checkbox"/>			NONE
(12) Surface water features:	<input type="checkbox"/>	<input checked="" type="checkbox"/>			NONE
(13) Drainageways:	<input type="checkbox"/>	<input checked="" type="checkbox"/>			NONE
(14) Detention or retention areas:	<input type="checkbox"/>	<input checked="" type="checkbox"/>			NONE
(15) Cemeteries:	<input type="checkbox"/>	<input checked="" type="checkbox"/>			NONE
(16) Bridges/culverts:	<input type="checkbox"/>	<input checked="" type="checkbox"/>			NONE
(17) Rock outcroppings:	<input type="checkbox"/>	<input checked="" type="checkbox"/>			NONE
h. Approximate location, dimension, name (if applicable), and purpose of all dedicated public parks or outdoor recreation lands, or any other public or private reservation, including any conditions, in the land division area:	<input type="checkbox"/>	<input checked="" type="checkbox"/>			NONE
i. Preliminary concept for connection with existing public sanitary sewer and water supply system or an alternative means of providing water supply and treatment and disposal of sewage, in the land division area:	<input type="checkbox"/>	<input checked="" type="checkbox"/>			NONE
j. Preliminary concept for collecting and discharging stormwater, in the land division area:	<input type="checkbox"/>	<input checked="" type="checkbox"/>			NONE
k. Scale, north arrow, and date of creation:	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
l. Any other information required by the Agency:	<input type="checkbox"/>	<input checked="" type="checkbox"/>			NOTHING REQUESTED
2. Has the map been prepared at a scale not to exceed two hundred (200) feet to the inch, with the map pages numbered in sequence if more than one (1) page is required, and total map pages identified on each page?	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
3. Has the map been prepared by a land surveyor licensed in Wisconsin?	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
4. Have you provided all required application form information and has the required party signed this application form?	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
5. Have you included a hard copy of this application form and the map, an electronic copy of the map in a format compatible with the Agency's Geographic Information System (GIS), and the application fee?	<input checked="" type="checkbox"/>	<input type="checkbox"/>			

THANK YOU FOR COMPLETING THE ROCK COUNTY PRELIMINARY MINOR LAND DIVISION – APPLICATION FORM.

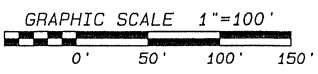
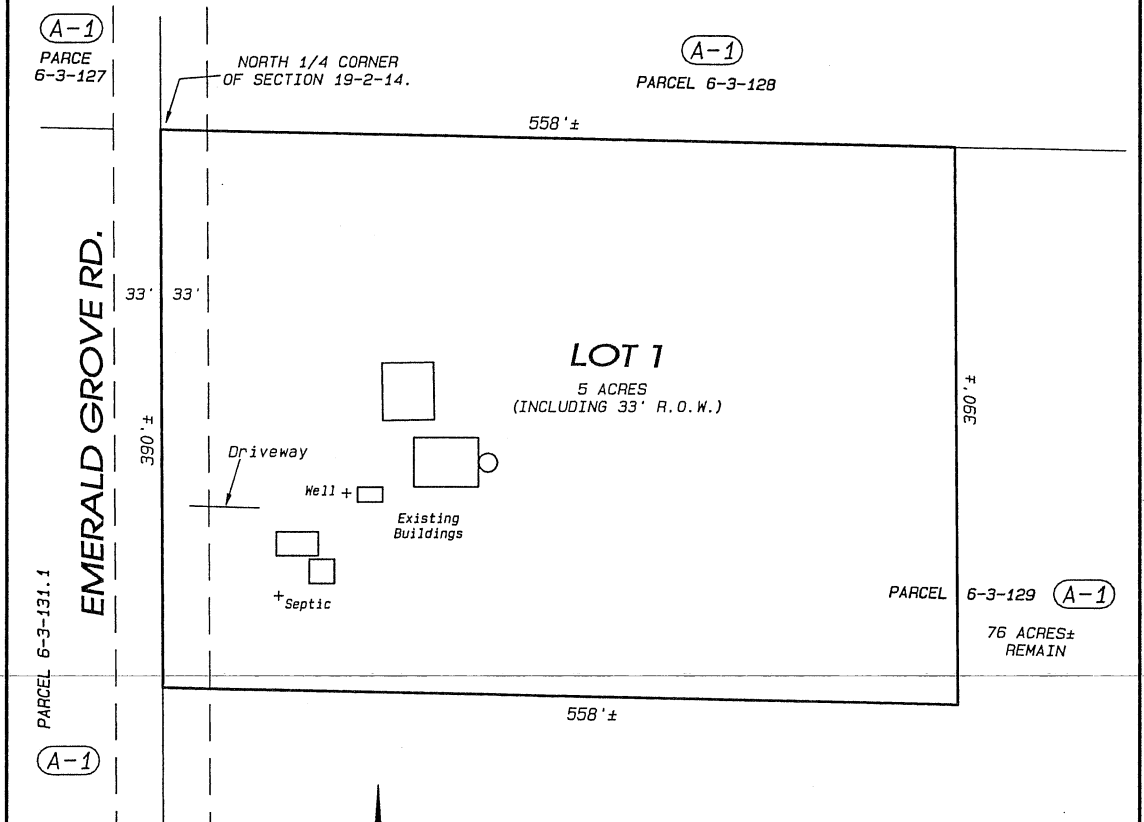
PLEASE SEND VIA POSTAL MAIL, OR HAND-DELIVER, THIS FORM,  
A HARD COPY AND ELECTRONIC COPY OF THE PRELIMINARY MAP, AND THE APPLICATION FEE TO:

