

5.6 CONSERVATION SUBDIVISIONS

Adopted 2/4/08

(1) **Purpose.** This Ordinance is adopted for the following purposes:

- (a) To group residences in order to permit individual minimum lot sizes as zoned to be reduced.
- (b) To group residences in order to facilitate common water and sewage disposal systems and encourage the improved use of the land respecting the preservation of natural resources.
- (c) To guide the future growth and development of the community consistent with the town of Greenville's adopted comprehensive and GreenPrint plans.
- (d) To guide the detailed analysis of the development parcel so as to locate and coordinate appropriate areas for development and conservation.
- (e) To preserve the rural character through the permanent preservation of meaningful open space and sensitive natural resources.
- (f) To preserve scenic views by minimizing views of new development from existing roads.
- (g) To provide buffering between residential development and non-residential uses.
- (h) To protect and restore environmentally sensitive areas and biological diversity, minimize disturbance to existing vegetation, and maintain environmental corridors.
- (i) To preserve significant archaeological sites, historic buildings and their settings.
- (j) To preserve prime agricultural land by concentrating housing on the portion of the parcel that has the lower agricultural potential.
- (k) To provide for the possibility of farming on the set aside land within the parcel.
- (l) To provide open space areas for passive and/or active recreational use by residents of the development and, where specified, the larger community.
- (m) To promote construction of convenient landscaped walking trails and bike paths both within the subdivision and connected to neighboring communities, businesses, and facilities to reduce reliance on automobiles.
- (n) To promote interconnected greenways and corridors throughout the community.

- (o) To preserve in perpetuity unique or sensitive natural resources such as groundwater, aquifer recharge areas, floodplains, wetlands, streams, steep slopes, woodland and wildlife habitat.

(2) Nature and Location of Open Space.

- (a) **Existing Natural Features.** The location of open space shall, to the maximum extent practical, incorporate and preserve the existing natural features listed in sub(3) below.
- (b) **Stormwater Detention Ponds and Drainage Easements.** Stormwater detention ponds and drainage easements may be included as part of the minimum required open space. All stormwater detention ponds must include a buffer area of not less than 30 feet planted with appropriate natural vegetation. The drainage easement shall be likewise planted in appropriate native natural vegetation consistent with drainage functions.
- (c) **Enhancement of Open Space.** In the event that the tract or parcel contains a minimal amount or none of the natural features listed in sub (3) (a) below, the Town Planning Commission shall require the enhancement of open space through the planting of native natural vegetation including but not limited to wildflowers, native grasses, shrubs, trees and the like such that the open space functions and appears as a natural open space with minimal future maintenance. A landscape plan prepared by a professional landscaper shall be submitted for approval with the final plat. Enhancements shall be installed under contract with a professional landscaper.
- (d) **Design and Layout of Open Space.** Open space shall be laid out to maximize direct access and views to the lots in the subdivision. To the maximum extent possible, open space shall be contiguous.
- (e) **Maintenance of Common Facilities and Open Space.** To insure adequate management, operation and/or maintenance of common facilities and open space a Management Plan shall be prepared and approved. A draft Management Plan shall be submitted at the time of preliminary plat review and a final Management Plan at final plat approval. It shall: define ownership, define use, establish necessary regular and periodic operation and maintenance activities which may need to include, mowing schedules, weed control program, planting schedules, clearing and cleanup program, prescribed burns, and

facilities maintenance. A stormwater management plan shall also be provided.

(3) Evaluation Criteria. The Town Planning Commission and Town Board shall evaluate Conservation Subdivisions to determine whether the proposed conceptual plan:

- (a) Protects wetlands, navigable waterways, and steep slopes from clearing, grading, filling, or construction (except as may be approved by the Town for essential infrastructure or active or passive recreation amenities).
- b) Preserves and maintains mature woodlands, meadows, orchards, and prime agricultural soils.
- (c) Creates sufficient buffer areas to minimize conflicts between residential and agricultural uses.
- (d) Maintains buffers from the Ordinary High Water Mark (OHWM) of wetlands and surface waters, including creeks, streams, springs, lakes and ponds as per WI DNR and local regulations.
- (e) Designs around existing hedgerows and tree lines between fields or meadows, and minimizes impacts on large woodlands (greater than five acres), especially those containing mature trees or a significant wildlife habitat. Also, woodlands of any size on highly erodible soils with slopes greater than 12% should be avoided. However, woodlands in poor condition with limited management potential can be used as suitable locations for residential development. When any woodland is developed, great care shall be taken to design all disturbed areas (for buildings, roads, yards, septic disposal fields, etc.) in locations where there are no large trees or obvious wildlife areas, to the fullest extent practicable.
- (f) Leaves scenic views and vistas unblocked or uninterrupted, particularly as seen from public thoroughfares. In wooded areas where the sense of enclosure is a feature that should be maintained, a deep "no-build, no-cut" buffer should be respected, except as means of woodland management, to preserve existing vegetation.
- (g) Protects wildlife habitat areas of species listed as endangered, threatened, or of special concern by the U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, and the Wisconsin DNR.

