

ARTICLE 8 ALTERNATIVE DEVELOPMENT OPTIONS

Divisions

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DIVISION 1 GENERAL OVERVIEW OF OPTIONS

490-1200 Generally

While standard zoning, based on prescribed land uses and dimensional standards, accommodates the vast majority of development projects, the City offers alternative development options designed to provide greater flexibility in land use and site design. Alternative development options are intended to:

- (1) **Accommodate unique projects.** Allow development that cannot be achieved under existing district regulations due to site conditions, market demands, or community objectives.
- (2) **Encourage innovation.** Promote creative site planning, mixed-use development, and housing diversity that enhance the character of the community.
- (3) **Balance flexibility with accountability.** Provide a framework for negotiating project-specific standards while ensuring consistency with the City’s comprehensive plan and development policies.
- (4) **Ensure public benefit.** Require that alternative developments demonstrate clear benefits such as improved design, preservation of natural resources, or expanded housing options.

490-1201 Review procedures

Most of the alternative projects are reviewed using the procedures for a planned development district described in Article 5. The one exception are mixed residential housing (MRH) districts, which are essentially a rezoning.

Exhibit 8-1. Type of reviews

Alternative development option	Means of review
Conventional planned development	Planned development district
Cottage housing project	Planned development district
Adaptive reuse project	Planned development district
Traditional neighborhood design (TND) project	Planned development district
Conservation subdivision	Planned development district
Mixed residential housing project	Zoning map amendment (rezoning)

490-1202 Effect on the underlying base zoning district

Projects approved using one of the alternative development options allowed in this article create a project-specific zoning district. That means the underlying zoning district is replaced with a new, different zoning district. Parameters unique to each of the project-specific zoning districts are documented in Article 9.

490-1203 through 490-1219 reserved**DIVISION 2
CONVENTIONAL PLANNED DEVELOPMENT DISTRICT****490-1220 General description**

A conventional planned development is a special type of zoning district that deviates from one or more of the standards of the underlying zoning district. This option, therefore, allows more freedom, imagination, and flexibility in the development of land while meeting the basic purposes of the City's zoning regulations and overall intent of the comprehensive plan. In exchange for this flexibility, a conventional planned development must be substantially better than what the underlying zoning district would afford as more fully set forth in § 490-1202.

490-1221 Application and review procedure

A conventional planned development is reviewed as a planned development district as set forth in Article 5, except as may be specifically modified in this division.

490-1222 Specific review criteria

In addition to the general review parameters for a planned development district enumerated in Article 5, the Plan Commission in making its recommendation and the Common Council in making its decision must determine that the proposed development creates more of a public benefit than what the underlying zoning district would create. For example, a greater public benefit can be created by including desirable features or amenities that are not otherwise required, such as additional landscaping/buffering, open space, public or private amenities, or enhanced design elements.

490-1223 Where allowed

A conventional planned development is allowed in any zoning district.

490-1224 Minimum development parcel

At the time of establishment, the conventional planned development must include at least 53 acres of contiguous lands, except for redevelopment projects which have no minimum requirements.

490-1225 Ownership

At the time of establishment, all land within a conventional planned development must be under single ownership or control.

490-1226 Permitted uses

- A. **Generally.** When the underlying zoning district is a residential or commercial district, a combination of residential, institutional, recreational, and/or commercial uses may be allowed. When the underlying zoning is an industrial district, a combination of institutional, commercial, and industrial uses may be allowed. A planned development district with a mix of residential and industrial uses is prohibited.
- B. **Listing in Appendix A.** All land uses allowed in an approved conventional planned development district are listed in Appendix A.

490-1227 Permissible modifications

To create a unified development that is economically successful to both the developer, owner and the City, and to require high quality standards for site design, architectural design, landscaping, proper infrastructure, environmental protections, and protection of persons and property, the development standards specifically listed below may be modified.

- (1) **Density.** The density of a residential project can be increased, but not more than 125 percent of the underlying zoning district.
- (2) **Lot requirements.** Minimum lot widths and frontage requirements may be modified.
- (3) **Setbacks.** Building, parking lot and drive aisle setbacks may be modified. With reduced setbacks, the City may require larger setbacks on another part of the property and may require additional landscaping or use of berms, for example, to offset a lesser setback. Through a planned unit development, drive aisle setbacks may be modified or eliminated to promote cross access between adjacent properties in separate ownerships. Approval of a planned unit development may set a minimum standard for distance between buildings within the same planned unit development.
- (4) **Greenspace.** Minimum greenspace setbacks may be modified. With reduced setbacks, the City may require larger setbacks on another part of the property and may require additional landscaping or use of berms, or additional or larger parking lot landscaped islands, for example, to offset a lesser setback.
- (5) **Landscaping.** The placement of landscaping may be modified, provided the overall amount of landscaping is provided to accomplish the intended purposes.
- (6) **On-site parking.** Modifications to on-site parking requirements may occur, especially in a unified development where various uses on the site have different parking demand times throughout the day or week and allows shared parking between uses, or when a use of uses on a property have an established lower parking demand than required by the parking standards. Parking modifications may apply to the minimum number of parking spaces and aisle minimum widths and sizes for uses that display vehicles or equipment. ~~Through planned unit development modifications, the City may establish design standards for any requested parking structure.~~
- (7) **Architectural design.** Modifications to the minimum architectural standards of the underlying zoning district may occur to enhance and provide greater quality to a development than the minimum standards allow, or to enhance an architectural theme of a unified development.
- (8) **Architectural embellishments.** In non-residential developments, modifications to building height maximums may occur to provide architectural embellishments, such as a spire or clock tower that is part of an architectural theme.
- (9) **Multiple buildings on a site.** Modifications may occur to allow multiple principal buildings on a site and/or to allow buildings normally considered accessory structures, such as clubhouses, pavilions, gazebos, and the like.

