

## MODEL ZONING ORDINANCE FOR RURAL CLUSTER DEVELOPMENT

This model zoning ordinance for cluster development is intended to be used as a guide to communities in the formulation of local ordinances. Competent legal, planning, and engineering assistance should be sought by communities in developing or modifying local ordinances.

This ordinance is designed as a mapped district to be applied to parcels of 35 acres or larger. The ordinance is designed as a mandatory district, which would require all residential development within the district to be clustered, and to preserve a minimum of 60 percent of the site as common open space. The permitted density is one dwelling unit per five net acres. Because the district requires clustering for residential development, any applicant wishing to develop a conventional subdivision would need to apply for a rezoning to a district that does not require clustering.

It should be noted that this model ordinance is an example of just one way to implement cluster development through a zoning ordinance. Numerous aspects of the regulations may be modified to suit the conditions in a particular municipality. Such aspects would include primarily the principal permitted and conditional uses in Subsections B and D, respectively; the density and dimensional standards in Subsection G; and the calculation of site capacity in Subsection H. Explanatory comments are italicized.

The following regulations are intended to be added to existing local zoning ordinances as an additional residential development district. This section should not conflict with the requirements of any Planned Unit Development (PUD) District, which may exist in the local zoning ordinance; however, the municipality may wish to review its PUD District for a possible duplication of objectives.

Subsections N and O provide regulations for a Density Exchange Option and a Lot Averaging Option that may be included in a cluster zoning ordinance. It is not essential to include either of these sections in a cluster ordinance; however, the use of one or both of these two sections would improve the design flexibility and the possibility of reaching the objectives of the district for rural landscape preservation.

It is assumed that proposed cluster developments would be reviewed under the local land division ordinance, and would comply with the procedures in that ordinance for the review of preliminary and final plats. The model rural cluster development ordinance therefore contains several references to the land division ordinance. A model land division ordinance is also available from the Commission.

Throughout the ordinance, where the word *Town* appears in italics, the word City, Village, or County may be substituted; where the word *Town Chairman* appears, the words Mayor, Village President, or County Board Chairman may be substituted; and where the term *Town Board* appears, the term Common Council, Village Board, or County Board may be substituted.

An earlier version of this model ordinance is included as Appendix C in SEWRPC Planning Guide No. 7, *Rural Cluster Development Guide*, December 1996. Copies of the Guide may be ordered from the Commission by calling (262) 547-6721.

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<sup>1</sup> Definitions related to cluster development may need to be added to the list of definitions contained in the zoning ordinance. Sample definitions are provided in this model ordinance.

**SECTION \_\_\_\_\_ RC RURAL CLUSTER DEVELOPMENT DISTRICT**

**A. Intent**

The purpose of the RC Rural Cluster Development District is to preserve rural landscape character, natural resource areas, farmland, and other large areas of open land, while permitting residential development at low, rural densities, in an open space setting, located and designed to reduce the perceived intensity of development and provide privacy for dwellings. Specific objectives are as follows:

1. To maintain and protect the *Town's* rural character by preserving important landscape elements, including those areas containing unique and environmentally sensitive natural features such as woodlands, hedgerows, stream corridors, wetlands, floodplains, shorelands, prairies, ridge tops, steep slopes, critical species habitat, and natural areas by setting them aside from development. Such areas contained in primary environmental corridors, as identified by the Southeastern Wisconsin Regional Planning Commission, are of particular significance for conservation.
2. To preserve scenic views and to minimize views of new development from existing streets.
3. To provide for the unified and planned development of parcels 35 acres or larger in size for clustered, single-family, low density residential uses, incorporating large areas of permanently protected common open space.
4. To provide for greater design flexibility in the siting of dwellings and other development features than would be permitted by the application of standard district regulations in order to minimize the disturbance of rural landscape elements, scenic quality, and overall aesthetic value of the landscape.
5. To increase flexibility and efficiency in the siting of services and infrastructure, by reducing street length, utility requirements, drainage requirements, and the amount of paving required for residential development, where possible.
6. To create groups of dwellings with direct visual and physical access to common open space.
7. To permit active and passive recreational use of common open space by residents of a cluster development or by the public.
8. To reduce erosion and sedimentation by retaining existing vegetation and minimizing development on steep slopes.
9. To allow for the continuation of agricultural uses in those areas best suited for such activities and when such activities are compatible with adjoining residential uses.
10. To permit various means for owning common open space and for protecting it from development in perpetuity.
11. To create an attitude of stewardship, or caring, for the land within common open space by requiring a land management, or stewardship, plan for the common open space.
12. To implement the objectives of the adopted *Town* Comprehensive Plan, or elements thereof.

B. Principal Permitted Uses

1. Single-family residential uses as follows:
  - a. Clustered single-family detached dwellings, with at least 60 percent of the gross development parcel in common open space.
  - b. Single-family farmstead dwellings with or without associated agricultural structures such as barns, silos, storage sheds, and stables.
2. Agricultural activities including:
  - a. The cultivation, harvesting, and sale of crops and related products produced on the farm.
  - b. The raising and sale of livestock or fowl, with associated pasture and barnyards.
  - c. Orchards, nurseries, greenhouses, and related horticultural uses.
  - d. Growing and sale of Christmas trees.
  - e. Agricultural structures such as barns, silos, storage sheds, and stables.
3. Community living arrangements, and community-based residential facilities (CBRF), which have a capacity for eight (8) or fewer persons, subject to the limitations set forth in Section 62.23(7)(i) of the Wisconsin Statutes.
4. Open space uses, primarily passive in nature, including wildlife sanctuaries, forest preserves, nature centers, trails, picnic areas, and similar uses.
5. Conservation of natural features in their existing state.
6. Stormwater management facilities for the proposed development, including detention and retention basins.
7. Essential services.
8. The following uses are permitted in common open space in cluster development:
  - a. Uses listed above in numbers 2, 4, 5, 6, and 7.
  - b. Water supply and sewerage facilities for individual lots, groups of lots, or the entire development.
  - c. Utility and street rights-of-way except that their land areas shall not count toward the 60 percent minimum open space requirement.
  - d. Parking areas where necessary to serve active recreation facilities.

*NOTE: The list of principal permitted uses may be expanded or shortened as appropriate for the local municipality.*

C. Accessory Uses

1. Attached and detached private garages and storage structures, provided that:
  - a. One detached garage, not exceeding 800 square feet, shall be permitted.
  - b. One detached storage structure, not exceeding 500 square feet, shall be permitted on a lot, in addition to any attached or detached garage.
2. Home occupations which are clearly incidental to the principal residential use, provided that the requirements of Section \_\_\_ are met.

*NOTE: The accessory use regulations in a local zoning ordinance should include regulations governing home occupations. Such regulations would apply to all residential development, including cluster development.*

D. Conditional Uses

The following conditional uses may be permitted by the Plan Commission, provided the proposed use shall not adversely impact the rural character of the district and shall be consistent with the overall objectives of the district as listed in Subsection A.

1. Agricultural uses requiring the installation of new buildings or other structures in the common open space of a cluster development. The total building coverage of such new agricultural buildings or structures shall not exceed 10,000 square feet.
2. Commercial storage or other adaptive reuse of barns in order to provide for an adaptive and compatible reuse and promote the preservation of such structures, provided such barns have existed for at least 20 years prior to the effective date of this Ordinance.
3. Recreational uses requiring the installation of new buildings or other structures in the common open space of a cluster development. The total building coverage of such new buildings or structures shall not exceed 10,000 square feet.

*NOTE: The list of conditional uses may be expanded or shortened as appropriate for the local municipality. Typical uses that may be added include: camps and campgrounds, public and private recreation areas for non-intensive uses, hunting or fishing preserves, game farms, and golf courses.*

E. Prohibited Uses

1. The use of non-recreational motor vehicles except on public streets and parking areas. Maintenance, law enforcement, emergency, and farm vehicles are exempt from this limitation.
2. Cutting of healthy trees, re-grading, topsoil removal, altering, diverting, or modifying water courses or bodies, except in compliance with an approved land stewardship plan, as described in Subsection L.
3. Intensive animal feed lot operations.

*NOTE: The restrictive covenants that are part of the legal documents for a homeowners or condominium association will typically contain many more restrictions on use. The section above should list those that are important to the interests of the local government.*

F. Inventory and Site Analysis

To aid the *Town* in determining whether the applicant has accomplished the intent and objectives as described in Subsection A and the design standards for cluster groups and common open space as described in Subsections I and J, the initial application for any development shall include an inventory and site analysis of the parcel. The specific requirements for such inventory and site analysis are fully described in the *Town* Land Division Control Ordinance.

*NOTE: See Section 4.02 of the SEWRPC Model Land Division Control Ordinance for site analysis requirements.*

G. Density and Dimensional Standards

1. The following density and dimensional standards shall apply to residential cluster development:

	Lots or Parcels Served by Private Onsite Waste Treatment Systems	Lots or Parcels Served by Centralized Sewerage Facilities
Minimum Site Area	35 acres	35 acres
Maximum Density <sup>a</sup>	1 dwelling unit per 5 net buildable acres	1 dwelling unit per 5 net buildable acres
Minimum Lot Area <sup>b</sup>	40,000 square feet	20,000 square feet
Minimum Lot Width:		
Measured at Building Setback Line	125 feet	90 feet
Measured at Front Lot Line	50 feet	50 feet
Minimum Front Yard	50 feet	40 feet
Minimum Rear Yard	50 feet	40 feet
Minimum Side Yard	20 feet one side; 50 feet total	15 feet one side; 35 feet total
Accessory Building Setback <sup>c</sup>		
From Side Lot Lines	10 feet	10 feet
From Rear Lot Line	10 feet	10 feet
Minimum Common Open Space (percentage of gross acres)	60%	60%
Maximum Height		
Principal Structure	35 feet	35 feet
Non-agricultural Accessory Structures	18 feet	18 feet
Agricultural Accessory Structures	100 feet	100 feet
Maximum Building Coverage Per Lot	10 percent	15 percent

<sup>a</sup> Existing dwellings that will remain on the site shall be included in the calculation of maximum density.

<sup>b</sup> For an existing farmstead on a parcel used for cluster development, the minimum lot area shall be 5 acres or a lot large enough to accommodate all structures within a building envelope created by a 100 foot setback from all sides of the lot, whichever is larger. For farmsteads with livestock, the setback shall be increased to 200 feet.

<sup>c</sup> Accessory buildings shall not be permitted within the front yard.

2. Separation distances for cluster groups.

a. The outer boundaries of all cluster groups shall conform to the following separation distances:

- (1) From existing or proposed arterial street rights-of-way as defined in the *Town Comprehensive Plan* or the *Regional Transportation System Plan*: 100 feet.
- (2) From existing scenic highways or rustic roads: 100 feet.
- (3) From all perimeter subdivision boundaries: 100 feet.
- (4) From cropland or pasture land: 100 feet.
- (5) From buildings or barnyards housing livestock: 300 feet.
- (6) From other cluster groups: 100 feet.
- (7) From wetlands, floodplains, or water courses: 50 feet.

- (8) From active recreation areas, such as courts or playing fields: 100 feet.
- b. All separation areas for cluster groups along existing streets shall be landscaped in accordance with Subsection K, in order to block views of new residential development, preserve scenic views, and protect rural landscape character.
- c. The dimensional standards specified in Subsection G.1 may be reduced under the following circumstances:
  - (1) The separation distances from existing arterial streets and the perimeter of the subdivision may be reduced to no less than 50 feet if the applicant can demonstrate that existing vegetation or topography or a combination of these form an effective visual screen.
  - (2) All other separation distances may be reduced by 50 percent if the applicant can demonstrate to the satisfaction of the Plan Commission that such reduced setbacks improve the plan's compliance with the cluster group design standards in Section I, the intent of this Ordinance, and the objectives of the *Town Comprehensive Plan*.

H. Calculation of Site Capacity

- 1. For cluster development, the calculation of site capacity, or the number of dwelling units permitted on a site, shall be based on net buildable acreage. The applicant shall determine the net buildable acreage (NBA) using the following method, substantiated by sufficient plans and data to verify the calculations:

Gross Acreage of Site: \_\_\_\_\_ acres

From the gross acreage of the site, subtract the following:

All lands located within existing street rights-of-way: \_\_\_\_\_ acres

All lands located within existing utility and railway rights-of-way: \_\_\_\_\_ acres

All lands located within a floodplain: \_\_\_\_\_ acres

All lands located within a wetland: \_\_\_\_\_ acres

All of the area located within a pond or lake: \_\_\_\_\_ acres

Fifty percent of lands having a slope between 12 and 20 percent: \_\_\_\_\_ acres

All of the land area having a slope of 20 percent or greater: \_\_\_\_\_ acres

Twenty-five percent of the area located within a woodland: \_\_\_\_\_ acres

The result is the net buildable acreage (NBA): \_\_\_\_\_ acres

- 2. In the calculation in Subsection H.1 above, the following shall apply:
  - a. The elevation of the 100-year recurrence interval floodplain determined through floodplain studies shall be used where available. Where such flood stage data are not

available, the regulatory flood elevation shall be determined by a registered professional engineer and the sealed report of the engineer setting forth the regulatory flood stage and the method of its determination shall be approved by the *Town Engineer*.

- b. Where two or more categories overlap, the overlapping acreage shall be counted only once, using the most restrictive classification.
3. To determine the number of units permitted on a given site, the net buildable acreage shall be divided by 5, rounding to the nearest whole number.

\_\_\_\_\_ acres NBA ÷ 5 = \_\_\_\_\_ dwelling units permitted.

I. Design Standards for Cluster Groups. The following standards shall apply to all cluster groups:

1. All dwelling units shall be grouped into cluster groups, each of which shall be surrounded by common open space.
2. The maximum number of lots in a cluster group may be increased, and cluster groups may be assembled into larger groupings, with the approval of the *Town Board* and provided that the applicant can demonstrate that such an alternative plan is more appropriate for the development parcel and will meet both the general intent and design standards of this Ordinance.
3. A plat may contain one or more cluster groups.
4. Cluster groups shall be defined by the outer perimeter of contiguous lotted areas or abutting streets, and may contain lots, streets, and cluster group open space. When the development does not include individual lots, as in a condominium, the outer perimeter shall be defined as an area encompassed by a line drawn around the units, no point of which is less than 100 feet from any unit.
5. The outer boundaries of each cluster group shall meet the separation distance requirements specified in Subsection G.2.
6. Cluster groups shall be defined and separated by common open space in order to provide direct access to common open space and privacy to individual lot or yard areas. Cluster groups may be separated by streets if the street right-of-way is designed as a boulevard.
7. No cluster group shall contain more than 15 dwelling units.
8. Cluster groups containing 11 or more dwelling units must provide internal open space at a minimum rate of 2,000 square feet per dwelling unit, and shall meet the following standards:
  - a. Common open space located within cluster groups shall be counted toward meeting the overall 60 percent open space requirement.
  - b. The open space shall be configured as a cul-de-sac island, an island within a larger loop or an "eyebrow" (a semi-circular loop), an island in a boulevard street, or a common green area. Common green areas surrounded by lots on up to three sides shall be designed as a space for common use by all residents within the cluster group.
  - c. The open space shall have a minimum street frontage of 125 feet.
  - d. Internal open space may contain parking areas, but parking areas shall not be included in the required 2,000 square feet of internal open space per dwelling unit.
9. All lots in a cluster group shall take access from interior streets.
10. All lots in a cluster group shall abut common open space to the front or rear. Common open space across a street shall qualify for this requirement.
11. In locating cluster groups, disturbance to woodlands, hedgerows, and individual mature trees shall be minimized. However, when the objective is to preserve prime farmland soils and large areas of contiguous land suitable for agricultural use, dwellings may be located within

woodlands, provided that no more than 20 percent of a single wooded lot is cleared for the construction of a dwelling, driveway, garage, storage building, well, and private onsite waste treatment system.