ROCK COUNTY PLANNING, ECONOMIC & COMMUNITY DEVELOPMENT AGENCY  
51 N. MAIN ST.  
JANESVILLE, WI 53545

# PRELIMINARY CERTIFIED SURVEY MAP

LOCATED IN THE NW 1/4 OF THE NE 1/4 OF SECTION 19, T.2N., R.14E. OF THE 4TH P.M., TOWN OF BRADFORD, ROCK COUNTY, WISCONSIN.

NOTE: WE ARE REQUESTING APPROVAL OF THIS LAND DIVISION BY THE TOWN OF BRADFORD DIRECTING THE COUNTY NOT TO REQUIRE ROAD DEDICATION ALONG EMERALD GROVE ROAD.



DATE: JANUARY 14, 2013

NOTES:  
 THIS MAP IS SUBJECT TO ANY AND ALL EASEMENTS AND AGREEMENTS, RECORDED AND UNRECORDED.  
 THE BASIS OF BEARINGS IS ASSUMED.

Project No. 113 - 015 For: BOBOLZ

**Combs & Associates**

- LAND SURVEYING
- LAND PLANNING
- CIVIL ENGINEERING

109 W. Milwaukee St.  
 Janesville, WI 53548  
 www.combsurvey.com

tel: 608 752-0575  
 fax: 608 752-0534



## PRELIMINARY MINOR LAND DIVISION – APPLICATION: REVIEW, RECOMMENDATION, AND ACTION FORM

### AGENCY REVIEW

1. Applicant has contacted Town, Rock County Planning and Development Agency, and City(s)/Village (if applicable) officials and these parties have determined land division is feasible:  Yes  No
  2. Land division is consistent with Town's Comprehensive Plan – Future Land Use Map:  Yes  No
  3. Land division is located in a Farmland Preservation zoning district certified by the State of Wisconsin:  Yes  No  
If you answered Yes, proceed to 4. If you answered No, proceed to 5.
  4. Land division meets Town Base Farm Tract and any other applicable Farmland Preservation zoning district requirement:  Yes  No
  5. Land division is in an Agricultural Resources Priority Area, per the *Rock County Farmland Preservation Plan*:  Yes  No
  6. Land division will require a zoning change:  Yes  No
  7. Preliminary minor land division application is complete:  Yes  No
- If you answered Yes to 7., proceed to 9. If you answered No to 7., indicate the missing information below, 7a. – 7e. After all missing information is supplied, proceed to 8. An Agency recommendation (10.) will not be provided until all missing information has been supplied by the applicant.

	Missing Information
7a. A map clearly marked "PRELIMINARY PLAT OF SURVEY OR CERTIFIED SURVEY MAP", identifying the land division area and containing all of the following information:	<input type="checkbox"/>
a. Location of the land division area by section, township, and range:	<input type="checkbox"/>
b. Approximate location and dimension of all EXISTING streets and property lines, including name and ownership (if applicable), in and adjacent to the land division area:	<input type="checkbox"/>
c. EXISTING/PROPOSED County, Town, and City/Village (if applicable) zoning designations of all EXISTING/PROPOSED lot(s) and outlot(s), in and adjacent to the land division area:	<input type="checkbox"/>
d. Approximate location and dimension of all EXISTING/PROPOSED lot(s), outlot(s), and block(s), numbered for reference, in the land division area:	<input type="checkbox"/>
e. Indication of all PROPOSED lot(s) and outlot(s) use if other than single-family residential, in the land division area:	<input type="checkbox"/>
f. Distance from all PROPOSED lot(s) and outlot(s) point of beginning to section corner or quarter corner, in the land division area:	<input type="checkbox"/>
g. Approximate location, dimension and name (if applicable) of all of the following, whether EXISTING or PROPOSED, in the land division area:	<input type="checkbox"/>
(1) Buildings:	<input type="checkbox"/>
(2) Streets, alleys, and public ways:	<input type="checkbox"/>
(3) Driveways:	<input type="checkbox"/>
(4) Rail lines:	<input type="checkbox"/>
(5) Private water wells or water supply systems:	<input type="checkbox"/>
(6) Private onsite wastewater treatment systems or public sanitary sewer systems:	<input type="checkbox"/>
(7) Any other public utilities:	<input type="checkbox"/>
(8) Easements (Utility, drainageway, pedestrian way, etc.):	<input type="checkbox"/>
(9) Vegetative land cover type:	<input type="checkbox"/>
(10) Environmentally sensitive areas (Floodplain, steep slope, etc.):	<input type="checkbox"/>
(11) Productive agricultural soils, cultural resources, and woodlands:	<input type="checkbox"/>
(12) Surface water features:	<input type="checkbox"/>
(13) Drainageways:	<input type="checkbox"/>
(14) Detention or retention areas:	<input type="checkbox"/>
(15) Cemeteries:	<input type="checkbox"/>
(16) Bridges/culverts:	<input type="checkbox"/>
(17) Rock outcroppings:	<input type="checkbox"/>
h. Approximate location, dimension, name (if applicable), and purpose of all dedicated public parks or outdoor recreation lands, or any other public or private reservation, including any conditions, in the land division area:	<input type="checkbox"/>
i. Preliminary concept for connection with existing public sanitary sewer and water supply system or an alternative means of providing water supply and treatment and disposal of sewage, in the land division area:	<input type="checkbox"/>
j. Preliminary concept for collecting and discharging stormwater in the land division area:	<input type="checkbox"/>