~~Any development standard not listed above may not be modified.~~

490-1228 Effect of approved planned development district on land division standards

Development in a planned unit development district is subject to the City's land division regulations to the extent applicable, except that the Common Council, upon recommendation of the Plan Commission, may waive a development standard in the land division regulations as provided therein.

490-1229 Review of actual development

If the Common Council approves a conventional planned development district, proposed development in the district is reviewed consistent with the requirements of this chapter as may apply (e.g., building plan review, site plan review) and the approved general development plan.

490-1230 Amendment

Once a conventional planned development district is approved as a planned development district, such district may be amended as set forth in Article 5.

490-1231 through 490-1249 reserved

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DIVISION 3 COTTAGE HOUSING PROJECT

490-1250 General description

A cottage housing project is a residential development characterized by single-family housing units that front on a common area and the housing units are comparatively small when compared to typical single-family units. A cottage housing project must reflect a coherent and high-quality design concept. The illustrations below depict an example of a cottage housing project to show some of the major features.

Exhibit 8-2. Sample illustrations of a cottage housing project



Note: These images are illustrative, not prescriptive.

490-1251 Legislative findings

The Common Council makes the following legislative findings:

- (1) Cottage housing is a new type of housing in the City of Port Washington that can fill an unmet housing need.
- (2) Cottage housing can provide opportunities for homeownership that may not otherwise exist.
- (3) Cottage housing responds to demographic trends occurring locally, in the region, and nationally. These include a declining household size and more people living alone and longer.
- (4) It is not possible to define specific areas in the City where cottage housing should be developed. Rather, cottage housing is a development option that developers can explore.

- (5) Cottage housing will likely have the same, or fewer people than the single-family homes that could be built on the site.
- (6) Given the size restrictions on the housing unit, the bulk of a cottage housing project is similar to the single-family homes that could be built on the site.
- (7) Cottage housing supports the goal of providing additional housing choice.
- (8) Rather than codifying all parameters of cottage development, the standards in this division are intended to provide sufficient guidance without becoming overly prescriptive, with the understanding that the City and the developer will work together to craft a detailed development plan that meets community needs and works well with the site and the target market.

490-1252 Application and review procedure

A cottage housing project is reviewed as a planned development district as set forth in Article 5, except as may be specifically modified in this division.

490-1253 Type

~~A developer can propose a cottage housing project as a traditional subdivision plat or as a condominium project. A developer may propose a cottage housing project as a traditional subdivision plat or as a condominium project. The chosen form determines how dwelling units, lots, and common areas are owned, maintained, and managed. Both forms are subject to the same design and development standards established for cottage housing projects~~

490-1254 Where allowed

A cottage housing project is only allowed in a residential zoning district.

490-1255 General design principles

In the design of a cottage housing project the following design principles must be satisfied:

- (1) A majority of the dwelling units must abut a common area.
- (2) Dwelling units must be oriented in a pattern that is compatible with the development pattern in the surrounding area.
- (3) The project must accommodate emergency vehicles to the satisfaction of the City of Port Washington fire chief.
- (4) The project must include an internal network of pedestrian paths and sidewalks for residents and their guests. Connections to the surrounding neighborhood should be made where appropriate or required.
- (5) Low-impact stormwater techniques should be incorporated into the project to the extent feasible.

490-1256 Project parameters

- A. Clusters.** A cottage housing project may consist of one or two clusters.
- B. Number of units.** A cluster of cottage housing must contain at least 4 dwelling units but no more than 12.
- C. Separation between clusters.** A cluster of cottage housing must be at least 400 feet from any other existing or approved cottage housing cluster in the City unless otherwise part of an overall development plan.
- D. Density.** The base density of dwelling units in a cottage housing project is based on the density and/or minimum lot size of the underlying zoning district and the size of the dwelling units to be constructed as set forth in Table 8-1. The Common Council, upon recommendation of the Plan Commission, may allow a greater density when the project exemplifies exceptional design characteristics and integration with the character of the area.
- E. Minimum lot size.** Beyond the density restrictions listed in this section, there is no minimum lot size for lots created through the land division process.