J. Design Standards for Common Open Space

On all parcels developed under the cluster development regulations, 60 percent of the gross land area shall be set aside as protected common open space. This open space shall meet the following standards:

1. For the purposes of this Subsection, gross land area includes all lands within the parcel, except existing street, railway, and utility rights-of-way.
2. Common open space shall comply with the following design standards:
  - a. The location of common open space shall be consistent with the objectives of the *Town Comprehensive Plan*.
  - b. All open space areas shall be part of a larger continuous and integrated open space system within the parcel being developed. At least 75 percent of the common open space areas shall be contiguous to another common open space area. For the purposes of this Subsection, areas shall be considered contiguous if they are within 100 feet of each other and there are no impediments to access between the areas.
  - c. Common open space shall, to the greatest extent possible, protect site features identified in the site inventory and analysis as having particular value in the context of preserving rural character, in compliance with the intent of this Ordinance. Primary and secondary environmental corridors and isolated natural resource areas as identified by the Regional Planning Commission are of particular significance for protection.
  - d. Natural features shall 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, as described in Subsection L.3. Permitted modifications may include:
    - (1) Woodland management.
    - (2) Reforestation.
    - (3) Meadow management.
    - (4) Wetlands management.
    - (5) Streambank protection.
    - (6) Buffer area landscaping.
  - e. All wetlands, floodplains, wildlife habitat areas, slopes over 12 percent, 100 percent of lowland environmental corridor, and a minimum of 80 percent of upland primary environmental corridors shall be contained in common open space.
  - f. The common open space shall maximize common boundaries with existing or future open space on adjacent lands, as shown in the *Town* or *County Comprehensive Plan*, or the *Comprehensive Plan* of an adjacent municipality.
  - g. To preserve scenic views, ridge tops and hilltops should be contained within common open space wherever possible. Trees shall not be removed from ridge tops or hill tops.
  - h. A minimum of 80 percent of the area of existing woodlands shall be contained within common open space. Up to 20 percent of the area of existing woodlands may be located within lots or used for residential development. This limitation may be exceeded under the following conditions:

- (1) The site is primarily wooded and development at the permitted density would not be possible without encroaching further into the woodlands.
  - (2) Any encroachment on woodlands beyond 20 percent shall be the minimum needed to achieve the maximum permitted density, as determined by the *Town Board*.
- i. No area of common open space shall be less than 30 feet in its smallest dimension or less than 10,000 square feet in area, with the exception of landscape islands as described in Subsection I.8.b. Open space not meeting this standard shall not be counted toward the total required 60 percent common open space.
  - j. The boundaries of common open space shall be marked by natural features wherever possible, such as hedgerows, edges of woodlands, streams, or individual large trees. Where no such natural demarcations exist, additional plantings, fences, or other landscape features should be added to enable residents or the public, if applicable, to distinguish where common open space ends and private lot areas begin. Where structural demarcations, such as fences, are used, they shall be the minimum needed to accomplish this objective.
  - k. Trails in common open space that are located within 50 feet of homes in cluster groups shall be identified by plantings, fences, or other landscape features.
  - l. Under no circumstances shall all common open space be isolated in one area of the development. Common open space shall be distributed appropriately throughout the development to properly serve and enhance all dwelling units, cluster groups, and other common facilities.
  - m. Common open space shall include lands located along existing public streets in order to preserve existing rural landscape character as seen from these streets, and shall, in no case, contain less than the required buffer, setback area, or separation distance.
3. Safe and convenient pedestrian access and access for maintenance purposes shall be provided to common open space areas that are not used for agricultural purposes, in accordance with the following:
    - a. At least one access point per cluster group shall be provided, having a width equal to or greater than the minimum width of a lot within the cluster group. This width may be reduced to no less than 50 feet if the applicant can demonstrate that, due to natural site constraints, meeting the lot width requirement would run counter to the objectives of this Section.
    - b. Access to common open space used for agriculture may be restricted for public safety and to prevent interference with agricultural operations.
  4. The following areas shall not be included in the calculation of common open space areas:
    - a. Private lot areas.
    - b. Street and highway rights-of-way, public or private.
    - c. Railway and utility rights-of-way.
    - d. Parking areas.
    - e. Areas not meeting the requirements of Subsection J.2.i.

K. Landscaping

1. Preservation of Existing Natural Landscape.
  - a. For the purpose of conserving the natural landscape and in recognition of the time value of existing vegetation, the preservation of existing vegetation shall always be preferred to the installation of new plant material.

- b. Existing woodlands and hedgerows shall be retained to the maximum extent possible. Where possible, existing woodlands and hedgerows shall be incorporated into the required separation areas between cluster groups and external streets and site boundaries.
- c. Suitable existing vegetation shall be credited toward the landscaping requirements of this Section, when, in the opinion of the *Town Board*, it would equal or exceed the visual impact of the new required plant material after two years of growth.
- d. All new landscaping to be installed and existing vegetation to be preserved shall be protected in accordance with the methods specified in the *Town Land Division Control Ordinance* or other applicable *Town* ordinances.

2. Street Trees

- a. Street trees shall be planted along internal streets within cluster groups.
- b. Street trees may be planted, but are not required, along internal streets passing through common open space.
- c. Informal arrangements are encouraged for street trees, to avoid the urban appearance that regular spacing may invoke.
- d. Street trees shall be located so as not to interfere with the installation and maintenance of utilities and paths, trails, or sidewalks that may parallel the street.
- e. The species of street trees shall be selected from the "List of Recommended Species for Landscaping" adopted by the *Town Board*.

*NOTE: It is recommended that a "List of Recommended Species for Landscaping" be adopted by each local government and used when approving development projects. It is beyond the scope of this model ordinance to compile such a list; however, it is recommended that street trees be deciduous and native to the Region.*

- f. Street tree plantings shall comply with all applicable regulations in the *Town Land Division Control Ordinance* or other applicable ordinances.

3. Buffers

- a. A planted buffer area at least 25 feet in width shall be established within all required separation areas between external streets and cluster groups.
- b. Planted buffers within separation areas between cluster groups are encouraged to enhance privacy and a rural appearance between lots.
- c. Buffers consisting of an informal arrangement of native plant species combined with infrequent mowing are strongly encouraged, to create a low-maintenance, natural landscape.

L. Ownership and Maintenance of Common Facilities and Open Space

To ensure adequate planning for ownership, operation, and maintenance of common open space, recreation facilities, storm water management facilities, common parking areas and driveways, private streets, and other common or community facilities (hereinafter referred to as common facilities), the following regulations shall apply:

1. Ownership.

The following methods may be used, either alone or in combination, to own common facilities. Common facilities shall not be transferred to another entity except for transfer to another method of ownership permitted under this Subsection, and then only when there is no change in the common facilities. Ownership methods shall conform to one or more of the following:

a. Homeowners Association.

Common facilities shall be held in common ownership as undivided proportionate interests by the members of a homeowners association, subject to the provisions set forth herein:

- (1) The applicant shall provide to the *Town* a description of the organization, including its bylaws, and all documents governing maintenance requirements and use restrictions for common facilities. Such documents shall be approved as to form by the *Town* Attorney.
- (2) The organization shall be established by the owner or applicant and shall be operating, with financial subsidy by the applicant, if necessary, prior to the sale of any dwelling units in the development.
- (3) Membership in the organization shall be mandatory for all purchasers of dwelling units therein and their successors and assigns.
- (4) The organization shall be responsible for maintenance and insurance of common facilities.
- (5) The members of the organization shall share equitably the costs of maintaining, insuring, and operating common facilities.
- (6) The organization shall have or hire adequate staff to administer, maintain, and operate common facilities.
- (7) The applicant for any cluster subdivision or development proposed to contain common facilities shall arrange with the *Town* Assessor a method of assessment of the common facilities which will allocate to each tax parcel in the development a share of the total assessment for such common facilities.
- (8) Written notice of any proposed transfer of common facilities by the homeowners association or the assumption of maintenance of common facilities must be given to all members of the organization and to the *Town* at least 30 days prior to such event.

b. Condominium Agreements.

Common facilities shall be controlled through the use of condominium agreements. Such agreements shall be approved as to form by the *Town* Attorney and shall comply with the requirements of Chapter 703 of the Wisconsin Statutes. All common open space and other common facilities shall be held as "common elements" by the unit owners in the form of undivided percentage interests in accordance with the condominium documents. An association of unit owners shall be formed to govern the affairs of the condominium and membership shall be mandatory.

c. Fee simple dedication to a public agency.

The *Town* or other public agency acceptable to the *Town* may, but shall not be required to, accept any portion of the common facilities, provided that:

- (1) There shall be no cost of acquisition, other than costs incidental to the transfer of ownership, such as title insurance.
- (2) Any facilities so dedicated shall be accessible to the residents of the *Town*, if the *Town* so chooses.
- (3) The *Town* or other public agency shall maintain such facilities.
- (4) The residents of the development shall hold a conservation easement on the land and facilities so dedicated, protecting the common open space from development in perpetuity.

- d. Dedication of conservation easements to a public agency.  
The *Town* or other public agency acceptable to the *Town* may, but shall not be required to, accept easements for public use of any portion of the common facilities, title of which is to remain in private ownership, provided that:
    - (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 shall be reached between the owner and the *Town*.
    - (3) Lands under a *Town* easement may or may not be accessible to residents of the *Town*.
  - e. Fee simple dedication to a nonprofit conservation organization.  
With the approval of the *Town Board*, an owner may dedicate any portion of the common facilities to a nonprofit conservation organization, provided that:
    - (1) The organization is acceptable to the *Town*.
    - (2) The conveyance contains appropriate provisions for proper reverter or re-transfer in the event that the organization becomes unwilling or unable to continue carrying out its responsibilities.
    - (3) A maintenance agreement acceptable to the *Town* is established between the owner and the organization, in accordance with Subsection L.2.
  - f. Dedication of conservation easements to a nonprofit conservation organization.  
With the approval of the *Town Board*, an owner may dedicate conservation easements on any portion of the common facilities to a nonprofit conservation organization, provided that:
    - (1) The organization is acceptable to *Town*.
    - (2) The conveyance contains appropriate provisions for proper reverter or re-transfer in the event that the organization becomes unwilling or unable to continue carrying out its responsibilities.
    - (3) A maintenance agreement acceptable to the *Town* is established between the owner and the organization, in accordance with Subsection L.2.
  - g. Ownership retained by the original landowner.  
Ownership of common open space and facilities may be retained by the original landowner provided that:
    - (1) The *Town* and residents of the development shall hold conservation easements on the land protecting it from any further development.
    - (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 methods acceptable to the *Town Board* upon recommendation by the *Town Attorney*.
2. Maintenance and operation of common facilities.
- a. A plan and narrative for the use, maintenance, and insurance of all common facilities, including provisions for funding, shall be provided to and approved by the *Town Board* prior to preliminary plat approval. Such plan shall:
    - (1) Define ownership.
    - (2) Establish necessary regular and periodic operation and maintenance responsibilities.
    - (3) Estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an on-going basis.



- e. Lease agreements shall be recorded in the office of the County Register of Deeds within 30 days of their execution, and a copy of the recorded lease shall be filed with the *Town*.
5. Conservation.
- Common open space shall be restricted in perpetuity from further subdivision and/or land development by deed restriction, conservation easement, or other agreement in a form acceptable to the *Town Board* upon recommendation of the *Town Attorney* and duly recorded in the office of the County Register of Deeds.

M. Sewerage and Water Supply Facilities

- 1. Sewerage Facilities.
  - a. Sewerage facilities for cluster development may consist of any system meeting the requirements of the County, the *Town*, the Wisconsin Department of Commerce, and the Wisconsin Department of Natural Resources.
  - b. If approved by the *Town Board*, sewerage facilities or portions thereof may be located within common open space areas.
  - c. All sewerage facilities shall be consistent with the requirements of the *Town Land Division Control Ordinance*.
  - d. All public community sewerage facilities shall be owned, operated, and maintained by a general or special purpose unit of government.
- 2. Water Supply Facilities.
  - a. Water supply facilities may consist of any of following systems, provided they meet the requirements of the County, the *Town*, the Wisconsin Department of Natural Resources, and Chapters NR 811 and 812 of the Wisconsin Administrative Code:
    - (1) Private, individual wells.
    - (2) Private, community wells.
    - (3) Public water supply system.
  - b. All water supply facilities shall be consistent with the requirements of the *Town Land Division Control Ordinance*.
  - c. All public water supply facilities shall be owned, operated, and maintained by a general or special purpose unit of government.

## ADDITIONAL OPTIONAL REGULATIONS

### N. Density Exchange Option

In exchange for preserving greater areas of farmland or unique environmental resources, and to further increase design flexibility, residential density may be transferred between properties within the RC District. Density may be increased on the receiving parcel, while density is decreased on the sending parcel, in order to achieve the above-stated objectives. The following requirements shall be met:

1. The density exchange option shall be utilized only with residential cluster development. Residential development on the receiving parcels must be clustered, as well as any remaining dwellings on the sending parcel.

*NOTE: Density exchanges or full Transfer of Development Rights programs may be used with either cluster or conventional development. For the purposes of this model ordinance, however, density exchanges are used only with cluster development within the RC District.*

2. Density exchanges may be used in combination with lot averaging.
3. Negotiations for density exchanges shall take place strictly between property owners and developers and shall not involve the *Town*, other than for the approval of the number of units transferred, the resulting densities, and normal plat approval for both the sending and receiving parcels.

*NOTE: Requiring an approved plat for the receiving parcel relieves the Town of the record keeping needed to track unused or "banked" development rights, because all transferred development rights will have been used on the approved plan.*

4. The applicant shall provide documentation at the time of submittal of the preliminary plat indicating that he or she is the owner of the sending parcel or has the authority under the terms of a written contract to make commitments on the sending parcel. Similar documentation must be submitted by the owner of the receiving parcel indicating agreement that the density on such parcel may be increased by the stated number of dwelling units.
5. Sending and receiving parcels must meet the following requirements:
  - a. Sending Parcels.
    - (1) The minimum area shall consist of 35 contiguous acres. For the purposes of this Subsection, parcels separated by a utility right-of-way shall be considered contiguous.
    - (2) Sending parcels may consist of one or more contiguous, smaller parcels that together form at least 35 acres; however, all parcels must be consolidated into one at the time that the final plat and easement agreement for the sending parcel are recorded.
    - (3) The sending parcel shall not be subject to any existing recorded easement or other agreement which restricts its subdivision or development.
    - (4) Sending parcels designated for agricultural use must be consistent with practical requirements for an agricultural activity and be of value for farm use, as determined by the *Town Board* based on information submitted by the applicant. If this requirement cannot be met, the parcel must contribute to the objective of conserving significant environmental areas and rural

landscape character beyond that which could be preserved by cluster development.

- (5) The sending parcel shall be restricted from development through a conservation easement held by the *Town*. Such easement shall be recorded in the office of the County Register of Deeds. The conservation easement shall specify the degree of restriction by the number of dwelling units that have been transferred from the site.
- (6) Density may be transferred from a sending parcel at a maximum rate of one dwelling unit per 5 net acres as calculated in accordance with Subsection H. All or some of the number of units permitted on the sending parcel may be transferred.
- (7) When the density exchange option is used, at least 50 percent of the permitted units on a sending parcel must be transferred.
- (8) All dimensional and design standards in Subsections G, I, and J shall apply to any residual residential development on the sending parcel.
- (9) The landscaping regulations of Subsection K shall apply to all remaining residential development on sending parcels.

b. Receiving Parcels.

- (1) The minimum area shall consist of a minimum of 35 contiguous acres. For purposes of this Subsection, parcels separated by a utility right-of-way shall be considered contiguous.
- (2) The receiving parcel shall not be subject to any existing recorded easement or other agreement which restricts its subdivision or development.
- (3) A minimum of 45 percent of the receiving parcel shall be dedicated to common open space.
- (4) Density.
  - (a) The base density of a receiving parcel shall be one dwelling unit per 5 net buildable acres (NBA).
  - (b) The final density of a receiving parcel shall be one dwelling unit per 3 NBA, provided that each additional unit above base density is acquired from a sending parcel.
- (5) The following dimensional standards shall apply to development on receiving parcels:
  - (a) For lots: Subsection G.1.
  - (b) For separation distances: 50 percent of all dimensions in Subsection G.2, except that separation distances from all streets and cluster development boundaries shall be no less than 50 feet.
- (6) The landscaping regulations of Subsection K shall apply to all residential development on receiving parcels.

6. Procedures for use of the density exchange option.

The exchange of density within the RC Rural Cluster District shall take place as a private exchange between property owners, subject to approval by the *Town Board* in accordance with the procedures set forth below.

a. An application for use of the density exchange option on a receiving parcel shall be made to the *Town Board* and shall include the following:

- (1) A sketch plan of the proposed subdivision;
- (2) A calculation of the number of dwelling units to be acquired from the sending parcel and the resulting net density on the receiving parcel.