**AGENCY RECOMMENDATION**

11. If you answered Approve With Conditions to 10., list conditions:

- 3. Note on Final Map: "Since Lot 1 contains existing buildings which utilize an existing private sewage system
- 4. no soil evaluation on the lot was required at the time of this survey. However, soils on the lot may be restrictive to the replacement of the existing."
- 5. The proposed lot lines must include the private sewage system area with the building which utilizes the system.
- 6. Final CSM to be submitted to and approved by the Planning and Development Agency on or before 8/04 Yr., 2014.
- 7. Certified Survey Maps that are subject to local approval must be recorded within 6 months of their last approval and 24 months of the first approval.
- 8.
- 9.
- 10.

12. Agency recommendation rationale and findings of fact:

**TOWN ACTION**

14. If you answered Approve With Conditions to 13., list conditions:

*1. (continued) along S. Emerald Grove Rd. on front of  
 Lot 1 at the discretion of the Town Board.  
 2. (continued) structures on Lot 1*

- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

15. Town action rationale and findings of fact:

**ROCK COUNTY PLANNING AND DEVELOPMENT COMMITTEE ACTION**

17. If you answered Approve With Conditions to 16., list conditions:

- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

18. Committee action rationale and findings of fact:



AGENCY REVIEW	
k. Scale, north arrow, and date of creation:	Missing Information <input type="checkbox"/>
l. Any other information required by the Agency:	<input type="checkbox"/>
7b. Map prepared at a scale not to exceed two hundred (200) feet to the inch, with the map pages numbered in sequence if more than one (1) page is required, and total map pages identified on each page:	<input type="checkbox"/>
7c. Map prepared by a land surveyor licensed in Wisconsin:	<input type="checkbox"/>
7d. All required application form information and required party's signature on the application form:	<input type="checkbox"/>
7e. A hard copy of the application form and the map, an electronic copy of the map in a format compatible with the Agency's Geographic Information System (GIS), and application fee:	<input type="checkbox"/>
8. Preliminary minor land division application is complete:	<input checked="" type="checkbox"/> Yes
9. Preliminary minor land division application has been provided to other reviewing parties for review and comment, and if these parties have comments, said comments have been provided to the Agency: If you answered No, the application must be provided to other reviewing parties before completing any further sections of this form.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
AGENCY RECOMMENDATION	
10. Agency recommendation:	<input type="checkbox"/> Approve <input checked="" type="checkbox"/> Approve With Conditions <input type="checkbox"/> Deny
11. If you answered Approve With Conditions to 10., list conditions (Use additional sheet (2a) if necessary):	
1. 33' half road right-of-way (ROW) dedicated along S. Emerald Grove Rd. in front of Lot 1 at the discretion of the Town of Bradford.	
2. Show well and septic locations for existing structures on Lot 1.	
3. Existing structures shall meet setback regulations.	
12. Agency recommendation rationale and findings of fact (Use additional sheet (2a) if necessary):	
AGENCY SIGNATURE: <u>Colin M. Bajura</u>	DATE: <u>1/23/2013</u>
TITLE: <u>Administrator - Rock County Planning, Economic &amp; Community Development Agency</u>	
TOWN ACTION	
13. Town action:	<input type="checkbox"/> Approve <input checked="" type="checkbox"/> Approve With Conditions <input type="checkbox"/> Deny
14. If you answered Approve With Conditions to 13., list conditions (Use additional sheet (2a) if necessary):	
1. <u>33' half road ROW exclusive easement dedicated (continued)</u>	
2. <u>Same - Show well and septic locations for existing (continued)</u>	
3. <u>Same - Existing structures shall meet setback</u>	
15. Town action rationale and findings of fact (Use additional sheet (2a) if necessary):	
TOWN SIGNATURE: <u>Ronald Bluffey</u>	DATE: <u>2-24-2013</u>
TITLE: <u>TOWN CHAIR</u>	

PLEASE RETURN THIS FORM, VIA POSTAL MAIL OR EMAIL, TO:

ROCK COUNTY PLANNING, ECONOMIC & COMMUNITY DEVELOPMENT AGENCY  
 51 N. MAIN ST.  
 JANESVILLE, WI 53545  
 EMAIL: BRYNES@CO.ROCK.WI.US

