

ORDINANCE NO. 2002-5

An Ordinance Creating Section 3.0210 of the Town of Saukville Zoning Ordinance

The Town Board of the Town of Saukville, Ozaukee County, Wisconsin, hereby ordains as follows:

SECTION 1: Section 3.0210 of the Zoning Ordinance is hereby created to read as follows:

SECTION 3.0210 CONSERVATION SUBDIVISION OVERLAY DISTRICT

- (a) **Purpose:** The conservation Subdivision Overlay (CSO) District is established for the following purposes:
- (1) To provide an Overlay District that may be used in conjunction with an underlying Agricultural and/or Residential Zoning District to promote development of Conservation Subdivisions.
 - (2) To preserve environmentally sensitive lands through permanent preservation of open space and natural resources with housing concentrated on portions of the sites that have lower quality natural features.
 - (3) To provide open space areas that are commonly owned for passive and/or active recreational use by residents of the development, and where specifically established, for use by the general public.
 - (4) To minimize disturbance to environmentally sensitive areas, protect biological diversity, and maintain environmental corridors in their natural state to the extent practical.
 - (5) To preserve scenic views by minimizing views of new development from existing roads.
 - (6) To provide buffering between residential development and non-residential area.
- (b) **Definition of Conservative Subdivision.** A Conservation Subdivision is a housing development characterized by extensive open space where natural features of the land are maintained in their natural state to the extent practical. Residential dwellings in such subdivisions are located on portions of the site with lower quality natural features and should be adjacent to or overlook open space.
- (c) **Platting Methods and Applicability of Other Regulations.** Conservation Subdivisions may be created by platting methods including Certified Survey Maps, subdivision plats, or condominium plats. All of the Town's Land Development regulations applying to each of the platting methods shall be applicable to a Conservation Subdivision, except as may be permitted in this Section.
- (d) **Uses.** In a Conservation Subdivision, the underlying Zoning District shall determine allowable uses.
- (e) **Density and Lot Size Standards.** The maximum density of a Conservation Subdivision shall be determined by applying the minimum lot area in the underlying Zoning District to the entire parcel proposed for development. The minimum lot area in a Conservation Subdivision may be less than the required in the underlying District, but shall not be less than 20,000 square feet.
- (f) **Setback and Yards.** The minimum setback and yard requirements in the underlying Zoning District may be modified in a Conservation Subdivision to provide flexibility in the siting of homes relative to the attributes of the individual lots or sites in the development. These requirements shall be established on an individual development basis and shall be determined

prior to final plat approval. The minimum setback and yard requirements shall be shown on the final plat or C.S.M.

- (g) **Minimum Living Area and Maximum Building Height.** Shall be as established in the underlying Zoning District.
- (h) **Common Open Space.** A Conservation Subdivision shall provide Common Open Space as follows:

- (1) A minimum of 50% of the subject parcel shall be Common Open Space.
- (2) Prior to any final approval action on a Conservation Subdivision, the Town Hall shall review the proposed Common Open Space to determine if any public parklands or any other public land dedication is necessary in conjunction with the Conservation Subdivision.

The ownership, maintenance, and stewardship of Common Open Space shall be accomplished by a Homeowners Association and/or Condominium Association in accord with Chapter 703 of Wisconsin Statutes. The subdivisions applicant shall provide the Town a description of the Bylaws of the proposed Association, and all facilities. The Association shall be established by the owner or the subdivision developer prior to the sale of any lots or dwelling units in the development. All documents to establish such Associations shall be approved by the Town Attorney prior to their use by the developer.

- (3) No such Owner's Association shall be allowed to default and result in the Common Open Space which is part of a Conservation Subdivision.
- (4) A deed restriction shall be established to prevent subdividing any Common Open Space which is part of a Conservation Subdivision.
- (5) Any amendments to the Common Open Space documents after their initial approval shall be reviewed and approved by the Town Attorney prior to such amendments taking effect.
- (6) The following uses are permitted in Common Open Space areas:
 - (a) Conservation of open land in its natural state (for example, woodland, fallow field, or managed meadow),
 - (b) Silviculture, in keeping with established standards for selective harvesting and sustained-yield forestry.
 - (c) Neighborhood open space uses such as common areas, picnic areas, community gardens, trails, and similar low-impact passive recreational uses specifically excluding motorized off-road vehicles, rifle ranges, and other uses similar in character and potential impact as determined by the Plan Commission.
 - (d) Active non-commercial recreation areas, such as playing fields, playgrounds, courts, and bikeways, provided such areas do not encroach on environmentally sensitive areas. Playing fields, playgrounds, and courts shall not be located within 50 feet of abutting properties. Parking facilities for the same shall also be permitted.
 - (e) Golf courses may comprise the open space land. Their parking areas and any associated structures shall not be included within the 50 percent minimum open space requirement; their parking and access ways maybe paved and lighted.

- (f) Water supply, water sources for fire protection, sewage disposal systems, and storm water detention areas designed, landscaped, and available for use as an integral part of the open space.
- (g) Easements for drainage, access, or other public purposes.
- (h) Underground utility rights-of-ways and street rights-of-ways may traverse Common Open Space areas but shall not count toward the minimum required open space land.
- (i) Agricultural uses limited to the growing of crops outdoors including nurseries, orchards, forestry, commercial vegetables, and crops for livestock consumption, but not including dairying and not including the raising and feeding livestock and poultry.
- (j) Horse pasture areas and related non-commercial equestrian facilities such as riding areas, trails, rings and stables. Such facilities shall be exclusively for the subdivision's residents and shall not be used for commercial purposes.
- (k) Public use of Common Open Space may be allowed if agreed to by the developer of the Town.

(i) **Required Improvements and Design Standards.** Required improvements and design standards related to Conservation Subdivisions may be modified to create a lower impact on the natural environment and provide a greater degree of environmental protection. Infrastructure requirements and modifications shall be reviewed on an individual development basis to determine the appropriate infrastructure based on each site's unique attributes.

(j) **Financial Guarantees and Impact Fees.** Financial guarantees, including those required as part of a Conventional Subdivision Development Agreement, and impact fees, shall be applied to a Conservation Subdivision.

Section 2. All ordinances or parts of ordinances inconsistent with or contravening the provisions of this Ordinance are hereby repealed.

Section 3. This ordinance shall take effect upon its passage and publication as provided by law.

PASSED AND ADOPTED by the Town Board or the Town of Saukville, Ozaukee County, Wisconsin, this

_____ day of _____, 2002.

Walter H Clarke
Town Clerk

Terry M Hoffman
Town Chairman