

ORDINANCE NO. 2025-04

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

AN ORDINANCE TO AMEND SECTION 20-1008 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, COUNTY OF RACINE, STATE OF WISCONSIN, RELATING TO ACCESSORY USES AND STRUCTURES

WHEREAS, the Village of Yorkville Long-Range Planning Committee (“LRPC”) reviewed and discussed various materials related to accessory uses and structures, as well as this draft ordinance, on August 5, 2024, October 8, 2024, and November 12, 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 November 12, 2024, to forward this draft ordinance to the Village Plan Commission and Village Board for their consideration.

WHEREAS, the Village Board reviewed this draft ordinance on February 10, 2025, and held a public hearing to receive public input on this draft ordinance on February 10, 2025.

WHEREAS, the Village Plan Commission reviewed this draft ordinance on February 10, 2025, and attended the public hearing to receive public input on this draft ordinance on February 10, 2025.

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

1. That Section 20-1008 of the Code of Ordinances 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, be, and hereby is, amended 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, County of Racine, State of Wisconsin, this 10th day of February, 2025.

VILLAGE OF YORKVILLE

Ayes: 5

Nays: 0

Abstentions: 0

Absences: 0

By: /s/ Douglas Nelson
Douglas Nelson, President

Attest: /s/ Janine Carls
Janine Carls, Clerk

EXHIBIT A

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) Subject to approval by the Village Board, 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. As part of the approval process, the Village Board may impose reasonable conditions on the above-described use.
- (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, 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.