ROCK COUNTY PLANNING AND DEVELOPMENT COMMITTEE ACTION	
16. Committee action:	<input type="checkbox"/> Approve <input checked="" type="checkbox"/> Approve With Conditions <input type="checkbox"/> Deny
17. If you answered Approve With Conditions to 16., list conditions (Use additional sheet (2a) if necessary):	
1.	
2.	
3.	
18. Committee action rationale and findings of fact (Use additional sheet (2a) if necessary):	
COMMITTEE SIGNATURE: _____	DATE: _____
TITLE: <u>Chair – Rock County Planning &amp; Development Committee</u>	



**ROCK COUNTY GOVERNMENT**  
*Planning & Development Agency*

**INTEROFFICE MEMORANDUM**

**TO:** Rock County Planning and Development Committee

**THROUGH:** Paul Benjamin, Director, Planning & Development Agency

**FROM:** Planning & Development Agency Staff

**SUBJECT:** Consideration of Zoning of County Owned Property

**DATE:** March 5, 2013

**Summary:**

Currently, Sec. 4.209 of the Rock County Code of Ordinances allows all County owned land in the unincorporated areas of Rock County to be zoned by the County Board. Regulations of the following zoning districts apply without the approval from Town Boards in order to become effective:

- Highland Conservancy (C-2)
- Agricultural District 1 (A-1)
- Special Purpose District (SP)
- Light Industrial District (M-1)
- Institutional District (IN)

(See enclosed District text)

Sec. 4.236 of the Code of Ordinances begins with the purpose and intent of the Highland Conservation District and continues on with the specifics of the A-1, SP, M-1 and finally, Sec. 4.241 Institutional District. In general the managing language found here is the same as found in most Town Ordinances. Again, the difference is who has jurisdiction. Corporation Counsel has considered the current code and has transferred the authority to zone County owned property to the Shoreland Revision.

The proposed update to the Code of Ordinances (via the Shoreland Zoning revision) would eliminate those aforementioned Districts and but retain County authority to zone with Sec. 4.214(3) Zoning of County Owned Land which states:

“The County Board may by ordinance zone and rezone any lands owned by the County without necessity of securing the approval of the town boards of the towns wherein such lands are situated and without following the procedure outlined in Section 4.225(D), provided that the County Board shall give written notice to the town

board of the town wherein such lands are situated of its intent to so rezone and shall hold a public hearing on the proposed rezoning ordinance and give notice of such hearing by posting in 5 public places in the town.”

This is the same language as found in Sec. 4.225(3) of the current code. This section is referenced by the County Director of Public Works in his memo of March 3, 2013 indicating his preference to retain zoning capability (see enclosed). Staff believes there are three alternatives available to the Committee and are as follows:

1. Eliminate any reference to County Zoning Authority for County owned land in the revised Shoreland Zoning Ordinance.
2. Retain authority language in the revised Shoreland Ordinance awaiting first reading at the County Board.
3. Create a separate ordinance for County owned lands and add it to the Rock County Code of Ordinances.

**Recommendation:**

The language as found in the revised Shoreland Ordinance (Sec.4.214(3)) should be retained. This allows the County the ability to address issues as stated by the Public Works Director and maintains consistency with the original ordinance text from 1982 in regards to the ability to zone County lands.



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# M E M O R A N D U M

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DATE: March 3, 2013  
TO: Paul Benjamin, Director, Planning & Development Department  
FROM: Benjamin J. Coopman, Jr., P.E., Director of Public Works  
RE: Land Use Management and Zoning Ordinance Update

*BJC*

This memo is written in reference to "Section 4.225, (3), County Board Amendments, Zoning of County Owned Lands" of the above referenced Rock County Ordinance.

On behalf of the Rock County Public Works Department, I recommend that this section not be dropped or changed.

The Department occasionally buys land for equipment parking/maintenance garages, storage sheds and material staging areas. While we try to be sensitive to local concerns about the compatibility of these uses with existing or planned land use, we cannot always easily and economically comply with local zoning. Sometimes local zoning is not enforced in an objective fashion. Keeping this ordinance provision continues the ability of the County to build necessary Public Works infrastructure which is in the interest of the whole county without undue local interference.

4. Shoreline protection against soil erosion;
5. Fish spawning, breeding, nursery or feeding grounds;
6. Wildlife habitat; or
7. Areas of special recreational, scenic or scientific interest, including scarce wetland types.

(C) If the Department of Natural Resources has notified the County Zoning Agency that a proposed amendment to the lowland-wetland overlay district may have a significant adverse impact upon any of the criteria listed in this section of this Ordinance, that amendment, if approved by the County Board, shall contain the following provision:

"This amendment shall not take effect until more than 30 days have elapsed since written notice of the County Board's approval of this amendment was mailed to the Department of Natural Resources. During the 30-day period the Department of Natural Resources may notify the County Board that it will adopt a superseding shoreland ordinance for the County under section 59.971(6) of the Wisconsin Statutes. If the Department does so notify the County Board, the effect of this amendment shall be stayed until the section 59.971(6) adoption procedure is completed or otherwise terminated."

