SUBCHAPTER 23-3: DENSITY AND INTENSITY REGULATIONS

Section 23.301 Purpose

The purpose of this Subchapter is to indicate the maximum permitted density (for residential projects) and maximum permitted intensity (for nonresidential projects) of development on any given site within the jurisdiction of this Title (See Section 21.009.). The development potential of any site is determined by a variety of factors, including but not limited to: 1) the area of the site; 2) the proportion of the site not containing sensitive natural resources; 3) the zoning district(s) in which the site is located; 4) the development option(s) the site is developed under; and 5) the use(s) considered for development.

Rationale: This Subchapter regulates the development potential of all property within the jurisdiction of this Title. This Subchapter is designed to ensure the implementation of many goals and objectives of the City of Delavan Comprehensive Master Plan. (See also, Section 21.005 of this Title.) Many of these are extremely difficult to address using conventional zoning techniques, particularly those which rely on minimum lot area requirements to establish maximum permitted residential densities, and maximum floor area ratios to establish the character of nonresidential developments. Such approaches provide for a minimum flexibility of site design options, which in turn results in land use inefficiencies, forced site planning, and/or the needless destruction of sensitive natural resources. The approach employed by this Subchapter, relying on Maximum Gross Densities (MGDs) and minimum Green Space Ratios (GSRs) for residential development, and minimum required Landscape Surface Ratios (LSRs) in combination with maximum permitted Floor Area Ratios (FARs) for nonresidential development, (both in conjunction with a variety of development options available in every zoning district) results in a very high degree of site design flexibility and the protection and implementation of desired community character and adopted community goals and objectives.

Section 23.302 How to Use this Subchapter

This Subchapter contains the standards which determine the maximum amount of development permitted on any given site. Prior to using the provisions of this Subchapter to determine the development potential of a given property, the guidelines provided by Section 23.306(1) through (3) should be reviewed. This Subchapter recognizes inherent differences between residential and nonresidential land uses, and thus regulates their development in slightly different manners. The description of the process addressing residential development in Section 23.306(1) and (2) refers to the requirements of Section 23.304, Residential Density Standards. The description of the process addressing nonresidential development in Section 23.306(1) and (3) refers to the requirements of Section 23.305, Nonresidential Intensity Standards.

Section 23.303 Required Natural Resources Site Evaluation

(1) **Purpose**

An important goal of the City of Delavan Comprehensive Master Plan is the protection of natural resources which are sensitive to disruption caused by development and/or other land use activities. These resources include: Floodways, Floodway Fringes, Floodplain Conservancy Areas, Wetlands, Drainageways, Lakeshores, Steep Slopes, and Woodlands. (These resources are defined in Subchapter 23-5.) These resources serve important functions which are lost when these areas are subject to development and/or other land use activities, in the absence of correct mitigation approaches. In many instances, these functions cannot be provided by other natural or man-made features. Specific broad categories of such functions include the: protection and enhancement of air, surface water, ground water, and soil quality; habitat provision and diversification; aesthetic diversification; and buffering effects.

(2) **Mitigation**

In certain instances, natural features can accommodate development and/or other land use activities without a significant loss of their functional benefits if proper mitigation practices are employed. (Subchapter 23-5) Natural Resource Protection Regulations, provides detailed standards regarding permitted mitigation techniques and requirements.

Section 23.303(3) continues with the Natural Resources Site Evaluation Worksheet on the following page.

(3) **Natural Resources Site Evaluation Worksheet**

(a) Determine the **Gross Site Area (GSA)** of the Site:

1. Enter Total Site Area as determined by actual on-site survey. _____ acres
2. Subtract area located within proposed rights-of-ways of roads and within proposed boundaries of public facilities which are designated within the City's Comprehensive Master Plan and/or required for dedication per Subdivision regulations. - _____ acres
3. Subtract land which although part of the same parcel is not contiguous to, or is not accessible from, the proposed road network serving the project. - _____ acres
4. Subtract land which is proposed for a different development option or a different zoning district. - _____ acres
5. Subtract area of navigable waters (lakes & streams). - _____ acres
6. Equals **Gross Site Area (GSA)** **= _____ acres**

