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3 **ORDINANCE BY THE RACINE COUNTY ECONOMIC DEVELOPMENT AND LAND USE**
4 **PLANNING COMMITTEE AMENDING, REPEALING AND RE-CREATING VARIOUS**
5 **SECTIONS OF CHAPTER 20, ZONING, RACINE COUNTY CODE OF ORDINANCES,**
6 **PERTAINING TO THE A-1 FARMLAND PRESERVATION DISTRICT**
7

8 **To the Honorable Members of the Racine County Board of Supervisors:**

9
10 **AN ORDINANCE TO AMEND** that Certain Ordinance Entitled RACINE COUNTY ZONING
11 ORDINANCE adopted December 2, 1969, found on pages 185 to 232 of the **OFFICIAL**
12 **PROCEEDINGS OF THE RACINE COUNTY BOARD OF SUPERVISORS FOR THE**
13 **YEAR 1969 as recodified May 28, 1991, by Ordinance 91-196.**
14

15 **The Racine County Board of Supervisors ordains as follows:**

16
17 **AMEND PORTIONS OF DIVISION 23. A-1 GENERAL FARMING DISTRICT TO READ AS**
18 **FOLLOWS:**

19
20 **DIVISION 23. A-1 FARMLAND PRESERVATION DISTRICT**

21
22 **Sec. 20-658 – Uses.**

23
24 The following uses are permitted in the A-1 farmland preservation district:

25
26 (1) *Principal uses.* Apiculture, dairying; floriculture; forestry; grazing;
27 greenhouses; hay; livestock raising except those listed in 20-658(2);
28 orchards; paddocks; pasturage; plant nurseries; poultry raising; raising of
29 cash grain crops, mint, grass, seed crops, silage, tree fruits, nuts and
30 berries, and vegetables; stables; truck farming; aqua farming; Christmas
31 tree production; viticulture;; A farm residence that is the only residential
32 structure on the farm; nonfarm residences constructed in a cluster in
33 accordance with s. 91.46(1)(e) Wis. Stats; undeveloped natural resource
34 and open space areas; and enrolling land in a federal agricultural
35 commodity payment program or federal or state agricultural land
36 conservation payment program.
37

38 (2) *Conditional uses.* Animal hospitals; commercial egg production;
39 commercial raising of animals, such as dogs, foxes, goats, mink, pigs and
40 rabbits must meet s. 91.01(1) Wis. Stats ; condenseries; creameries; feed
41 lots, grain elevators, commercial grain storage and seed operations, which
42 operate exclusive of any farm operation; hatching or butchering of fowl,
43 airports, airstrips and landing fields for farm or personal use only; worm
44 farms; sod farming; one and two-family non-farm residences and one and
45 two-family non-farm residential clusters and a second farm residence that
46 is occupied either by an individual who earns more than 50% of his or her
47 income from the farm or a migrant labor camp that is certified under
48 s.103.92 Wis. Stats. These residences are also subject to the restrictions
49 found in 20-1008(d); mobile service support structures. For additional
50 restrictions see sections 20-1010, 20-1226, 20-1291, 20-1336, 20-1337,
51 and 20-1338.

54
55 (3) *Prior nonconforming uses subject to W.S.A., § 59.69(10).*

- 56
57 a. A prior nonconforming use may not be expanded or modified.
58
59 b. The number and location of existing residences may limit conditional
60 use permits for new residences.
61

62 **Sec. 20-967 Permitted uses**

63
64 The following uses are permitted in the SWO shoreland-wetland overlay district:

65
66 (1) *Principal uses.*

- 67
68 a. The following uses must be carried out without filling, flooding, draining,
69 dredging, ditching, tiling or excavating; hiking, fishing, trapping, hunting,
70 swimming and boating; the harvesting of wild crops, such as marsh hay,
71 ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner
72 that is not injurious to the natural reproduction of such crops; the
73 practice of silviculture, including the planting, thinning and harvesting of
74 timber; the pasturing of livestock; the cultivation of agricultural crops;
75 and the construction and maintenance of duck blinds.
76
77 b. The following uses may involve filling, flooding, draining, dredging,
78 ditching, tiling or excavating to the extent specifically provided below;
79 temporary water level stabilization measures, in the practice of
80 silviculture, which are necessary to alleviate abnormally wet or dry
81 conditions that would have an adverse impact on the conduct of
82 silvicultural activities if not corrected; dike and dam construction and
83 ditching for the purpose of growing and harvesting cranberries; ditching,
84 tiling, dredging, excavating or filling done to maintain or repair existing
85 agricultural drainage systems only to the extent necessary to maintain
86 the level of drainage required to continue the existing agricultural use;
87 limited excavating and filling necessary for the construction and
88 maintenance of fences for the pasturing of livestock; limited excavating
89 and filling necessary for the construction and maintenance of piers,
90 docks and walkways built on pilings; limited excavating and filling
91 necessary for the maintenance, repair, replacement and reconstruction
92 of existing town and county highways; and the maintenance and repair
93 of existing town and county bridges. A zoning permit is not required for
94 the preceding uses.
95

