

CHAPTER 6

CONSERVATION SUBDIVISION

(Recreated: 4 April 2011, Ord. 2011-05)

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6.01 Purpose.

The conservation subdivision option is intended to preserve natural resources, agricultural land, and open spaces in exchange for greater density than offered by a traditional subdivision. This option promotes flexible site planning by relaxing various Ordinance requirements.

6.02 General requirements.

(1) A conservation subdivision may be allowed on a single lot meeting the minimum site area requirements of s. 3.02(3), table of district requirements. The minimum site area shall be calculated including only land within the site to be used for residential development as allowed within conservation subdivisions, agricultural uses and buildings, preserved open space, and wetlands.

(2) Wetlands, as defined in Chapter 13 of this Ordinance:

(a) Shall not be included in determining the maximum allowed residential density of the conservation subdivision.

(b) May be included in meeting the minimum site area requirement.

(c) May be included in meeting the minimum preserved open space requirement.

(3) Maximum Residential Density.

(a) Dwelling units per acre (d.u./acre) shall not exceed the maximum allowed for conservation subdivisions in the zoning district in which the development is located. For conservation subdivisions that cross zoning district boundaries, maximum density for the development shall be determined by prorating the maximum density of each applicable zoning district.

(b) The area of the site used to calculate the maximum residential density of the development shall include only

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land to be used for conservation subdivision residential development, agricultural uses and buildings, and those areas to be designated as preserved open space, except wetlands.

(4) Individual residential lots, uses, and structures.

(a) Individual residential lots, uses, and structures within a conservation subdivision shall comply with all of the requirements and provisions of this Ordinance, except that:

1. The minimum required lot area shall be 10,000 square feet.
2. The minimum required lot width shall be 65'.
3. When the perimeter yard requirements as listed in s. 3.02(3) do not apply, the minimum yard requirements shall be as listed below:

Structure	Front Yard	Side yard	Rear Yard
Principal	25'	10'	20'
Accessory	25'	5'	10'

4. Impervious surface ratio maximums need not be adhered to, provided the site as a whole does not exceed the maximum impervious surface ratio for the zoning district in which the development is located.

Commentary: The provisions of s. 3.15, special development requirements, shall still apply as appropriate.

(b) The only residential uses allowed shall be single family residences or duplexes, and the latter only provided they are allowed in the applicable zoning district. Individual residential lots, uses, and structures within a conservation subdivision shall not be converted to or used for any nonresidential use, except for home offices/studios, home occupations, home businesses, family day care homes, or utility facilities - type A provided those uses comply with regulations elsewhere in this ordinance. A restrictive agreement shall be recorded to this effect.

(5) Access restricted. A maximum of 2 residential lots per conservation subdivision shall have direct driveway access to an existing state, county, or town road, with a maximum of 1 direct driveway access per individual lot.

6.03 Preserved open space.

(1) Permitted uses. The following uses are permitted in the preserved open space provided they are allowed by the underlying zoning district and provided they meet all other requirements of this Ordinance:

(a) The maintenance and protection of natural resources in the manner and to the extent required by Chapter 5, Natural Features Protection Requirements.

(b) Passive recreational uses which involve the creation and/or maintenance of very negligible impervious surfaces, such uses including arboretums, hiking paths, walkways, nature areas, wildlife sanctuaries, picnic areas, public and private parks, garden plots, and beaches. Driveways and parking areas shall not be included in meeting the minimum preserved open space area requirement.

(c) Agricultural uses, but not structures, except for roadside stands.

(d) Stormwater facilities and shared septic systems or wells.

(2) The minimum size of a preserved open space area shall be 2 acres and 200 feet of width for developments with a total site area of 10 acres or more, and 20,000 square feet and 100 feet of width for developments with a total site area of less than 10 acres. The areas containing shared septic systems or wells and natural features required to be protected in 6.03(3) may be included in meeting the minimum preserved open space requirement, but need not meet these minimum size requirements.

(3) Specific requirements in shoreland, escarpment, ridge and swale complex, floodplain, dune, and drumlin areas.

(a) For conservation subdivisions which front on navigable water, a portion of the area between the ordinary high water mark and 200 feet inland from all points along the ordinary high water mark shall be dedicated as preserved open space, as provided in s. 6.03, preserved open space. The portion shall be equal to at least the percentage listed as minimum preserved open space in s. 3.02(3), table of district requirements, for the applicable zoning district.

(b) Portions of escarpment, ridge and swale complex, floodplain, drumlin, and dune areas located within a conservation subdivision shall be dedicated as preserved open space as provided in s. 6.03, preserved open space. The portion shall, at a minimum, equal the percentage listed as minimum required preserved open space in s. 3.02(3),

table of district requirements, for the applicable zoning district.

Commentary: Thus, for a conservation subdivision in an SF20 district, the percentage of the shoreland, escarpment, ridge and swale complex, floodplain, drumlin, or dune area to be preserved as open space would be at least 35%; in an SF30 district, the percentage would be at least 40%, and so on.

(4) Except for roadside stands, the area of land containing and within 50' of structures located within the lot that contains the preserved open space shall not count toward the required minimum preserved open space of the development.

(5) There shall be adequate guarantees for retention of preserved open space in perpetuity through the use of a legal agreement deemed acceptable by the county. The legal agreement shall:

(a) Be required for the preserved open space area of a conservation subdivision.

(b) Not restrict agricultural uses, except for agricultural structures other than roadside stands.

(c) Not restrict future use of the property for public purposes.

(d) Specify ownership, tax liability, and maintenance of the preserved open space.

6.04 Application and permit requirements.

(1) In addition to the information required in s. 11.01, regular zoning permits, the application for a conservation subdivision shall contain the following:

(a) Information on the total area of the site, individual lots, and preserved open space; residential density allowance; number of buildings and dwelling units; and other data necessary to fully describe the project.

(b) Information regarding any intended legal agreements such as deed restrictions, property owners' associations, reservation of development rights, and conservation easements.

(c) Accurate map(s) of the project area and a site plan showing the following:

1. Location and area of the project site and abutting

properties.

2. Location of public and private roads, driveways, and parking areas.

3. Location and area of proposed residential and other lots. The type of residential development within the conservation subdivision - single family residence or duplex - shall be specified and designated on the site plan for the purpose of determining compliance with the maximum residential density allowed.

4. Location and size of preserved open space areas.

5. Within the lot which will contain the preserved open space, the location of existing or proposed structures and the boundary of the surrounding area as required in s. 6.03(4).

6. Existing topography and proposed topography changes.

7. Location of wetlands and natural features as listed in s. 6.03(3).

(d) Upon written request, other information required by the Zoning Administrator to determine compliance with the requirements of this ordinance.

(2) A regular zoning permit issued to establish a conservation subdivision as described in the approved site plan shall expire 12 months from the date of issuance unless the required legal agreements and proposed lots within the development have been recorded in the Door County Register of Deeds office. No construction activities shall commence prior to the recordation of the proposed lots or building sites and the reservation of development rights or other agreements. If an individual structure or use within the conservation subdivision requires authorization, a zoning permit per the ordinance in effect at the time shall also be required prior to construction or establishment.

Due to deletion of Planned Residential Development and creation of Conservation Subdivision (Chapter 6) page numbering will begin with 102. This was a result of Ord. 2011-05; Added 4 April, 2011.