

ORDINANCE NO. 2023-02

VILLAGE OF YORKVILLE
RACINE COUNTY, WISCONSIN

AN ORDINANCE TO REPEAL AND RECREATE SECTION 20-1015 OF THE CODE OF ORDINANCES OF THE VILLAGE OF YORKVILLE, RACINE COUNTY, WISCONSIN, RELATING TO HOME-BASED BUSINESSES

THE VILLAGE BOARD OF THE VILLAGE OF YORKVILLE, RACINE COUNTY, WISCONSIN, HEREBY DO ORDAIN AS FOLLOWS:

1. That Section 20-1015 of the Racine County Zoning Code as adopted under Section 55-1 of the Code of Ordinances for the Village of Yorkville be, and hereby is, repealed and recreated to read as follows on the attached Exhibit A incorporated herein by reference.

2. That this ordinance shall become effective upon adoption and publication as provided by law.

Adopted by the Village Board of the Village of Yorkville, Racine County, Wisconsin this 9th day of January, 2023.

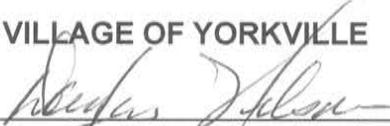
Ayes: 4

Nays: Ø

Abstentions: Ø

Absences: 1

VILLAGE OF YORKVILLE

By: 
Douglas Nelson, President

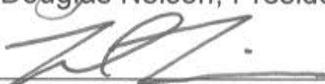
Attest: 
Michael McKinney, Administrator/Clerk

EXHIBIT A

Sec. 20-1015. Home-Based Businesses.

a. Purpose and findings of this section:

- (1) Establishes criteria for operators of home-based businesses in dwelling units within appropriate zoning districts;
- (2) Permits and regulates the conduct of home-based businesses as an accessory use in a dwelling unit, whether owner- or renter-occupied;
- (3) Ensures that such home-based businesses are compatible with, and do not have a deleterious effect on, adjacent and nearby residential properties and uses;
- (4) Ensures that public and private services, such as streets, wastewater, water or storm water systems, are not burdened by the home-based businesses to the extent that usage exceeds that normally associated with residential use;
- (5) Allows residents of the community to use their residences as places to enhance or fulfill personal economic goals, under certain specified standards, conditions and criteria;
- (6) Enables the fair and consistent enforcement of these home-based business regulations; and
- (7) Promotes and protects the public health, safety, and general welfare.

b. This section applies to any occupation, profession, or business activity conducted entirely within a dwelling unit and carried on by a member of the family residing in the dwelling unit, and which occupation or profession is clearly incidental and subordinate to the use of the dwelling unit for residential purposes and does not change the character of the dwelling unit. A home-based business is an accessory use to a dwelling unit.

No home-based business, except as otherwise provided in this section, may be initiated, established, or maintained in the unit except in conformance with the regulations and performance standards set forth in this section.

c. Types of home-based businesses. Three types of home-based businesses are defined and regulated under this section:

- (1) Type A residential home-based businesses. Type A residential home-based businesses are those in which household residents use the dwelling unit they occupy as a place of work, but no employees come to the site, and customers or clients are by appointment only. **Type A residential home-based businesses do not require a permit or registration.**

- a. Where allowed. Type A residential home-based businesses are permitted by right as an accessory use to a principal dwelling use. Type A residential home-based businesses are subject to the general regulations of this subsection.
- b. Permitted and conditional uses. The home-based business regulations of this section establish regulations and standards for home-based work activities rather than limit the range of work activities to a specific list of occupations or business types. Type A home-based businesses that comply with all applicable regulations of this section are permitted by right unless otherwise expressly stated.
- c. General regulations for Type A residential home-based businesses. All Type A residential home-based businesses are subject to the following general regulations:
 - 1. All individuals engaged in a Type A residential home-based business must reside in the dwelling unit in which the residential home-based business is located as their primary place of residence.
 - 2. Residential home-based businesses must be accessory and secondary to the use of a dwelling unit for residential purposes. They may not change the character of the residential building they occupy or adversely affect the character of the surrounding neighborhood. Residential home-based businesses may not, for example, produce light, noise, vibration, odor, parking demand, or traffic impacts that are not typical of a residential neighborhood in Yorkville. Residential home-based businesses must be operated so as not to create or cause a nuisance.
 - 3. Any tools or equipment used as part of a residential home-based business must be operated in a manner or sound-proofed so as not to be audible beyond the lot lines of the subject property.
 - 4. External structural alterations or site improvements that change the residential character of the lot upon which a residential home-based business is located are prohibited. Examples of such prohibited alterations include construction of parking lots, the addition of commercial-like exterior lighting, or the addition of a separate building entrance that is visible from abutting streets.
 - 5. Residential home-based businesses must be conducted entirely within the dwelling unit. Materials related to the home-based business must be stored entirely within the dwelling unit or an accessory structure.
 - 6. No window display or other public display of any material or

merchandise is allowed.