Table 8-1. Housing density

Living area of dwelling unit (square feet)	Housing units allowed in place of each single-family home allowed by zoning district
650-600 to 1,000	1.75
1,001 to 1,200	1.5
1,201 to 1,400	1.25

Note: The total number of housing units allowed is calculated and rounded up to the next whole number if the calculated number is 0.5 or higher and rounded down if it is less than 0.5. For example, if the calculated number of housing units is 5.75, the maximum number of units is 6.

490-1257 Open space

- A. Intent.** Open space is an integral feature of a cottage housing project and is intended to be the focal point throughout the design process. ~~In other words, adding open space here and there as an afterthought is not acceptable.~~
- B. Requirements.** A minimum of 450 square feet of open space must be provided for each dwelling unit in the project, but not less than 2,800 square feet regardless of the number of dwelling units. Such open space must be useable for active or passive recreational activities and therefore must not include stormwater basins, wetlands, steep slopes, or other similar areas.
- C. Placement.** Open space should be centrally located to the benefit of the units in the project. As a general rule, each dwelling unit must face the open space on one side, but preferably two sides.
- D. Improvements.** Common open space must be improved for passive and/or active recreational use and may include patios, lawns, gardens, landscaping, outdoor gathering areas, pedestrian paths, common barbeque facilities, and similar features.

490-1258 Building standards

- A. Floor area.** The floor area of dwelling units is controlled by the density calculations established in § 490-1405. The minimum floor area of a dwelling unit is ~~650-600~~ square feet and the maximum floor area is ~~1,500~~ 1,400 square feet. As a requirement of project approval, the developer must record a deed restriction against each dwelling unit indicating that the size of the dwelling unit may not be increased after initial construction and that any vaulted space within a dwelling unit may not be converted into habitable space.
- B. Entries and porches.** Each dwelling unit must include a covered porch fronting on the common area. The porch must have a minimum floor area of 80 square feet and not be less than 5 feet in width.

- C. **No-step entry.** To the extent possible, at least one entrance to a dwelling unit should be at grade (i.e., a no-step entry).
- D. **Exterior storage area.** Each dwelling unit must include a storage area, with a floor area of at least 10 square feet that is accessible from the exterior. As an alternative, a dedicated storage area of equivalent size may be provided within an enclosed community building.
- E. **Maximum building height.** The maximum height of buildings is 18 feet if the roof pitch is less than 6:12 and 25 feet if the roof pitch is 6:12 or greater.
- F. **Minimum building separation.** Dwelling units must maintain a minimum separation of 10 feet.

Exhibit 8-3. An example of a no-step entry



490-1259 Architectural standards

- A. **Adoption of standards.** The developer must prepare a set of detailed architectural standards for all buildings within the project, including dwelling units, community buildings, and garages. Such standards must address exterior building materials, roof pitch, window style, articulation, and any other feature required by the Plan Commission. The standards must include a series of renderings depicting the architectural character of the buildings in the project.
- B. **Enforcement of standards.** The developer must establish a mechanism, such as a homeowners association, as approved by the Plan Commission, to ensure all buildings in the cottage housing project comply with the approved architectural standards adopted by the developer.

490-1260 Parking and garages

- A. **Parking requirements.** Parking requirements are based on the size of the housing units in the project as set forth in Table 8-2. Upon petition and with cause, the Plan Commission may establish a lesser standard when deemed appropriate based on the unique character of the proposed project.
- B. **Garages.** Attached garages should front on an alley or on a public street where possible; fronting a public street may be considered if alleys are deemed inappropriate. Each dwelling shall have no more than one detached garage with a maximum floor area of 250 square feet. Garages may be combined into a shared garage structure, consisting of no more than 4 garages and no more than 1,000 square feet. Storage of items which preclude the parking of a vehicle in a garage is prohibited. Carports are not permitted in a cottage housing project.
- C. **Surface parking.** Surface parking must be provided for residents and guests in clusters of not more than 5 adjoining spaces. Clusters must be separated by at least 20 feet. Individual parking spaces may be located behind the principal structure when served by an alley. If the City allows on-street parking on streets abutting the project, such parking may satisfy surface parking requirements as determined by the Plan Commission.

Table 8-2. Parking requirements

Size of dwelling unit (square feet)	Parking spaces
1,000 or less	1.2
More than 1,000	1.6

Notes: When the calculated number of total required parking spaces results in a fraction, the number is rounded up to the next whole number.

490-1261 Community buildings

- A. Generally.** A cottage housing project may contain one or more community buildings that are for the exclusive use of the residents and their guests. Such buildings must not be habitated in any manner and must be clearly incidental in use or size and related to the dwelling units in the project.
- B. Maximum area.** The maximum area of any community buildings within a project must not exceed an aggregate total of 2,500 square feet.
- C. Ownership.** Any community building in a cottage housing project must be commonly owned and maintained by the residents.
- D. Design.** The roof pitch, architectural themes, exterior materials, and colors of any community building must be consistent with the architectural standards established by the developer.
- E. Obligation to construct.** If the developer is proposing to construct one or more community buildings as part of the project, the developer must provide assurances to the satisfaction of the City Attorney guaranteeing satisfactory completion of such buildings within the timeframe established in the approval.

