

**12.20-5 AE-1 AGRICULTURAL EQUESTRIAN CLUSTER SINGLE-FAMILY DISTRICT (3/2/10)**

(a) Primary purpose and characteristics.

The AE-1 Agricultural Equestrian Cluster Single-Family District is intended to preserve rural landscape character; sensitive natural resource areas; equestrian buildings, barns, paddocks, pastures, and scenic corridors (vistas); while permitting residential estate type housing on clustered lots as a secondary use and integrated as part of an equestrian facility. The AE-1 Agricultural Equestrian Cluster Single-Family District may be served either by on-site soil absorption sewage disposal systems or by public sanitary sewer facilities. Specific objectives are as follows:

- 1 To maintain and protect 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, and critical species habitat by setting them aside from development and allow for development of equestrian facilities.
- 2 To provide quality residential development that has direct access to equestrian facilities.
- 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 large areas of permanent protected equestrian facilities, open space, and natural resources.
- 5 To provide for greater design flexibility in the siting of dwellings and equestrian features in order to minimize the disturbance of the rural landscape elements, scenic quality, and overall aesthetic value of the landscape.
- 6 To create groups of dwellings with direct visual and physical access to open space and equestrian trails while separating vehicular traffic from the equestrian facilities.
- 7 To permit equestrian use of open space by residents of the development and the public, when appropriate.
- 8 To create a network of equestrian trails between equestrian developments and public land.

(b) Principal Uses.

- 1 Equestrian Facility, private, confined to a single lot including equestrian buildings, such as, barns, arenas, silos, storage sheds, cribs, paddocks, and stables.
- 2 Clustered single-family detached dwellings.
- 3 Community living arrangements having a capacity for 8 or fewer persons and which shall be in conformance with all state statutory requirements.
- 4 Essential services.
- 5 Foster family homes having less than 4 foster children and not exceeding 8 total occupants and which are in conformance with all state statutory requirements.

- 6 Open space, including:
  - a Conservation of land in its natural state (for example, woodland, fallow field, or managed meadow.)
  - b Wildlife sanctuary, forest preserve, or similar uses designated for the protection and propagation of wildlife.
  - c Pasture for horses
  - d Passive recreation, including, but not limited to, hiking trails, bridle trails, picnic areas, community gardens, and lawn area.
  - e Easements for access, drainage, sewer and water lines, pipelines, or other public purposes.
  - f Storm water management facilities including detention basins, retention basins, rain gardens, and other best management practices.
  - g Water supply, and sewerage systems for individual lots, cluster groups, or the entire development.
  - h Utility and street rights-of-way except that their land areas shall not count toward the minimum open space requirement.

(c) Residential Accessory Uses

- 1 Accessory structures such as detached garages, sheds, gazebos, and boathouses.
- 2 Home occupations and professional home offices.
- 3 Small wind energy system
- 4 Solar energy system
- 5 Swimming pools and spas.
- 6 Fences.
- 7 Decks and Patios (see also section 12.18.3)

(d) Equestrian Conditional Uses.

- 1 Private roads and gated entrances
- 2 Public equestrian facility offering services open to the public (such as riding classes, public riding hours, and shows)
- 3 Housing for Caretakers
- 4 Bridle equipment sales and repair (pro shop)
- 5 Utility substations
- 6 Wind energy systems
- 7 Solar energy systems

(e) Residential Conditional Uses

- 1 Private roads and gated entrances provided that said private roads: meet local unit of government road specifications and standards, are located within an access easement which shall be a minimum of 66 feet wide, are maintained by the Homeowners Association comprised of the owners of all lots within said equestrian development and meet all safety and access standards promulgated by the local unit of government fire and rescue officials.
- 2 Community living arrangements having 9 but not more than 15 persons which shall be in conformance with all state statutory requirements.

- 3 Utility substations
- 4 Wind energy systems
- 5 Solar energy systems
- 6 Community swimming pools
- 7 Community center for the use of residents not including equestrian facilities

(f) Required Facilities – The district requires that as a condition of approval there is an existing equestrian facility on the site with a minimum capacity of 100 horses, or that an equestrian facility will be built. For those circumstances when facilities are not in place there will be no zoning permits granted on the residential portion of the site until the equestrian facility is built according to submitted plan and guarantees made that it will remain for perpetuity through deed restrictions.

(g) Separation Distances for Residential Cluster Groups.