96 (2) *Conditional uses.*

- 97
98 a. The construction and maintenance of roads which are necessary to
99 conduct silvicultural activities or are necessary for agricultural
100 cultivation, provided that:

- 103
- 104 1. The road cannot, as a practical matter, be located outside the
- 105 wetland; and
- 106
- 107 2. The road is designed and constructed to minimize the adverse
- 108 impact upon the natural functions of the wetland and meets the
- 109 following standards:
- 110
- 111 i. The road shall be designed and constructed as a single lane
- 112 roadway with only such depth and width necessary to
- 113 accommodate the machinery required to conduct agricultural and
- 114 silvicultural activities;
- 115
- 116 ii. Road construction activities are to be carried out in the
- 117 immediate area of the roadbed only; and
- 118
- 119 iii. Any filling, flooding, draining, dredging, ditching, tiling or
- 120 excavating that is to be done must be necessary for the
- 121 construction or maintenance of the road.
- 122
- 123 b. The construction and maintenance of nonresidential buildings used
- 124 solely in conjunction with raising of waterfowl, minnows or other wetland
- 125 or aquatic animals or used solely for some other purpose which is
- 126 compatible with wetland preservation, if such building cannot as a
- 127 practical matter be located outside the wetland, provided that:
- 128
- 129 1. Any such building does not exceed five hundred (500) square feet in
- 130 floor area; and
- 131
- 132 2. Only limited excavating and filling necessary to provide structure
- 133 support for the building is allowed.
- 134
- 135 c. The establishment and development of public and private parks and
- 136 recreation areas, natural and outdoor education areas, historic and
- 137 scientific areas, wildlife refuges, game bird and animal farms, fur and
- 138 animal farms, shooting preserves, public boat launching ramps and
- 139 access roads used in conjunction with a public boat launching ramp,
- 140 provided that:
- 141
- 142 1. Any private recreation or wildlife habitat area must be used
- 143 exclusively for that purpose.
- 144
- 145 2. Filling and excavating necessary for the construction and
- 146 maintenance of public boat launching ramps and access roads is
- 147 allowed only where such construction meets the criteria listed for
- 148 roads to service silvicultural activities.

- 151
- 152 3. Ditching, excavating, dredging, dike and dam construction may be
- 153 done in wildlife refuges, game bird and animal farms, fur animal
- 154 farms, private wildlife habitat areas, and shooting preserves, but only
- 155 for the purpose of improving wildlife habitat or to otherwise enhance
- 156 wetland values.
- 157
- 158 4. Open space cannot contain buildings. Public use must meet s.
- 159 91.46(5) and any private parks or shooting preserves must meet s.
- 160 91.01(1) Wis. Stats.
- 161
- 162 d. The construction and maintenance of electric, gas, telephone, water
- 163 and sewer transmission and distribution lines, and related facilities, by
- 164 public utilities and cooperative associations organized for the purpose
- 165 of producing or furnishing heat, light, power or water to their members,
- 166 provided that:
- 167
- 168 1. The transmission and distribution lines and related facilities cannot
- 169 as a practical matter be located outside the wetland; and
- 170
- 171 2. Any filling, excavating, ditching or draining that is to be done must be
- 172 necessary for such construction or maintenance and must be done
- 173 in a manner designed to minimize flooding and other adverse
- 174 impacts upon the natural functions of the wetlands, and
- 175
- 176 3. Utilities must meet s. 91.46(1)(f) Wis. Stats.
- 177
- 178 e. The construction and maintenance of railroad lines, provided that:
- 179
- 180 1. The railroad lines cannot as a practical matter be located outside the
- 181 wetland; and
- 182
- 183 2. Any filling, excavating, ditching, or draining that is to be done must
- 184 be necessary for such construction or maintenance and must be
- 185 done in a manner designed to minimize flooding and other adverse
- 186 impacts upon the natural functions of the wetland; and the
- 187 replacement and/or reconstruction of existing town and county
- 188 bridges; and
- 189
- 190 3. Transportation Uses must meet s. 91.46(4) Wis. Stats.
- 191
- 192 f. Such conditional uses may be approved under section 20-1181 or 20-
- 193 1182. (Ord. No. 86-17, § 7.0311, 7-22-86)
- 194
- 195
- 196
- 197