- b. The *Town Board* shall tentatively approve the use of the density exchange option on the receiving parcel and allow the applicant to proceed with the subdivision process if:
- (1) The receiving parcel meets the criteria of Subsection N.5.b; and
  - (2) The sketch plan for the receiving parcel represents a subdivision which can be accommodated on the property, while protecting at least 45 percent of the gross site area in common open space, and preserving sensitive environmental features such as steep slopes, wetlands, floodplains, critical species habitat and natural areas, and stream corridors.

*NOTE: The approval of a subdivision plat for the receiving parcel is required because the transfer of density depends on the ability to successfully accommodate the added number of dwelling units on the receiving parcel.*

- c. An application for approval of a subdivision plat for the sending parcel shall include the following:
- (1) Documentation that the parcel meets the requirements of Subsection N.5.a.
  - (2) A calculation of the maximum number of dwelling units which are to be transferred from the sending parcel.
  - (3) If any residual lots remain on the sending parcel, a sketch plan of the proposed cluster subdivision. The subdivision shall meet all of the requirements for cluster development specified in this Ordinance.
- d. Subdivisions on a receiving parcel may be recorded in phases. A final subdivision plat shall not be approved for the receiving parcel until the final subdivision plat for one or more sending parcels are approved, which provide the necessary number of additional dwelling units for the lots shown on the final subdivision plat. If one sending parcel provides the additional dwelling units for more than one receiving parcel, the final subdivision plats for all of the receiving parcels must be approved at one time.
- e. Following approval of the final subdivision plat(s) for the receiving parcel(s), the following documents shall be recorded at the same time in the office of the County Register of Deeds:
- (1) A final plat for each sending parcel, designating the property as a sending parcel, indicating the number of dwelling units which have been transferred from the parcel.
  - (2) A conservation easement for each sending parcel restricting it from further development in perpetuity, held by the *Town*, or a deed restriction held by the owner, his successors and assigns.
  - (3) A final plat for each receiving parcel. The final plat for a portion of a receiving parcel may consist of large holding lots that are recorded as unbuildable until further subdivision occurs. Final plats for cluster subdivisions on the holding lots shall follow all the requirements of Subsection N.5.b above.
- f. Plats on sending and receiving parcels shall follow all the requirements of the *Town* Land Division Control Ordinance.

O. Lot Averaging

*NOTE: Lot averaging increases design flexibility by permitting a wider range of lot sizes, and may be applicable to both cluster and conventional development.*

For the purpose of providing additional design flexibility beyond that already gained by the use of cluster development, lot averaging shall be permitted as follows:

1. The area of a lot may be reduced below the minimum provided that the area by which it is reduced is added to another lot, and further provided that, in all cases, proper water supply and sewerage facilities shall be provided.
2. Lot areas, widths, and setbacks shall not be reduced below the following minimums:
  - a. Lots served by centralized sanitary sewerage systems:
    - (1) Minimum lot area: 10,000 square feet.
    - (2) Minimum lot width: 60 feet.
    - (3) Minimum front yard: 25 feet.
    - (4) Minimum side yard: 10 feet.
    - (5) Minimum rear yard: 25 feet.
  - b. Lots served by private onsite waste treatment systems:
    - (1) Minimum lot area: 20,000 square feet
    - (2) Minimum lot width: 90 feet.
    - (3) Minimum front yard: 25 feet.
    - (4) Minimum side yard: 15 feet.
    - (5) Minimum rear yard: 25 feet.
3. All other density and dimensional standards of this Section shall apply to lots whose areas are averaged.
4. All lots that are large enough to be further subdivided shall be deed restricted against further subdivision designating the owner, his heirs, successors, and assigns as the grantee of the easement. The *Town* shall hold a conservation easement on such lots. The restrictions of the easement shall be enforceable either by the grantee, his heirs, successors, and assigns, or by the *Town*.

**DEFINITIONS RELATING TO CLUSTER DEVELOPMENT**

This list of definitions includes only those terms or phrases that are particular to cluster zoning ordinances and may not already be included in typical current local zoning ordinances. These terms or phrases should be added to any existing list of definitions contained in zoning ordinances to which these model cluster development provisions might be added. It should be noted that these definitions are particular to this model. If provisions of the ordinance are changed, some definitions will also need to be changed. For example, the maximum number of units in a "cluster group" may be reduced or increased; similarly, the amount of required open space may be reduced or increased.

*Italicized* words within definitions are further defined in this section.

Cluster Development. A form of residential development that concentrates buildings or lots on a part of the site to allow the remaining land to be used for common open space, recreation, and preservation of environmentally sensitive features. The concentration of lots is facilitated by a reduction in lot size. A cluster development will consist of one or more *cluster groups* surrounded by common open space.

Cluster Group. A group of single-family detached dwellings within a cluster development, surrounded by common open space that comprises at least 60 percent of the gross parcel area. The outer boundary of a cluster group shall be defined by the rear lot lines of the lots within the group.

Common Element. The *common facilities* in a *condominium*.

Common Facilities. All the real property and improvements set aside for the common use and enjoyment of the residents of a cluster development, including, but not limited to, buildings, open space, private streets, parking areas, walkways, recreation areas, drainage easements, and any utilities that service more than one unit, such as sewerage and water supply facilities.

Common Open Space. Undeveloped land within a cluster development that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the development. Common open space shall not be part of individual residential lots, and shall be substantially free of structures, but may contain such recreational facilities for residents as are shown on the approved development plan.

Community Association. A *condominium* or *homeowners association*.

Condominium. A form of ownership combining individual unit ownership with shared use and ownership of common property or facilities, established in accordance with the requirement of the Chapter 703 of the Wisconsin Statutes. Common areas and facilities are owned by all members of the condominium association on a proportional, undivided basis. A condominium is a legal form of ownership and not a specific building type or style.

Condominium Association. An association, whose members consist of owners of units in a condominium, which administers and maintains the common property and common elements of a condominium.

Conservation Easement. The grant of a property right or interest from the property owner to another person, agency, unit of government, or organization stipulating that the described land shall remain in its natural, scenic, open, or wooded state, precluding future or additional development.

Deed Restriction. A restriction on the use of a property set forth in the deed.

Density Exchange Option. An optional transfer of density between parcels within the RC Rural Cluster District.

Density Transfer. See *Density Exchange Option*.

Development Rights. A broad range of less than fee-simple ownership interests. An owner may keep fee-simple rights to his land and sell the development rights to another. The owner retains the title, but agrees to keep the land natural and undeveloped, with the right to develop resting with the holder of the development rights. See *Transfer of Development Rights*.

Farmstead. A group of existing buildings with accessory structures used for agricultural purposes, such as barns, silos, storage sheds, cribs, and coops, and which may or may not include a dwelling.

Floodplains. Those lands, including the floodplain, flood fringe, floodway, and channel, subject to inundation by the 100-year recurrence interval flood or, where such data are not available, the maximum flood of record.

Hedgerow. A row of shrubs or trees planted for enclosure or separation of fields.

Height of Building. The vertical distance measured from the average elevation of the existing grade of the building to the highest point of a flat or multi-level roof or, for gable or hip roofs, to the mean height between the eaves and the ridge. Chimneys, spires, towers, mechanical penthouses, tanks, and similar projections not intended for human occupancy shall be excluded.

Homeowners Association. An association combining individual home ownership with shared use, ownership, maintenance, and responsibility for common property or facilities, including private open space, within a land division or cluster development.

Net Buildable Acreage or Net Buildable Area (NBA). A calculated area upon which the density for cluster development is computed. Net buildable acreage is the area of a site remaining after subtracting all or a percentage of the following areas from the site's gross area: existing street rights-of-way, floodplains, wetlands, woodlands, ponds and lakes, steep slopes, and utility and railway rights-of-way.

Nonprofit Conservation Organization. A nonprofit corporation, charitable trust, or other nonprofit organization described in Section 501(c)(3) of the Internal Revenue Code, which includes the "acquisition of property or rights in property for conservation purposes" as part of its mission, as reflected in the bylaws, charter, or incorporation papers of the organization.

Restrictive Covenant. See *Deed Restriction*.

Separation Distance. The required dimensional distance between the outer boundary of a cluster group and another specified feature of the development.

Transfer of Development Rights. The conveyance by deed, easement, or other legal arrangement of the right to develop or build from one parcel to another, expressed in number of dwelling units, where such transfer is permitted by the zoning ordinance.

\* \* \* \* \*

( )

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This ensures transparency and allows for easy verification of the data.

Furthermore, it is noted that the records should be kept for a minimum of five years. This is a legal requirement in many jurisdictions and helps in the event of an audit or a dispute.

The second part of the document outlines the procedures for handling incoming payments. It states that all payments should be recorded immediately upon receipt. The amount, date, and the name of the payer should be clearly noted.

Additionally, it is advised to issue receipts for all payments received. This not only serves as proof for the payer but also provides a clear record for the recipient.

The third part of the document details the process of reconciling the accounts. It suggests that a monthly reconciliation should be performed. This involves comparing the internal records with the bank statements to ensure that they match.

Any discrepancies should be investigated immediately. Common causes for differences include bank charges, interest, or errors in recording.

It is also recommended to review the accounts quarterly to identify any trends or potential issues. This proactive approach can help in managing the business's finances more effectively.

( )

The final part of the document provides a summary of the key points discussed. It reiterates the importance of accurate record-keeping and regular reconciliation.

It concludes by stating that following these guidelines will help in maintaining a healthy financial position for the business.

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## **THE CONSERVATION SUBDIVISION DESIGN PROCESS**

Conservation subdivisions, sometimes called cluster developments, maintain a significant portion of a development site in common open space by minimizing individual lot sizes, while maintaining the overall density of development specified by a local master plan or zoning ordinance. Conservation subdivisions should be designed around the area proposed to be preserved in open space; that is, the areas for open space preservation should be set aside before the streets and lots are laid out. The design process for conservation subdivisions should follow three basic steps while taking into consideration applicable local regulations, such as zoning, official mapping, and land division control provisions; and pertinent adopted planning recommendations, such as recommended streets, parks, greenways, and recreational trails. The recommended three-step process is:

1. Identification and analysis of existing conditions, or site analysis;
2. Delineation of preservation areas; and
3. Layout of dwelling locations and street and lot pattern.

### **STEP ONE: SITE ANALYSIS**

The design of a conservation subdivision around the area to be preserved first requires a proper site analysis. The analysis should identify existing features that determine the landscape character of a site and analyze those features to determine the desirability of preserving them. A site analysis should also identify features that present obstacles that must be considered and overcome in the design.

The inventory of existing conditions should include all natural and human-made features of a site. Some of these will be natural areas protected by law, such as floodplains, wetlands, shoreland areas, and water bodies. Other areas that are developable, but contain certain features that may lend character to the rural landscape (see Figures 1 and 2), should also be identified. Such areas could include hedgerows along an abutting road or dividing two fields; a healthy stand of trees atop a rise in terrain; diverse woodlands; wildflower meadows; fallow farm fields; wildlife habitats; areas that afford good views; historic buildings or ruins; fencerows; and even lone specimen trees. Other site features that must be accommodated in the design may include power line rights-of-way, transmission towers, utility easements, and drainage ways.

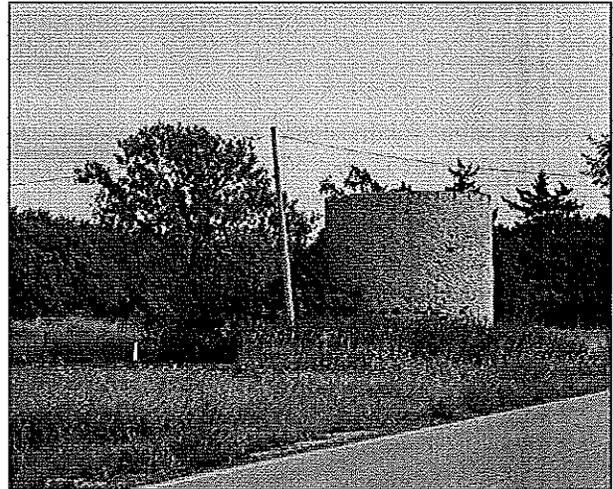
It should be noted that a site analysis completed for the sketch-plan layout of a conservation subdivision is not usually as technically comprehensive as those required for engineered preliminary plats. Although the engineering constraints on a site should be generally considered, the site analysis for the purposes of designing a sketch plan for conservation subdivision layout is intended primarily to identify landscape character, preservation areas, and building areas. While some of the elements required for sketch plans and typical preliminary plats will be the same (topography, for instance), the level of detail and accuracy required for documenting conditions for engineering purposes is not needed at the sketch-plan level. The elements of a site analysis for the purposes of conservation subdivision design would supplement and precede the site information normally required for conventional subdivision design. When the approval process moves on to the preliminary-plat stage, complete documentation and analysis oriented toward proper engineering practices would then be needed. The conservation subdivision layout would then be adjusted, if necessary, to accommodate engineering considerations.

Figure 1



Woodlands, hedgerows, and large single trees are important landscape elements to identify in a site analysis and to preserve in a final design.

Figure 2



Ruins, such as this old stone silo, are strong rural landscape elements which may be worthy of preservation.

Source: SEWRPC.

A good site analysis done for the purpose of conservation subdivision sketch-plan layout will include field investigations and should, at a minimum, consist of a map, or set of maps, showing the following:

1. A topographic analysis identifying slopes over 12 percent and under 2 percent. The topographic map should have a scale of one inch equals 100 feet or more, with a vertical contour interval of two feet or less. Hilltops and ridge lines should be highlighted.
2. An analysis of drainage patterns. The management of stormwater runoff from a site depends largely upon the existing drainage patterns which, for greatest economy and site preservation, generally should not be altered. Onsite drainage patterns are part of a larger drainage network and connect to the drainage patterns of adjacent sites. The role a particular site plays in the overall watershed should be recognized.
3. A vegetation analysis, identifying woodlands, hedgerows, specimen trees, meadows, prairie remnants, pastures, and active or fallow farm fields. Vegetation should be identified as evergreen or deciduous. The health and condition of each vegetative type should be identified. Predominant species in hedgerows and woodlands should be identified. Specimen trees should be identified by species, size, and health. Unique or endangered plant species should be noted.
4. A delineation of soil types and identification of selected soil characteristics, as provided by the information in the regional soil survey completed for the Regional Planning Commission by the U. S. Natural Resources Conservation Service. Such characteristics would include, for example, suitability of soils for crops, pasture, woodland, wildlife habitat, and recreation, as well as for building foundations, roadways, and onsite sewage-disposal systems. Prime agricultural soils and alluvial floodplain soils should be noted.

5. Shoreland protection areas, including the minimum 75-foot building setback from the ordinary high-water mark of navigable waters, the 100-year recurrence interval floodplain boundaries, and lakes, ponds, streams, and wetlands. Significant groundwater recharge or well-head protection areas, if such information is available.
6. Boundaries and characteristics of primary and secondary environmental corridors, and isolated natural resource areas, as identified in the adopted regional plans or local comprehensive or master plans. Natural areas and critical species habitat sites.
7. Wildlife habitat, whether in fields, wetlands, or woodlands. Predominant species of birds, mammals, amphibians, reptiles, and fish should be identified when possible. The presence of rare or endangered species should be noted.
8. Historic or cultural features, including ruins and stone fencerows.
9. Other existing buildings and structures. All buildings in a farm complex should be located and identified as to their use, as well as the locations of existing wells and onsite sewage-disposal systems.
10. Scenic vistas, both into the site from adjacent roads, trails, and hilltops and outward from the site.
11. Classifications of existing streets and highways adjacent to the development parcel as well as desirable or undesirable points of entry into the parcel. Street connections required by the local official map should be noted.
12. Existing physical conditions surrounding the development parcel within 200 feet. These might include such notes as "adjacent residential homes," "connection to county trail," or "view to historic barn." The size and extent of existing adjacent open space areas should be noted, as well as any further open space connections these spaces may have.
13. Future areawide plans that may affect the physical layout of the site should also be taken into account. These could include, among others, plans for future parks; open space, trail, and bikeway systems; agricultural preservation areas; arterial and other street networks; stormwater management facilities and other utilities; and general land use plans.

Figure 3 is an example of a typical site analysis. This is often accompanied by a written narrative that further explains the existing conditions on the site.