1 The outer boundaries of all residential cluster groups shall conform to the following separation distances:

From all tract boundaries	50 feet
From equestrian buildings, barns, and paddocks	50 feet
From other cluster groups	50 feet
From wetlands, floodplains, or navigable waterways	35 feet
From active recreation areas, such as courts or playing fields	50 feet

2 All separation areas for cluster groups along existing streets shall be landscaped in accordance with Section 14.08-15 of the Kenosha County Land Division Control Ordinance in order to block views of new residential development, preserve scenic views, and to protect rural landscape character.

3 The separation distances along existing arterial streets and tract boundaries may be reduced to a minimum of 50 feet if the applicant can demonstrate that existing vegetation, topography or a combination of these form an effective visual screen.

(h) Overall Density and Dimensional Standards

1	Minimum tract size	120 acres
2	Maximum density[a]	1 du/5 acres
3	Equestrian Facility/open space [b]	60 percent

a Existing dwellings that may or not be part of a farmstead shall be counted towards the total density. Housing for caretakers does not count toward density. Acres refer to gross land area including all lands within tract, except existing street, railroad, existing trail and existing utility rights-of-way and/or easements. Only 20 percent of wetlands and floodplain may be counted toward the calculation of density.

b In the calculation of equestrian/open space areas, the following shall be excluded: private residential lot areas; existing and/or planned public street rights-of-way and/or private street easements; existing public trail rights-of-way

and/or easements; and existing railroad and existing utility rights-of-way and/or easements.

(i) Lot Density and Dimensional Standards

1 For equestrian facility lots and residential dwelling lots:

Development Standard	Equestrian Facilities Lot	Residential lot
Minimum lot area	10 acres	60,000 sq. ft.
Minimum lot width [a]	300 feet	150 feet
Street yard	40 feet	50 feet
Shore yard	Not less than 75 feet from the ordinary high water mark of any navigable water	
Side yard	25 feet	25 feet
Rear yard	50 feet	50 feet
Accessory buildings setback and size regulation [b]	See section 12.27-6 See section 12.27-6	
Maximum building height	65 feet for equestrian building; 35 feet for separate caretaker building - 35 feet	
Maximum building coverage	N/A	10 percent

- a Lot frontage may be reduced on lots located on a cul-de-sac, court, or curve to feet provided there is at least 150 feet at the building setback line.
- b Accessory buildings on residential lots are not permitted in front yards.

(j) Design Standards for Equestrian Facility

- 1 All equestrian facility, including equestrian buildings, such as, barns, arenas, silos, storage sheds, cribs, paddocks, and stables, must be contained to a single lot.
- 2 A site plan for the equestrian facility lot must be included as part of the plat and zoning petition.
- 3 A plat may contain only one lot with equestrian facilities.
- 4 In locating equestrian facilities, disturbance to woodlands, hedgerows, and individual mature trees shall be minimized. However, when the objective is to preserve prime agricultural 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 barns, arenas, silos, storage sheds, cribs, paddocks, and stables, and onsite soil absorption system.
- 5 Equestrian facility shall abut open space to the front or rear for a distance of at least 50 feet in order to provide direct access to the open space. Open space across a street located on the subject development property shall qualify for this requirement.

(k) Design Standards for Residential Cluster Groups.

- 1 All dwelling shall be grouped in clusters groups, each of which shall contain at least 2 but not more than 12 units and shall be surrounded by equestrian facility/open space.
- 2 Cluster groups may contain more than 12 units, and cluster groups may be assembled into larger groupings not separated by equestrian facility/open space, provided that the

applicant can demonstrate that such an alternative plan is more appropriate for the tract 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 interior equestrian facility/open space. When the development does not contain 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 closer to any unit than 50 feet.
- 5 The outer boundaries of each cluster group shall meet the separation distances specified in Section 12.20-5(g).
- 6 Cluster groups shall be defined and separated by equestrian facility/open space in order to provide direct access to the equestrian facility/open space and privacy to individual lot or yard areas. Cluster groups may be separated by streets if the street right-of-way or street easement is designed as a boulevard.
- 7 All lots in a cluster group shall take access from interior streets.
- 8 All lots in a cluster group shall abut equestrian facility/open space to the front or rear for a distance of at least 50 feet. Equestrian facility/open space across a street located on the subject development property shall qualify for this requirement.
- 9 In locating cluster groups, disturbance to woodlands, hedgerows, and individual mature trees shall be minimized. However, when the objective is to preserve prime agricultural 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 onsite soil absorption system.
- 10 Street trees shall be provided as required by the local unit of government land division or subdivision ordinance within which the development is located. If no such local unit of government land division or subdivision ordinances exists or requires the planting of street trees, street trees shall be required in cluster groups at a minimum rate of one 2-inch caliper tree per dwelling unit and shall comply with the requirements of Section 14.08-15 of the Kenosha County Land Division Control Ordinance.

