
5.3.4 RURAL RESIDENTIAL CLUSTER (RRC) DEVELOPMENT DISTRICT

RURAL RESIDENTIAL CLUSTER (RRC) DEVELOPMENT ORDINANCE

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5.3.4 Rural Residential Cluster (RRC) Development District

- a. Intent. The purpose of the Rural Residential Cluster (RRC) 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 provide a large proportion of land area within RRC developments for common use as natural appearing open space with environmental value.
 - (2) To maintain and enhance what remains of the Town's rural and natural 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, habitat, and natural areas by protecting them from removal or adverse impact from development. This includes, but is not limited to, areas contained in primary environmental corridors, as identified by the Sheboygan County Planning and Resources Department, that are of particular significance for conservation.
 - (3) To preserve scenic views and to minimize views of new development from existing streets.
 - (4) To provide for the unified and planned development of clustered, single-family, low density residential uses, incorporating areas of permanently protected common open space.
 - (5) To provide for greater design flexibility in the siting of dwellings and other development features than would be permitted by the application of other subdivision regulations in order to minimize the disturbance of rural landscape elements, scenic quality, and overall aesthetic value of the landscape.
 - (6) 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.
 - (7) To create groups of dwellings with direct visual and physical access to common open space.
 - (8) To permit active and passive recreational use of common open space by residents of a cluster development or by the public.
 - (9) To reduce erosion by retaining or improving existing vegetation.
 - (10) To allow for the continuation of agricultural uses in those areas best suited for such activities by creating protective buffers.
 - (11) To permit various means for owning common open space and for protecting it from development in perpetuity.
 - (12) To support an attitude of stewardship, or caring, for the land within common open space by requiring a land management or stewardship.
 - (13) To implement applicable objectives of the adopted Town Comprehensive Plan, or elements thereof.
- b. Principal Permitted Uses. Permitted uses within the Rural Residential Cluster (RRC) District are as follows:
- (1) Single-family residential uses as follows:
 - (a) Clustered single-family attached or detached dwellings, including condominiums, with at least fifty percent (50%) of the gross acreage in common open space.
 - (b) Single-family farmstead dwellings with or without associated agricultural

structures such as barns, silos, storage sheds, and stables.

- (2) 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.
- (3) Open space uses, primarily passive in nature, including wildlife sanctuaries, forest preserves, nature centers, trails, picnic areas, and similar uses.
- (4) Conservation of natural features in their existing state or restoration to an improved condition.
- (5) Stormwater management facilities for the proposed development, including detention and retention basins.
- (6) Essential services.
- (7) The following uses are permitted in common open space in cluster development:
 - (a) Uses listed above in numbers 3, 4, 5, and 6.
 - (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 street right-of-way land areas shall not count toward the fifty percent (50%) minimum open space requirement.
 - (d) Parking areas where necessary to serve active recreation facilities.

c. Accessory Uses.

- (1) Attached and detached private garages and storage structures, provided that:
 - (a) One detached garage, not exceeding 1,200 square feet, shall be permitted.
 - (b) One detached storage structure, not exceeding 200 square feet, shall be permitted per single family residence, 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 2.65 of the Zoning Code are met.

d. Conditional Uses. The following conditional uses may be permitted by the Plan Commission and Town Board pursuant to the procedure set forth in Section 6 of this Zoning Code, provided the proposed use shall not adversely impact the rural character of the district and shall be consistent with the overall intent and objectives of the district as listed in Subsection a. above.

- (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 twenty (20) years prior to the effective date of this Ordinance.
- (3) Recreational uses such as tennis courts, putting greens, children's play area, or recreational 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.
- (4) 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.

e. Prohibited Uses.

- (1) The use of 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 landscape plan and master side grading plan approved for any subdivision or condominium plat, as described in Subsection K.
- (3) Animal husbandry operations, except as permitted or conditional uses in Rural Estate Developments.

f. Inventory and Site Analysis. To aid the Town in determining if a proposed development plan meets 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 described herein or as required by the Plan Commission or Town Board.

g. Density and Dimensional Standards.