- (h) *Designs around and preserves sites of historic, archaeological, or cultural significance, and their environs, insofar as needed to safeguard the character of the feature, including stone walls, barn foundations, cellar holes, earthworks, and burial grounds.*
- (i) *Improves public safety and roadway carrying capacity by avoiding development fronting directly onto existing public roads.*
- (j) *Encourages a visual buffer from existing public roads through the use of native plantings such as trees, shrubs, and wildflowers. The use of the above plantings will allow for building closer to public roads, thus maximizing open space.*
- (k) *Includes a pedestrian circulation system designed to ensure pedestrian safety, and that provides a connection to adjoining properties or public trail systems. Roadside pedestrian trails (if any) may connect with internal trails. Dedication of public trails may be required.*
- (l) *Provides an open space that is in a reasonably contiguous configuration. Fragmentation of open space should be minimized and not divided into numerous small parcels located in various parts of the development. To the greatest extent possible, open space shall be designed as a single block with logical, straightforward boundaries. Long thin strips of conservation features should be avoided unless such configuration is necessary to connect with other streams or trails. The open space should generally abut existing or potential open space land on adjacent parcels (such as in other subdivisions, public parks, or properties owned by or leased to private land conservation organizations). Such subdivision open space shall be designed as part of larger contiguous integrated greenway systems, as per the policies in the Parks and Open Space Strategy in the Town's Comprehensive Plan.*

(4) Minimum Open Space. The minimum amount of land that shall be designated as permanent open space, lots allowed, and lot sizes and frontages, shall be determined according to the following methodology:

1. Gross acreage of Site: 1 _____ acres

2. Total unbuildable Lands: 2 _____ acres

Unbuildable lands include lands with a slope greater than 12%, land having a depth to bed-rock less than 5 feet and lands located: within existing street, utility or railroad right-of-ways; within 75 of the Ordinary High Water Mark (OHWM) of navigable watercourses; within 100-year floodplains; within wetlands and 50 feet of the perimeter of wetlands; within natural (greater than 10 years of age) surface waters and 75 feet of the (OHWM) of these waters.

3. Net acreage deemed buildable before set aside:
Subtract line 2 from line 1 3 _____ acres

4. Minimum open space to be set aside on site: 4 _____ acres
Multiply line 3 by 40% and Add line 2

5. Maximum buildable acreage after set aside: 5 _____ acres
Subtract line 4 from line 3

6. To calculate the total number of lots allowed:
Divide line 3 by the appropriate utility Density factor and then round up.

No Provision	Density Factor 2.0	
Shared Well(Ave.>3)	Density Factor 1.6	
Community Water	Density Factor 1.3	
Community Water/Sew.	Density Factor .8	6 _____ lots

	Minimum Lot Frontage	Minimum Lot Size
No Provision	100 ft.	24,000 sq. ft.
Shared Well(Ave.>3)	100 ft.	24,000 sq. ft.
Community Water	90 ft.	16,000 sq. ft.
Community Water/Sew.	85 ft.	13,500 sq. ft.

(5) Restrictions on Lot Size and Land Use.

(a) Buildable land may include:

- i. Lots.**
- ii. Detention, retention, and drainage ponds.**
- iii. Common facilities.** Common facilities are encouraged as ways of sharing resources and conserving land. Example uses: playground, baseball field, septic field, pump house, stables, riding area, gardens, community well and septic etc.

(b) Set aside land may include:

- i. Land deeded as public trails**
- ii. Detention, retention, and drainage ponds.**
- iii. Common facilities.**(No greater than 25% of total open space set aside)

(c) Lot Size Restrictions:

- i. Minimum lot size:** 24,000 sq. ft., One lot per 2 acres before set aside, 100 ft. minimum frontage. Maximum lot size is based on the minimum lot size platted within the subdivision at a factor of four times.
Example: If the minimum lot size within the subdivision is 24,000 sq. ft. the maximum lot size within the subdivision would be 96,000 sq ft.
- ii. Lot size and density incentives for using shared wells or installing community well/septic system:**
Shared Wells- 1 lot per 1.6 acres before set aside. 24,000 sq. ft., 100 ft. minimum frontage. **Community Water-** 1 lot per 1.3 acres before set aside. 16,000 sq. ft. min. lot size, 90 ft. min. frontage.
Community Water/Septic- Provide 1 lot per .8 acres before set aside 13,500 sq. ft. min. lot size, 85 ft. min. frontage.

(e) Other Incentives. The design standards and fees outlined within the subdivision ordinance may, at the discretion of the Town Board when recommended by the Planning Commission, be relaxed as an incentive for developing Conservation Subdivisions. Standards and fees may be modified to permit more creative land division design and improved aesthetics.

(6) Elements of the Concept Planning Process.