## **STEP TWO: DELINEATION OF PRESERVATION AREAS**

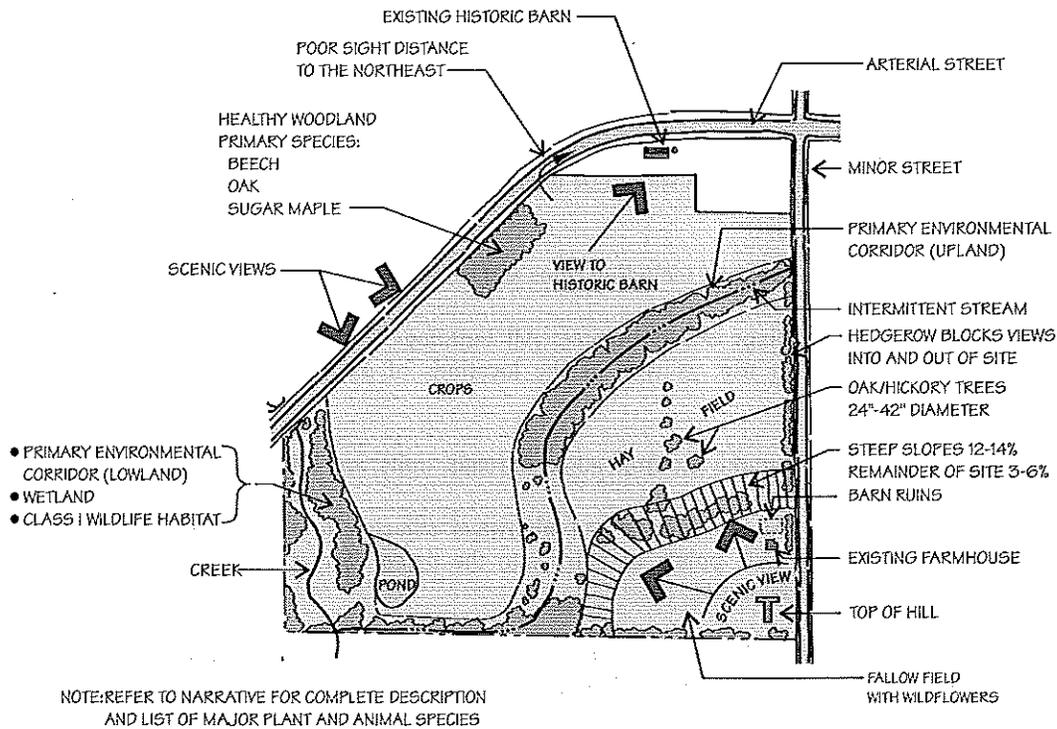
After determining the existing conditions on a site, the next step is to determine which areas should be preserved, as shown in Figure 4. Areas of first and second priority for preservation should be identified.

Areas of first priority will include two types of areas: those protected through State and Federal regulations, such as floodplains, wetlands, and shorelands, and those connecting to larger municipal, county, or regional park and greenway systems, such as primary environmental corridors. The more open space areas are connected, the more valuable they become. The concept of connectedness is very important when trying to preserve meaningful open space. Fragmented open space areas lead to disrupted wildlife migration paths, nonfunctional wildlife corridors,

Figure 3

CONSERVATION SUBDIVISION DESIGN: STEP 1

INVENTORY AND ANALYSIS OF LANDSCAPE CHARACTER



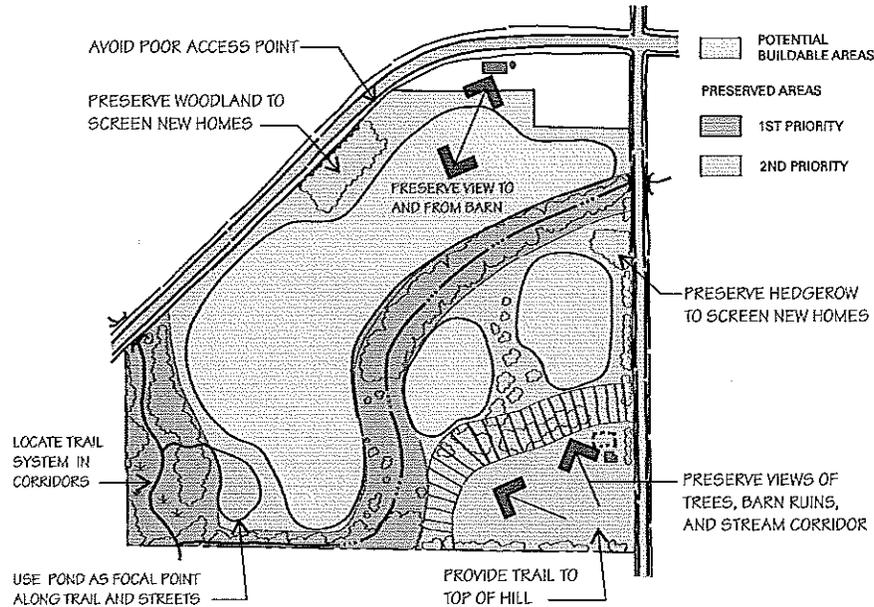
A site analysis for the purpose of conservation subdivision design would supplement and precede the engineering information normally required for a conventional subdivision. When the approval process moves to the preliminary plat stage, the conservation subdivision layout would then be adjusted to accommodate engineering considerations.

Source: SEWRPC.

inefficient farming operations, and piecemeal trail systems. Areas of disconnected open space preserved on a variety of development parcels, while valuable to some degree, cannot have the same impact on preservation of landscape character as continuous open space does. When areas of open space in conservation subdivision developments on adjacent parcels abut each other, the impact on landscape character is greater than if they are separated by visible development.

The goal of connectedness in open space should always be kept in mind, not only in terms of the importance of connecting onsite open space with offsite open space, but also in terms of connecting all onsite open space as much as possible. While the opportunity to connect areas of onsite open space with adjacent offsite areas is not always available, areas of open space within the site can and should be connected. In this way, it may even be

Figure 4  
CONSERVATION SUBDIVISION DESIGN: STEP 2  
PRESERVED AREAS PLAN



Areas of first and second priority for preservation should be identified and preservation areas should be connected.

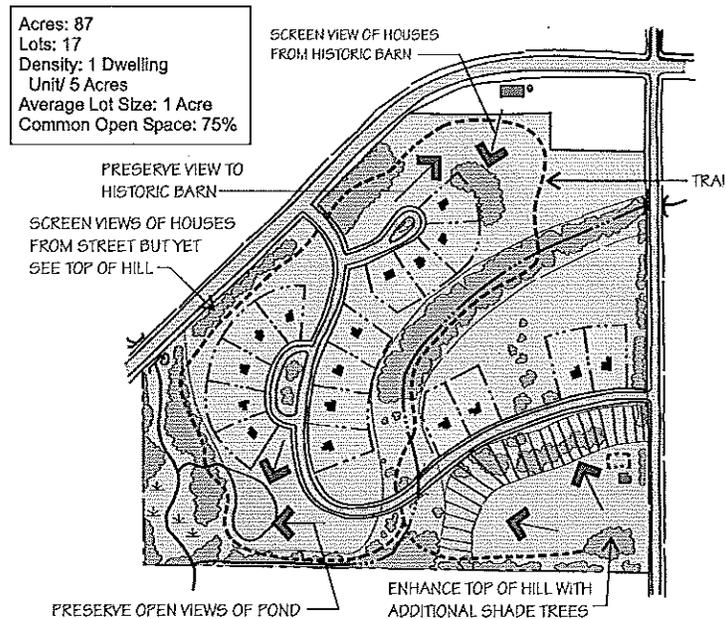
Source: SEWRPC.

possible to restore key gaps between presettlement vegetation relicts, which were separated by agricultural operations. Zoning ordinance regulations should require that acceptable open space parcels be of a specified minimum size and that areas of open space be connected as much as is practicable.

After designating first priority areas for preservation, regulated environmentally constrained areas and areas that provide connections to offsite open space, areas of second priority are added. These would include other developable areas with natural features that have been identified as contributing to the particular rural landscape character of the site, as seen from adjacent roads and other public ways, as well as from within the site. Some judgments may have to be made at this stage as to the desirability of preserving certain areas of marginal value. For example, a hedgerow with weak-wooded or diseased trees may not be desirable for preservation, while retaining open areas to eventually be landscaped to screen new homes is desirable.

Not all the open space will be environmentally constrained land, nor should it be. On parcels that have a great deal of environmentally constrained land, not all of it may be accepted as meeting the open space requirement of the zoning ordinance. In part, this is because development may be precluded anyway, such as in floodways; and, in part, the fact that such open space may not be considered publicly usable, such as with certain wetlands. On parcels with few constraints, much of the open space will be in well-drained upland areas that would be

**Figure 5**  
**CONSERVATION SUBDIVISION DESIGN: STEP 3**  
**STREET AND LOT LAYOUT**



After areas for preservation are identified, specific locations for building lots and streets are determined.

Source: SEWRPC.

considered buildable. Decisions would have to be made as to which portions of these areas should be used for lots and which should be saved for open space. These decisions should be based on the overriding objective of preserving rural landscape character.

In the process of determining the preservation areas, the areas available for buildings, streets and lots are, by default, also identified. These are the "left over" areas. This process is the opposite of that often used in the design of a conventional subdivision, where the leftover areas are the areas considered unsuitable for building. Often the areas with the most attractive natural amenities in a conventional subdivision are set aside first to be included in a few prime lots that can be sold at a premium price. By contrast, all of the lots within a conservation subdivision may become more valuable, leveraged upward by the presence of open space amenities.

### **STEP THREE: CONCEPTUAL DELINEATION OF STREET AND LOT LAYOUT (SKETCH PLAN)**

When preservation areas are set aside, their outlines give shape to the building areas. On many development parcels, the areas available for building will be larger than the area needed to accommodate the permitted number of lots. Thus, the third step in the conservation subdivision design process is to determine more specifically the preferred locations of building lots and how best to provide access to them with streets (see Figure 5).

The street and lot layout at this stage in the design process is conceptual only. Because of the large variety of street layouts that are possible through the flexibility permitted by conservation subdivision regulations, agreement on the general acceptability of a plan should be reached before the plan is more precisely detailed. While general municipal engineering principles should be followed, no detailed site engineering is done at this stage, although all zoning and subdivision regulations should be met consulted to determine achievability of the proposed development concepts. It is beneficial for both the developer and the municipality to reach a consensus on a conceptual sketch plan before the developer incurs the costs of preliminary engineering. During review of the sketch plan, design changes can be made at little cost to the developer, lesser review time to the municipality, and with frustrations minimized. Thus, before the preparation of a preliminary plat is initiated, both the developer and the municipality should have agreed upon a conceptual layout.

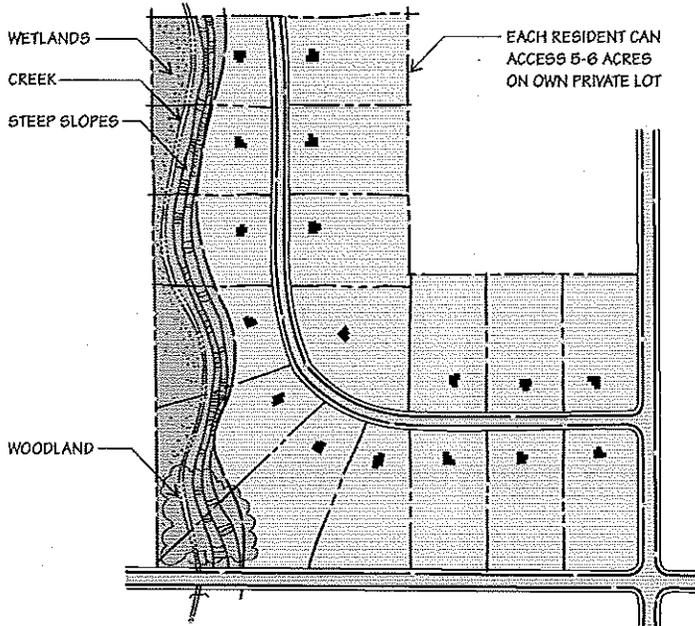
The result of this process will be that streets and houses blend into the landscape in a natural way that protects the character of the site as seen within the site and from adjacent streets. This is again the opposite of houses being forced onto the landscape in a form determined by rigid lot sizes and the configuration of parcel boundaries, as is often the case in conventional subdivision design and development.

### **EXAMPLES OF CONSERVATION SUBDIVISION DESIGNS**

Hypothetical examples of conservation subdivision designs, contrasted with conventional designs for the same site, are presented in Figures 6, 7, and 8. Additional examples of conservation subdivision designs, along with means for implementing the conservation subdivision design concept, are presented in SEWRPC Planning Guide No. 7, *Rural Cluster Development*, December 1996.

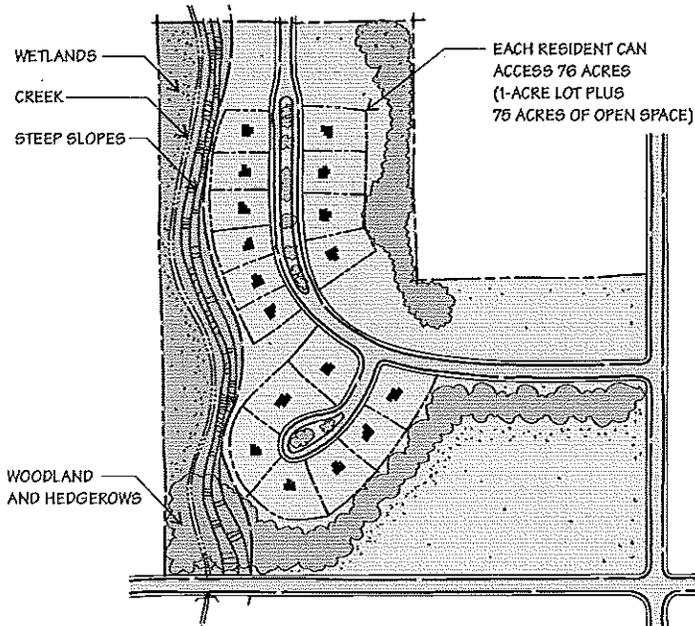
Figure 6

CONVENTIONAL SUBDIVISION DESIGN



Acres: 104  
Lots: 17  
Density: 1 Dwelling Unit / 6 Acres  
Average Lot Size: 5 Acres  
Common Open Space: 0%

CONSERVATION SUBDIVISION DESIGN

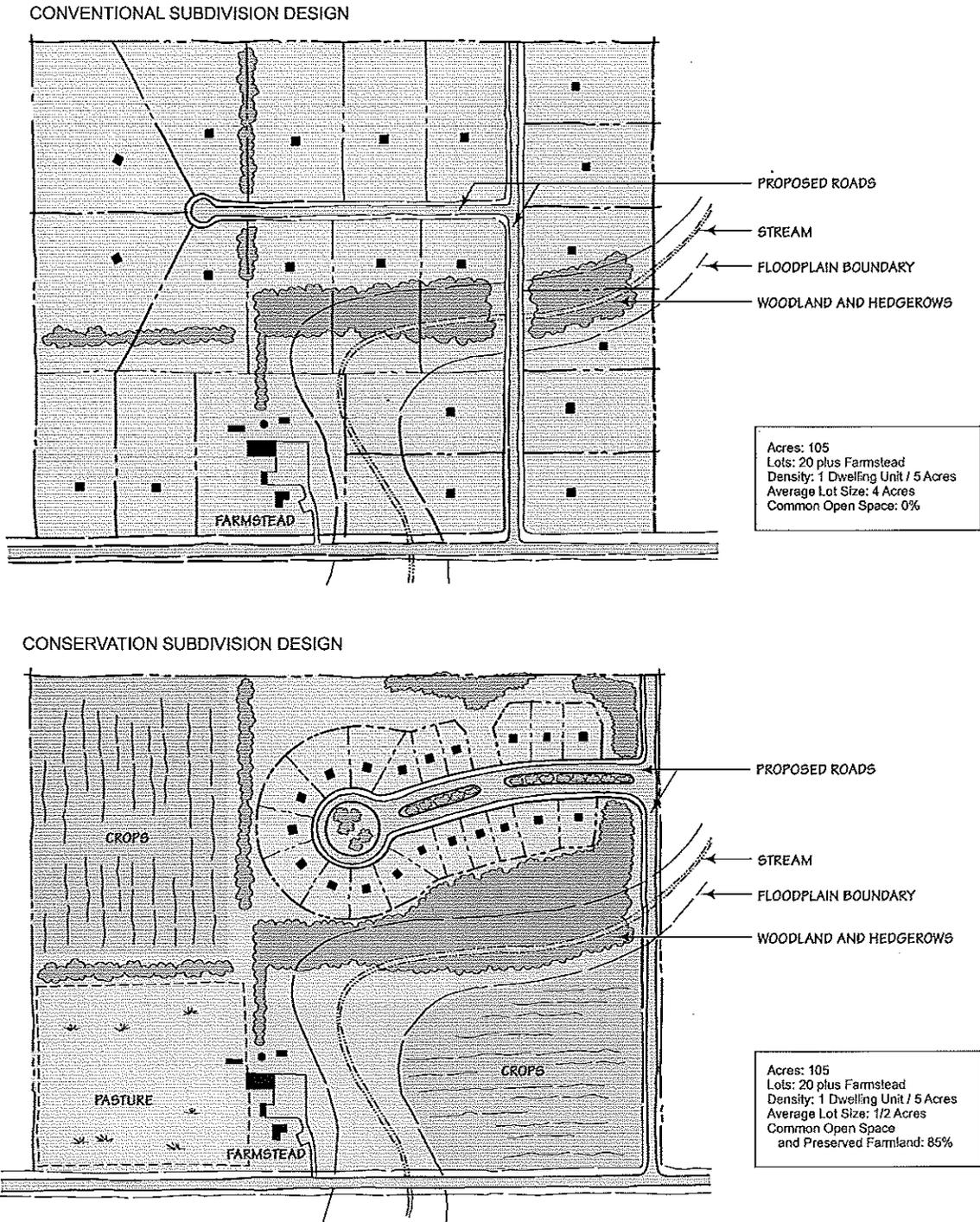


Acres: 104  
Lots: 17  
Density: 1 Dwelling Unit / 6 Acres  
Average Lot Size: 1 Acre  
Common Open Space: 75%

Through a reduction in lot size, open space can be created without losing density.