- (1) The following density and dimensional standards shall apply to residential cluster development:

Factors	Single Family Residences on Lots or Parcels Served by Private Onsite Waste Treatment Systems	Single Family Residences Lots or Parcels Served by Common or Municipal Sanitary Sewer Systems
Minimum Gross acres per dwelling ^a	5	1.5
Minimum Common Open Space (% of Gross Acres)	60	50
Minimum Lot Area ^b	20,000 sq. feet	10,000 sq. feet
Minimum Lot Width: Measured at Building Setback Line	100 feet	80 feet
Measured at Front Lot Line	50 feet	50 feet
Minimum Front Yard Depth	30 feet	30 feet
Minimum Rear Yard Depth	50 feet	25 feet
Minimum Side Yard	10 feet	10 feet

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Accessory Building Minimum Setback ^c From Side Lot Lines From Rear Lot Line	5 feet 5 feet	5 feet 5 feet
Maximum Height Principal Structure Non-agricultural Accessory Structures Agricultural Accessory Structures	35 feet 20 feet 2 times the distance from the nearest lot line with a maximum set back of 60'.	35 feet 20 feet 2 times the distance from the nearest lot line with a maximum setback of 60'.
Maximum Building Coverage Per Lot	30 percent	30 percent

- a. Existing dwellings that will remain on the site shall be included in the calculation of maximum density.
- b. For an existing farm steed 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.
- c. 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:
 - (i) From existing or proposed arterial street rights-of-way as defined in the Town Comprehensive Plan or the Regional Transportation System Plan: 100 feet.
 - (ii) From existing scenic highways or rustic roads: Seventy-five (75') feet.
 - (iii) From all perimeter subdivision boundaries: Seventy-five (75') feet.
 - (iv) From crop land or pasture land: 100 feet.
 - (v) From buildings or barnyards housing livestock: 100 feet.
 - (vi) From other cluster groups: 100 feet.
 - (vii) From wetlands, floodplains, or water courses: Twenty-five feet (25'). Refer also to state and county set backs, protective areas and other requirements.
 - (viii) 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.(2) may be reduced under the following circumstances:
 - (i) The separation distances from existing arterial streets and the perimeter of the subdivision may be reduced to no less than fifty feet (50') if the applicant can demonstrate that existing vegetation or topography or a combination of these form an effective visual screen.
 All other separation distances may be reduced by fifty percent (50%) 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 in a development, shall be based on the gross parcel acreage. The applicant shall determine the gross parcel acreage using public records and/or maps, or at the option of the Town, actual surveyed acreage as provided by a licensed Wisconsin land surveyor.

(2) To determine the number of units permitted on a given site, the gross parcel acreage shall be divided by the acres per lot factor set forth in section g. immediately above and rounded to the nearest whole number.

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) No cluster group shall contain more than fifteen (15) dwelling units.
- (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 twenty-five feet (25') 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 street right-of-ways.
- (7) All lots in a cluster group shall take access from interior streets.
- (8) All lots in a cluster group shall abut common open space on at least one side. Common open space across a street shall qualify for this requirement.
- (9) In locating cluster groups, disturbance to woodlands, hedgerows, and individual mature trees shall be minimized. However, where dwellings are located within woodlands, no more than thirty percent (30%) of a single wooded lot may be cleared for the construction of a dwelling, driveway, garage, storage building, well and private onsite waste treatment system. Clearing will be limited to thirty percent (30%) of the lot as set forth in paragraph g. of this Ordinance, but may be waived or modified by the Plan Commission or Town Board if the thirty percent (30%) limitation is not sufficient to allow the construction of a dwelling, driveway and accessory uses.

j. Design Standards for Common Open Space. On all parcels developed under the cluster development regulations, fifty percent (50%) 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, or portions thereof, or existing zoning ordinances and maps, or as

directed by the Town Board.