7. The use or storage of hazardous substances is prohibited, except at the "consumer commodity" level, as that term is defined in 49 CFR 171.8.
 8. Only licensed automobiles, passenger vans and passenger trucks may be used in the conduct of a residential home-based business. No other types of vehicles may be parked or stored on the premises. This provision is not intended to prohibit deliveries and pickups by common carrier delivery vehicles (e.g., postal service, United Parcel Service, Fed Ex, Amazon, et al.) of the type typically used in residential neighborhoods.
 9. No nonresident employees are allowed except for the purposes of student instruction, teaching or tutoring.
 10. Up to four individual client or customer appointments are permitted at any one time. For the purposes of this subsection, each "client or customer" may be accompanied by his/her immediately family.
 11. The area devoted to the conduct of all Type A residential home-based businesses present on the subject property is limited to 33% of the dwelling unit's floor area or 750 square feet, whichever is less.
 12. The following uses are expressly prohibited as Type A residential home-based businesses:
 - i. Any type of assembly, cleaning, maintenance or repair of vehicles, equipment with internal combustion engines, or of large appliances.
 - ii. Dispatch centers or other businesses where employees come to the site and are dispatched to other locations.
 - iii. Equipment supply or equipment rental businesses.
 - iv. Eating or drinking places.
 - v. Funeral or interment services.
 - vi. Any use involving the use or storage of vehicles, products, parts, machinery or similar materials or equipment outside of a completely enclosed building.
- (2) Type B residential home-based businesses. Type B residential home-based businesses are those in which household residents use the dwelling unit they

occupy as a place of work and either one nonresident employee or more than 4 customers/clients come to the site at any one time. **Type B residential home-based businesses require a conditional use permit and registration.**

- a. Where allowed. Type B residential home-based businesses may be approved as an accessory use to a principal dwelling use. Type B residential home-based businesses are subject to all applicable regulations of this subsection.
- b. Permitted and conditional uses. The home-based business regulations of this section establish regulations and standards for home-based work activities rather than limit the range of work activities to a specific list of occupations or business types. **Conditional use permits approved as to Type B Home-based businesses may include conditions that vary from the provisions of this ordinance, depending on the unique characteristics of the home-based business under consideration, in accordance with the provisions governing the issuance of conditional use permits set forth in Chapter 55, Exhibit A, Chapter 20, Article VIII, Division 3.**
- c. General regulations for Type B residential home-based businesses. All Type B residential home-based businesses are subject to the following general regulations:
 1. Type B residential home-based businesses are allowed only if reviewed and approved in accordance with the conditional use procedures of Chapter 55, Exhibit A, Chapter 20, Article VIII, Division 3.
 2. Residential home-based businesses must be accessory and secondary to the use of a dwelling unit for residential purposes. They may not change the character of the residential building they occupy or adversely affect the character of the surrounding neighborhood. Residential home-based businesses may not, for example, produce light, noise, vibration, odor, parking demand, or traffic impacts that are not typical of a residential neighborhood in Yorkville. Residential home-based businesses must be operated so as not to create or cause a nuisance.
 3. One nonresident employee is allowed with a Type B residential home-based business. Residential home-based businesses that have more than 4 clients or customers coming to the site at any one time, may not have nonresident employees. For the purpose of this section, the term "nonresident employee" includes an employee, business partner, co-owner or any other person affiliated with the residential home-based business, who does not live at the site, but who visits the site as part of the residential home-based business.