#### 4.236 Highland Conservation District Two (C-2)

(1) Purpose and Intent. The purpose of the C-2 District is to provide a means of obtaining the natural resource and the recreation goals and objectives of the Development Plan. The C-2 District is to provide for the preservation, protection, enhancement, and restoration of significant woodlands, scenic areas, submarginal farm land and areas that have slopes in excess of 20%, limit erosion and sedimentation; to promote and maintain the natural beauty of the area while seeking to assure the preservation and protection of areas that have significant topography, natural watersheds, ground and surface water, potential recreation sites, wildlife habitat, and other natural resource characteristics that contribute to the environmental quality. This district exists as delineated on the zoning map and includes the following soil types.

DuC2	GrA	OsA	WfB2	SaA
DuB2	F1B	OgB	WfC2	SaB
DuA	FlA	OgA	WnA	SaC2
KeA	PmB	KeC2	WnB2	SbA
KdC2	PmA	KeB2	WnC2	SbB
KdB	PlC2	TrA	WoA	SbC2
JuA	PIB	WaA	ZuA	SkA
JaB	PIA	WaB	ZuB	SkB
JaA	PeC2	WaC2	RnB2	SkC2

HeA	PeB2	WeA	RnC2	ZuC2
GrD2	PeA	WeB	RpB	PnA
GrC2	OsC2	WeC2	RpC2	PnB
GrB2	OsB	WfA	RpD2	PnB

(2) Permitted Uses. The following uses are permitted uses in this District.

- (A) Forest and woodland crop management.
- (B) Farming and related agricultural uses when conducted in accordance with Soil Conservation Service Standards.
- (C) Installation of soil and water conservation structures.
- (D) Parks and recreational areas, arboretums, and botanical gardens.
- (E) Forest preservation, wildlife reservations, and conservation projects.
- (F) Other recreation activities that do not require a structure or earth movement.

(3) Conditional Uses. The following conditional uses are permitted only after a public hearing and approval of the Planning and Development Committee.

- (A) Hunting and fishing clubs, including trap and skeet shooting facilities, target ranges and gun clubs when such activities are located 100 feet from the boundaries of the property involved.
- (B) Horse stables, riding clubs, and fairgrounds.
- (C) Private and public golf courses and country clubs.
- (D) Earth movements involving site disturbing in excess of one acre not related to farming activity.
- (E) Stream course changing, waterway construction or enlargement, dams, and changing of natural drainage ways.
- (F) Single family dwellings.
- (G) Ski hills, ski trails, hunting and fishing clubs.
- (H) Recreation camps.
- (I) Public or private campgrounds.
- (J) Animal hospitals, shelters and kennels.

(K) Telephone, telegraph and electric transmission lines, buildings or structures and similar public utility facilities.

(L) Radio, television, and communication transmitters or relay towers and facilities.

(M) Rifle ranges, skeet shooting clubs, and other activity features.

(4) Requirements for Permitted and Conditional Uses.

(A) Maximum Building Height: 35 ft.

(B) Minimum Front Yard Setback: 75 ft.

(C) Minimum Rear Yard Setback: 25 ft.

(D) Minimum Lot Width at Building Line: 100 ft.

(E) Minimum Lot Frontage on Public Road: 50 ft.

(F) Minimum Lot Area: 10 Acres

(G) Minimum Side Yard Setback: 15 ft.

(H) Off-Street Parking, Public Gathering: 1 space per 5 seats if applicable, 1 space per 200 sq. ft. of building, or 1 space per 5 anticipated users at maximum usage of facility.

**4.237 Agricultural District One (A-1)**

(1) Purpose and Intent. The purpose of the A-1 District is to provide a means of obtaining the agricultural goals and objectives of the Development Plan. This district exclusively provides for agricultural uses and uses compatible with agriculture. The intent in having this district is to conserve agricultural soils, historically farmed soils and prevent uncontrolled, uneconomical spread of residential development which results in excessive costs to the community for the provision of essential public services. The district consists of agricultural soils defined in this chapter as follows:

AzA	EdB2	JaA	Mb	PeC2	SbC2	TrA	WIC2
BIA	EIA	JaB	Md	PIA	Se	WaA	WhB2
BIB	EmA	JuA	Mf	PIB	PmA	WaB	WhC2
Br	EoA	KaA	Na	PIC2	PmB	WaC2	WnA
CaB2	EvB	KdB	OgA	RnB2	PnA	WcA	WnB2
Co	EvC2	KdC2	OgB	RnC2	PnB	WfA	WnC2
Da	FLA	KeA	OoA	RpB	Ha	WfB2	WoA

DrA	FIB	KeB2	OoB	RpC2	SkA	WfC2	ZuA
DrB	GrA	KeC2	OoC2	RtB2	SkB	WeA	ZuB
DrC2	GrB2	LkA	Ot	RtC2	SkC2	WeB	ZuC2
DuA	GrC2	LoA	Pa	SaA	SbA	WeC2	OsA
DuB2	Ho	LoB	PeA	SaB	SbB	WIA	OsB
DuC2	HeA	Ma	PeB2	SaC2	SbC2	WIB2	OsC2

(2) Permitted uses. The following uses are permitted in this district:

(A) General farming including dairying, livestock and poultry raising, nurseries, and other similar agricultural enterprises or uses, except fur farms and farms operated for the disposal or reduction of garbage, sewage, rubbish or offal provided that no buildings for the housing of livestock or poultry shall be located within 100 feet of any boundary of a residential or commercial lot other than that of the owner or lessee of such buildings containing such livestock or poultry.

