



## BUILDING, SAFETY & ZONING DEPARTMENT

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TO: Plan Commission  
DATE: March 11<sup>th</sup>, 2024  
SUBJECT: Zoning Code Interpretation

A request for the Plan Commission to confirm a Zoning Code Interpretation regarding the application of density standards.

### BACKGROUND:

Some recent development proposals in the City for 'infill' types of development have raised the question of how and when density standards are to be applied within the zoning code. In particular, the question has been raised regarding whether the density standards are applied to an individual parcel of land at the time of development or to an entire subdivision when it is platted.

Each residential zoning district contains a density standard measured as the Maximum Gross Density (MGD). For example, the MGD in the Single-Family Residential (SR-4) Zoning District is 4 dwelling units per acre and in the Two-Family Residential (TR-6) Residential Zoning District the MGD is 6 dwelling units per acre. The MGD is defined in the zoning ordinance as 'the maximum number of dwelling units permitted per acre of gross site area'. Gross Site Area (GSA) is defined in the zoning ordinance as 'the total area of a site available for inclusion in calculations of the maximum permitted density or intensity of development'.

The Maximum Gross Density (MGD) for a development site is calculated by taking the total acreage of all lands to be platted within a development, both developable and non-developable, and multiplying that by the allowed dwelling units per acre. Maximum Gross Density is different from Net Density. Net Density consists of the developable land after all non-developable areas, such as roads, parks, and wetlands, are subtracted from the total acreage of the development. This is the area where the calculated number of dwelling units are allocated for development at the time of platting.

Per consultation with Vandewalle & Associates, we have determined the following interpretation of MGD within the Zoning Code:

*Maximum Gross Density is only calculated for newly platted areas on land with metes and bounds legal descriptions (e.g. unplatted lands) or on platted outlots meant for future development. Maximum Gross Density (MGD) regulations within a particular zoning district do not apply to areas that were previously platted (by plat or CSM). In these cases, the MGD requirements were applied at the time the land was subdivided by the platting process. Future land divisions within the platted areas only need to conform to lot area, lot width, street frontage, and similar requirements of the zoning district.*

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The idea here is that all existing parcels within a platted area have already been factored into the MGD at the time the development as a whole was platted. To later hold individual lots within these platted areas to individual MGD calculations is not the proper application of the density standard. Existing lots can be developed as long as they can meet the zoning district bulk requirements such as setbacks, height, size, etc. Likewise, existing lots can be further subdivided if the new lots can meet the zoning district bulk requirements such as lot area, lot width, street frontage, etc.

Plan Commission confirmation is requested for this interpretation of Maximum Gross Density (MGD) and its application under the Zoning Code.