- (b) All open space areas shall be part of a larger continuous and integrated open space system within the parcel being developed. At least fifty percent (50%) 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.
- (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:
 - (i) Woodland management.
 - (ii) Reforestation.
 - (iii) Meadow management.
 - (iv) Wetlands management.
 - (v) Stream bank protection.
 - (vi) Buffer area landscaping.
 - (vii) Storm water management, including infiltration.
- (e) All wetlands, floodplains, wildlife habitat areas, steep slopes over thirty percent (30%), 100 percent of lowland environmental corridor, and a minimum of eighty percent (80%) of upland primary environmental corridors shall be contained in common open space, to the extent practicable.
- (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 eighty percent (80%) of the area of existing woodlands shall be contained within common open space. Up to twenty percent (20%) 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:
 - (i) The site is primarily wooded and development at the permitted density would not be possible without encroaching further into the woodlands:
 - (ii) Any encroachment on woodlands beyond twenty percent (20%) 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 thirty feet (30') 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 spaces not meeting this standard shall not be counted toward the total required fifty percent (50%) common open space.
- (j) The boundaries of common open space shall follow the 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 fifty feet (50') 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 by the Town Board 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 or common areas of condominium plats.
 - (b) Street and highway rights-of-way, public or private.
 - (c) Parking areas.
 - (d) Areas not meeting the requirements of Subsection j.(2)(i)

k. Landscaping.

(1) Promoting and Preserving Natural Landscape.

- (a) For the purpose of conserving and promoting the natural landscape, existing vegetation shall be preserved, except that selective cutting and forestry improvements may be conducted under an approved management plan.
- (b) Existing woodlands and hedgerows of native species 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 ten 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

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- Species for Landscaping" adopted by the Town Board.
- (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 twenty-five feet (25') 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.
- I. 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 areas or facilities. Common areas or facilities shall not be transferred to another entity except for transfer to another method of common ownership permitted under this Subsection. Ownership methods shall conform to one or more of the following:
- (a) Homeowners Association. Land and improvements shall be held in common ownership as undivided proportionate interests by the members of a homeowners association, subject to the provisions set forth herein:
 - (i) 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.
 - (ii) The organization shall be established by the owner or applicant and shall be operating, with financial subsidy by the owner/applicant, if necessary, prior to the sale of any dwelling units in the development. Owner/applicant may retain control and may operate said organization until the sale of the last development lot.
 - (iii) Membership in the organization shall be mandatory for all purchasers of dwelling units therein and their successors and assigns.
 - (iv) The organization shall be responsible for maintenance and insurance of common facilities.
 - (v) The members of the organization shall share equitably the costs of maintaining, insuring, and operating common facilities.
 - (vi) The organization shall have or hire adequate staff to administer, maintain, and operate common facilities.
 - (vii) 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.
 - (viii) 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 thirty (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 entity. The Town, or other public entity acceptable to the Town, may but shall not be required to accept any portion of the common facilities, provided that:
- (i) There shall be no cost of acquisition, other than costs incidental to the transfer of ownership, such as title insurance.
 - (ii) Any facilities so dedicated shall be accessible to the residents of the Town, if the Town so chooses.
 - (iii) The Town or other public agency shall maintain such facilities.
- (d) Dedication of conservation easements to a public entity. The Town or other public entity 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:
- (i) There is no cost of easement acquisition, other than costs incidental to the transfer of ownership, such as title insurance.
 - (ii) A satisfactory maintenance agreement shall be reached between the owner and the Town.
 - (iii) 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:
- (i) The organization is acceptable to the Town.
 - (ii) The conveyance contains appropriate provisions for proper reverter or re-transfers in the event that the organization becomes unwilling or unable to continue carrying out its responsibilities.
 - (iii) A maintenance agreement acceptable to the Town is established between the owner and the organization, in accordance with Subsection 1. (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:
- (i) The organization is acceptable to Town.
 - (ii) The conveyance contains appropriate provisions for proper reverter or re-transfers in the event that the organization becomes unwilling or unable to continue carrying out its responsibilities.
 - (iii) A maintenance agreement acceptable to the Town is established between the owner and the organization, in accordance with Subsection L., 2:
 - (iv) 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.