(B) Forestry, grazing, hatcheries, nurseries, orchards, paddocks, poultry raising, truck farming, and other appropriate agricultural pursuits, farm products produced on the premises, that do not require outside processing before they are offered for sale, and up to 2 unlighted signs not larger than 8 square feet each advertising such sale. Airports not open to the public.

(C) Up to 2 residential dwellings for those resident owners and workers actually engaged in the principal permitted uses and earn a substantial part of their livelihood from the farm operations on the parcel.

(3) Conditional Uses. The following uses are permitted only after a public hearing and approval of the Planning and Development Committee.

(A) Churches, veterinary hospitals, community parks and recreational areas.

(B) Water storage facilities and power stations provided they are enclosed by an 8 foot or more protective fence.

(C) Farm dwellings and related farm structures existing at the time of adoption of this ordinance may be separated from the farm plot, provided that the parcel created conforms with all regulations set forth in the R-R District but not to exceed 5 acres.

(D) Fur farms, kennels, insect-breeding facilities, greenhouses, holding pens, confinement operations, and other agricultural uses that may cause noxious odors or noise provided that written permission be obtained from the Committee.

(E) Riding stables, riding schools, and shooting preserves as secondary uses to agriculture.



(F) The installation of one mobile home on any operating farm when the head of the occupant household of such mobile home is actually engaged in the farm operation.

(G) Creameries, milk condenseries, cheese factories, and pea vineries, provided, however, that same are not located or operated nearer than 500 feet to any dwelling.

(H) Supportive agri-business activities to include grain elevators; seed, fertilizer, and farm chemical sales; feedlots, feed mills; and similar agricultural activities provided they are adjacent to a state, federal, or county trunk highway.

(I) Storage of non-agricultural items in buildings existing at the time of the adoption of this ordinance.

(J) An additional farm dwelling for those resident owners and workers actually engaged in the principal permitted uses.

(K) Telephone, telegraph and electric transmission lines, buildings or structures.

(4) Standards for Permitted and Conditional Uses. Within the A-1 District the following standards shall apply:

(A) Minimum lot size - 35 acres

(B) Maximum building height - 35 ft., residential structures; no maximum on other structures.

(C) Minimum front yard setback - 50 ft.

(D) Minimum rear yard setback - 50 ft.

(E) Minimum side yard:

1. Principal buildings - 20 ft. on each side

2. Accessory buildings - 10 ft. on each side

(F) Minimum lot width at building line - 100 ft.

## Subpart 4: Special Purpose District (SP)

### 4.239 Special Purpose District (SP)

(1) Purpose and Intent. The purpose of this district is to provide a means of obtaining the goals and objectives of the Development Plan. The SP District is intended to provide for those uses which create, or could present special problems, hazards or other circumstances with regard to the use of land. This District is to include those uses of land which require large expanses of land; those which afford hazards to health, safety, or other aspects of the general welfare; those for which it is desirable to have a limited number of a given land use within the community.

(2) Conditional Uses. The following uses are permitted only after a public hearing and approval of the Planning and Development Committee.

(A) Refuse disposal sites, dumping grounds, sanitary landfill operations, or similar uses; with the specific provision that setbacks, screening, protective fencing, or some combination of these be provided in a manner adequate to protect the general public from any and all nuisances, hazards or other harmful conditions.

(B) Facilities for the production, mining, processing or storage of concrete, blacktop, asphalt, or other pavings or road surfacing or building materials.

(C) Airports open to the public, hangars, or accessory structures.

(D) Cemeteries when they comply with the provisions of SS.157.06, Wis. Stats.

(E) Race tracks, sewage treatment facilities.

(F) Accessory structures required by the principal use.

(G) Junkyards and automobile salvage yards.

(3) Standards for Permitted and Conditional Uses.

(A) Minimum Lot Area: 5 acres

(B) Minimum Front Yard Setback: 50 feet

(C) Minimum Side Yard Setback: 20 feet

(D) Minimum Rear Yard Setback: 25 feet

(E) Maximum Slope Ratio: 3:1

(F) Off-street Parking: 1 space per 5 seats, or 1 space per 5 anticipated uses at maximum uses of facility.

(G) Abandonment Procedures - Mining Operations:

Slope: 3 : 1

Cover: 5" Top Soil, fast growing grass, or other suitable vegetation.  
Erosion control as needed.

#### 4.240 Light Industrial District (M-1)

(1) Purpose and Intent. The purpose of the M-1 District is to provide a means of accomplishing the economic goals and industrial objectives in the Development Plan. The intent in having this district is to provide for industrial areas where adequate transportation facilities, topographic conditions, and public utilities that are required by industry, as land assembly is needed. This district is to facilitate the establishment of light industrial areas which are consistent with the Development Plan which considers the economic production and distribution of goods manufactured in the community as in relation to regional and national competitions.

(2) Permitted Uses. The following uses are permitted in this district:

(A) Public or private offices or office buildings.

(B) Truck, bus, or rail terminals.