200

201 **Sec. 20-1008 – Accessory uses and structures**

202

203 (a) Accessory uses and structures are permitted in any district, but not until
204 their principal structure is present or under construction, except as provided
205 in subsection (b) below.

206

207 (b) Accessory structures may be permitted in the agricultural districts prior to
208 the presence of the principal structure provided that the parcel on which the
209 accessory structure will be located is ten (10) contiguous acres in size or
210 larger, the accessory structure is intended for an agricultural use, the
211 proposed accessory structure meets the setback requirements needed for
212 a principal structure in that district, and the accessory structure is at least
213 one hundred (100) feet from any existing residence on abutting parcels.

214

215 (c) Accessory uses may include, but are not limited to, incidental repairs;
216 incidental storage; parking areas; private swimming pools; private
217 emergency shelters; and gardening. Examples of accessory structures
218 (regardless of whether attached to a foundation) are barns, detached
219 garages, playhouses, sheds, private greenhouses, gazebos, storage
220 buildings, boathouses, wind energy facilities, swimming pool pump houses.

221

222 (d) Servant's and itinerant agricultural laborer's quarters not for rent may be
223 considered accessory uses, subject to conditional use approval. In areas
224 not served by public sanitary sewer, any added quarters must have private
225 onsite wastewater treatment system (POWTS) sanitary approval prior to
226 zoning permit issuance. These uses will also require a recorded deed
227 restriction at the time of the filing of the zoning permit application indicating
228 that the proposed use is associated with the principal use on the property,
229 that the quarters are not for rent, that quarters are limited in area to the
230 lesser of eight hundred (800) square feet or fifty (50) percent of the
231 habitable floor area of the main residence, and that the structure with this
232 use will be utilized as a single housekeeping entity and not as a multi-family
233 dwelling. In addition, a detached accessory structure used for the above
234 quarters must be located on the same property as the principal
235 structure/use and comply with accessory structure setbacks, but in no case
236 may be less than twenty-five (25) feet from a lot line. In the A-1 district all
237 servant's and itinerant agricultural labor's quarters must qualify under
238 s.91.01(19) Wis. Stats.

239

240 (e) In-law suites (herein "suite") may be allowed as an accessory use to a
241 single-family residence located in the R-1, R-2, R-2S, R-3, R-3A, R-4, R-5,
242 R-5A, A-1, A-2 and C-2 zoning districts, subject to the following:

243

244

- 247
- 248 (1) Up to two (2) family members related by blood or marriage to the
249 family occupying the principal structure may reside in the suite and
250 must be allowed unrestricted access to the common areas of the
251 dwelling.
- 252
- 253 (2) The suite shall not have separate gas, water, and/or electric meters
254 (more than one (1) meter per utility would constitute a multi-family
255 dwelling unit, which is prohibited).
- 256
- 257 (3) The suite shall not be located in any detached accessory structure.
- 258
- 259 (4) The gross floor area of the suite shall not exceed eight hundred (800)
260 square feet (not including areas for common utilities such as water
261 heater, furnace, etc.).
- 262
- 263 (5) The suite shall be connected to the main heated living area of the
264 dwelling by way of common walls (the suite shall not be connected to
265 the dwelling by a breezeway, garage, or corridor as this would
266 constitute a multi-family dwelling unit and that is prohibited). A code-
267 compliant suite may be located above a garage that is attached in its
268 entirety to a single-family residence.
- 269
- 270 (6) There shall be only one address and one mailbox for the lot
271 containing the residence and suite.
- 272
- 273 (7) The suite addition shall be constructed so as to be compatible and in
274 harmony in terms of architecture, color, materials and texture with the
275 exterior of the principal residence.
- 276
- 277 (8) In areas not served by public sanitary sewer, any suite that is added
278 onto or created within an existing residence must have private onsite
279 wastewater treatment system (POWTS) sanitary approval prior to
280 zoning permit issuance.
- 281
- 282 (9) The suite shall have its principal means of access to the outdoors
283 from the main dwelling unit via said dwelling unit's main exterior
284 doorways (a sole segregated doorway from the suite to the outdoors
285 would constitute a multi-family dwelling unit and that is prohibited).
- 286
- 287 (10) The suite may have up to one (1) bedroom, kitchenette, and
288 bathroom, along with a sitting room or parlor.