Source: SEWRPC.

Figure 7

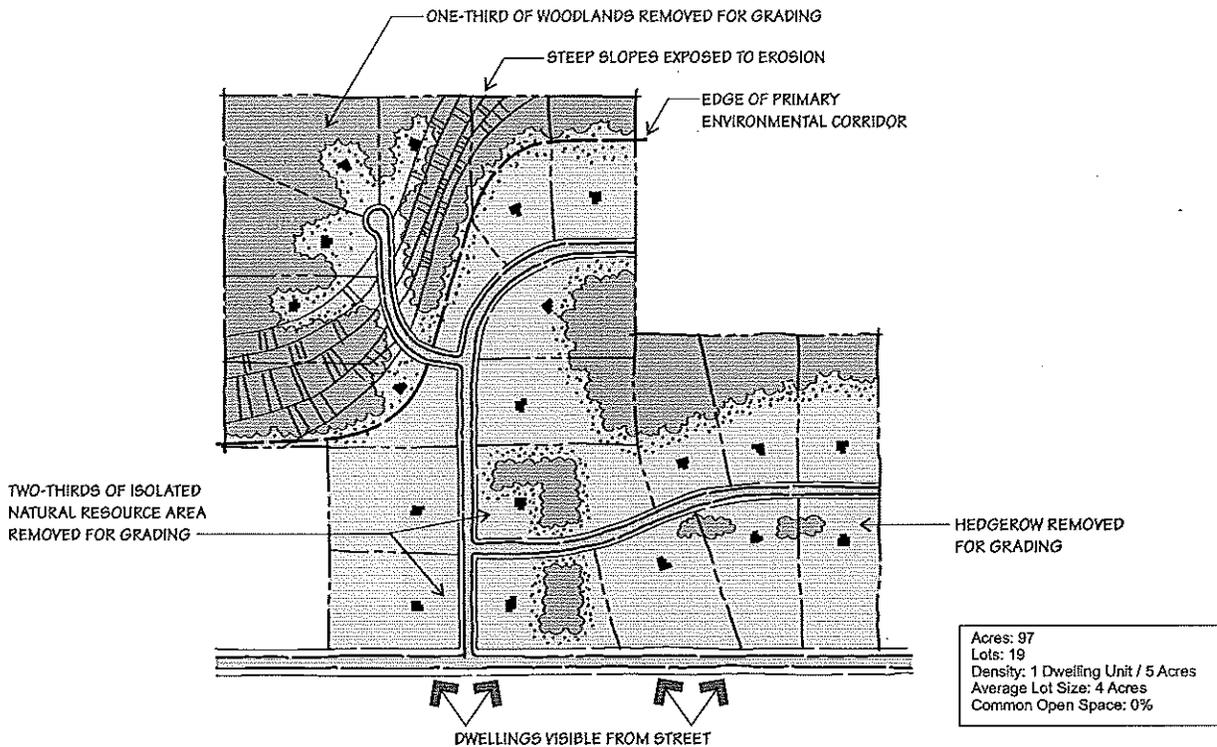


Conservation subdivision development can help preserve farming activities.

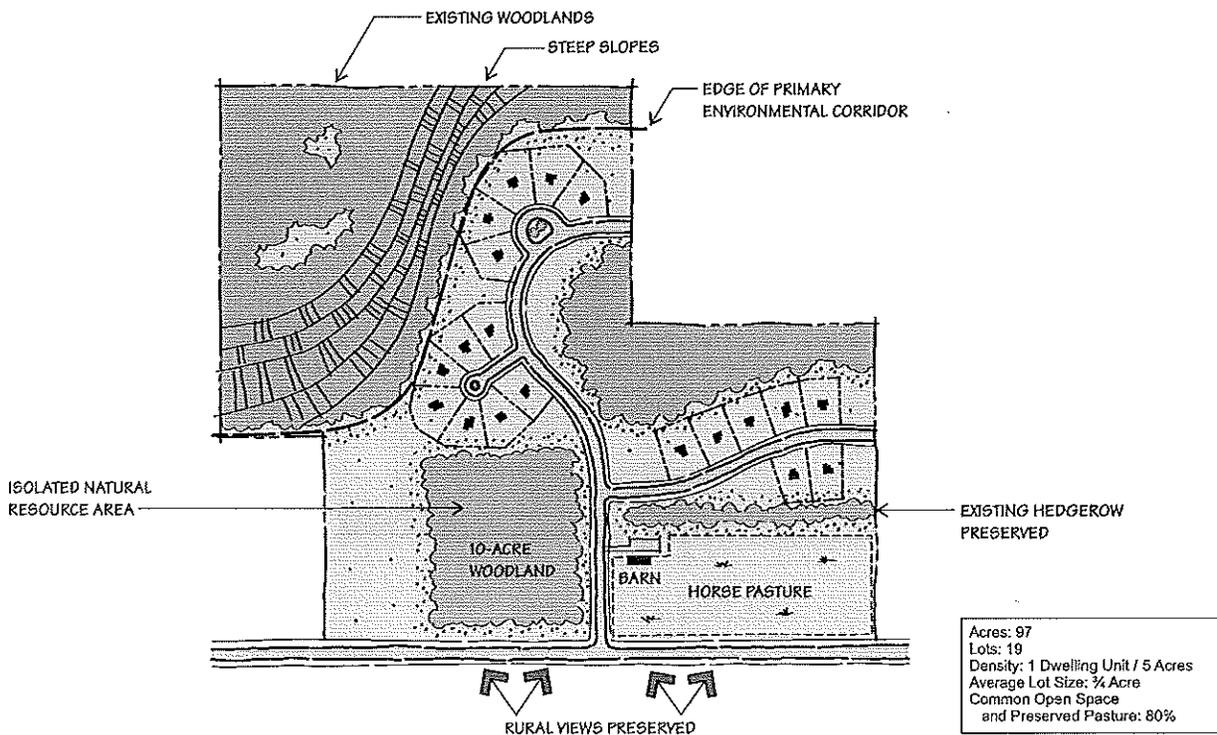
Source: SEWRPC.

-10-  
Figure 8

CONVENTIONAL SUBDIVISION DESIGN



CONSERVATION SUBDIVISION DESIGN



Conservation subdivisions can preserve environmental features and views.

Source: SEWRPC.

## PLANNING GUIDE ON RURAL CLUSTER DEVELOPMENT PUBLISHED

The Commission has published a report which presents the concept of rural cluster development and illustrates how the concept may be applied as a planning and zoning technique within the Southeastern Wisconsin Region. SEWRPC Planning Guide No. 7, entitled Rural Cluster Development Guide, December 1996, is intended for use by anyone interested in learning more about the cluster development concept and how it may be implemented by local communities.

Planning guides are one of the eight basic types of reports published by the Regional Planning Commission and are intended to promote good public planning and sound community development within the Region. The guides set forth the principles underlying good planning practice and provide model ordinances and forms to assist local governments in planning efforts. From 1963 through 1969, the Commission published six such local planning guides; an updated version of one of these guides, the Official Mapping Guide, was published in June 1996. In addition to official mapping, these guides dealt with land subdivision control, zoning, the organization of planning agencies, floodland and shoreland development, and the use of soil survey data in planning. The guides, and particularly the model ordinances, have served the Region well for over 30 years. Many cities, villages, towns, and counties in the Region have used the model zoning and model subdivision control ordinances as a basis for their own ordinances.

The Rural Cluster Development Guide presents an overview of the cluster development concept as applied to rural areas, describes how comprehensive planning goals for open space preservation may be achieved through the use of cluster development, guides the reader through the design process, explains how clustering may be implemented in local zoning and subdivision control ordinances, and describes the various options for the management of the open space created by cluster development. Appendices include a model zoning ordinance and model subdivision control provisions for rural cluster development.

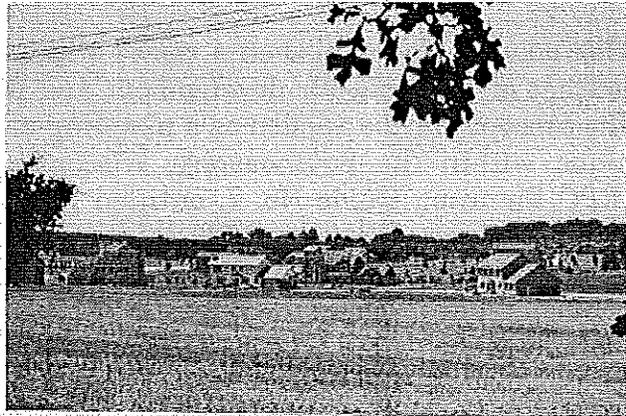
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## PLANNING GUIDE ON RURAL CLUSTER DEVELOPMENT—continued

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While the concept of cluster development has been applied to urban development within the Region for many years, its applicability to rural areas has generated renewed interest within the Region. This is a result of the increasing concern of residents and local officials over the loss of open space and the rural character of the landscape in their communities. There is a growing dissatisfaction with conventional, large-lot development patterns that simply do not conserve landscape character and, in fact, during the normal course of development, usually serve to destroy the significant features that frame it: woodlands, wetlands, hedgerows, cropland, pastures, prairies, scenic views, and wildlife habitat. Conventional rural residential development is, in part, the result of the provisions in local zoning ordinances that require an even distribution of lots across a development parcel, regardless of its natural features (see Figure 1).



Houses on conventional three-to-five-acre lots convert rural open space to suburbia.

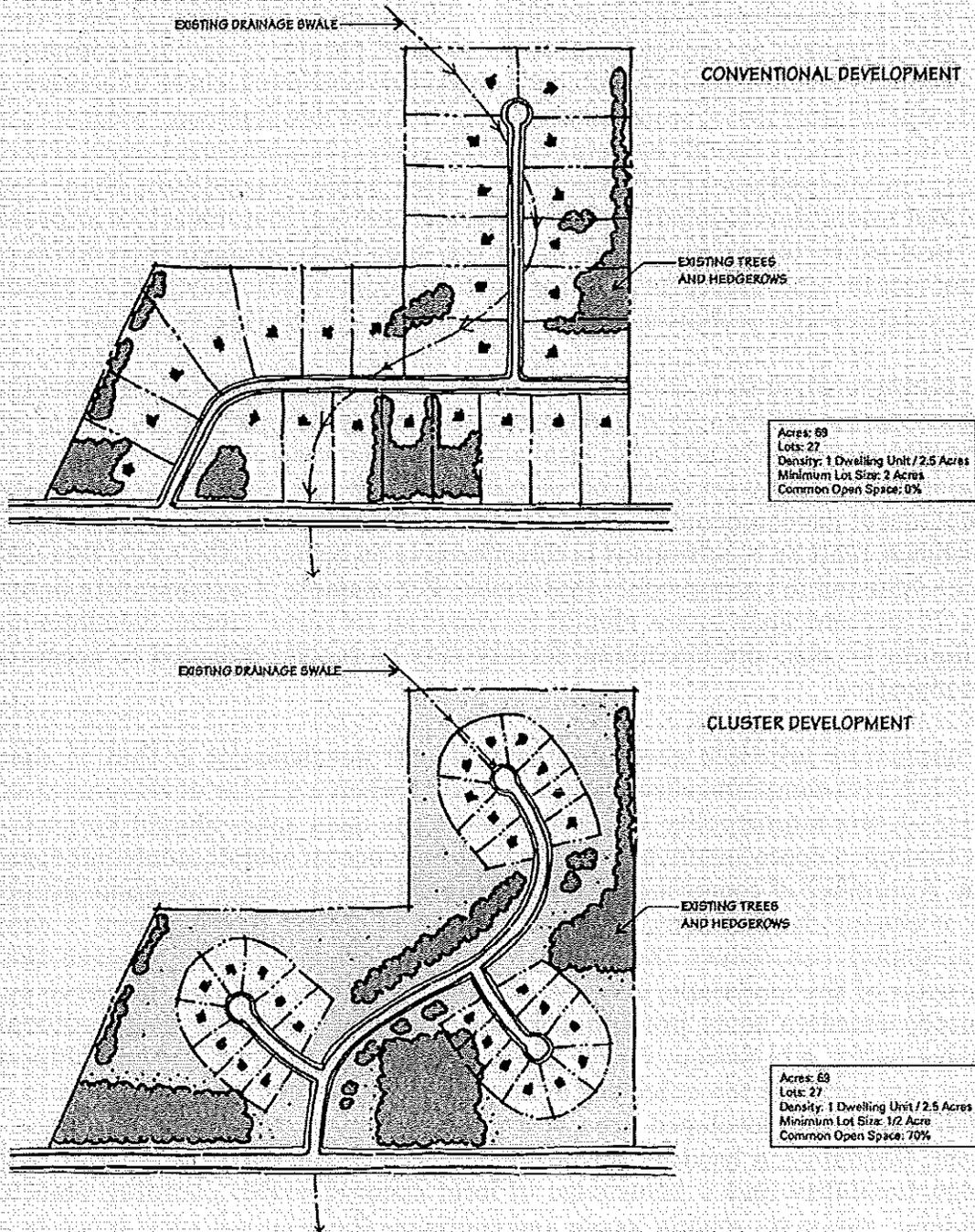
Source: SEWRPC.

In spite of attendant adverse environmental impacts, diseconomies, and inefficiencies, the demand for housing in rural areas will not soon diminish. The quandary for local officials is how to continue to meet this demand and still conserve the rural landscape character of their communities and avoid the creation of costly environmental and developmental problems. Clustering is a useful technique for accomplishing this objective. Very simply, clustering involves the grouping of dwellings on a portion of a development tract, preserving the remainder of the parcel in open space. Cluster development is a type of growth management tool that does not artificially control the rate, timing, amount, or location of development within the municipality overall or regionwide. It simply manages the residential development that would occur through the operation of normal market forces by controlling how much land the dwellings and lots occupy within the boundaries of individual development tracts, and where the dwelling-occupied areas should be sited in relation to the preserved open space.

Cluster development has potential benefits for all parties involved, including the landowner, the developer, existing and future residents of the community, and the municipality. Landowners, such as farmers planning for retirement, benefit because the development potential of the land is preserved, land values are not reduced, and

Figure 1

### COMPARISON OF CONVENTIONAL RURAL RESIDENTIAL DEVELOPMENT AND CLUSTER DEVELOPMENT



Conventional development forces an even distribution of lots across a development parcel, regardless of its natural features. Cluster development, however, can preserve and enhance natural features.

Source: SEWRPC.