490-1262 Lot coverage

Impervious surfaces within the project site may not exceed 60 percent. Patios, pedestrian walks, and other similar surfaces that are an integral part of the open space areas are not counted in impervious surface calculations.

490-1263 Screening

Screening, such as landscaping, decorative fencing, or berms, must be provided around the perimeter of a cottage housing project to the extent deemed appropriate by the Plan Commission to ensure the project fits in with the character of the area.

490-1264 Amendment

Once a cottage housing project is approved as a planned development district, such district may be amended as set forth in Article 5.

490-1265 through 490-1279 reserved

**DIVISION 4
ADAPTIVE REUSE PROJECT**

490-1280 Generally ~~description~~

An adaptive reuse project allows the ~~use-conversion~~ of an existing building in a residential zoning district that has been used for an institutional use (e.g., school, day care, nursing home, library, worship facility) that for practical purposes is no longer usable for the most recent use or any other institutional use allowed in the zoning district where it is located. Such institutional use must have been legally established and operated, and the building must not be dilapidated or in a state of disrepair, or ~~partly or wholly~~ destroyed by fire, flood, wind, or other disaster.

490-1281 Application and review procedure

An adaptive reuse project is reviewed as a planned development district as set forth in Article 5, except as may be specifically modified in this division.

490-1282 Ownership

At the time of establishment, all land within an adaptive reuse project must be under single ownership or control.

490-1283 Permitted uses

The uses allowed in an adaptive reuse project must be designed and operated in such a way to be compatible with the land uses that are allowed on the surrounding parcels.

490-1284 Review of actual development

If the Common Council approves an adaptive reuse project as a planned development district, proposed development in the district is reviewed consistent with the requirements of this chapter as may apply (e.g., architectural review, site plan review) and the approved general development plan.

490-1285 Amendment

Once an adaptive reuse project is approved as a planned development district, such district may be amended as set forth in Article 5.

490-1286 through 490-1299 reserved

DIVISION 5 TRADITIONAL NEIGHBORHOOD DESIGN PROJECT

490-1300 General ~~ly~~ description

~~A traditional neighborhood development is a compact, mixed-use neighborhood where residential, commercial and civic buildings are within close proximity to each other. A traditional neighborhood design project is a compact, mixed-use neighborhood designed so that residential, commercial, and civic buildings are located in close proximity to one another, promoting walkability and a strong sense of community~~

490-1301 Legislative findings

The Common Council makes the following legislative findings:

- (1) The state legislature required cities and villages with a population of at least 12,500 to adopt zoning regulations for traditional neighborhood development that are similar to the model ordinance developed by the University of Wisconsin System.
- (2) The City's population surpassed the threshold of 12,500 in 2023.

490-1302 Where allowed

A traditional neighborhood design project is only allowed in residential zoning districts or any area so designated in the City's comprehensive plan.

490-1303 Minimum development parcel

At the time of establishment, the traditional neighborhood design project must include at least ~~40~~30 acres of contiguous land. Upon petition, the Plan Commission may, at its discretion, reduce this requirement to 20 acres if the site is defined by a significant physical feature such as a greenbelt, large park space, woodland area, drainage creek, river, or state or federal highway.

490-1304 Application and review procedure

A traditional neighborhood development project is reviewed as a planned development district as set forth in Article 5.

490-1305 Standards

The model ordinance for traditional neighborhood development published by the University of Wisconsin Extension pursuant to § 66.1027 (2), Wis. Stats., will serve as a nonexclusive guide to assist in defining various aspects of this form of urban design along with such other sources of guidance that the Plan Commission and Common Council may choose to consult.

490-1306 through 490-1349 reserved

DIVISION 6 CONSERVATION DESIGN SUBDIVISION

490-1350 General description

The conservation design development option gives design flexibility to preserve unique or sensitive natural areas including groundwater recharge areas, floodplains, wetlands, streams, steep slopes, woodlands, prairies, wildlife habitat, and environmental corridors.

490-1351 Application and review procedure

A conservation design development is reviewed as a planned development district as set forth in Article 5, except as may be specifically modified in this division.

490-1352 Where allowed

Conservation design developments are only allowed in residential zoning districts.