(b) Determine the Required **Resource Protection Area (RPA)** of the Site:

1. Enter portion of Gross Site Area containing Floodways. _____ acres
2. Add portion of Gross Site Area containing Floodway Fringes. + _____ acres
3. Add portion of Gross Site Area containing Floodplain Conservancy Areas. + _____ acres
4. Add portion of Gross Site Area containing Shoreland-Wetlands. + _____ acres
5. Add portion of Gross Site Area containing Drainageways. + _____ acres
6. Add portion of Gross Site Area containing Lakeshores. + _____ acres
7. Add portion of Gross Site Area containing Woodlands. + _____ acres
8. Add portion of Gross Site Area containing Steep Slopes. + _____ acres
9. Subtract portions of natural resource areas {from (3)(b)1. through (3)(b)8., above} to be made developable by using approved environmental mitigation techniques. - _____ acres
10. Equals Required **Resource Protection Area (RPA)**. **= _____ acres**

(c) Determine the **Net Developable Area (NDA)** of the Site:

1. Enter **Gross Site Area (GSA)** {from (3)(a)6., above}. _____ acres
2. Subtract Required **Resource Protection Area (RPA)** {from (3)(b)10., above}. - _____ acres
3. Equals **Net Developable Area (NDA)**. **= _____ acres**

Section 23.304 Residential Density Standards

KEY TO TABLE 23.304

ZONING DISTRICT
regulates the type of uses permitted on the site. Section 22.105 describes each Zoning District. Table 23.203 provides a detailed listing of all uses permitted in each Zoning District. Sections 23.205 and 23.206 provide detailed regulations applying to specific land uses. Zoning Districts are depicted on the Official Zoning Map. (See Section 22.103).

MAXIMUM GROSS DENSITY
is the maximum number of dwelling units permitted on one acre of Gross Site Area in the specific Zoning District and Development Option. Gross Site Area is calculated in Section 23.303(3)(a).

MINIMUM LOT AREA
is the minimum size lot permitted within the specified Zoning District and Development Option. This also limits the type of dwelling unit permitted. (Refer to Section 23.203 to match minimum lot sizes with with unit types.) Specific dwelling unit regulations are given in Section 23.403.

ZONING DISTRICT ↓	DEVELOPMENT OPTION	MAXIMUM GROSS DENSITY	MINIMUM LOT AREA (MLA)	MINIMUM SITE AREA (MSA)
Rural Hold (RH-35ac)	Conventional	.03	35 acres	35 acres
Countryside Residential (RE-5ac)	Equestrian	.20	175,000 sf	35 acres
	Conventional	.20	175,000 sf	5 acres
	Loose Cluster	.20	130,000 sf	10 acres
	Moderate Cluster	.20	80,000 sf	20 acres
	Compact Cluster	.20	40,000 sf	20 acres
* Manufacturing Light (ML)	Conventional	5.2	2,000 sf	5 acres

* (C-736, 4/8/97)

DEVELOPMENT OPTION
describes the maximum level of clustering and the minimum proportion of permanently protected green space area permitted on the site. (Refer to Section 23.206 for a full description of each development option and specific regulations which apply to its use. Refer to Table 23.203 to determine how each development option is regulated.

MINIMUM SITE AREA
is the minimum Gross Site Area (GSA) in which the specified Development Option is allowed.