4. Customer visits are allowed only between the hours of 7:00 a.m. and 7:00 p.m.
5. Any tools or equipment used as part of a residential home-based business must be operated in a manner or sound-proofed so as not to be audible beyond the lot lines of the subject property.
6. External structural alterations or site improvements that change the residential character of the lot upon which a residential home-based business is located are prohibited. Examples of such prohibited alterations include construction of parking lots, the addition of commercial-like exterior lighting, or the addition of a separate building entrance that is visible from abutting streets.
7. Residential home-based businesses must be conducted entirely within the dwelling unit. Materials related to the home-based business must be stored entirely within the dwelling unit or an accessory structure.
8. No window display or other public display of any material or merchandise is allowed.
9. The use or storage of hazardous substances is prohibited, except at the "consumer commodity" level, as that term is defined in 49 CFR 171.8.
10. Only licensed automobiles, passenger vans and passenger trucks may be used in the conduct of a residential home-based business. No other types of vehicles may be parked or stored on the premises. This provision is not intended to prohibit deliveries and pickups by common carrier delivery vehicles (e.g., postal service, United Parcel Service, Fed Ex, Amazon, et al.) of the type typically used in residential neighborhoods.
11. The area devoted to the conduct of all Type B residential home-based businesses present on the subject property is limited to 49% of the dwelling unit's floor area or 1,000 square feet, whichever is less.
12. As part of the conditional use process, renters will need to obtain written permission from the property owner to carry out Type B residential home-based businesses.
13. The following uses are expressly prohibited as Type B residential home-based businesses:
 - i. Any type of assembly, cleaning, maintenance or repair of vehicles, equipment with internal combustion engines, or of large appliances.

- ii. Dispatch centers or other businesses where employees come to the site and are dispatched to other locations.
 - iii. Equipment supply or equipment rental businesses.
 - iv. Eating or drinking places.
 - v. Funeral or interment services.
 - vi. Any use involving the use or storage of vehicles, products, parts, machinery or similar materials or equipment outside of a completely enclosed building.
- d. Home-Based Business Registry.
1. Intent and Purpose. The intent and purpose of the Home-Based Business Registry is to quicken response times to home-based businesses needing fire, rescue and/or law enforcement services, and to protect the health, safety, and welfare of residents and those frequenting home-based businesses.
 2. Any person receiving a conditional use permit to conduct a Type B home-based business shall file with the Village Administrator/Clerk a Home-Based Business Registration Form. The Home-Based Business Registration Form shall contain the following information:
 - i. Business name and address
 - ii. Business owner and address
 - iii. Property owner name and address
 - iv. Hours of operation
 - v. Whether the business is continuous or seasonal
 - vi. Number of employees
 - vii. Estimated number of customers or clients per day
 - viii. Description of products sold and/or services provided
 - ix. Emergency contact information
 - x. Hazardous chemicals and/or substances kept on site
 - xi. Form of ownership (i.e., sole proprietorship, partnership, corporation, or limited liability company)

3. Changes and updates. The operator of a home-based business shall submit an updated Home-Based Business Registration Form if any information located on the form has changed or is no longer current.
- (3) Rural home-based businesses. Rural home-based businesses are those that do not comply with the Type A or Type B residential home-based business regulations and in which household residents use the dwelling unit they occupy or an accessory building as a place of work. **Rural home-based businesses are permitted in the A-2 General Farming and Residential District II or A-3 General Farming District III and require a conditional use permit and registration.**
- a. Where allowed. Rural home-based businesses may be approved as an accessory use to a principal dwelling use or accessory use to an agricultural use only in the A-2 General Farming and Residential District II or A-3 General Farming District III. Rural home-based businesses are subject to the supplemental regulations of Subsection (c) and all other applicable regulations of this section
 - b. Permitted and conditional uses. The home-based business regulations of this section establish regulations and standards for home-based work activities rather than limit the range of work activities to a specific list of occupations or business types. **Conditional use permits approved as to Rural Home-Based Businesses may include conditions that vary from the provisions of this ordinance, depending on the unique characteristics of the home-based business under consideration, in accordance with the provisions governing the issuance of conditional use permits set forth in Chapter 55, Exhibit A, Chapter 20, Article VIII, Division 3.**
 - c. Supplemental regulations for rural home-based businesses.
 1. Rural home-based businesses are allowed only if reviewed and approved in accordance with the conditional use procedures of Chapter 55, Exhibit A, Chapter 20, Article VIII, Division 3.
 2. A maximum of three nonresident employees are allowed with a rural home-based business.
 3. Customer visits are allowed only between the hours of 7:00 a.m. and 7:00 p.m.
 4. Rural home-based businesses must be accessory and secondary to the use of a dwelling unit for residential purposes or accessory to any on-site agricultural use. They may not change the character of the property they occupy or adversely affect the character of the surrounding area. Rural home-based businesses may not, for example, produce light, noise, vibration,

odor, parking demand, or traffic impacts that are not typical of a rural or semirural area in Yorkville. Rural home-based businesses must be operated so as not to create or cause a nuisance.