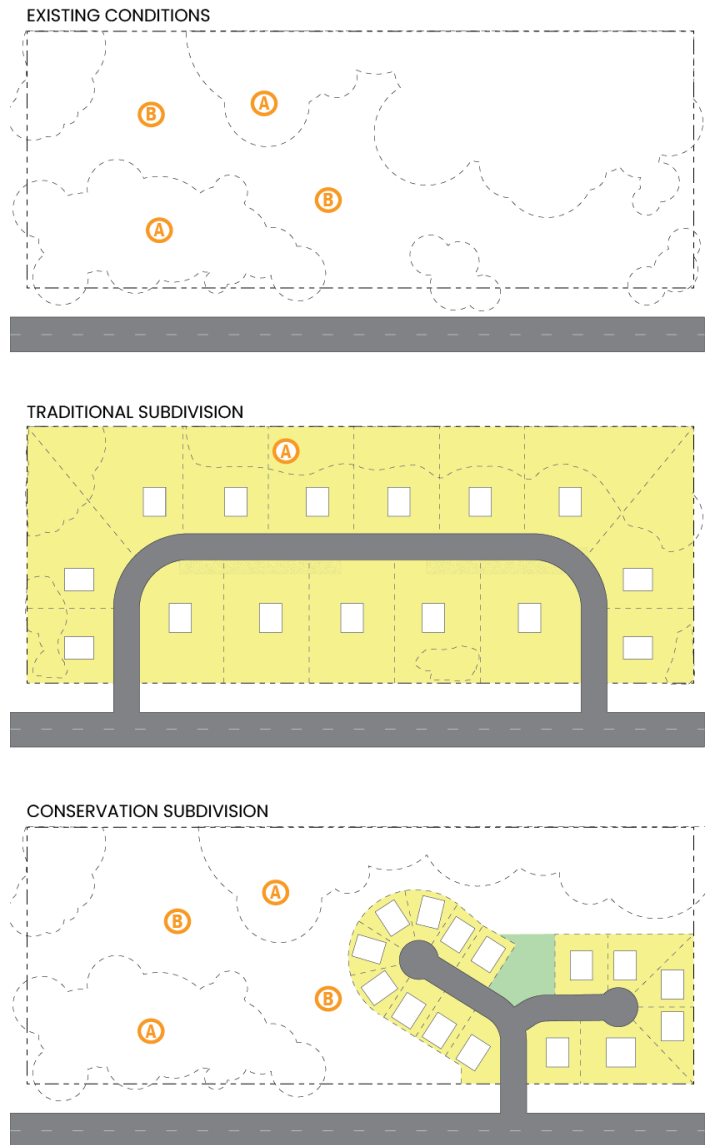
490-1353 Minimum development parcel

At the time of establishment, a conservation design development must include 20 acres or more of contiguous lands.

490-1354 Ownership

At the time of establishment, all land within a conservation design development must be under single ownership or control.

Exhibit 8-4. Sample development layout



Key:
A – Woodlands
B – Open land – farmland, prairie
 Note: These images are illustrative, not prescriptive.

490-1355 Density

The number of lots in a conservation design development is determined based on the steps described below.

Step One. Calculate the net developable area as follows:

- 1. Total site area as determined by site survey: _____ acres
- 2. Subtract total reductions from the worksheet below: (minus) _____ acres
- 3. Equals net developable area: _____ acres

Worksheet for Area Reductions for Environmental Constraints and other Features

100 percent of the area that is needed for public right-of-way for any existing roads (i.e., from lot line to the base setback established by the Ozaukee County highway width map)	_____ acres
<u>100 percent of the area that is needed for stormwater management basins</u>	_____ acres
100 percent of the area that is within the floodplain overlay district and that is or can be defined as floodway	_____ acres
50 percent of the area that is within the floodplain overlay district and that is or can be defined as floodfringe	_____ acres
50 percent of the area that constitutes a wetland	_____ acres
50 percent of the area within any environmentally sensitive area ,if any	_____ acres
10 percent of the area where the slopes are from 12 percent to 20 percent	_____ acres
Total	_____ acres

Note: Acres are rounded to tenths of an acre. If an area is in more than one category, the most restrictive category will apply.

Step Two. Calculate the maximum number of residential lots by dividing the net developable area by the minimum lot size for the zoning district. (The dividend is rounded down to the next whole number.)

Step Three. The land division is laid out so that each lot (1) complies with all applicable dimensional standards (e.g., minimum lot area, lot width) as set forth in the zoning district regulations and land division regulations, (2) do not contain more than the maximum levels of features in Table 8-3, and (3) has a building envelope of sufficient size and configuration to accommodate principal and accessory uses that are allowed in the zoning district. Overall, lots must be laid out to minimize potential development in any environmentally sensitive areas.

Table 8-3. Maximum area of a lot with environmental constraints

Feature	Percent of lot
Wetlands (These must be in an outlot.)	0
Floodfringe	10
Land where the slopes are more than 20 percent plus floodfringe	40

490-1356 Lot sizes

Lots in a conservation subdivision development may not be less than 60 percent of the base zoning requirements.

490-1357 Minimum open space requirements

A minimum of 35 percent of the net land area (e.g., total area less land dedicated for existing streets) must be set aside as protected common open space.