- (g) Ownership retained by the original landowner. Ownership of common open space and facilities may be retained by the original landowner provided that:
 - (i) The Town or owners of the development shall hold perpetual conservation easements on the land protecting it from any further development.
 - (ii) 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:

- (i) Define ownership.
- (ii) Establish necessary regular and periodic operation and maintenance responsibilities.
- (iii) Estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an on-going basis.
- (iv) Include a Land Stewardship Plan specifically focusing on the long-term management of open space lands. A draft Land Stewardship Plan shall be submitted with a preliminary plat, and a final Plan shall be submitted with the final plat. The Land Stewardship Plan shall comply with the requirements of Subsection I (3).
- (v) At the discretion of the Town Board, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of common facilities for up to one (1) year.

(b) In the event that the association established to own and maintain common areas and facilities, or any successor organization thereto, fails to properly maintain all or any portion of the aforesaid common areas or facilities, the Town may serve written notice upon such association setting forth the manner in which the association has failed to maintain the aforesaid common areas and facilities. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the association, or any successor organization, shall be considered in violation of this Ordinance, in which case the Town shall have the right to enter the premises and take the needed corrective actions. The costs of corrective actions by the Town shall be assessed against the properties that have the right of enjoyment of the common areas and facilities.

(3) The Land Stewardship Plan shall include a narrative, based on the site analysis required by Subsection F, describing:

- (a) Existing conditions, including all natural, cultural, historic, and scenic elements in the landscape;
- (b) Objectives for each common open space area, including:
 - (i) The proposed end state for the area and the measures proposed for achieving the end state.
 - (ii) Proposed restoration measures, including:
 - (aa) Measures for correcting increasingly destructive conditions, such

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- (bb) Measures for restoring historic features.
 - (cc) Measures for promoting native plant species.
 - (dd) A maintenance and operations plan identifying activities needed to maintain the stability of the resources, including mowing schedules, weed control measures, planting schedules, and clearing and cleanup measures and schedules.
- (4) Leasing of common open space lands. Common open space lands may be leased to another person or other entity for use, operation, and maintenance, provided that:
- (a) The uses comply with this ordinance and the plat or development plan.
 - (b) The residents of the development shall at all times have access to such leased lands, except in the case of lease for agricultural purposes, in which case the residents, with their agreement, may be restricted from accessing the lands.
 - (c) The common open space lands to be leased shall be maintained for the purposes set forth in this Section.
 - (d) The operation of such leased open space lands may be for the benefit of the residents of the development only, or may be open to the public, if so determined by the residents.
 - (e) The lease, and any transfer or assignment thereof, shall be subject to the approval of the Town Board.
 - (f) Lease agreements shall be recorded in the office of the County Register of Deeds within thirty (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 Sanitary District No. 2, the Wisconsin Department of Commerce, and the Wisconsin Department of Natural Resources.
 - (b) If approved by the Commissioners of the Town of Sheboygan Sanitary District No. 2, 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 Ordinances, policies, and rules of the Town of Sheboygan Sanitary District No. 2.
 - (d) All public community sewerage facilities shall be owned, operated, and maintained by the Town of Sheboygan Sanitary District No. 2.
- (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 of Sheboygan Sanitary District No. 3 (Water), the Town, the Wisconsin Department of Natural Resources, and of the Wisconsin Administrative Code:

Private, individual wells.
Private, community wells.
Public water supply system.

- (b) All municipal water supply facilities shall be consistent with the requirements of the Ordinances, policies and rules of the Town of Sheboygan Sanitary District No. 3 (Water).
- (c) All public water supply facilities shall be owned, operated, and maintained by the Town of Sheboygan Sanitary District No. 3 (Water).

n. Technical Modifications Allowed. The Plan Commission or the Town Board shall have the authority to modify or adjust technical or numerical standards applicable to any specific development provided the Plan Commission or Town Board is satisfied that the overall site plan, taking into account all relevant factors, will meet both the general intent and design guidelines of this Ordinance.

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 as provided by this Ordinance. 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 or utility easements 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.

Dwelling Unit. One or more rooms in a residential building, or a residential portion of a building, which are arranged, designed, used, or intended for use, by one or more persons living together and maintaining a common household, and which includes lawful cooking space and lawful sanitary facilities reserved for the occupants thereof.

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.

Lot. A parcel or tract of land, or limited common areas of condominium plats.

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.