5. Rural home-based businesses may be conducted within the principal dwelling unit or within an accessory building,
6. Accessory buildings in which rural home-based businesses are conducted must be set back at least 150 feet from any offsite dwelling unit.
7. Any tools or equipment used as part of a rural home-based business must be operated in a manner or sound-proofed so as not to be audible beyond the lot lines of the subject property.
8. No window display or other public display of any material or merchandise is allowed.
9. The use or storage of hazardous substances is prohibited, except at the "consumer commodity" level, as that term is defined in 49 CFR 171.8.
10. As part of the conditional use process, renters will need to obtain written permission from the property owner to carry out the rural home-based business.
11. Roadside stands, as defined in Section 20-1, and permitted as an accessory use in agriculturally zoned districts, are not subject to any of the home-based business provisions set forth in this ordinance.
12. The following uses are expressly prohibited as rural home-based businesses:
 - i. Any type of motor vehicle repair, except where permitted pursuant to a conditional use permit as a rural home-based business under this ordinance.
 - ii. Any use involving the use or storage of vehicles, products, parts, machinery or similar materials or equipment outside of a completely enclosed building.
13. Home-based agricultural related businesses (HBARB) must comply with the following standards, as set forth in Section 20-1226 (15):
 - i. Allowed as a conditional use approval in all agricultural districts.

- ii. The operator shall reside in a residence on the property.
 - iii. The operator shall grow the primary portion of materials or products sold onsite.
 - iv. The HBARB must be located on a parcel not less than five (5) acres in area.
 - v. Maximum two (2) persons other than members of the immediate family may be employed in the HBARB at any given time.
 - vi. Any signage associated with the HBARB must comply with Chapter 55 of this code and will require zoning permit approval.
 - vii. Any structure that is utilized at the subject site that is associated with any aspect of the HBARB must meet the principal structure setbacks for the zoning district.
 - viii. Any accessory building used in association with the HBARB shall be clearly incidental to the principal use.
 - ix. Retail sales of ancillary non-agricultural items is subject to detailed plan approval by the Plan Commission and Village Board.
 - x. Proper sanitation approval must be obtained in full compliance with state sanitation codes.
 - xi. The HBARB product must consist of farm commodities that are entirely, or the majority of which are, planted or produced on the farm premises, or are agriculturally related.
 - xii. Food shall not be served to patrons other than small sample of product produced by the HBARB.
 - xiii. Limited outside customer activity may occur on the premises in accordance with Village approval.
- d. Home-Based Business Registry.
- 1. Intent and Purpose. The intent and purpose of the Home-Based Business Registry is to quicken response times to home-based businesses needing fire, rescue and/or law enforcement services, and to protect the health, safety, and welfare of residents and those frequenting home-based businesses.
 - 2. Any person receiving a conditional use permit to conduct a rural

home-based business shall file with the Village Administrator/Clerk a Home-Based Business Registration Form. The Home-Based Business Registration Form shall contain the following information:

- i. Business name and address
 - ii. Business owner and address
 - iii. Property owner name and address
 - iv. Hours of operation
 - v. Whether the business is continuous or seasonal
 - vi. Number of employees
 - vii. Estimated number of customers or clients per day
 - viii. Description of products sold and/or services provided
 - ix. Emergency contact information
 - x. Hazardous chemicals and/or substances kept on site
 - xi. Form of ownership (i.e., sole proprietorship, partnership, corporation, or limited liability company)
3. Changes and updates. The operator of a home-based business shall submit an updated Home-Based Business Registration Form if any information located on the form has changed or is no longer current.
- e. Unsafe home-based businesses. If any home-based business has become dangerous or unsafe; presents a safety hazard to the public, pedestrians on public sidewalks, or motorists on a public right-of-way; or presents a safety hazard to adjacent or nearby properties, residents, or businesses, the Zoning Administrator, Building Inspector or Code Enforcement Officer shall issue an order to the dwelling owner and/or tenant on the property on which the home-based business is being undertaken, directing that the home-based business immediately be made safe or be terminated. The property owner and/or tenant shall take the necessary corrective steps or measures and notify the official who issued the order of the corrective action taken. In the event of a failure to do so by the owner and/or tenant, after notice and a reasonable period, the Village may take any and all available enforcement actions to render the home-based business and dwelling safe. Costs incurred by the Village if forced to take enforcement actions, shall be borne by the property owner and the failure to take corrective action shall be treated as a zoning violation.

Affidavit of Printing State of Wisconsin

County of Racine

City of Union Grove

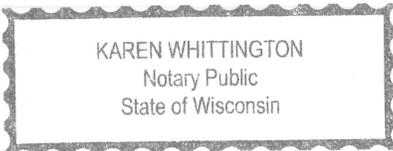
Southern Lakes Newspapers, LLC, certifies that it is the publisher of the Westine Report; that such paper is a secular newspaper of general circulation in said county; that it is printed and published in the village/city, county and state aforesaid. It hereby further certifies that a notice, of which the attached notice is a true copy, has been legally published in said newspaper 2 time(s) for 2 consecutive weeks(s); That the first publication was on the 22nd day of December, 2022; The last publication was on the 29th day of December, 2022.