- (a) **Review.** Conservation subdivisions shall be submitted for review according to the procedures and requirements established in Section 5.04 and will be reviewed like any other plat except where noted elsewhere in this Ordinance.
- (b) **Existing Features (Site Analysis) Map.** A map analyzing each site's special features is required for all proposed subdivisions, as they form the basis of the design process for open space, house locations, street alignments, and lot lines. The applicant or representative shall bring a copy of the Existing Features Map and GreenPrint Plan to an on-site walkabout with the Town Planning Commission.

The existing features map shall form the basis for the conceptual plan, which shall show the tentative locations of houses, streets, lot lines and open space areas.

- i. A topographical map, based on Outagamie County 2 foot interval maps;
- ii. The location of environmentally sensitive elements such as: lands with a slope greater than 12%, land having a depth to bed-rock less than 5 feet and lands located: within existing street, utility or railroad right-of-ways; within 75 of the Ordinary High Water Mark (OHWM) of navigable watercourses; within 100-year floodplains; within wetlands and 50 feet of the perimeter of wetlands; within natural (greater than 10 years of age) surface waters and 75 feet of the (OHWM) of these waters.
- iii. Soil boundaries as shown on the Outagamie County Soil Survey maps Published by the Soil Conservation Service; and
- iv. The location of significant features such as woodlands, tree lines, open fields or meadows, scenic views into or out from the property, watershed divides and drainage ways, fences or stone walls, rock outcrops, existing structures, roads, tracks and trails.

- (c) **On-Site Walkabout.** After the Existing Site Features Map has been prepared, the Town Planning Commission will meet to walk the property with the applicant or representative. The purpose of this visit is to familiarize Town officials with the property's special features, and to provide them an informal opportunity to offer guidance to the applicant regarding the tentative locations of the conservation areas, potential house locations and street alignments.
- (d) **Pre-Submittal Conference.** Prior to the submittal of the Conceptual Plan, the applicant shall meet with the Town Planning Commission to discuss how Randall Arendt's four-step process for designing subdivisions, could be applied to the subject property. This conference may be combined with the On-Site Walkabout.
- (e) **Preliminary Concept Plan.** After the pre-submittal conference, a preliminary concept Plan shall be submitted by the applicant to the Town for Planning Commission review for the purpose of securing early agreement on the overall pattern of streets, house lots, conservation areas, and potential trails.
- (f) **Final Concept Plan.** Based on general agreement from the Planning Commission the applicant should develop a final concept plan utilizing feedback and information from an official Citizen Participation meeting as per Town ordinances. The applicant must then return to the Planning Commission for final concept approval and review of citizen concerns.
- (7) **Open Space Protection and Ownership.** Open space areas shall ordinarily be contained in outlots and designated on the face of the plat as "Open Space".
- (a) **Protection.** Open space shall be protected as follows:
- i. Restricted in use be a recorded Declaration of Restriction approved by the Town and enforceable by the Town with fee title conveyed to a homeowner's association.

- ii. *Restricted in use by a recorded Conservation Easement approved by the Town, granted to the Town Of Greenville, Outagamie County, or a recognized 501 (c) (3) land trust or conservancy with title conveyed to a homeowner's association.*
- iii. *Dedicated in fee simple to the Town.*
- iv. *Other appropriate means of protection and ownership approved by the Town.*

(b) **Homeowner's Association.** *Any homeowner association that will own or maintain open space shall be created by a recorded instrument approved by the Town. The association shall be formed and operated with the following minimum requirements.*

- i. *The association shall be created and organized as a non-profit and non-stock corporation under Wisconsin laws.*
- ii. *The association shall have only one class of membership with every beneficial lot owner (fee simple) a mandatory member.*
- iii. *The association shall levy an annual fee in an amount necessary to defray the cost of ownership and/or maintenance of the open space.*
- iv. *The association may levy special assessments on all lots for improvements, repairs or equipment in connection with the maintenance of open space.*
- v. *All association fees and assessments which are not paid when due shall become and remain a lien on the lot in favor of the association until paid with interest thereon.*

(8) **Sewer and Water Service.** *To fully realize the advantages and opportunities of a conservation subdivision, the Town may require that the subdivider provide for common water and sewer systems for all lots or clusters of lots. This may include a common or shared water supply and distribution*

system and a common or shared wastewater treatment system and collection system approvable by the Wisconsin Department of Commerce and/or Wisconsin Department of Natural Resources.

- (9) Trails.** Public trails shall connect to existing/planned trails. Private trails may connect to existing/planned trails. Set aside will be required for public trails with frontage on all section roads defined as but not limited to JJ, Hillview, Spring, School, Wisconsin Spencer, Winnegamie, Municipal, Julius, North, Manley, Greendale, Mayflower, Everglade. Private trails should connect to various parts of the neighborhood making it easier for residents to enjoy walking through the green space and meeting neighbors in the other end of the subdivision. Private Trails built within buildable areas may be constructed of impervious surfaces, while private trails built in other parts of the land are limited to permeable surfaces.

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