

ORDINANCE NO. 2024-14

**VILLAGE OF YORKVILLE
RACINE COUNTY, STATE OF WISCONSIN**

**AN ORDINANCE TO AMEND SECTIONS 20-1, 20-1008, AND 20-1115 OF 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, STATE OF WISCONSIN, RELATING
TO STORAGE PODS, STORAGE CONTAINERS, POLYSTRUCTURES, AND
POLYSHELTERS**

WHEREAS, the Village of Yorkville Long-Range Planning Committee (“LRPC”) reviewed and discussed various materials related to storage pods, storage containers, polystructures, and polyselters, as well as this draft ordinance, on April 9, 2024, June 11, 2024. and July 9, 2024.

WHEREAS, the LRPC is comprised of residents of the Village as well as officials of the Village and is tasked with reviewing ordinances that impact the long-term plans and growth in the Village.

WHEREAS, the LRPC approved a motion at their meeting on July 9, 2024, to forward this draft ordinance to the Village Plan Commission and Village Board for their consideration.

WHEREAS, a joint public hearing was held before the Village Plan Commission and Village Board to receive public input on this draft ordinance on August 12, 2024, and

WHEREAS, the Village Plan Commission and Village Board reviewed this draft ordinance on August 12, 2024.

**THE VILLAGE BOARD OF THE VILLAGE OF YORKVILLE, RACINE COUNTY,
STATE OF WISCONSIN ORDAINS AS FOLLOWS:**

1. That the definition of “Accessory Structure” found in Section 20-1 of the Racine County Zoning Code as adopted by the Village of Yorkville under Section 55-1(a) of the Code or Ordinances for the Village of Yorkville, Racine County, State of Wisconsin be, and hereby is, amended to read as follows:

“Accessory structure or use shall mean a facility, structure, building or use which is accessory to or incidental to the principal use of a property, structure, or building.”

2. That Section 20-1008 of the Racine County Zoning Code as adopted by the Village of Yorkville under Section 55-1(a) of the Code or Ordinances for the Village of Yorkville, Racine County, State of Wisconsin be, and hereby is, amended to read as

follows:

“Sec. 20-1008. - Accessory uses and structures.

- (a) Accessory uses and structures are permitted in any district, but not until their principal structure is present or under construction, except as provided in subsection (b) below.
- (b) Accessory structures may be permitted in the agricultural districts prior to the presence of the principal structure provided that the parcel on which the accessory structure will be located is ten (10) contiguous acres in size or larger, the accessory structure is intended for an agricultural use, the proposed accessory structure meets the setback requirements needed for a principal structure in that district, and the accessory structure is at least one hundred (100) feet from any existing residence on abutting parcels.
- (c) Accessory uses may include, but are not limited to, incidental repairs; incidental storage; parking areas; private swimming pools; private emergency shelters; and gardening. Examples of accessory structures (regardless of whether attached to a foundation) are barns, detached garages, playhouses, sheds, private greenhouses, gazebos, storage buildings, permanent storage containers, boathouses, wind energy facilities, swimming pool pump houses.
- (d) Servant's and itinerant agricultural laborer's quarters not for rent may be considered accessory uses, subject to conditional use approval. In areas not served by public sanitary sewer, any added quarters must have private onsite wastewater treatment system (POWTS) sanitary approval prior to zoning permit issuance. These uses will also require a recorded deed restriction at the time of the filing of the zoning permit application indicating that the proposed use is associated with the principal use on the property, that the quarters are not for rent, that quarters are limited in area to the lesser of eight hundred (800) square feet or fifty (50) percent of the habitable floor area of the main residence, and that the structure with this use will be utilized as a single housekeeping entity and not as a multi-family dwelling. In addition, a detached accessory structure used for the above quarters must be located on the same property as the principal structure/use and comply with accessory structure setbacks, but in no case may be less than twenty-five (25) feet from a lot line. In the A-1 district all servant's and itinerant agricultural labor's quarters must qualify under W.S.A., § 91.01(19).
- (e) In-law suites (herein "suite") may be allowed as an accessory use to a single-family residence located in the R-1, R-2, R-2S, R-3, R-3A, R-4, R-5, R-5A, A-1, A-2 and C-2 zoning districts, subject to the following:

- (1) Up to two (2) family members related by blood or marriage to the family occupying the principal structure may reside in the suite and must be allowed unrestricted access to the common areas of the dwelling.
- (2) The suite shall not have separate gas, water, and/or electric meters (more than one (1) meter per utility would constitute a multi-family dwelling unit, which is prohibited).
- (3) The suite shall not be located in any detached accessory structure.
- (4) The gross floor area of the suite shall not exceed eight hundred (800) square feet (not including areas for common utilities such as water heater, furnace, etc.).
- (5) The suite shall be connected to the main heated living area of the dwelling by way of common walls (the suite shall not be connected to the dwelling by a breezeway, garage, or corridor as this would constitute a multi-family dwelling unit and that is prohibited). A code-compliant suite may be located above a garage that is attached in its entirety to a single-family residence.
- (6) There shall be only one (1) address and one (1) mailbox for the lot containing the residence and suite.
- (7) The suite addition shall be constructed so as to be compatible and in harmony in terms of architecture, color, materials and texture with the exterior of the principal residence.
- (8) In areas not served by public sanitary sewer, any suite that is added onto or created within an existing residence must have private onsite wastewater treatment system (POWTS) sanitary approval prior to zoning permit issuance.
- (9) The suite shall have its principal means of access to the outdoors from the main dwelling unit via said dwelling unit's main exterior doorways (a sole segregated doorway from the suite to the outdoors would constitute a multi-family dwelling unit and that is prohibited).
- (10) The suite may have up to one (1) bedroom, kitchenette, and bathroom, along with a sitting room or parlor.
- (11) There may be no more than one (1) suite addition within or attached to a single-family residence.

- (12) Evidence of a recorded deed restriction will be required at the time of the filing of the zoning permit application that establishes that persons within the home are required to be living together in the dwelling as a single housekeeping entity, that the living area shall not be utilized as a two-family dwelling, and that the suite will be in compliance with subsection 20-1008(e).
- (f) "A", "C-2" and "R" district residential accessory uses and structures shall not involve the conduct of any business, trade, or industry, except if allowed as a principal or conditional use, and as allowed in section 20-1015 for storage of home occupation materials, which may not exceed two hundred (200) square feet of storage area for the home occupation. A greater storage area of home occupation materials may be approved in association with conditional use approval in the A-2 zoning district if granted by the Economic Development and Land Use Planning Committee."

3. That Section 20-1115 of the Racine County Zoning Code as adopted by the Village of Yorkville under Section 55-1(a) of the Code or Ordinances for the Village of Yorkville, Racine County, State of Wisconsin, and hereby is, amended to read as follows:

"Sec. 20-1115. - Accessory regulations.

- (a) Except for signs and towers for broadcast facilities and/or wind energy, which are regulated separately, any detached accessory structure less than thirty-six (36) square feet in area is exempt from the requirement for obtaining a zoning permit. In addition, any temporary, seasonal outdoor above-ground swimming pool, hot tub, or whirlpool bath that does not remain erected on the same lot for more than one hundred twenty (120) consecutive days is exempt from the requirement for obtaining a zoning permit.
- (b) Detached accessory structures shall not be closer than ten (10) feet to the principal structure; not closer than three (3) feet to a side or rear lot line if \leq seven hundred twenty (720) square feet in footprint area or five (5) feet to a side or rear lot line if $>$ seven hundred twenty (720) square feet in footprint area; not closer than five (5) feet to an alley line; shall not exceed seventeen (17) feet in building height; and are permitted in the rear and side yards only, except as follows:
 - (1) Except for storage containers, storage pods, polystructures, or polyshelters as described in Sec. 10-148, accessory structures within the shoreland area are permitted in the street yard portion of waterfront lots provided that they are not placed within the required minimum street yard setback.

- (2) For lots with multiple street yards and no defined rear yard area, accessory structures are permitted in the street yard portion of the secondary or non-access street provided that they are not placed within the minimum required street yard setback.
- (3) Except for storage containers, storage pods, polystructures, or polyshelters as described in Sec. 10-148, accessory structures may be placed in the street yard portion of a lot if the street yard setback of a principal structure exceeds the required setback for the particular district in question, provided that the street yard setback of the accessory structure is not less than the required setback for the district or the average street yard setback of principal structures on abutting parcels, if any, whichever is greater. On vacant parcels, the minimum setback may be used for averaging.
- (4) Accessory structures placed in the street yard portion of a lot pursuant to (1), (2), or (3) above that are less than one hundred (100) feet from a road right-of-way line must have exterior building materials that are the same as or in harmony with the principal structure on the lot, unless the principal and accessory structure's street yard setbacks are within seventy-five (75) feet of each other.
- (5) Accessory structures located in the R-1 district and other non-"R" districts are limited in height to that listed for the principal structures in those districts. A greater height may be approved through a site plan review process and as allowed in section 20-1111. The minimum setback from a lot line shall be one-half ($\frac{1}{2}$) of the building height or that required by section 20-1115(b), whichever is greater.
- (6) Any portion of an accessory structure placed or constructed in a side yard area of a nonconforming principal structure shall not encroach into the minimum required street and/or shore yard setback.
- (7) Tower broadcast facilities and wind energy facilities restrictions may be found in articles X and XI, respectively.
- (8) *Permanent Storage Containers.*
 - a. *Applicability.* The permit requirements of this Section shall only apply to permanent storage containers placed after August 30, 2024.
 - b. *Minimum lot size.* Permanent storage containers, those storage containers that will remain in place for more than six (6) months, shall only be a permitted accessory use on