## PLANNING GUIDE ON RURAL CLUSTER DEVELOPMENT—continued

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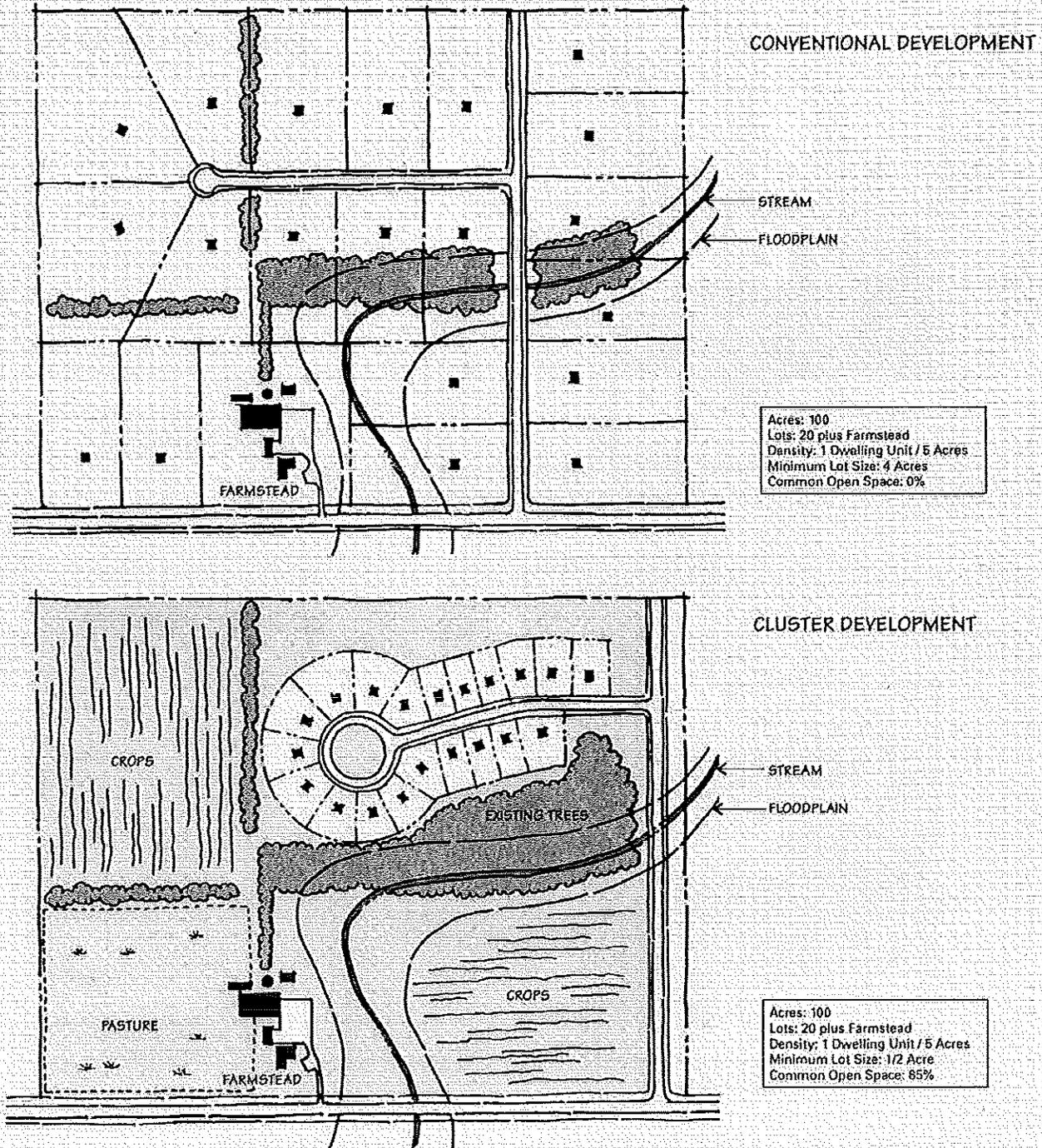
profits from a future sale of land are not diminished. Developers benefit because they may be able to market a more desirable product while still building at least the same number of houses as conventional zoning would permit. Existing residents of the municipality benefit by being able to enjoy the continued rural character of the landscape as they drive, walk, or bicycle by the new development. Future residents of the development benefit by being able to live next to permanent open space. And, finally, municipalities benefit because, at less public expenditure than would be required under development with conventional zoning, their objective of preserving the rural character and quality of life of the community through open space preservation can be met. The costs of infrastructure maintenance may also be reduced for municipalities due to shortened street and utility lengths (see Figure 2).

The zoning ordinance is the primary means of implementing cluster development. Cluster zoning ordinances may be written in many different ways. There is great flexibility available in adapting local zoning ordinances and maps to permit cluster development. In any set of cluster regulations, however, three basic elements must be balanced: development density, lot size, and the amount of required open space. Whichever limit or requirement is considered to be primary, the other two elements can be adjusted to accommodate that choice. For example, if a community determines that 75 percent open space should be required in rural cluster development, the minimum lot size and maximum density may be readily adjusted to accommodate that objective.

An important principle governing good cluster development is that it should be preceded with comprehensive planning, so that when a cluster development is being designed, the municipality will know where the open space should be located and how that open space should be configured to enhance an overall municipal open space plan. A number of comprehensive planning objectives can be attained through the use of cluster development. Through the use of cluster development, a county or municipality can reduce the visual impacts of urban sprawl, preserve the rural character of the landscape, preserve significant natural features, preserve environmentally sensitive lands, preserve permanent open space, preserve agricultural land, achieve better site design, create an opportunity for nonpublic ownership of open space, and increase the efficiency of infrastructure development. Because in cluster development the developed area of a parcel occupies only a portion of the entire parcel, flexibility in locating the developed area on the parcel is created. With site design flexibility and a knowledge of local comprehensive planning objectives, a developer can more readily locate and configure the required open space to accommodate the above objectives. Whether the community favors woodland protection, preservation of farmland, or the protection of views from local roads, the ability to shift development out of areas to be preserved is the greatest advantage offered by cluster development (see Figure 3).

Figure 2

**COMPARISON OF CONVENTIONAL RURAL DEVELOPMENT AND CLUSTER DEVELOPMENT WITH REGARD TO PRESERVING FARMING ACTIVITIES AND RURAL CHARACTER**

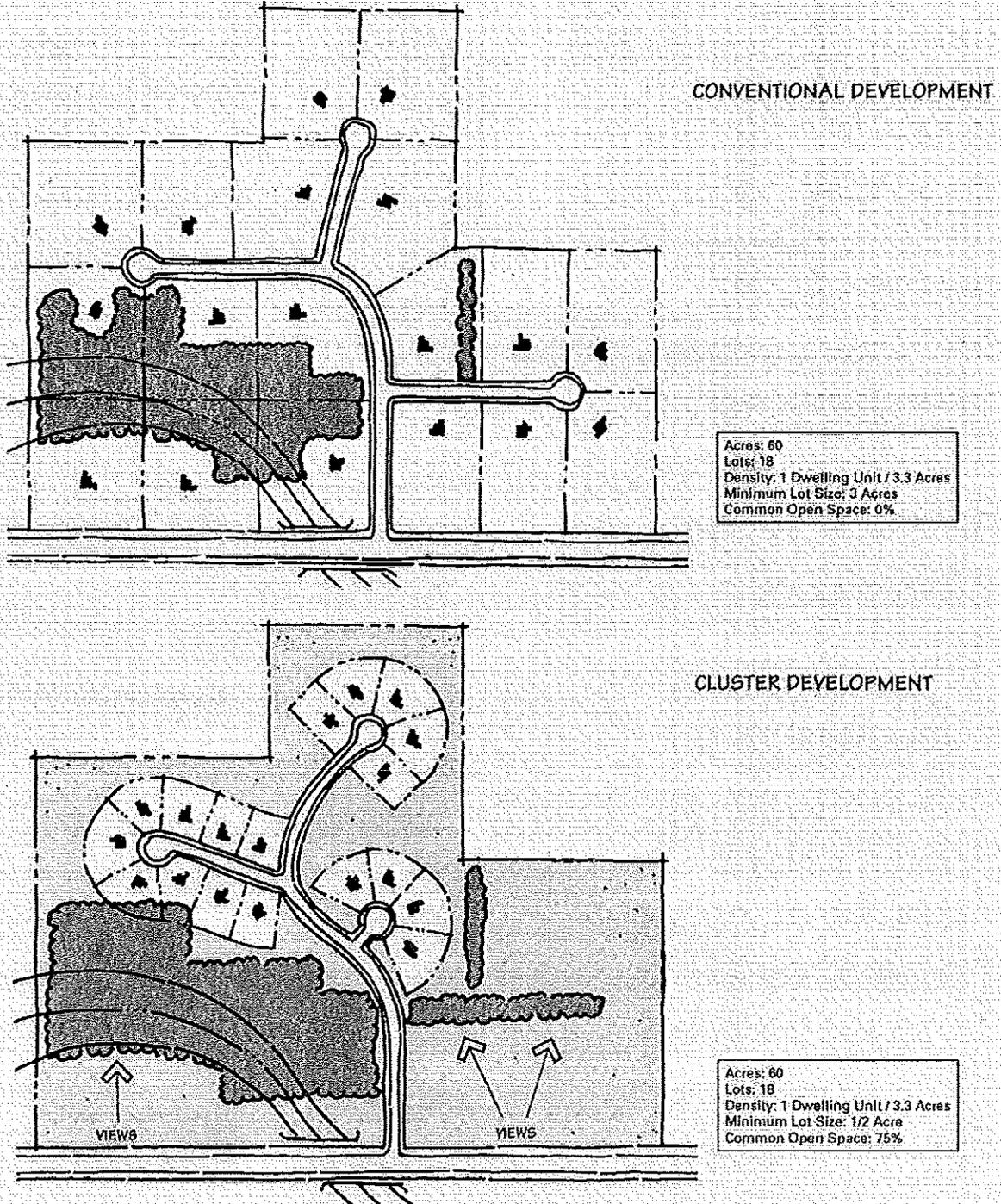


Clustering can help preserve farming activities and rural character.

Source: SEWRPC.

Figure 3

ADVANTAGE OF DESIGN FLEXIBILITY IN CLUSTER DEVELOPMENT



Because of design flexibility, dwellings can be located to preserve rural views.

Source: SEWRPC.

## PLANNING GUIDE ON RURAL CLUSTER DEVELOPMENT—continued

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Another principle of good cluster development is that the cluster design should follow good design guidelines. The single most important such guideline is that the development should be designed around the open space. That is, the areas for open space preservation should be set aside before the streets and lots are laid out. The process for designing a cluster development around the open space should take place in three basic steps: first, identification and analysis of existing conditions; second, delineation of preservation areas; and, third, layout of dwelling locations and the street and lot patterns. In addition to requiring the preservation of open space where such preservation will have the greatest impact, specific design principles should also be followed to ensure good design for both the open space areas and the groups of clustered homes (see Figure 4). The Rural Cluster Development Guide provides 18 general design principles for rural cluster site planning and 19 specific land development principles relating to street patterns, open space development, stormwater management facilities, landscaping, and the preservation of cultural and historical features.

The success of a cluster development depends not only on good physical design and site planning, but also on decisions that are made regarding the ownership and management of the open space to be preserved. The use and management of the open space depends, first, upon who owns the open space land, and, second, upon the policies providing for the stewardship of that land.

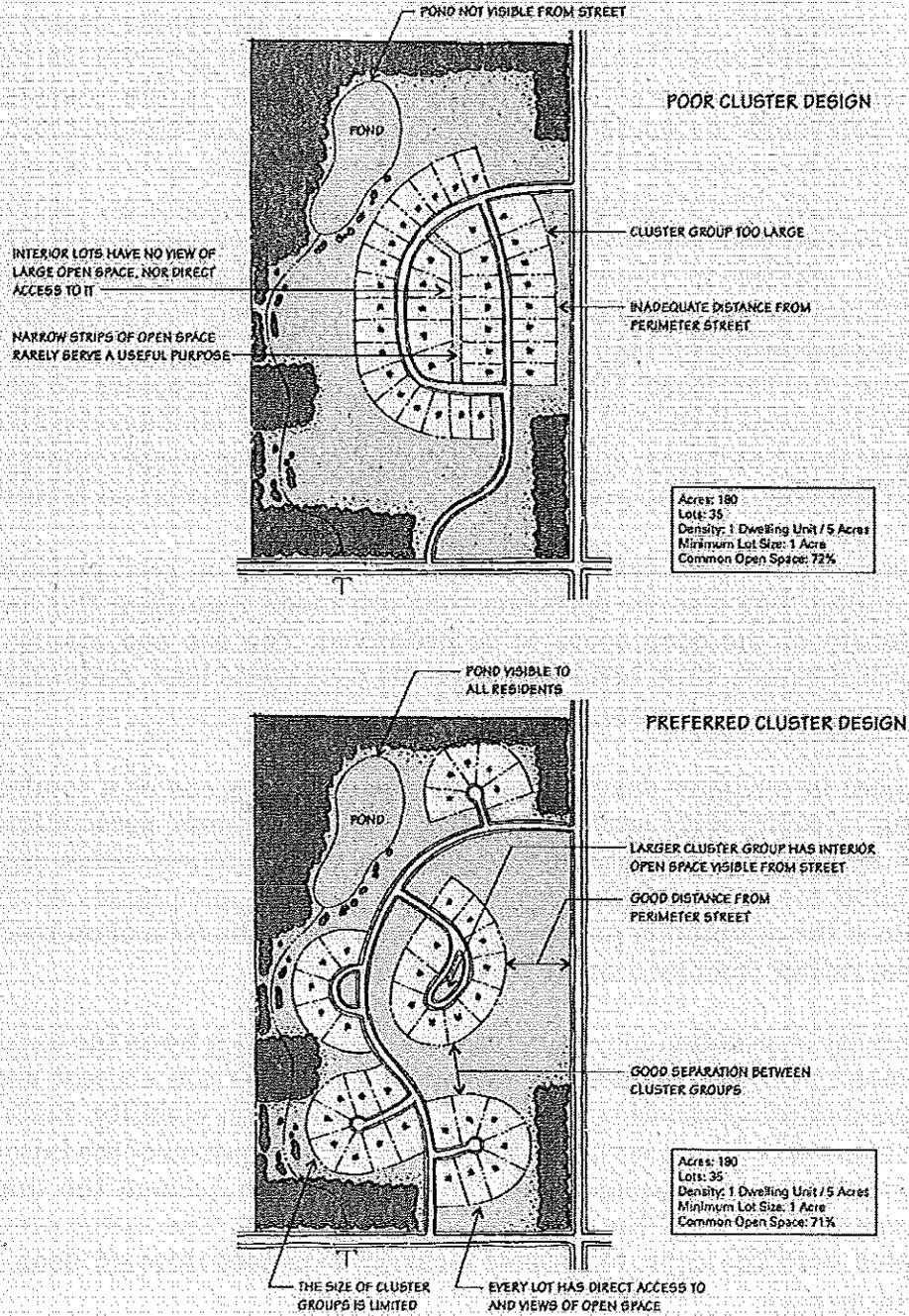
Open space in a cluster development may be owned by one or a combination of the following: a community association (either a homeowners' association or a condominium association), the local municipality, a private conservation organization, or the original landowner. It is recommended that the open space be owned by the residents of the community as "tenants in common" in the form of undivided fractional interests, rather than by a community association.

A community association may be formed whether or not it owns the open space. Local government oversight should be established over certain critical aspects of proposed community associations to ensure their long-term viability. Such aspects may include approval of the association legal documents, approval of the initial community association financial arrangements, and the right to assume the maintenance of the common facilities if the association fails to do so. The latter provision should be coupled with the right to recover incurred expenses through liens against individual properties.

If some or all of the common open space is to be dedicated to the local unit of government involved, the community association should hold a conservation easement on the land concerned to ensure that it will not be converted to a more intensive use in the future.

Figure 4

IMPORTANCE OF DESIGN GUIDELINES IN CLUSTER DEVELOPMENT



Without design guidelines, cluster developments may look much like condensed, conventional subdivisions. Design guidelines can aid in the good design of cluster groups and the proper distribution of open space.

Source: SEWRPC.

## PLANNING GUIDE ON RURAL CLUSTER DEVELOPMENT—continued

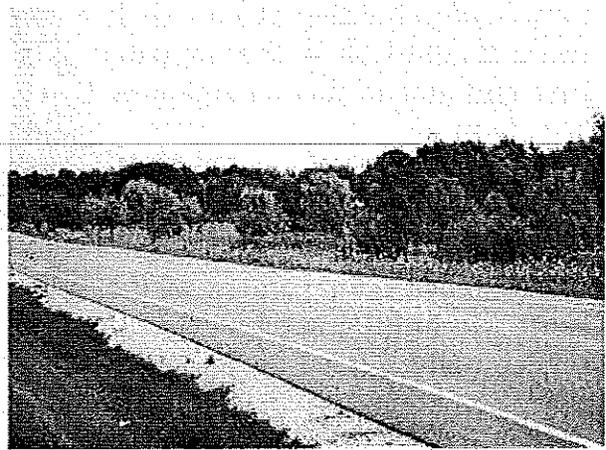
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Private conservation organizations, such as local land trusts, may be interested in taking ownership of common open space in cluster developments if such ownership furthers the environmental causes of the organization. The management plan and rights of use for the open space should be formalized in a recorded agreement between the community association and the conservation organization.