(I) Design Standards for Open Space.

- 1 Open space shall consist of only those uses identified in section 12.20-5 (b) 6.
- 2 The location of Open space shall be consistent with the objectives of any applicable comprehensive plan or comprehensive plan component.
- 3 All open space areas shall be part of a larger contiguous and integrated open space system. At least 75 percent of the open space shall be contiguous to another open space area. For the purpose of this section, contiguous shall be defined as located within 50 feet across which access is possible, for example on opposite sides of an internal street.
- 4 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 areas as identified by the Southeastern Wisconsin Regional Planning Commission are of particular significance for protection.
- 5 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 professionals in the area being modified. Permitted modifications may include woodland management, reforestation, meadow management, wetlands management, stream bank protection, and buffer area landscaping.

- 6 All wetland, floodplain, unique wildlife habitat areas, steep slopes over 12 percent, 100 percent of lowland environmental corridor and at least 80 percent of upland primary environmental corridors shall be contained in open space.
- 7 Common boundaries with existing or future open space on adjacent tracts, when shown in an applicable comprehensive plan or comprehensive plan component, shall be established whenever possible.
- 8 To preserve scenic views, ridge tops and hill tops should be contained within open space wherever possible. Trees shall not be removed from ridge tops or hill tops.
- 9 At least 80 percent of the area of existing woodlands shall be contained within open space; 20 percent of the area of existing woodlands may be used for lot areas and residential development. This limitation may be exceeded under the following conditions:
  - a The site is primarily wooded and development at permitted density would not be possible without encroaching further on woodlands.
  - b Any encroachment on woodlands beyond 20 percent shall be the minimum needed to achieve maximum permitted density.
- 10 No open space shall be less than 10,000 square feet in area, with the exception of landscape islands in cul-de-sac streets, and not less than 30 feet in width at any point. Open space not meeting this standard shall not be counted toward the total required percentage of open space.
- 11 The boundaries of 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 shall be added to enable residents or the public, if applicable, to distinguish where open space ends and private lot areas begin. Where structural demarcations, such as fences or fence posts, are used, they shall be the minimum needed to accomplish the objective.
- 12 Trails in open space that abut residential lots in cluster groups shall be identified by plantings, fences, or other landscape features.
- 13 Under no circumstances shall all open space be isolated in one area of the development. Open space shall be distributed appropriately throughout the development to properly serve and enhance all dwelling units, cluster groups, and other common facilities.
- 14 Open space shall include lands located along existing public roadways in order to preserve existing rural landscape character as seen from these roadways, and shall, in no case, contain less than the required buffer, setback area, or separation distance.
- 15 Safe and convenient pedestrian access and access for maintenance purposes shall be provided to open space areas. At least one access point per cluster group shall be provided, having a width equal to or greater than 50 feet. This width may be reduced to no less than 30 feet if the applicant can demonstrate that, meeting the lot width requirement would run counter to the objectives of this ordinance.

(m) Ownership and Maintenance of Common Facilities and Open space.

1 The following methods may be used, either singly or in combination, to own any common facilities (i.e. community swimming pools and community center) and/or open space. Common facilities and open space shall not be transferred to another entity except for transfer to another method of ownership permitted under this section, and then only when there is no change in the common facilities and open space. Ownership methods shall conform to the following:

a Owners Association.

Common facilities and/or open space shall be held in common ownership as undivided proportionate interests by the members of a homeowners association, subject to the provisions set forth herein. The homeowners association shall be governed according to the following:

- 1) The applicant shall provide to the Kenosha County Department of Planning and Development a description of the organization, including its bylaws and all documents governing maintenance requirements and use restrictions for common facilities and/or open space.
- 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 and/or open space.
- 5) The members of the organization shall share equitably the costs of maintaining, insuring, and operating common facilities and/or open space.
- 6) The organization shall have or hire adequate personnel to administer, maintain, and operate common facility and/or open space.
- 7) The applicant for any tract proposed to contain common facilities and/or open space shall arrange with the Town Assessor a method of assessment of the common facilities and/or open space which will allocate to each tax parcel in the development a share of the total tax assessment for such common facilities and/or open space. Real estate taxes shall be paid by the individual unit owner directly to the Town.
- 8) Written notice of the proposed transfer of common facilities and/or open space by the homeowner's association or the assumption of maintenance of common facilities and/or open space must be given at all members of the organization and to the Town and County at least 39 days prior to such event.