490-1358 Design of open space areas

The design and layout of residential lots and open space areas should satisfy the following to the greatest extent possible as determined by the Plan Commission:

- (1) Residential lots and open space areas are designed and arranged to minimize the destruction or alteration of natural resource features. In order of priority, open space outlots should include the following natural resources, open space, and agricultural features, in whole or in combination:
 - (a) lakes, ponds, rivers, streams, wetlands, shorelands and floodplains;
 - (b) woodlots and forests;
 - (c) prairies;
 - (d) environmental corridors;
 - (e) steep slopes (greater than 12 percent);
 - (f) other areas comprised of wet, poorly drained, and organic soils; and
 - (g) other drainage and stormwater facilities.
- (2) Open space areas are designed and arranged to:
 - (a) provide a perimeter buffer not less than 50 feet in width between residential lots within the subdivision and adjoining residential property;
 - (b) provide for the continuation of and cross access between existing and future open space areas on adjoining properties; and
 - (c) provide at least one pedestrian-type accessway or easement from each public subdivision street to each open space area within the development that is not less than 30 feet in width; and
 - (d) provide a minimum open space buffer not less than 50 feet around wetlands.
- (3) Residential lots are arranged within the parcels being developed to:
 - (a) minimize potential conflicts with adjoining agricultural uses and operations,
 - (b) minimize the number of abutting residential lots so no more than two lots abut any other lot, and
 - (c) maximize the number of lots that abut and have access to the open space areas provided within the development.
- (4) Individual lots, parcels, and outlots are designed and arranged to minimize the amount of land required for additional public roads while providing for the future extension of public streets to adjoining vacant land.

490-1359 Ownership of open space areas

- A. Lot owners.** Open space areas may be held by all of the lot owners within the development as an undivided fractional interest.
- B. Condominium.** Open space areas may be held as a common element as set forth in a condominium agreement. Such agreement must be approved as to form by the City Attorney and shall comply with the requirements of Ch. 703, Wis. Stats. An association of unit owners must be formed to govern the affairs of the condominium and membership must be mandatory.
- C. Fee simple transfer to a public agency.** Open space areas may be transferred to the City or other public agency acceptable to the City, provided:

- (1) there is no cost of acquisition, other than costs incidental to the transfer of ownership, such as title insurance;
 - (2) the common facilities are accessible to the residents of the City, if the City so chooses;
 - (3) the City or other public agency agrees to maintain the common facilities; and
 - (4) the residents of the development hold a conservation easement on the common facilities, protecting it from development in perpetuity.
- D. Fee simple transfer to a nonprofit conservation organization.** With the approval of the Common Council, open space areas may be transferred to a nonprofit conservation organization, provided:
- (1) the organization is acceptable to the City,
 - (2) the conveyance contains appropriate provisions for proper reverter or retransfer in the event the organization becomes unwilling or unable to continue carrying out its responsibilities, and
 - (3) a maintenance agreement acceptable to the City is established between the owner and the organization, consistent with the stewardship plan described in § 490-1360.
- E. Dedication of conservation easement to a public agency.** The City or other public agency acceptable to the City may hold a conservation easement on the open space areas, provided:
- (1) there is no cost of easement acquisition, other than costs incidental to the transfer of ownership, such as title insurance,
 - (2) a satisfactory maintenance agreement must be reached between the owner and the City, and
 - (3) lands under a City easement may or may not be accessible to residents of the City.
- F. Dedication of conservation easement to a nonprofit conservation organization.** With the approval of the Common Council, a nonprofit conservation organization may hold a conservation easement on the open space areas, provided:
- (1) the organization is acceptable to City,
 - (2) the conveyance contains appropriate provisions for proper reverter or retransfer in the event the organization becomes unwilling or unable to continue carrying out its responsibilities, and
 - (3) a maintenance agreement acceptable to the City is established between the owner and the organization consistent with the stewardship plan described in § 490-1360.
- G. Ownership retained by the original landowner.** Open space areas may be held by the developer, provided:
- (1) the City and residents of the development hold a conservation easement protecting it from any further development, and
 - (2) resident access to the land is limited only by agreement of the residents of the development, as indicated by documents signed at the time of purchase of individual dwelling units.
- H. Other.** The developer may propose other methods of ownership of the open space areas, which will be considered by the City on a case-by-case basis.

490-1360 Open space stewardship plan

The developer must submit an open space stewardship plan to the Plan Commission and obtain approval of the same. The stewardship plan must be prepared by an ecologist or other expert trained in natural resource protection, as approved by the Zoning Administrator. The stewardship plan includes a baseline report of the land and describes how the conserved lands will be restored and maintained.

Natural features must generally be maintained in their natural condition, but may be modified to improve their appearance, or restore their overall condition and natural processes, as recommended by natural resource professionals and in compliance with an approved land stewardship plan. Permitted modifications may include, woodland management, reforestation, meadow management, wetland management, streambank protection, and buffer area landscaping.