Some or all of the common open space may be retained by the original landowner, who may be a farmer planning to continue farming, or the developer planning to use the open space for a commercial recreation facility, such as a golf course. In any case, it should be clear that all of the development rights on the open space have been used for the cluster development, and no further residential development should be permitted.

As an alternative to ownership, or as an adjunct to it, conservation easements and deed restrictions are useful mechanisms for protecting the common open space from future conversion to other, more intense uses or actual development, if local zoning regulations are changed. Conservation easements on open space may be held by any outside interested party. The more entities that hold an interest in the open space, the more difficult it becomes to reach a consensus to develop the open space. It is recommended that conservation easements be routinely used for open space protection, whether held by the municipality, the homeowners, or a conservation organization.

Areas of common open space consist of landscape elements that may be managed in variety of ways. Such management should take place with a spirit of "stewardship," or caring for the land. For any landscape element, several land stewardship options may exist. Typical options include: preservation as is (including as a wetland), restoration to a healthy state, conversion to a woodland, or conversion to a meadow. With a land stewardship plan, all the residents of a cluster development should have the



A land stewardship plan with conservation easements would ensure that landscape elements such as the woody meadow on the right side of this road, located in the Lac du Cours development in the City of Mequon, would remain unchanged.

Source: SEWRPC.

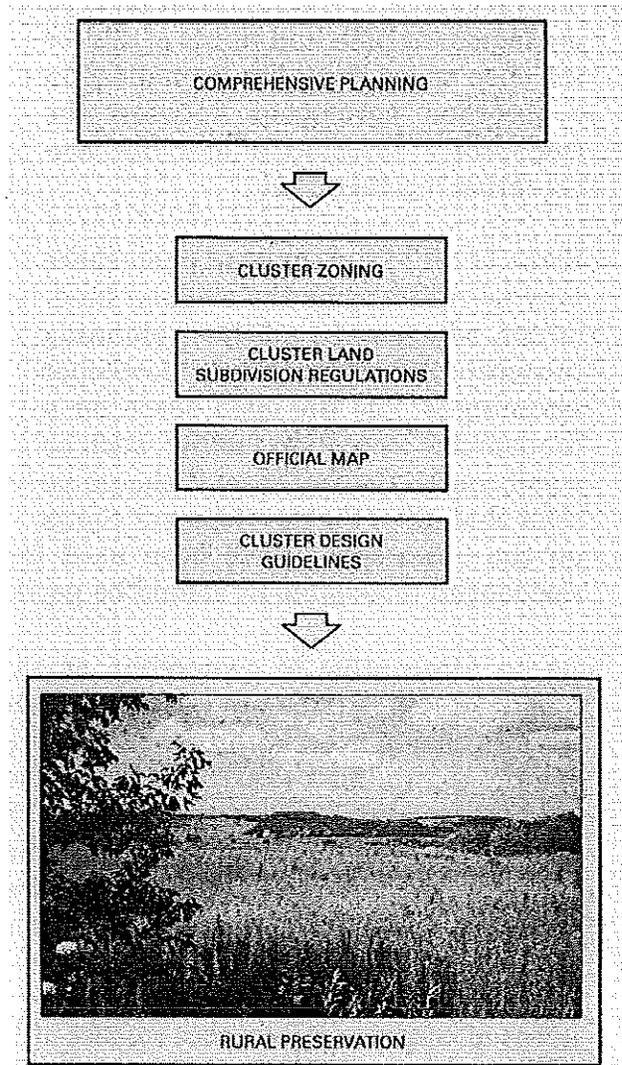
same understanding of how their open space should look in the immediate future and how it may change over time. The local unit of government should require that land stewardship plans be submitted with the final plat for review and approval as a final assurance that the intended management of the open space will fulfill municipal objectives as conceptually agreed to at the preliminary plat stage.

Commission staff members are available to assist counties and local municipalities in applying the concepts set forth in SEWRPC Planning Guide No. 7 and in the adaptation of cluster provisions to local zoning and subdivision control ordinances. It is the hope of the Commission that the Rural Cluster Development Guide will be a helpful and informative aid to all those interested in conserving the rural landscape character of their communities, while still accommodating the demand for rural residential development. Figure 5 graphically summarizes the most important elements in achieving rural preservation through cluster regulations.

Copies of SEWRPC Planning Guide No. 7 may be obtained from the Commission at \$5.00 each inside the Region and \$10.00 each outside the Region.

Figure 5

IMPORTANT ELEMENTS  
IN ACHIEVING RURAL  
PRESERVATION THROUGH  
CLUSTER REGULATIONS



Source: SEWRPC.

## SEWRPC NOTES

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### **ENVIRONMENTALLY SENSITIVE LANDS PRESERVATION PLAN COMPLETED FOR TOWN OF NORWAY SANITARY DISTRICT NO. 1**

A plan to guide the preservation of environmentally sensitive lands within the Town of Norway Sanitary District No. 1 has been completed. The plan was prepared by the Commission at the request of Racine County and the Town of Norway. The planning effort was conducted under the guidance of a Commission Technical Coordinating and Advisory Committee including representatives of the Town of Norway, the Town of Norway Sanitary District No. 1, the Wind Lake Management District, Racine County, the Wisconsin Department of Natural Resources, and the U. S. Army Corps of Engineers, together with concerned citizens. The plan is documented in SEWRPC Community Assistance Planning Report No. 215, An Environmentally Sensitive Lands Preservation Plan for the Town of Norway Sanitary District No. 1, Racine County, Wisconsin, June 1996. Staff work on the plan was undertaken jointly by Racine County, the Wisconsin Department of Natural Resources, and the Commission.

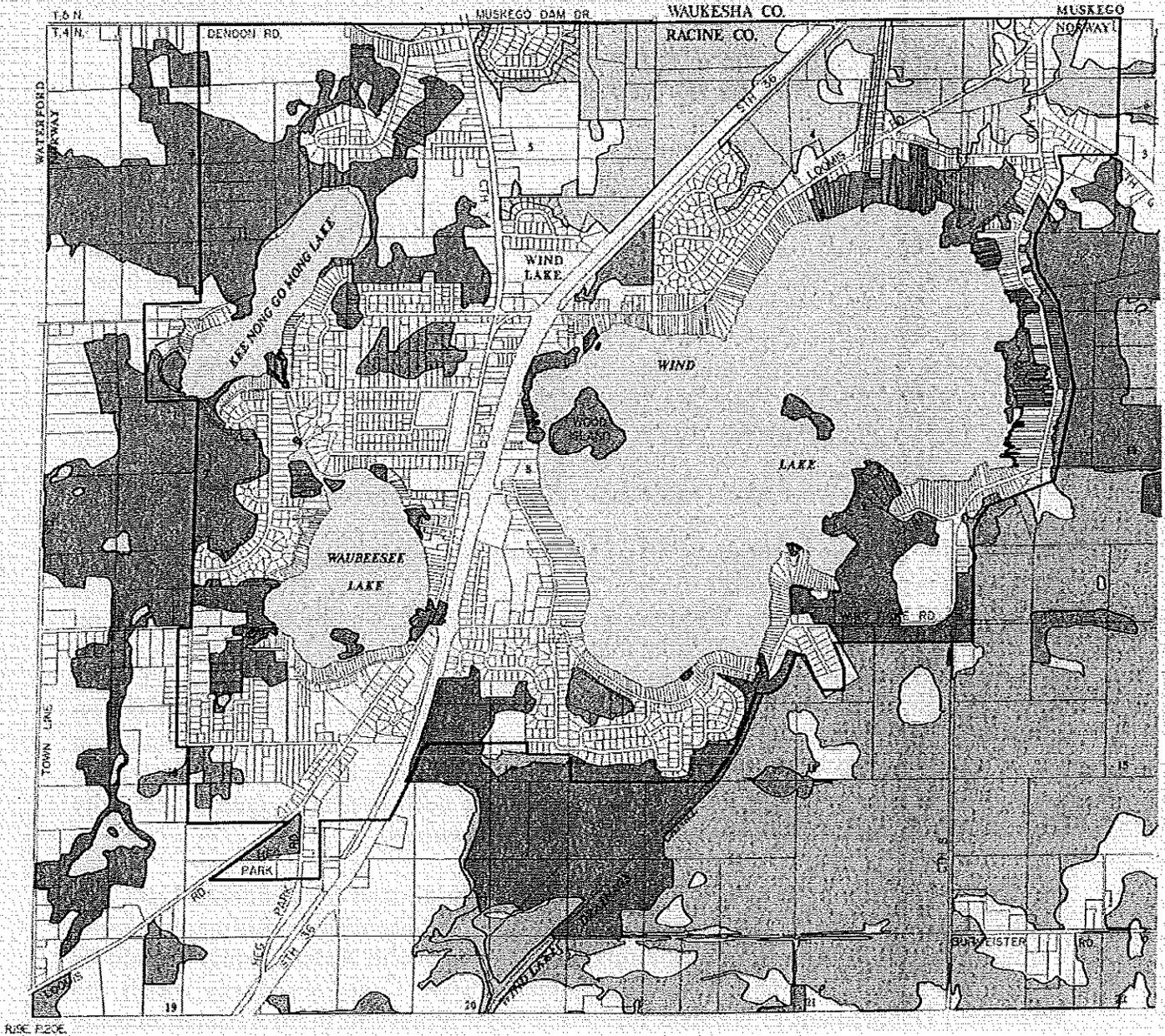
The Town of Norway Sanitary District No. 1 encompasses about 6.6 square miles in the northwestern portion of the Town of Norway, Racine County. The District includes three major lakes—Wind, Waubeesee, and Kee Nong Go Mong Lakes—and an abundance of wetlands, woodlands, and wildlife habitat areas which together form environmental corridors (see Map 1). Some of the wetlands in the District were subdivided for development as homesites many years ago—development which is now effectively prohibited in many cases by State and Federal wetland protection regulations. The planning program was intended to resolve the conflicts which have grown out of this situation, carefully balancing the need to protect environmentally sensitive areas and the rights of private property owners.

The study identified 79 vacant lots which had been platted for residential use and which consist wholly or substantially of wetlands. The potential for filling and development of each of these lots was analyzed in terms of the water quality standards of Chapter NR 103 of the Wisconsin Administrative Code, standards which the Wisconsin Department of Natural Resources must adhere to in all decision making regarding the filling of wetlands. The analysis indicated that 62 of the 79 lots concerned may not be filled and developed under the standards of Chapter NR 103, while 17 of the lots may likely be filled as necessary to accommodate development.

The plan proposes that the 62 lots in the District where development is prohibited under existing State and Federal wetland regulations be permanently preserved in open use through public acquisition (see Map 2). This recommendation was made

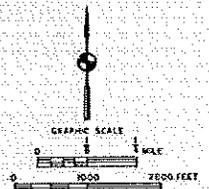
# Map 1

## ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS IN THE TOWN OF NORWAY SANITARY DISTRICT NO. 1 AND ENVIRONS



### LEGEND

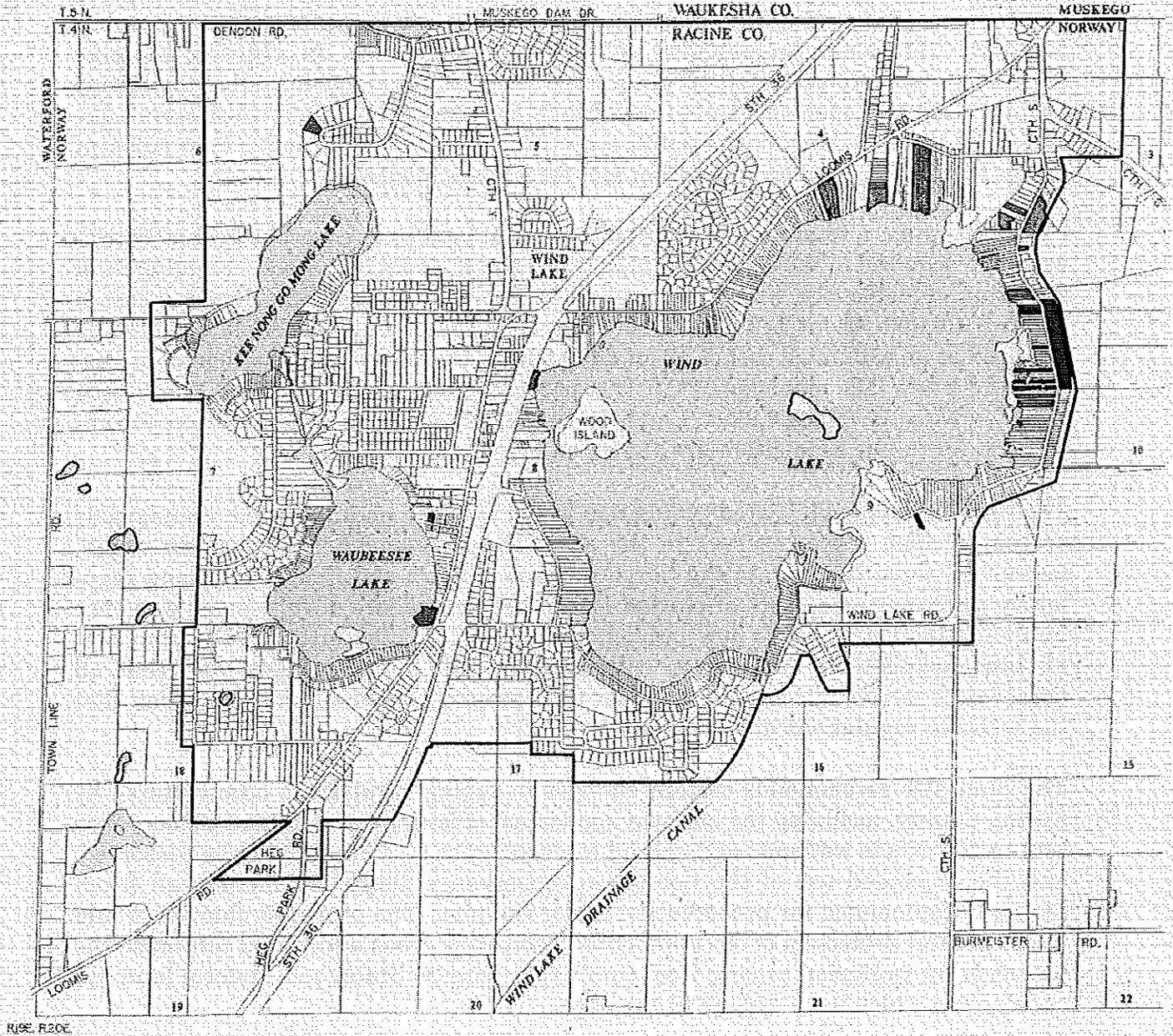
- |   |                                  |   |   |
|---|----------------------------------|---|---|
|  | PRIMARY ENVIRONMENTAL CORRIDOR   |  | FLOODPLAIN AREAS LOCATED OUTSIDE THE TOWN OF NORWAY SANITARY DISTRICT NO. 1 WHICH WOULD BE INCLUDED IN THE ADJACENT ENVIRONMENTAL CORRIDOR SHOULD THE SANITARY DISTRICT BE EXPANDED |
|  | SECONDARY ENVIRONMENTAL CORRIDOR |  | ISOLATED NATURAL RESOURCE AREA  |
|  | SURFACE WATER                    |  | TOWN OF NORWAY SANITARY DISTRICT NO. 1 BOUNDARY   |



Source: SEWRPC.

Map 2

**PROPOSED PUBLIC ACQUISITION OF UNBUILDABLE LOTS  
IN THE TOWN OF NORWAY SANITARY DISTRICT NO. 1**



**LEGEND**

-  UNBUILDABLE LOT RECOMMENDED TO BE ACQUIRED BY RACINE COUNTY
-  UNBUILDABLE LOT RECOMMENDED TO BE ACQUIRED BY THE WIND LAKE MANAGEMENT DISTRICT
-  UNBUILDABLE LOT RECOMMENDED TO BE ACQUIRED BY THE PROPOSED WAUBEESEE-KEE NONG GO MONG LAKE MANAGEMENT DISTRICT
-  SURFACE WATER
-  TOWN OF NORWAY SANITARY DISTRICT NO. 1 BOUNDARY

Source: SEWRPC.