(C) Warehousing, or wholesaling of manufactured goods, except that live animals, explosives, or flammable gases or liquids or toxic materials shall require a conditional use permit issued by the Committee.

(D) Public utility and maintenance facilities.

(E) Police, fire and postal stations.

(F) Automotive upholstery and body repair shops, laundries and dry cleaning plants, not including personal and individual drop-off and pick-up service.

(G) Commercial bakeries, greenhouse, printing and publishing.

(H) Distributors and food locker plants.

(I) Retail sales and service facilities, such as retail outlet stores, surplus goods stores, and restaurants and food service facilities, when established in conjunction with a permitted manufacturing or processing facility.

(J) Radio, television and communication transmitting or relay towers and facilities.

(K) Railroad switching yards.

(L) Accessory buildings, uses and activities customarily incidental to the permitted uses.

(3) Conditional Uses. The following uses are permitted only after a public hearing and approval of the Planning and Development Committee.

(A) Living quarters for watchman or caretaker.

(B) Farm machinery plants and machine shops.

(C) Manufacture, fabrication, packing, packaging, and assembly of products utilizing as a primary resource furs, glass, metal, paper, leather, plaster, plastics, textiles and wood.

(D) Research laboratories and facilities.

(E) Manufacturing or processing of explosives.

(F) Terminal facilities for flammable gases or liquids.

(G) Warehousing, storage or wholesaling of live animals, explosives or flammable gases or liquids.

(H) Manufacture and bottling of non-alcoholic beverages.

(I) Storage and sale of machinery and equipment.

(J) Manufacture, fabrication, processing, packing and packaging of confections, cosmetics, electrical appliances, electronic devices, instruments, jewelry, pharmaceutical, tobacco, toiletries and food, except cabbage, fish and fish products, meat and meat products and pea vining.

(K) Building contractors storage yard.

(L) Commercial service facility, sewage disposal plants and public utilities.

(4) Standards for Permitted and Conditional Uses. Within the M-1 District the following standards shall apply:

(A) Maximum Building Height: 35 ft.

- (B) Minimum Lot Area: 40,000 sq. ft.
- (C) Minimum Front Yard Setback: 50 ft. (75 ft. if parking is permitted in front yard.)
- (D) Minimum Rear Yard Setback: 40 ft. (50 ft. when abutting a residential area.)
- (E) Minimum Side Yard Setback: 20 ft. (50 ft. when abutting a residential area).
- (F) Corner Side Yard Setback: 50 ft.
- (G) Minimum Average Lot Width: 100 ft.
- (H) Minimum Parking Provided: 1 space per 2 employees
- (I) Every structure or building containing at least 5,000 sq. ft. of gross floor area shall provide off-street loading space measuring not less than 10 ft. by 40 ft. and having a height, clear of all obstructions, of 14 ft. according to the following schedule, except that the Committee may allow loading spaces to remain undeveloped until it deems them necessary.

<u>Gross Floor Area</u>	<u>Number of Loading Spaces</u>
5,000 to 24,000 sq. ft.	1
24,000 to 60,000 sq. ft.	2
60,000 to 96,000 sq. ft.	3
96,000 to 144,000 sq. ft.	4
144,000 to 192,000 sq. ft.	5
192,000 to 240,000 sq. ft.	6
240,000 to 294,000 sq. ft.	7
294,000 to 348,000 sq. ft.	8

For each additional 54,000 sq. ft. - 1 additional space.

- (J) Not more than 40% of the lot containing any use permitted in this district may be used for open storage of raw material, or any other material. Such storage shall be effectively screened from non-industrial uses or districts by a solid wall or fence or a planted hedge or shrubbery.
- (K) A reasonable green area is encouraged by the Committee.

#### 4.241 Institutional District (IN)

(1) Purpose and Intent of Institutional District (IN). The purpose of this district is to provide a means of obtaining the goals and objectives of the Development Plan. This district is intended to provide concentrated locations for public/private establishments which are created or exists by law or public authority for the benefit of the public in general.

(2) Permitted Uses. The following uses are permitted in this district.

(A) Public hospitals, clinics, sanitariums, nursing homes, retirement homes and associated offices.

(B) Community buildings, libraries, and museums.

(C) Universities, Colleges, Technical and Vocational Schools, and other educational facilities which are involved with the offering higher or specialized education and training.

(D) Public service and administrative offices, parking lots, park and recreation facilities, and group living quarters for ward of the municipality.

(3) Conditional Uses. The following uses are permitted only after a public hearing and approval by the Planning and Development Committee.

(A) Private clubs and fraternities whose principal activity is a service customarily carried out as a business.

(B) Minimum, medium and maximum security jails and prisons.

(C) Community Living Arrangements.

(4) Requirements for Conditional Uses.

(A) Minimum Lot Area With Public Sewer: 25,000 sq. ft.

(B) Minimum Lot Area Without Public Sewer: 40,000 sq. ft.

(C) Maximum Building Height: 35 ft.

(D) Minimum Front Yard Setback: 50 ft.

(E) Minimum Rear Yard Setback: 50 ft.

(F) Minimum Side Yard Setback: 15 ft.