490-1361 Compliance with approved stewardship plan

In the event an open space area is not maintained as set forth in the approved stewardship plan, in whole or in part, the City may serve written notice upon the homeowners association and/or the property owners that describes how the open area has not been properly maintained as required. Such notice must also set forth the nature of corrections required and the time within which the corrections must be made. Upon failure to comply within the specified time, the property owners are in violation of this chapter, in which case the City has the right to enter the premises and take the needed corrective actions. The costs of corrective actions by the City will be assessed against the properties that have the right of enjoyment of the common areas and facilities.

490-1362 through 490-1369 reserved

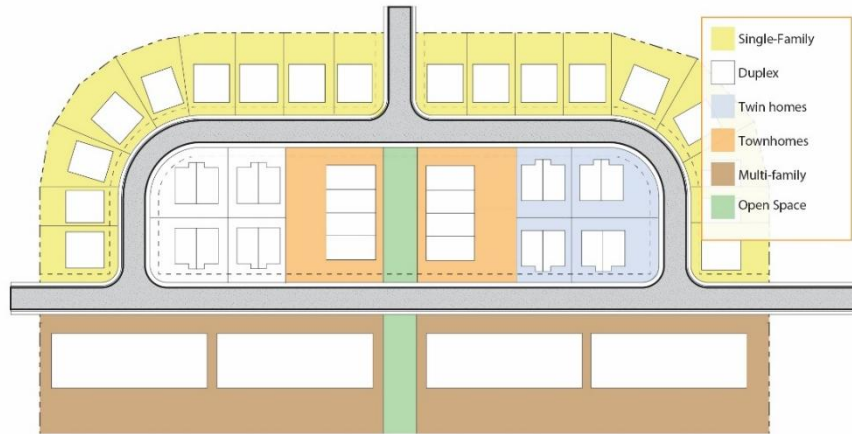
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DIVISION 7 MIXED RESIDENTIAL HOUSING PROJECT

490-1370 General description

A mixed residential housing project includes a variety of housing types arranged in a coordinated and integrated layout. The intent is to provide housing choices, promote efficient use of land and infrastructure, and create a cohesive neighborhood character through unified site design, shared open space, and connected pedestrian and vehicle circulation.

Exhibit 8-5. Sample illustrations of a mixed residential housing project



Note: These images are illustrative, not prescriptive.

490-1371 Application and review procedure

A mixed residential housing project is reviewed as a rezoning request under Article 4, which is a legislative action carried out within the framework of this code, applicable state statutes, federal law, and relevant court decisions. The rezoning petition must include a preliminary subdivision plat or certified survey map and an overall development plan which shows where the different housing types will be located and their associated dimensional standards. The rezoning shall be conditioned upon recording, within a set time frame established by the City, of the approved overall development plan and final subdivision plat or certified survey map prepared and submitted by the applicant in conformance with the approval of the rezoning.

490-1372 Specific review criteria

In addition to the general review parameters for a rezoning petition enumerated in Article 5, the Plan Commission in making its recommendation and the Common Council in making its decision must consider the following in the exercise of the City's legislative discretion:

- (1) Whether the proposed project is consistent with the City's comprehensive plan.
- (2) Whether the proposed project is properly planned and is properly coordinated with the existing and anticipated land uses on properties in the immediate and surrounding area.
- (3) The extent to which the natural features and open space on the site are preserved.
- (4) Whether the proposed project can comply with the City's land division regulations.
- (5) Effects of the proposed use on the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district and adjoining districts.
- (6) Whether the proposed project represents a logical transition to adjoining land uses.
- (7) Whether the proposed project provides a meaningful and appropriate mix of housing types (e.g., single-family, two-family, townhouses, or multifamily).
- (8) Whether the proposed project demonstrates a cohesive and integrated site design, rather than a series of unrelated housing clusters.
- (9) Whether the proposed dimensional standards and layout will create a pleasing and functional neighborhood.
- (10) Whether the proposed project includes safe and connected pedestrian and vehicle circulation, with appropriate access to public streets.
- (11) Whether the proposed project provides usable open space, recreational areas, or community amenities proportionate to the scale of the project.
- (12) Whether the proposed project promotes efficient use of land, utilities, and infrastructure.
- (13) The extent to which the project accounts for lower-density residential or nonresidential uses.
- (14) The extent to which the project supports community goals for housing diversity, affordability, and long-term neighborhood vitality.
- (15) Any other factor not specifically or generally listed but deemed appropriate by the Plan Commission or Common Council given the circumstances.

490-1373 Imposition of conditions

- A. **Generally.** The Plan Commission may recommend, and the Common Council may impose, conditions of approval deemed necessary to grant approval.
- B. **Mandatory conditions.** As a condition of approval, the developer must record the approved overall development plan and final subdivision plat or certified survey map within the set period of time as established by the City.

490-1374 Where allowed

A mixed residential housing project is only allowed where it is compatible with the City's comprehensive plan and is compatible with abutting properties.

490-1375 Minimum development parcel

At the time it is established, a mixed residential housing project must contain at least 10 acres of contiguous land.

490-1376 Ownership

A mixed residential housing project must be under single ownership or control at the time it is established.