parcels five (5) acres or greater in size located in A-2, A-3, A-4, and R-2 zoning districts.

- c. *Maximum storage pod size.* No permanent storage container shall exceed the following dimensions: 10 feet wide, 20 feet long, and 10 feet high.
 - d. *Other permits required.* In addition to an Accessory Structure Permit under this section, a Building Permit is required for permanent storage container per Sec. 10-148(g)(3).
 - e. No storage pod, polystructure, or polyshelter shall be considered a permanent storage container, as defined by Sec. 10-148 of the Village of Yorkville Municipal Code.
- (c) The aggregate total footprint area for all accessory structures shall not exceed the following square footage for the stated lot size, exclusive of road right-of-way:

Lot Size / Accessory Structure(s) Maximum Aggregate Total Footprint Area
< 10,000 square feet lot = 720 square feet
≥ 10,000 square feet lot to 20,000 square feet lot = 1,000 square feet
> 20,000 square feet to < 1 acre lot = 2,600 square feet
1 acre to < 2 acre lot = 4,000 square feet
2 acre to < 3 acre lot = 5,000 square feet
3 acre to < 4 acre lot = 6,000 square feet
4 acre to < 5 acre lot = 7,500 square feet
5 acre to < 10 acre lot = four (4) percent of lot area
≥ 10 acre lot = five (5) percent of lot area.

Note: A greater amount of square footage per lot size may be allowed if approved as part of a conditional use permit or site plan review when needed as an integral part of the plan of operation and where said structure(s) is used solely accessory to the permitted principal or conditional use on said lot.

- (d) Where an accessory structure is permanently attached to the principal structure by a roof or wall-to-wall, such accessory structure shall be considered as a part of the principal structure. Pergolas, decks, stairs and landings that abut a principal structure, whether or not physically attached, and outdoor swimming pools, hot tubs or whirlpools on top of, within, or immediately abutting such shall be considered to be part of the principal structure and principal structure setbacks would apply for required setbacks except where sections 20-1113, 20-1118, and 20-1120 setbacks apply. Items such as a fence, trellis, retaining wall, and sidewalk, driveway or patio less than six (6) inches from grade are not considered an attachment, and

are exempt from setbacks except where regulated by shoreland, floodplain or traffic visibility regulations.

4. This ordinance shall take effect upon adoption and publication as required by law.

Adopted by the Village Board of the Village of Yorkville, Racine County, State of Wisconsin, this 12th day of August, 2024.

VILLAGE OF YORKVILLE

Ayes: 4

By: /s/ Douglas Nelson
Douglas Nelson, President

Nays: 0

Attest: /s/ Janine Carls
Janine Carls, Clerk

Abstentions: 0

Absences: 1

**NOTICE OF PUBLIC HEARING
VILLAGE OF YORKVILLE**

PUBLIC NOTICE IS HEREBY GIVEN that the Village Board and Plan Commission of the Village of Yorkville, Racine County, Wisconsin, shall hold a joint public hearing at 6:00 p.m. on Monday, August 12, 2024, in the Yorkville Village Board Room, located in the Union Grove Municipal Center, 925 15th Avenue, Union Grove, Wisconsin, regarding proposed revisions to Chapter 10 of the Village of Yorkville's Municipal Code of Ordinances and Chapter 20 of the Racine County Zoning Code as adopted by the Village of Yorkville under Section 55-1(a) of the Village of Yorkville's Municipal Code of Ordinances pertaining to storage pods, storage containers, polystructures, and polyshelters. All interested parties will be heard.