TABLE 23.304 CITY OF DELAVAN RESIDENTIAL DENSITY STANDARDS				
ZONING DISTRICT ↓	**DEVELOPMENT OPTION**	**MAXIMUM GROSS DENSITY (MGD)**	**MINIMUM LOT AREA (MLA)**	**MINIMUM SITE AREA (MSA)**
Rural Holding (RH-35ac)	Conventional	.03	35 acres	35 acres
Countryside Residential (RE-5ac)	Equestrian	.20	175,000 sf	35 acres
	Conventional	.20	175,000 sf	5 acres
	Loose Cluster	.20	130,000 sf	10 acres
	Moderate Cluster	.20	80,000 sf	20 acres
	Compact Cluster	.20	40,000 sf	20 acres
Residential Single-family-2 (RS-2)	Conventional	2.00	20,000 sf	21,780 sf
	Compact Cluster	2.00	10,500 sf	5 acres
Residential Single-family-3 (RS-3)	Conventional	3.00	10,500 sf	14,520 sf
	Moderate Cluster	3.00	8,000 sf	2 acres
	Compact Cluster	3.00	7,200 sf	5 acres
Residential Single-family-5 (RS-5)	Conventional	5.00	8,000 sf	8,712 sf
	Moderate Cluster	5.00	7,200 sf	2 acres
	Compact Cluster	5.00	5,000 sf	5 acres
Residential Mixed (RM-8)	Conventional	8.00	4,000 sf	5,445 sf
	Moderate Cluster	8.00	2,400 sf	2 acres
	Compact Cluster	8.00	(2,000) sf	5 acres
	Mfd. Home Sub./Park	8.00	5,000 sf	10 acres
Residential Multi-family (RM-12)	Conventional	12.00	2,400 sf	3,630 sf
	Moderate Cluster	12.00	(2,000) sf	1 acre
	Compact (2+ bdrm)	12.00	(1,400) sf	2 acres
	Compact (1 bdrm)	14.00	(1,400) sf	2 acres
	Compact (efficiency)	16.00	(1,400) sf	2 acres
	Institutional	16.00	(800) sf	2 acres
Office Neighborhood (ON)	Institutional	Up to 50.00 per Limits of the Conditional Use	(800) sf	5 acres
Office Park (OP)	Institutional		(800) sf	5 acres

Section 23.305 Nonresidential Intensity Standards

KEY TO TABLE 23.305

ZONING DISTRICT
regulates the type of uses permitted on the site. Section 23.205 describes each Zoning District. Table 23.203 provides a detailed listing of all uses permitted in each Zoning District. Sections 23.205 and 23.206 provide detailed regulations applying to specific land uses. Zoning Districts are depicted on the Official Zoning Map. (See Section 22.103.)

MAXIMUM FLOOR AREA RATIO
is the maximum permitted ratio calculated by dividing the total gross floor area of all buildings on a site by the Gross Site Area (GSA). "Gross Floor Area" is defined in Section 21.034.

MAXIMUM BUILDING SIZE
is the maximum total Gross Floor Area which a building is permitted to contain. "Gross Floor Area" is defined in Section 21.034.

ZONING DISTRICT ↓	MAX NUMBER OF FLOORS (F)	MIN LANDSCAPE SURFACE RATIO (LSR)	MAX FLOOR AREA RATIO (FAR)	MIN LOT AREA (MLA)	MAX BLDG SIZE (MBS)
Business Neighborhood (BN)	1	25%	.250	8,000 sf	5,000 sf
	2	30%	.275	8,000 sf	5,000 sf
Business Regional (BR)	1	25%	.250	1 acre*	na
	2	30%	.275	1 acre*	na
	3	33%	.290	2 acres	na
	4	35%	.300	2 acres	na

MAXIMUM NUMBER OF FLOORS
is the maximum number of full floors a building is permitted to contain. "Full floors" is defined in Section 21.034

MINIMUM LANDSCAPE SURFACE AREA RATIO
is the minimum permitted percentage of the Gross Site Area (GSA) which must be preserved as permanently protected landscaped area. LSR is calculated by dividing the total landscaped area of a site by the Gross Site Area (GSA). GSA is calculated in Section 23.303(3)(a). "Landscaped area" is defined in Section 21.034.

MINIMUM LOT AREA
is the minimum size lot permitted in the specified Zoning District for a building with the listed number of floors.