- (G) Minimum Lot Width At Building Line: 100 ft.
- (H) Minimum Frontage On Public Road: 50 ft.
- (I) Parking Requirements: 1-200 sq. ft. parking space for each 200 sq. ft. of building
- (J) Maximum Lot Coverage Ratio of all Building to Lot/Size:  
5 (Lot) to 1 (Building).

**Subpart 5: Non-Conforming Uses**

**4.250 Non-Conforming Uses**

**4.251 Existing Non-Conforming Uses and Structures**

(1) The lawful use of a building, structure or lot which existed at the time this ordinance, or an applicable amendment to this ordinance, took effect and which is not in conformity with the provisions of this ordinance, including the routine maintenance of such a building or structure, may be continued, subject to the following conditions:

(A) If a nonconforming use is discontinued for twelve (12) consecutive months, any future use of the building, structure or property shall conform to this ordinance.

(B) The maintenance and repair of nonconforming boathouses that extend waterward beyond the ordinary highwater mark of any navigable waters shall comply with the requirements of Section 30.121, Wis. Stats.

(C) If the nonconforming use of a temporary structure is discontinued, such nonconforming use may not be recommenced.

(D) Uses which are nuisances shall not be permitted to continue as nonconforming uses.

(E) No structural alterations, additions or structural repairs to any building or structure with a nonconforming use or a nonconforming building or structure over the life of the building or structure, shall exceed 50 percent of its current estimated fair market value unless it is permanently changed to conform to the requirements of this ordinance. Structural alterations, additions or structural repair to nonconforming structures or buildings costing less than 50% of its current fair market value may be allowed, but must be accomplished in compliance with all provisions of this ordinance, unless the proposal qualifies for a variance.



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Reply to Milwaukee

January 28, 2013

Rock County Planning and  
Development Agency  
Attn: Paul Benjamin, Director  
Rock County Courthouse  
51 South Main Street  
Janesville, WI 53545

RECEIVED

JAN 30 2013

ROCK CO. PLANNING, ECONOMIC AND  
COMMUNITY DEVELOPMENT AGENCY

RE: One Catlin Street, Edgerton, Wisconsin

Dear Mr. Benjamin:

I am the attorney for JMA Redwood Manor LLC, which purchased a piece of real estate located at One Catlin Street, Edgerton, Wisconsin, on October 5, 2012. I write this letter to you at the suggestion and with the permission of Attorney Eugene Dumas from the Rock County Corporation Counsel's office. Mr. Dumas and I have been discussing an issue over the last several months.

At the time my client purchased this property, there were of record two nearly identical documents each entitled "Restrictive Covenant" which had been entered into by previous owners of the property with the Rock County Planning and Development Agency (the "Agency"). One was entered into by SD Real Estate LLC in a document recorded July 7, 2008, and the other was entered into by S&A Anderson Investments, LLC in a document recorded November 5, 2009. Both of those documents were entered into and recorded subsequent to a certain Mortgage from S&A Anderson Investments, LLC, which Mortgage had been recorded on February 5, 2008, prior to the recording of both of these "Restrictive Covenants".

In July of 2011, the holder of that Mortgage, First American Credit Union, foreclosed the Mortgage. That foreclosure included the "Rock County Planning Agency" as a defendant in that action, so that the interest of the Planning and Development Agency which was subject to the prerecorded Mortgage and those Restrictive Covenants would be foreclosed, as well. It is my opinion that that result is in fact what occurred in the foreclosure action, by operation of law, but the attorney that handled the foreclosure did not include in the Judgment of Foreclosure language which specifically foreclosed the interest of the Agency.



WEISS  
BERZOWSKI  
BRADY<sup>LLP</sup>

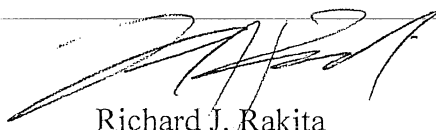
Rock County Planning and  
Development Agency  
January 28, 2013  
Page 2

The fact that the Agency felt it necessary to have separate documents from each of the prior owners, SD Real Estate and S&A Anderson, clearly shows that the Agency did not believe that the Restrictive Covenants signed by each of the respective owners would be binding on new owners. Had the Agency believed that subsequent owners of the property, such as S&A Anderson, would have been bound by the prior agreement with SD Real Estate, there would have been no reason to have entered into a separate agreement with S&A Anderson.

There would have been no conceivable reason for the Agency to be included as a defendant in the foreclosure action, other than for the purpose of foreclosing out the Restrictive Covenants, since the only interest of the Agency in the real estate was created by those two Restrictive Covenants.

It is my belief that the Restrictive Covenants were indeed foreclosed in that action and are not encumbrances on the title which my client purchased. However, in order to clean up the title, one of two things must occur. Either (a) the Agency can formally release those documents of record; or (b) we can start a quiet title action to have them removed, which, in my opinion, will do nothing but incur unnecessary additional costs of filing fees and attorneys' fees to get to a result which was intended by all of the parties. I would respectfully request that the Agency consider voluntarily releasing these documents of record, so that my client will have clear title to the property and not have to undergo the needless cost of a quiet title action.

Very truly yours,



Richard J. Rakita

RJR/wll

cc: Henry Reyes  
Atty. Eugene R. Dumas