Signed Heidi Schulz
By Heidi Schulz, for Southern Lakes Newspapers, LLC

Subscribed and sworn to before me this

30 day of December 2022

Karen Whittington
Notary Public, State of Wisconsin
My commission expires 1/20/24



NOTICE OF PUBLIC HEARING VILLAGE OF YORKVILLE

PUBLIC NOTICE is hereby given that the Village of Yorkville Plan Commission and Village Board will hold a public hearing at 6:00 p.m. on Monday, January 9, 2023, in the Village Board Room at the Union Grove Municipal Center, located at 925 15th Avenue, Union Grove, Wisconsin, regarding proposed revisions to Chapter 55 of the Village's Municipal Code of Ordinances regarding home occupations. A copy of the proposed ordinance changes will be available for public inspection prior to the public hearing, beginning on Thursday, December 22, 2022, and for at least two weeks during regular office hours at the Village Office, before consideration and possible adoption by the Village Board. If you have any questions, please contact the Village Administrator/Clerk at (262) 878-2123.

Michael McKinney
Administrator/Clerk

(Published in Westine Report,
Dec. 22 & 29, 2022
WNAXLP - 430670)

Village of Yorkville
Notice of Newly Enacted Ordinances

Please take notice that, on Monday, January 9, 2023, the Village Board of the Village of Yorkville adopted the following ordinances:

- Ordinance 2023-01, entitled "An Ordinance amending the Racine County Code of Ordinances as adopted by the Village of Yorkville under Section 55-1(A) of the Code of Ordinances of the Village of Yorkville, Racine County, Wisconsin, relating to the rezoning of ±85 acres of land from the A-2 General Farming and Residential District II to the C-2 Upland Resource Conservation District, on three unaddressed parcels located to the west, north and partially to the east of the parcel located at 14700 50th Road, Sec. 01, T3N, R21E, Village of Yorkville, Racine County, Wisconsin (Parcel ID #'s 194-03-21-01-006-040, 194-03-21-01-006-030 and 194-03-21-01-006-010), to accommodate a 15-parcel cluster subdivision; TNG 27, LLC, Owner; Nancy Washburn/Raymond Leffler, Applicant/Agent".
- Ordinance 2023-02, entitled "An Ordinance repealing and recreating Section 20-1015 of the Code of Ordinances of the Village of Yorkville, Racine County, Wisconsin, relating to home-based businesses". This ordinance establishes criteria for operators of home-based businesses in dwelling units within appropriate zoning districts, permits and regulates the conduct of home-based businesses as an accessory use in a dwelling unit, whether owner- or renter-occupied, and allows residents of the community to use their residences as places to enhance or fulfill personal economic goals, under certain specified standards, conditions and criteria.

These ordinances take effect upon publication of this notice. The full text of these ordinances may be obtained from the Village of Yorkville Administrator/Clerk's office, 925 15th Avenue, Union Grove, Wisconsin 53182, or through the Village's website at www.villageofyorkville.com. The phone number for the Administrator/Clerk is (262) 878-2123.

Michael McKinney
Administrator/Clerk

Affidavit of Printing State of Wisconsin

County of Racine

City of Union Grove

Southern Lakes Newspapers, LLC, certifies that it is the publisher of the Westine Report; that such paper is a secular newspaper of general circulation in said county; that it is printed and published in the village/city, county and state aforesaid. It hereby further certifies that a notice, of which the attached notice is a true copy, has been legally published in said newspaper 1 time(s) for 1 consecutive week(s); That the first publication was on the 12th day of January, 2023; The last publication was on the 12th day of January, 2023.

Signed Heidi Schulz

By Heidi Schulz, for Southern Lakes Newspapers, LLC

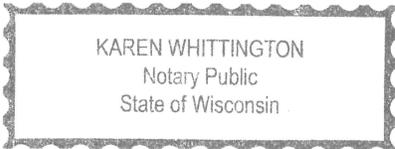
Subscribed and sworn to before me this

12 day of January 2023

Karen Whittington

Notary Public, State of Wisconsin

My commission expires 1/20/26



NOTICE OF NEWLY ENACTED ORDINANCES

Village of Yorkville

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Michael McKinney
Administrator/Clerk

(Published in Westine Report
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