TABLE 23.305: CITY OF DELAVAN NONRESIDENTIAL INTENSITY STANDARDS					
ZONING DISTRICT ↓	MAX NUMBER OF FLOORS (F)	MIN LANDSCAPE SURFACE RATIO (LSR)	MAX FLOOR AREA RATIO (FAR)	MIN LOT AREA (MLA)	MAX BLDG SIZE (MBS)
Rural Holding (RH-35ac)**	1	70%	.100	5 acres	na
Residential Estate (RE-5ac)**	1	70%	.100	4 acres	na
Residential Single-family-2 (RS-2)**	1	70%	.100	3 acres	na
Residential Single-family-3 (RS-3)**	1	55%	.150	2 acres	na
Residential Single-family-5 (RS-5)**	1	55%	.150	1 acre*	na
Residential Mixed (RM-8)**	1	40%	.200	1 acre*	na
	2	45%	.220	1 acre*	na
Residential Multi-family (RM-12)**	1	25%	.250	1 acre*	na
	2	30%	.275	1 acre*	na
Office Neighborhood (ON)	1 or 2	50%	.250	8,000 sf	na
Office Park (OP)	1	25%	.250	1 acre*	na
	2	30%	.275	1 acre*	na
	3	33%	.290	2 acres	na
	4	35%	.300	2 acres	na
Business Neighborhood (BN)	1	25%	.250	8,000 sf	5,000 sf
	2	30%	.275	8,000 sf	5,000 sf
Business Regional (BR)	1	25%	.250	1 acre*	na
	2	30%	.275	1 acre*	na
	3	33%	.290	2 acres	na
	4	35%	.300	2 acres	na
Business Local (BL)	1	10%	.300	8,000 sf	na
	2	15%	.350	8,000 sf	na
	3	18%	.375	8,000 sf	na
	4	20%	.400	8,000 sf	na
Business Central (BC)	1	0%	1.000	2,400 sf	na
	2	0%	2.000	2,400 sf	na
	3	10%	2.500	2,400 sf	na
	4	20%	3.000	2,400 sf	na
Manufacturing Light (ML)	1	25%	.500	1 acre*	na
	2	30%	.550	1 acre*	na
	3	33%	.575	2 acres	na
	4	35%	.600	2 acres	na
Manufacturing General (MG)	1	10%	.800	10,000 sf	na
	2	15%	.900	10,000 sf	na
	3	18%	.975	10,000 sf	na
	4	20%	1.000	10,000 sf	na
Manufacturing Heavy (MH)	1	0%	.850	10,000 sf	na
	2+	0%	1.000	10,000 sf	na

* Reduction in Lot Area from one acre to 20,000 square feet is permitted as a Conditional Use per Section 24.905 with site plan for end use of the property demonstrating full compliance with all of the requirements of the City Code. **For permitted non-residential uses in Residential Districts, such as churches and schools.

Section 23.306 Detailed Instructions for Intensity and Density Regulations

(1) **For Both Residential, and Nonresidential, Development**

(a) **Check Planning Recommendations for the Subject Property**

1. **Check Comprehensive Plan Recommendations**
   The City's *Comprehensive Plan* should be checked for implications related to the subject property, particularly the: Land Use and Transportation Plan Map. (Copies of the *Comprehensive Plan* are available from the City.) From time to time, the *Comprehensive Plan* may be amended. The City's Public Work's Department should be consulted regarding changes to the *Comprehensive Plan* which may effect the subject property or its environs.
2. **Check Official Map Recommendations**
   The City's *Official Map* should be checked for proposed capital facilities and dedication requirements including schools, parks, stormwater management facilities and street improvements) which may effect the subject property. The *Official Map* is on display at the City's Public Works Department. From time to time the *Official Map* may be amended. The City's Public Works Department should be contacted regarding changes to the Map which may effect the subject property or its environs.

(b) **Check the Zoning of the Subject Property**
The potential amount and type of development any given site may contain is directly related to the zoning district in which the site is located. The subject property should be identified on the City's *Official Zoning Map* (See Section 22.103.), and the current zoning designation should be compared with the description of that district provided in Section 22.105. The *Official Zoning Map* is on display at the City's Public Work's Department. From time to time, the *Official Zoning Map* may be amended. The Zoning Administrator should be contacted regarding potential changes in the *Official Zoning Map* which may effect the subject property or its environs.

(c) **Complete a Natural Resources Site Evaluation for the Site**
The effect of protected natural resources on the development potential of the subject property should be evaluated. All resources listed in Section 23.303, Required Natural Resources Site Evaluation, should be identified on the subject property, located on a map (or air photo) of the subject property, and the total area of the property (in acres) covered by those resources, known as *Required Resource Protection Area* (RPA) should be determined, as should the *Gross Site Area* (GSA) and the *Net Developable Area* (NDA) of the subject property. (Section 23.303(3) contains a worksheet to simplify these calculations.) The Zoning Administrator should be contacted if assistance is desired in completing these calculations.