A copy of these proposed ordinances will be available for public inspection prior to the public hearing, beginning on Thursday, July 25, 2024, and for at least two weeks thereafter during regular office hours, at the Village of Yorkville Clerk's office, 925 15th Avenue, Union Grove, Wisconsin 53182, weekdays from 8:00 a.m. to 4:30 p.m., before consideration and possible adoption by the Village Board. If you have any questions regarding this scheduled public hearing or these proposed ordinances, please contact Michael McKinney, Village Administrator, at (262) 878-2123; the e-mail for the Village Administrator is michael@villageofyorkville.com.

Dated this 25th day of July and this 1st day of August, 2024.

Janine Carls
Clerk

Affidavit of Printing State of Wisconsin

County of Racine

City/Village 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 25th day of July, 2024; The last publication was on the 1st day of August, 2024.

Signed *Amy Naber*

By Amy Naber, for Southern Lakes Newspapers, LLC

Subscribed and sworn to before me this

1st day of August 2024

Karen Whittington

Notary Public, State of Wisconsin

My commission expires 1/20/26



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possible adoption by the Village Board. If you have any questions regarding this scheduled public hearing or these proposed ordinances, please contact Michael McKinney, Village Administrator, at (262) 878-2123; the e-mail for the Village Administrator is michael@villageofyorkville.com.

Janine Carls
Clerk

(Published in Westine Report
July 25 & Aug. 1, 2024
WNAXLP - 458990)

Village of Yorkville Notice of Newly Enacted Ordinances

Please take notice that, on Monday, August 12, 2024, the Village Board of the Village of Yorkville adopted the following ordinances:

- Ordinance 2024-09, entitled "An Ordinance amending Sections 20-1020 (3) and (4) of the Code of Ordinances of the Village of Yorkville, Racine County, State of Wisconsin, relating to the minimum square footage for single family dwellings and two-family dwellings".
- Ordinance 2024-10, entitled "An Ordinance amending Sections 10-98 and 28-88 of the Code of Ordinances of the Village of Yorkville, Racine County, State of Wisconsin, relating to the minimum floor areas and foundation requirements for single family dwellings and two-family dwellings and manufactured dwellings, manufactured homes, and modular homes".
- Ordinance 2024-13, 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 relating to the proposed rezoning of ±4.955 acres of land located at 14918 Washington Avenue (STH 20) (Parcel ID # 194-03-21-12-060-006), in the W½ of the SW¼ of Sec. 12, T3N, R21E, Village of Yorkville, Racine County, State of Wisconsin, from the R-3 (Suburban Residential - Sewered) Zoning District to the A-2 (General Farming and Residential II) Zoning District; Joshua Kramsky, Owner; Joshua Kramsky, Applicant/Agent".
- Ordinance 2024-14, entitled "An Ordinance amending Sections 20-1, 20-1008, and 20-1115 of 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, State of Wisconsin, relating to storage pods, storage containers, polystructures, and polyshelters".
- Ordinance 2024-15, entitled "An Ordinance creating Section 10-148 of the Code of Ordinances of the Village of Yorkville, Racine County, State of Wisconsin, relating to storage pods, storage containers, polystructures, and polyshelters and reserving Sections 10-149 – 10-180 for future use".

These ordinances take effect upon publication of this notice. The full text of these ordinances may be obtained from the Village of Yorkville 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 Clerk is (262) 878-2123.

Janine Carls
Clerk

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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 29th day of August, 2024; The last publication was on the 29th day of August, 2024.

Signed Amy Naber

By Amy Naber, for Southern Lakes Newspapers, LLC

Subscribed and sworn to before me this

29 day of August 2024.

Karen Whittington

Notary Public, State of Wisconsin

My commission expires 4/20/26



NOTICE OF NEWLY ENACTED ORDINANCES Village of Yorkville

Please take notice that, on Monday, August 12, 2024, the Village Board of the Village of Yorkville adopted the following ordinances:

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Ordinances as adopted by the Village of Yorkville under Section 55-1(a) of the Code of Ordinances of the Village of Yorkville relating to the proposed rezoning of ±4.955 acres of land located at 14918 Washington Avenue (STH 20) (Parcel ID # 194-03-21-12-060-006), in the W½ of the SW¼ of Sec. 12, T3N, R21E, Village of Yorkville, Racine County, State of Wisconsin, from the R-3 (Suburban Residential - Sewered) Zoning District to the A-2 (General Farming and Residential II) Zoning District; Joshua Kramsky, Owner; Joshua Kramsky, Applicant/Agent".

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Janine Carls
Clerk

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