

**CHAPTER 6**

**CONSERVATION SUBDIVISION**

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

- 6.01 Purpose.
- 6.02 General requirements.
- 6.03 Preserved open space.
- 6.04 Application and permit requirements.

**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 allowable 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 Allowable Density.

(a) The area of the site used to calculate the maximum allowable density of the development shall include only 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.

(b) Dwelling units per acre (du./acre) shall not exceed the maximum allowed for conservation subdivisions in the zoning district in which the development is located. However, the maximum allowable density shall not be less than the number of lots derived by applying the individual lot requirements of the particular zoning district to the conservation subdivision site area. For example, if the calculated maximum allowable density equals 1 and the number of lots that could be created by applying the individual lot standards equals 2, then the maximum allowable

density becomes 2. (Typographical error corrected: 20 Sept. 2016; Ord. 2016-14) (Amended: 26 March 2019; Ord. 2019-02)

For conservation subdivisions that cross zoning district boundaries, the maximum allowable density for the development shall be determined by prorating the maximum allowable density of each applicable zoning district.

(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:

<b>Structure</b>	<b>Front Yard</b>	<b>Side yard</b>	<b>Rear Yard</b>
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) Residential uses allowed shall be single family residences, secondary dwelling units, duplexes, or existing manufactured homes. New duplexes are only allowed provided they are allowed in the applicable zoning district. New manufactured homes shall not be allowed. (Added: 22 May 2018; Ord. 2018-10)

(c) Non-residential uses that may be permitted, in conjunction with one of the residential uses listed in par. (b), are home offices/studios, home occupations, home businesses, family day care homes, agriculture, and private riding stables. These nonresidential uses are only allowed provided they comply with all regulations elsewhere in this ordinance and are allowed in the applicable zoning district. (Added: 22 May 2018; Ord. 2018-10) (Amended: 23 May 2023; Ord. 2023-01)

(d) (Added: 22 May 2018; Ord. 2018-10) (Deleted: 22 Feb 2022; Ord. 2022-03)

(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, as calculated by multiplying the Minimum Preserved Open Space percentage shown in s.3.02(2), Table of District Requirements, by the total site 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. (Amended: 26 March 2019; Ord. 2019-02)

(3) Specific requirements in escarpment, ridge and swale complex, floodplain, dune, and drumlin areas. (Amended: 20 Sept. 2016; Ord. 2016-14)

(a) (Deleted: 20 Sept. 2016; Ord. 2016-14)

(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 escarpment, ridge and swale complex, floodplain, drumlin, or

dune area to be preserved as open space would be at least 30%; in an SF30 district, the percentage would be at least 40%, and so on. (Amended: 24 March 2015; Ord. 2015-02) (Amended: 20 Sept. 2016; Ord. 2016-14)

(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; maximum allowable density; 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 allowable density.
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) (Deleted: 17 April 2012, Ord. No. 2012-14)

(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.