(2) **For Residential Development** (For Steps (a) through (c), see (1), above.)

(d) **Determine What Types of Dwelling Units are Permitted**
Page 1 of the Table of Land Uses (Section 23.203) should be checked to determine which types of dwelling units are permitted within the zoning district for the subject property. (Section 23.503 describes each dwelling unit type.)

(e) **Identify the Desired Permitted Development Option**
Page 1 of the Table of Uses (Section 23.203) should also be checked to determine which types of development options are permitted within the zoning district for the subject property. Each development option is described in detail in Section 23.206(1). The selection of a particular development option may be related to the preponderance of sensitive natural resource areas on the site, or may reflect current or projected residential market conditions and the dwelling unit types they call for. After the desired permitted development option is identified, Section 23.304, Residential Density Standards, should be referred to for the selected development option(s) in the zoning district(s).

(f) **Check Minimum Site Area Requirement Against the Gross Site Area**
The required *Minimum Site Area (MSA)*, given in Section 23.304 (Residential Density Standards) for the development option selected in (e), and in the zoning district identified in (b), should be compared with the *Gross Site Area (GSA)* required on the subject property as determined under the Natural Resources Site Evaluation in Step (c), above. If the *GSA* is less than the *MSA* required by the selected development option, then a different development option must be selected, or additional property should be acquired.

(g) **Determine Maximum Gross Density Permitted on the Site**
The *Maximum Gross Density (MGD)*, given in Section 23.304 (Residential Density Standards) for the development option selected in (e) and the zoning district identified in (b), above, should be noted; and used in Step (h), below.

(h) **Determine the Maximum Number of Units Permitted on the Site**
The *Maximum Gross Density (MGD)*, identified in (g), above, multiplied by the *Gross Site Area (GSA)* calculated in Step (c), above, equals the maximum number of dwelling units permitted on the subject property under the selected development option within the selected zoning district. The ability to actually develop this number of dwelling units on the subject property is not guaranteed by the provisions of this Title. Inefficient site design, poor property configuration, and other factors may result in a lower number of units actually fitting on the site.

(i) **Check the Minimum Permitted Lot Area Against Table 23.203**
The *Minimum Lot Area (MLA)* requirement given in Section 23.304 (Residential Density Standards), is the smallest size lot permitted within the selected development option within the selected zoning district. The *MLA* must equal or be less than the lot size requirement for the type of dwelling unit proposed for the project in Step (d), above. If the *MLA* given in Section 23.203 is larger than the lot size requirement given in Step (d), then a dwelling unit type with a larger lot size must be selected (in which case, it may be advantageous to repeat Steps (d) through (i) using a different dwelling unit type <u>and</u> a different development option).

(3) **For Nonresidential Development** (For Steps (a) through (c), see (1), above.)

Section 23.305 contains a key to assist with the procedure described below.

(d) **Determine What Types of Land Uses are Permitted**
The Table of Uses (Section 23.203) should be checked to determine which types of land uses are permitted within the zoning district present on, or proposed for, the subject property. A complete description of each land use is presented in Section 23.206.

(e) **Identify the Desired Development Option (Number of Floors)**
Section 23.305 (Nonresidential Intensity Standards) presents a detailed listing of the development options available for nonresidential development in each zoning district. Each development option is based on a particular combination of *Maximum Number of Floors (#F), Minimum Landscape Surface Ratio (LSR), and Maximum Floor Area Ratio (FAR)*. The selection of a particular development option may be related to the presence of sensitive natural resource areas on the site, or may reflect current or projected nonresidential market conditions and the types of buildings they call for.

(f) **Check Minimum Lot Area Requirement Against Gross Site Area Present on the Subject Property**
The required *Minimum Lot Area (MLA)*, given in Section 23.305 (Nonresidential Intensity Standards) for the development option selected in (e), and in the zoning district identified in (b), should be compared with the *Gross Site Area (GSA)* required on the subject property as determined under the Natural Resources Site Evaluation in Step (c), above. If the *GSA* is less than the *MLA* required by the selected development option, then additional property should be acquired. In other words, the *GSA* (from (c)) must be greater than or equal to the *MLA* (from (e)).