490-1377 Determining permissible number of dwelling units

The number of dwelling units in a mixed residential housing project is determined based on the steps described below.

Step One. Calculate the net developable area as follows:

- 1. Total site area as determined by site survey: _____ acres
- 2. Subtract total reductions from the worksheet below: (minus) _____ acres
- 3. Equals net developable area: _____ acres

Worksheet for Area Reductions for Environmental Constraints and other Features

100 percent of the area that is needed for public right-of-way for any existing roads (i.e., from lot line to the base setback established by the Ozaukee County highway width map)	_____ acres
100 percent of the area that is needed for stormwater management basins	_____ acres
100 percent of the area that is within the floodplain overlay district and that is or can be defined as floodway	_____ acres
80 percent of the area that is within the floodplain overlay district and that is or can be defined as floodfringe	_____ acres
80 percent of the area that constitutes a wetland to be retained on the subject property	_____ acres
50 percent of the area within any environmentally sensitive area	_____ acres
10 percent of the area where the slopes are from 12 percent to 20 percent	_____ acres
Total	_____ acres

Note: Acres are rounded to tenths of an acre. If an area is in more than one category, the most restrictive category will apply.

Step Two. Calculate the maximum number of dwelling units by multiplying the net developable area by the maximum density factor established in this division. (Any fractional result is rounded down to the next whole number.)

Step Three. The project is laid out so that each lot (1) complies with the proposed dimensional standards (e.g., minimum lot area, lot width) as set forth in the zoning district regulations and land division regulations, (2) do not contain more than the maximum levels of features in Table 8-4, and (3) has a building envelope of sufficient size and

Table 8-4. Maximum area of a lot with environmental constraints

Feature	Percent of lot
Wetlands (These must be in an outlot.)	0
Floodfringe	10
Land where the slopes are more than 20 percent plus floodfringe	40

configuration to accommodate principal and accessory uses that are allowed in the zoning district.

490-1378 Project density

The maximum number of dwelling units in a mixed residential housing project is controlled by the net developable area of the subject property and the number of housing types incorporated in the project that meet the minimum thresholds (Table 8-6 and Exhibit 8-6). While the developer may incorporate any number of housing types, the number of dwelling units for each qualifying type must have the minimum thresholds. For example, if a project has 15 net developable acres and the developer wants to achieve an overall density of 22 dwelling units per acre, the project must include 3 housing types of the developer's choosing. Each of the selected types must have 25 percent in each category.

Exhibit 8-6. Housing types

Illustration forthcoming....

Key:

- A Single-family
 - B Duplex – stacked
 - C Duplex – side-by-side
 - D Multi-family – 3 and 4 units
 - E Multi-family – 5 to 8
 - F Multi-family – 9 or more
 - G Townhouse – 2 units (twin homes)
 - H Townhouse – 3 to 4
 - I Townhouse – 5 to 8
 - J Townhouse – 9 or more
-

Table 8-5. Project density

Developable Acres	Housing Types	Minimum Number of Dwelling Units in Each Type	Maximum Dwelling Units per Developable Acre
10 acres or more but less than 20 acres	2 (required)	30 percent (40 percent if project includes either single-family or multi-family, 9 or more units)	20
	3 (optional)	25 percent	22
	4 (optional)	20 percent	24
	5 (optional)	15 percent	26
20 acres or more	3 (required)	25 percent (30 percent if project includes either single-family or multi-family, 9 or more units)	28
	4 (optional)	20 percent	30
	5 (optional)	15 percent	32
	6 (optional)	10 percent	34

Developable Acres = Net acres

490-1379 Permitted uses

Land uses that are allowed in a mixed residential housing project are listed in Appendix A and B.

490-1380 Dimensional standards

Because a mixed residential housing project may include a variety of housing types at different densities, the developer must establish proposed dimensional standards on a lot-by-lot basis. Once approved, the standards are incorporated into this chapter Article 9.

490-1381 Transition with adjoining development

If a multifamily building in a mixed residential housing project adjoins an existing single-family dwelling district, the developer must demonstrate how the project has been designed to create an appropriate transition in building height. Acceptable design solutions may include increased rear-yard setbacks or step-back height controls.

Any step-back control must, at a minimum, comply with the following standard:

- Any portion of the building within 50 feet of the shared lot line may not exceed 35 feet in height.
- From 50 feet to 100 feet of the shared lot line, the maximum building height may increase at a rate of one additional foot for every two feet of additional setback.

490-1382 Review of actual development

If the Common Council approves a mixed residential housing project, development is reviewed consistent with the requirements of this chapter as may apply (e.g., architectural review, site plan review).

490-1383 Amendment

Once a mixed residential housing project is approved, the mix of housing types and dimensional standards may be amended through the text amendment process as set forth in Article 5. An amendment may not exceed the maximum number of dwelling units established for the project unless additional land is added to the project to accommodate the additional dwellings units without an increase in overall density.

490-1384 through 490-1399 reserved