

CHAPTER 6

PLANNED RESIDENTIAL DEVELOPMENT

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6.01 Purpose.

(1) The planned residential development option is intended to give landowners greater flexibility in developing tracts of land on a project basis by relaxing the various lot area, lot width, setback, yard, and other regulations.

Commentary: Planned residential development is intended to accommodate residential and related uses only. Should a developer of a planned residential development desire to incorporate nonresidential uses, say, a restaurant or retail shops (assuming such uses are allowed in the applicable zoning district), they will need to be incorporated in such a way that they are not part of the area assigned to the planned residential development.

(2) The planned residential development option is intended to promote the benefits of:

- (a) Coordinated area site planning.
- (b) Diversified location of structures.
- (c) Safe and efficient pedestrian and vehicular traffic systems.
- (d) Attractive recreation and open spaces.
- (e) Economical arrangement of public and private utilities and community facilities.
- (f) Preservation of natural resources and agricultural land.

6.02 General requirements.

(1) Minimum site. The area of the proposed planned residential development site must meet the minimum site area requirement established in s. 3.02(3), table of district requirements.

(2) Development requirements relaxed. Individual residential uses and structures of a planned residential development shall comply with all of the requirements and provisions of this Ordinance, except that individual uses and structures need not comply with the following requirements:

(a) Minimum lot area, except as provided in sub. (7).

(b) Minimum lot width.

(c) Minimum yard requirements, provided that there is at least 15 feet between detached dwelling units and provided the development meets the yard requirement for the perimeter of the site listed in s. 3.02(3), table of district requirements.

(d) Impervious surface ratio, provided the development as a whole does not exceed the maximum impervious surface ratio for the zoning district in which the development is located.

(e) Setback from roads, provided that all structures are located at least 15 feet from the right-of-way of interior roads, and provided that all structures meet the requirements of s. 3.05, setbacks from roads, for all perimeter and through roads.

(f) Woodland clearing provisions, provided the development as a whole meets these provisions.

All uses and structures of a planned residential development shall comply with the provisions of s. 3.15, special development requirements, if applicable.

(3) The site area used to calculate the required preserved open space and the maximum residential density of the development shall not include any land used for nonresidential development.

(4) Water supply and sewage disposal shall meet the minimum standards of the Wisconsin Department of Natural Resources, the Wisconsin Department of Industry, Labor and Human Relations, and the Door County Sanitary Ordinance, as appropriate.

Commentary: Different sewage treatment systems receive approval under different state authorities; many of these are presented here. The list may not be exhaustive.

ILHR 83, Wis. Admin. Code	Ch. 144, Wis. Stats.
ILHR 85, Wis. Admin. Code	Ch. 145, Wis. Stats.
NR 110, Wis. Admin. Code	Ch. 147, Wis. Stats.
NR 113, Wis. Admin. Code	Ch. 236, Wis. Stats.
NR 140, Wis. Admin. Code	
NR 206, Wis. Admin. Code	

(5) Residential density shall not exceed the maximum allowed for planned residential development in the zoning district in which the development is located. For planned residential developments that cross zoning district boundaries, maximum density for the development shall be determined by prorating the maximum density of each applicable zoning district.

(6) The minimum lot size for planned residential developments shall be 8,000 square feet or not less than that allowed by ILHR 85, Wis. Admin. Code, whichever is greater.

(7) Land located within the Wetland district:

(a) Shall not be included in determining the maximum residential density of the planned residential development.

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

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

(8) Site Plan. All development within a planned residential development shall conform with a submitted site plan which meets the requirements of this chapter.

(9) Nonresidential use restricted. Individual lots, building sites, or dwelling units within a cluster housing development shall not be converted to or used for any nonresidential use, except home offices/studios and home occupations.

(Amended: 8 August 2000, Ord. 12-00)

(10) Access restricted. Not more than 2 lots per planned residential development shall have direct access to an existing state or county road. All additional lots shall have access by an internal subdivision road.

6.03 Preserved open space.

(1) The size and shape of areas established as preserved open space shall be sufficient and suitable for agricultural, recreational, or other permitted uses in preserved open space. Except for open space used for walkways or subsurface sanitary facilities, 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 20 acres or more, and 20,000 square feet and 100 feet of width for developments with a total site area of less than 20 acres.

(2) There shall be adequate guarantees for retention of preserved open space in perpetuity through the use of a reservation of development rights agreement, as provided in s. 6.04.

(3) Ownership, tax liability, and maintenance of private open space shall be established in a manner acceptable to the county.

(4) Permitted uses. The following uses are permitted in 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, nature areas, wildlife sanctuaries, picnic areas, public and private parks, garden plots and beaches.

(c) General agricultural and tree/shrub nursery uses, including the sale of produce or plants grown on the premises.

(5) The area, or portions thereof, of building sites shall not be counted toward the minimum preserved open space requirement.

6.04 Reservation of development rights agreement.

(1) Reservation of development rights agreements shall:

(a) Be required for the minimum preserved open space area of a planned residential development.

(b) Restrict future development of any residential, commercial or industrial structures and uses.

(c) Not restrict future development of any structures used for agricultural or tree/shrub nursery uses. (Amended: 23 June 1998, Ord. 12-98)

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

(2) The reservation of development rights shall be granted to the County and shall run with and bind the land.

(3) The grantor shall retain the right to petition the County Board of Supervisors for release (partial or entire) of the reservation of development rights in the event the zoning district classification of the property is changed.

6.05 Application. In addition to the information required in s. 11.04(2), application, the application for a planned residential development shall contain the following:

(1) Information on the total area of the site, area of preserved open space, residential density, number of dwelling units, and other data necessary to fully describe the project.

(2) Information regarding any intended deed restrictions and establishment of any property owners associations.

(3) Accurate map(s) and site plan of the project site showing the following:

(a) Location of the project site and abutting properties.

(b) The location of public and private roads, driveways, and parking areas.

(c) The location, size, and arrangement of proposed lots.

(d) The proposed location of structures.

(e) The location of preserved open space areas and areas reserved or dedicated for public uses such as parks or schools.

(f) Location of present or proposed wastewater disposal system.

(g) Existing topography and proposed topography changes.

(h) Existing surface water drainage pattern and proposed surface water drainage system.

(4) Upon written request, other information required by the Zoning Administrator or Resource Planning Committee to determine compliance with the requirements of this ordinance.

6.06 Specific requirements in shorelands and escarpment protection areas.

(1) For planned residential developments 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. 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 each applicable zoning district.

Commentary: Thus, for a planned residential development in an SF20 district, the percentage of the subject area to be left in open space would be at least 25%; in an SF30 district, the percentage would be at least 35%, and so on.

(2) For planned residential developments located within an escarpment protection area, a portion of the escarpment protection area shall be dedicated as preserved open space as provided in s. 6.03. 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. The location of this preserved open space on the escarpment shall be subject to approval by the Resource Planning Committee during the conditional use procedure.

6.07 Permit requirements.

(1) A conditional use permit for a planned residential development use shall establish the right to develop the dwelling units and structures that are described in the approved site plan. However, a regular zoning permit shall be required for the construction of each individual structure.

(2) A conditional use permit to establish a planned residential use shall expire 12 months from the date of issuance unless both the reservation of development rights agreement for the preserved open space and the proposed lots within the development have been recorded in the Door County Register of Deeds office.

(3) No construction activities shall be commenced prior to the recordation of the reservation of development rights agreement.