(g) **Check Minimum Landscape Surface Ratio Requirement Against the Required Resource Protection Area Present on the Subject Property**
The required *Landscape Surface Ratio (LSR)*, given in Section 23.305 (Nonresidential Intensity Standards) for the development option selected in (c), and in the zoning district identified in (b), should be multiplied by the *Gross Site Area (GSA)* used in Step (f), above. The resulting product is the area of the site which must be permanently protected as green space. This area should be compared with the *Required Resource Protection Area (RPA)* required on the subject property as determined under the Natural Resource Site Evaluation in Step (c), above. If the area of the site containing sensitive natural resources exceeds the area of permanently protected landscape surface required in the selected development option, then a development option requiring more floors may have to be used in order to approach maximum development potential on the site. In other words, if the *RPA* (from (c)) is greater than the *LSR* (from (5)), a taller development option may permit the development of more floor area on the subject property.

(h) **Determine Maximum Floor Area Ratio Permitted on the Site**
The *Maximum Floor Area Ratio (FAR)*, given in Section 23.305 (Nonresidential Intensity Standards) for the development option selected in (e) and the zoning district identified in (b), above, should be noted. This number will be used in Step (i), below.

(i) **Determine the Maximum Floor Area Permitted on the Site**
The *Maximum Floor Area Ratio (FAR)*, identified in (h), above, multiplied by the *Gross Site Area (GSA)* calculated in Step (c), above, equals the maximum square footage of gross floor area permitted on the subject property under that development option within that zoning district. The ability to actually develop this amount of floor area is not guaranteed by the provisions of this Title. Inefficient site design, poor property configuration, and other factors may result in a smaller amount of area actually fitting on the site.

(j) **Check the Maximum Building Size Requirement (BN District)**
The *Maximum Building Size (MBS)* requirement given in Section 23.305, Nonresidential Intensity Standards, is the largest size building permitted within the selected development option within the Business Neighborhood (BN) District. The *MBS* must equal or be greater than the building size proposed for the project in Step (i), above. If the *MBS* given in Section 23.305 is smaller than the proposed building size calculated in Step (i) above, then a smaller building must be built, or the use of additional buildings should be considered.
Rationale: Each nonresidential zoning district permits a slight variation in maximum *Floor Area Ratio (FAR)* depending upon the type of development option used. As the minimum required *Landscape Surface Ratio (LSR)* increases within each zoning district (based on the development option selected), the FAR increases. This intensity incentive is based on two principles: First, the combinations of *FAR* and *LSR* requirements for the various development options within each zoning district are designed to result in a consistent community character of development within that district; second, the intensity incentive is designed to compensate for potential per square foot price reductions associated with smaller *FARs* in developments providing significant amounts of required green space. The *Minimum Lot Area (MLA)* requirements for each development option within each zoning district are used to ensure that a consistency of neighborhood character within each development option is maintained and that maximum permitted *Floor Area Ratios (FARs)* are approachable, if not completely attainable, under efficient site design practices. Finally, the *Maximum Building Size (MBS)* requirements ensure that development within the Business Neighborhood (BN) District retains a neighborhood function and maintains a scale which is compatible with nearby residential development.

Section 23.307 Nonconforming Development Regulations
A variance for any and all requirements of this Subchapter is hereby automatically granted to all developments in their configuration existing or as finally approved as of the effective date of this Title. However, after the effective date of this Title, such developments shall not be permitted to enlarge, expand or extend without bringing the enlargement, expansion or extension into compliance with the provisions of this Subchapter, and unless a variance is granted by the Board of Zoning Appeals per the requirements of Section 24.910.
Rationale: The "blanket variance" provision of this Section is intended to prevent the creation of certain nonconforming developments within the jurisdiction of this Title. The adoption of the provisions of this Section ensures that developments approved prior to the adoption of this Title do not encounter difficulty in transferring ownership because they would otherwise be considered nonconforming.