291
292 (11) There may be no more than one (1) suite addition within or attached
293 to a single-family residence.

294
295 (12) Evidence of a recorded deed restriction will be required at the time of
296 the filing of the zoning permit application that establishes that persons
297 within the home are required to be living together in the dwelling as a
298 single housekeeping entity, that the living area shall not be utilized as
299 a two-family dwelling, and that the suite will be in compliance with
300 subsection 20-1008(e).

301
302 (f) "A", "C-2" and "R" district residential accessory uses and structures shall
303 not involve the conduct of any business, trade, or industry, except if
304 allowed as a principal or conditional use, and as allowed in section 20-1015
305 for storage of home occupation materials, which may not exceed two
306 hundred (200) square feet of storage area for the home occupation.
307 (Code 1975, § 7.026; Ord. No. 86-86, § 7.026, 8-26-86; Ord. No. 2007-28, 6-
308 26-07)

309
310 **Sec. 20-1019. – Community and other living arrangements.**

311
312 In any district which allows single-family or two-family residences as a principal use,
313 the following are permitted uses.

314
315 (1) Licensed community living arrangements which have a capacity for eight
316 (8) or fewer persons, subject to the limitations set forth in W.S.A., §
317 59.97(15).

318
319 (2) Licensed family foster homes subject to the regulations set forth in W.S.A.,
320 § 48.62.

321
322 (3) Licensed family day care homes subject to the regulations set forth in
323 W.S.A., § 48.65 and must meet s.91.01(1)(d) Wis. Stats.(Ord. No. 93-183,
324 1-11-94)

325
326 **Sec. 20-1226. – Uses permitted conditionally.**

327
328 The following industrial and agricultural uses shall be conditional uses and may be
329 permitted as specified:

330
331 (1) Animal hospitals in the A-1 and must meet s.91.01(1) Wis. Stats., A-2 and
332 A-4 agricultural districts, the B-5 business district and the M-2 and M-3
333 industrial districts; provided the lot area is not less than three (3) acres, and
334 all principal structures and uses are not less than one hundred (100) feet
335 from any residential district.

339

340 (2) Commercial raising, propagation, boarding or butchering of animals, such
341 as dogs, mink, rabbits, foxes, goats and pigs; the commercial production of
342 eggs; and the hatching, raising, fattening or butchering of fowl in the A-1
343 and A-2 agricultural districts. Pea vineries, creameries and condenseries in
344 all agricultural districts and the M-3 industrial district.

345

346 (3) Manufacture and processing of abrasives, acetylene, acid, alkalies,
347 ammonia, asbestos, asphalt, batteries, bedding, bleach, bone, cabbage,
348 candle, carpeting, celluloid, cement, cereals, charcoal, chemicals, chlorine,
349 coal tar, coffee, coke, cordage, creosote, dextrine, disinfectant, dye,
350 excelsior, felt, fish, fuel, furs, gelatin, glucose, gypsum, hair products, ice,
351 ink, insecticide, lampblack, lime, lime products, linoleum, matches, meat,
352 oil cloth, paint, paper, peas, perfume, pickle, plaster of paris, plastics,
353 poison, polish, potash, pulp, pyroxylin, radium, rope, rubber, sausage,
354 shoddy, shoe and lampblackening, size, starch, stove polish, textiles, and
355 varnish, manufacturing, processing, and storage of building materials,
356 explosives, dry ice, fat, fertilizer, flammables, gasoline, glue, grains,
357 grease, lard, plastics, radioactive materials, shellac, soap, turpentine,
358 vinegar and yeast; manufacture and bottling of alcoholic beverages, bag
359 cleaning, bleacheries, canneries, cold storage warehouses; electric and
360 steam generating plants; electroplating; enameling; forges, foundries;
361 garbage; incinerators; lacquering; lithographing; offal, refuse, or animal
362 reduction; oil, coal, and bone distillations; refineries, road test facilities;
363 slaughterhouses; smelting; stockyards; tanneries; and weaving, all in the
364 M-3 heavy industrial district and shall be at least six hundred (600) feet
365 from residential and public and semipublic districts.