b Condominium

Common facilities and/or equestrian facilities shall be controlled through the use of condominium agreements. Such agreements shall be approved by the Town/County Attorney and shall be in conformance with the "Condominium Ownership Act" of 1977 (Chapter 703, Wisconsin Statutes), as amended. All open space and other common facilities shall be held as "common element" 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/County or other public entity acceptable to the Town/County may, but shall not be required to, accept any portion of the common facilities and/or open space, 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/County, if the Town/County so chooses;
  - 3) The Town/County or other public entity shall maintain such common facilities and/or open space.
  - 4) The equestrian facility owner shall hold a conservation easement on the land and facilities so dedicated, protecting the common facilities and/or open space from development in perpetuity.
  
- d Dedication of conservation easements to a public agency. The Town/County or other public agency acceptable to the Town/County may, but shall not be required to, accept easements for public use of any portion of the common facilities and/or open space, title of which is to remain in private ownership, provided that:
  - 1) There shall be 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/County.
  - 3) Lands under a Town/County easement may or may not be accessible to the residents of the Town/County.
  
- e Fee simple dedication to a private conservation organization.  
An owner may dedicate any portion of the common facilities to a private, not-for-profit conservation organization, provided that:
  - 1) The organization is acceptable to the Town/County and is a bona fide conservation organization;
  - 2) The conveyance contains appropriate provisions for proper reverter or retransfers in the event that the organization becomes unwilling or unable to continue carrying out its functions.
  - 3) A maintenance agreement acceptable to the Town/County is established between the owner and the organization.
  
- f Transfer of easements to a private conservation organization.



- 1) The organization is acceptable to the Town/County and is a bona fide conservation organization;
- 2) The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions.
- 3) A maintenance agreement acceptable to the Town/County is established between the owner and the organization.

g Ownership retained by the original landowner and/or equestrian facility owner.

- 1) The Town/County and the 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 Kenosha County Department of Planning and Development.

2 Maintenance and operation of common facilities and open space.

a A plan and narrative for the use, maintenance, and insurance of all common facilities and open space, including provisions for funding, shall be provided to and approved by the Kenosha County Department of Planning and Development prior to preliminary plan approval. Such plan shall:

- 1) Define ownership;
- 2) Establish necessary regular and periodic operation and maintenance responsibilities, including mowing schedules, weed control, planting schedules, clearing and cleanup.
- 3) Include a manure management plan.
- 4) Estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an on-going basis.
- 5) At the discretion of the Kenosha County Department of Planning and Development, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of common facilities and open space for a maximum of one year.

b In the event that the organization(s) established to own and/or maintain common facilities and open space, or any successor organization thereto, fails to maintain all or any portion of the aforesaid common facilities in reasonable order and condition in accordance with the development plan and all applicable laws, rules and regulations, the Town/County may serve written notice upon such organization, and upon the residents and owners of the uses related thereto, setting forth the manner in which the organization has failed to maintain the aforesaid common facilities in reasonable condition. 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 organization, or any successor organization, shall be considered in violation of this ordinance, and any permits may be revoked or suspended. The Town/County may enter the premises and take corrective action.

- c The costs of corrective action by the Town/County shall be assessed ratably, in accordance with tax assessments, against the properties that have the right of enjoyment of the common facilities and open space and shall become a lien on said properties. The Town/County, at the time of entering upon such common facilities and open space for the purpose of maintenance, shall file a notice of such lien in the office of the County Register of Deeds upon the properties affected by such lien.

3 Leasing of common facilities and/or open space.

Common facilities and/or open space lands may be leased to another person or other entity for use, operation, and maintenance, provided that:

- a 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.
- b The common facilities and/or open space lands to be leased shall be maintained for the purpose set forth in the ordinance.
- c The operation of such leased common facilities and/or 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.
- d The lease, and any transfer of assignment thereof, shall be subject to the approval of the Town/County Board.
- e Lease agreements so entered upon 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/County Board.

4 Conservation.

Common facilities and 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 Kenosha County Department of Planning and Development and duly recorded in the office of the County Register of Deeds.