## SEWRPC NOTES—continued

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to provide relief to the owners of the 62 lots. The plan also proposes the public acquisition of certain lands which link or buffer the 62 lots. In addition, the plan carries forward recommendations of previous plans for the area—including the Racine County park and open space plan and lake management plans for Waubeesee Lake and Wind Lake—calling for the public acquisition of certain other lands in or adjacent to the District for outdoor recreation and open space purposes.

Under the plan, a total area of about 532 acres of land in or adjacent to the District would be acquired in the public interest. Of this total, about 392 acres, including 34 of the 62 unbuildable lots, would be acquired by Racine County at an estimated cost of about \$550,000. About 140 acres, including 28 of the 62 unbuildable lots, would be acquired at an estimated cost of about \$460,000 by the Wind Lake Management District and a new lake management district proposed to be created to serve Waubeesee and Kee Nong Go Mong Lakes. Lands in the Sanitary District and environs recommended for public acquisition are shown on Map 3.

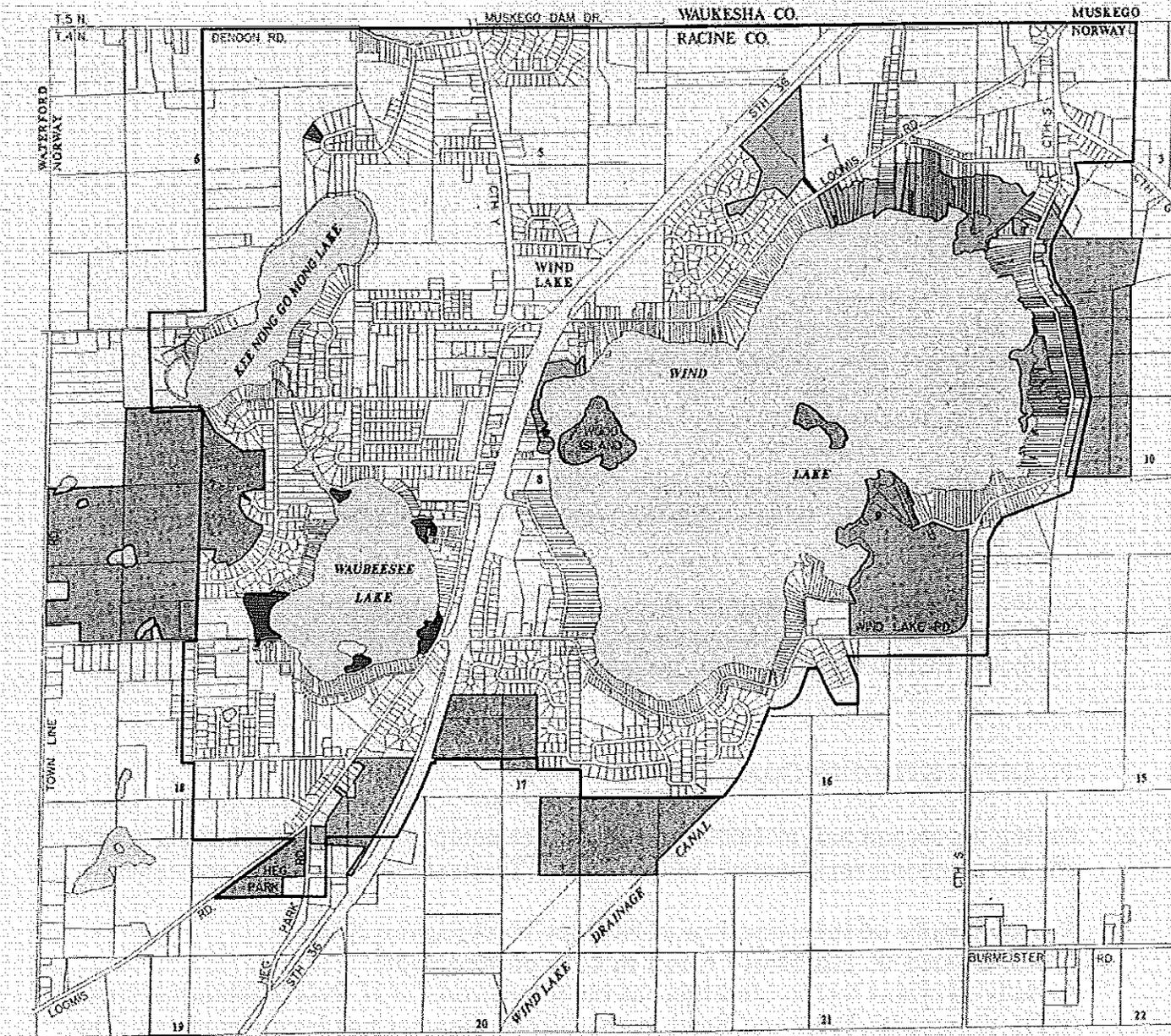
The recommended public land acquisition would result in an integrated, manageable system of open space reserves in the area. The recommended acquisition would, moreover, serve to mitigate the harsh impacts of State and Federal wetland regulatory programs on owners of platted lots in the area where development was once publicly sanctioned, but is now publicly prohibited. It is the intent of the plan that all land acquisitions occur on a willing-seller, willing-buyer basis, and that all landowners receive fair market value for their property based on an assumption that the wetland regulations did not apply.

The plan also recommends certain changes in zoning regulations administered by Racine County, including the uniform application of lowland and upland conservancy zoning districts to wetlands and upland resource areas recommended to be preserved, and the expanded use of the floodplain conservancy district to include all floodplains recommended for preservation under the plan. The proposed changes would afford greater protection of environmentally sensitive areas and would minimize the potential for confusion arising from conflicting County, State, and Federal land use regulations which have existed in the area.

Copies of SEWRPC Community Assistance Planning Report No. 215 may be obtained from the Commission at \$5.00 each inside the Region and \$10.00 each outside the Region.

### Map 3

## PROPOSED PUBLIC LAND OWNERSHIP IN THE TOWN OF NORWAY SANITARY DISTRICT NO. 1 AND ENVIRONS



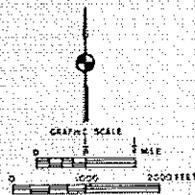
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#### LEGEND

-  EXISTING PUBLIC OWNERSHIP
- PROPOSED PUBLIC OWNERSHIP:**
-  RACINE COUNTY
-  PROPOSED WAUBESAEE-KEE HONG GO MONG LAKE MANAGEMENT DISTRICT

-  WIND LAKE MANAGEMENT DISTRICT
-  SURFACE WATER
-  TOWN OF NORWAY SANITARY DISTRICT NO. 1 BOUNDARY

NOTE: UNBUILDABLE PARCELS WHICH STRADDLE E. WIND LAKE ROAD SHOULD BE ACQUIRED BY RACINE COUNTY AND SUBSEQUENTLY CONVEYED TO THE WIND LAKE MANAGEMENT DISTRICT FOR PERMANENT OWNERSHIP AND MANAGEMENT.



Source: SEWRPC.

## LAKE MANAGEMENT PLANS COMPLETED

The Commission recently completed two lake management plans, one for Little Muskego Lake in Waukesha County and one for Whitewater and Rice Lakes in Walworth County. The first, documented in SEWRPC Community Assistance Planning Report No. 222, A Lake Management Plan for Little Muskego Lake, Waukesha County, Wisconsin, June 1996, was prepared by the Commission in cooperation with the City of Muskego, the Little Muskego Lake Protection and Rehabilitation District, the Little Muskego Lake Association, Inc., the U. S. Geological Survey, and the Wisconsin Department of Natural Resources. The second, documented in SEWRPC Community Assistance Planning Report No. 224, A Lake Management Plan for Whitewater and Rice Lakes, Walworth County, Wisconsin, February 1997, was prepared by the Commission in cooperation with the Whitewater-Rice Lakes Management District, the U. S. Geological Survey, and the Wisconsin Department of Natural Resources. The two plans are intended to serve as guides to the making of development decisions concerning the use and management of the Lakes involved. The plans, which have a design year of 2010, have each been transmitted to the respective lake management districts.

Copies of SEWRPC Community Assistance Planning Reports No. 222 and No. 224 may be obtained from the Commission at \$10.00 for each desired individual report inside the Region and \$20.00 for each desired individual report outside the Region.

## TRAFFIC STUDIES COMPLETED

During the second half of 1996, the Commission completed and published six traffic studies involving various parts of the Region. These studies are summarized below.

### **Traffic Study of Intersection of N. Port Washington Road (CTH W) and W. Highland Road in City of Mequon**

A study of recent traffic conditions at the intersection of N. Port Washington Road (CTH W) and W. Highland Road in the City of Mequon has been completed. The study, documented in SEWRPC Memorandum Report No. 113, Traffic Study of the Intersection of N. Port Washington Road (CTH W) and W. Highland Road for the City of Mequon: June 1995, Following Opening of St. Mary's Hospital, City of Mequon, Ozaukee County, Wisconsin, September 1996, was conducted by the Commission at the request of the City. The study concluded that traffic conditions at the intersection following the relocation of St. Mary's Hospital-Ozaukee to a nearby area did not warrant the installation of traffic signals at the intersection. The study

## SEWRPC NOTES—continued

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recommends the retention of the existing stop signs at the intersection, as well as the provision of exclusive left-turn lanes at all four approaches to the intersection in order to eliminate delay for through and right-turning traffic. The study report has been transmitted to the City and to Ozaukee County.

### **Traffic Control Study for Village of Fox Point**

The Commission has completed a study of traffic control measures in the Village of Fox Point. The study, documented in SEWRPC Memorandum Report No. 114, Traffic Control Study for the Village of Fox Point, Village of Fox Point, Milwaukee County, Wisconsin, August 1996, was conducted at the request of the Village. The study report contains inventories of existing traffic control measures in the Village and of selected physical and operational characteristics of the Village street and highway system, and recommends actions to abate identified deficiencies in traffic control measures and potential deficiencies in intersection corner sight distances. The recommended actions with regard to affected roadway segments involve mainly: 1) the installation of new and the modification of existing signage; and 2) efforts to obtain the voluntary cooperation of owners of abutting properties to remove vegetation in order to improve sight distances. The report has been transmitted to the Village.

### **Traffic Safety Study of CTH BB Segment in Town of Linn, Walworth County**

A traffic safety study of the segment of CTH BB in the Town of Linn, Walworth County, between Brink Road and Hillside Road has been completed. The study, documented in SEWRPC Memorandum Report No. 115, Traffic Safety Study of the Segment of CTH BB between Brink Road and Hillside Road, Town of Linn, Walworth County, Wisconsin, September 1996, was performed by the Commission at the request of the Walworth County Highway Commissioner. The study recommends a series of short-range, low-cost actions to abate traffic problems identified on the segment related to restricted sight distances, substandard driveway spacing, vehicular speeding, and vehicular accidents. The study also recommends the reconstruction of the existing intersection between CTH BB and S. Lake Shore Drive-Willow Road in order to: 1) eliminate the substandard acute angle of the existing intersection; and 2) advance the long-recommended transfers of the segment of Willow Road between CTH BB and STH 120 to the County trunk highway system and of the segment of CTH BB between Willow Road and STH 120 to the local arterial system. The report has been transmitted to the County.

### **Study of Selected Intersections in Village of Hartland**

The Commission has completed a traffic study of six intersections of Capitol Drive with other streets in the Village of Hartland. The study, documented in SEWRPC Memorandum Report No. 117, Traffic Study of Selected Intersections in the Village

## SEWRPC NOTES—continued

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of Hartland, Waukesha County, Wisconsin, November 1996, was prepared at the request of the Village. The study inventoried the physical and operational characteristics of the intersections, and compared the inventory findings to generally accepted traffic engineering and geometric design standards to identify potential traffic problems. The study report sets forth a series of recommendations, including channelization, reconstruction, and relocation for specific intersections, to address the identified problems. Two of the six intersections studied are proposed to be included within a roadway reconstruction project which the Village is planning to undertake during the summer of 1997.

### **Traffic Study of Intersections in Village of Whitefish Bay**

A traffic study of two intersections within the Village of Whitefish Bay has been completed by the Commission. The study is documented in SEWRPC Memorandum Report No. 118, Traffic Study of the Intersections of N. Berkeley Boulevard and E. Silver Spring Drive and N. Diversey Boulevard, N. Consaul Place and E. Silver Spring Drive in the Village of Whitefish Bay, Milwaukee County, Wisconsin, November 1996. The Village requested that the Commission perform the study in response to expressed citizen concerns regarding difficulties experienced by pedestrians in crossing E. Silver Spring Drive. In order to create additional gaps in the E. Silver Spring Drive traffic stream, the study recommends: 1) the prohibition of right turns on red between 6:00 a.m. and 6:00 p.m. from northbound N. Santa Monica Drive at its intersection with E. Silver Spring Drive; 2) the installation of "crosswalk" signs for both intersections studied at their respective crosswalks on E. Silver Spring Drive, facing both eastbound and westbound traffic; and 3) the construction of refuge islands in the center of the roadway on both the eastbound and westbound intersection approaches of the two intersections studied. The study report has been transmitted to the Village.

### **Traffic Engineering Study of N. 68th Street for Village of Brown Deer**

The Commission has completed a traffic engineering study of the segment of N. 68th Street between W. Dean Road and W. Brown Deer Road (STH 100), which segment lies mostly within the Village of Brown Deer. The study, documented in SEWRPC Memorandum Report No. 121, Traffic Engineering Study of N. 68th Street in the Village of Brown Deer, Milwaukee County, Wisconsin, December 1996, was conducted at the request of the Village to address expressed resident concerns regarding through traffic and vehicular speeds on the segment studied. The study recommends two traffic management actions to abate traffic problems identified on the segment: 1) an increase in law enforcement on a random basis to abate the problem of motorists exceeding the speed limit; and 2) the relocation of existing and installation of new "no

## **SEWRPC NOTES—continued**

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through trucks" signage on W. Dean Road and N. 68th Street, respectively. The study report has been transmitted to the Village.

Copies of SEWRPC Memorandum Reports Nos. 113 through 115, 117 and 118, and 121 may be obtained from the Commission at \$5.00 for each desired individual report inside the Region and \$10.00 for each desired individual report outside the Region.

### **MILWAUKEE COUNTY PARATRANSIT SERVICE PLAN UPDATE COMPLETED, ADOPTED**

A report updating the Milwaukee County paratransit service plan adopted by the Commission as an amendment to the regional elderly-handicapped transportation plan has been completed. The January 1997 update is set forth in SEWRPC Memorandum Report No. 119, A Paratransit Service Plan for Disabled Persons: 1997 Update/Milwaukee County Transit System. This update to the County's paratransit service plan, one of a series of five such plans first prepared and adopted in 1992 and amended annually through 1996, was adopted by the Milwaukee County Board of Supervisors on January 23, 1997, and by the Commission as an amendment to the regional plan on January 24, 1997. The other four public entities within the Region which offer fixed-route public transit service had demonstrated during 1996 that they were in full compliance with the Americans with Disabilities Act (ADA) and accompanying Federal regulations regarding paratransit service to persons with disabilities, and were therefore not required to submit a 1997 update.

Milwaukee County's 1997 paratransit service plan update indicates that the County would not be in full compliance with Federal paratransit service requirements by January 1997, the deadline set forth in 1993 for such compliance. Accordingly, the plan update notes the County's effort to obtain a temporary time extension for and waiver of full compliance with applicable Federal paratransit requirements from the U. S. Department of Transportation, Federal Transit Administration (FTA). If the FTA approves the County's request for this extension and waiver, the deadline for full compliance would be delayed to December 31, 1999. The County intends to address this matter early in 1997.

Copies of SEWRPC Memorandum Report No. 119 may be obtained from the Commission at \$2.50 each inside the Region and \$5.00 each outside the Region.

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**SOUTHEASTERN WISCONSIN REGIONAL  
PLANNING COMMISSION**

Old Courthouse  
P. O. Box 1607  
Waukesha, Wisconsin  
53187-1607

**ADDRESS CORRECTION REQUESTED**

Telephone: (414) 547-6721  
Fax: (414) 547-1103

**Philip C. Evenson, AICP**  
Executive Director

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