366

367 (4) Outside storage and manufacturing areas in the M-3 heavy industrial
368 district. Wrecking, junk, demolition and scrap yards shall be surrounded by
369 a solid fence or evergreen planting screen completely preventing a view
370 from any other property or public right-of-way and shall be at least six
371 hundred (600) feet from residential, public and semipublic districts.

372

373 (5) Commercial service facilities, such as restaurants and fueling stations, in
374 the M-1, M-2 and M-3 industrial districts, provided all such services are
375 physically and sales-wise oriented toward industrial district users and
376 employees and other users are only incidental customers.

377

378 (6) The parking of school buses, semi-tractors and trailers or other vehicles of
379 a commercial nature in the A-2 agricultural district provided all such uses
380 are at least six hundred (600) feet from any residential district and one
381 hundred (100) feet from any other residence and landscape screening to
382 be determined on a site specific basis is in place. If the vehicles are parked
383 inside a structure, the above distance may be reduced. Only one (1)
384 vehicle unit (a school bus, a semi-tractor or trailer, etc.) may be allowed on

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a parcel of land with the exception that two (2) vehicle units may be allowed if both are parked within a fully enclosed structure.

- (7) Sanitary landfills and their related accessory uses when operated in accordance with the provisions of the applicable chapters of the Wisconsin Administrative Code in the M-3 industrial district.
- (8) Airports, airstrips and landing fields for the use of the property owner for personal and farm related activities in the A-1 and A-3 agricultural districts and must meet s.91.01(1) Wis. Stats.

Sec. 20-1336. – Public and semipublic uses.

The following public and semipublic uses shall be conditional uses and may be permitted as specified.

- (1) Airports, airstrips and landing fields in the M-2 and M-3 industrial districts, the A-2 and A-4 agricultural districts and the P-1 institutional park district, provided the site area is not less than twenty (20) acres.
- (2) Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds and museums in all residential and business districts; M-1, M-2 and M-3 industrial districts, and P-1 and P-2 park districts.
- (3) Utilities in all districts provided all principal structures and uses are not less than fifty (50) feet from any residential district lot line. Utilities in the A-1 district must meet s.91.46(4) Wis. Stats.

Sec. 20-1337. – Residential uses.

The following residential and quasi-residential uses shall be conditional uses and may be permitted as specified:

- (1) Planned residential developments in the R-8 residential district. In addition to the development, park land, lot, building and yard requirements specified in the R-8 residential district, deed restrictions enforceable by the county shall be given to assure the proper preservation, care and maintenance, by the original and all subsequent owners, of the exterior design and layout of the development and of all common structures, facilities, utilities, accesses, open spaces and park lands.

- 433
- 434 (2) Clubs, fraternities, lodges, sororities, religious and charitable institutions,
 435 where the principal purpose of the facility is to provide lodging and meals
 436 for the members of such organization in the R-7 residential district,
 437 provided that all principal structures and uses are not less than twenty-five
 438 (25) feet from any lot line. This provision is not intended to limit "community
 439 living arrangements" as defined by the state statutes.
- 440
- 441 (3) Rest homes, nursing homes, homes for the aged, clinics and children's
 442 nurseries in the R-6 or R-7 residential districts provided all principal
 443 structures and uses are not less than fifty (50) feet from any lot line.
- 444
- 445 (4) Cluster residential developments in the C-2 district shall be permitted as a
 446 conditional use. The district regulations may be varied provided that
 447 adequate open space shall be provided so that the average intensity and
 448 density of land use shall be no greater than one dwelling unit per five (5)
 449 acres. The original and all subsequent owners shall assure, by deed
 450 restrictions enforceable by the jurisdictional zoning body, proper
 451 preservation, care, and maintenance of: exteriors; designs; all common
 452 structures; facilities; utilities; accesses; and open spaces.
- 453

<i>Development</i>		
Area	Minimum	20 acres
<i>Lot</i>		
Width	Minimum	150 feet
Area	Minimum	40,000 square feet
<i>Buildings</i>		
Dwelling	Height maximum	35 feet
Residential accessory structures	Height maximum	17 feet
Agricultural structures such as barns, silos, sheds and storage bins	Height maximum	Two (2) times the distance from the nearest lot line
<i>Yard setbacks</i>		
All structures		
Rear	Minimum	50 feet
Side	Minimum	15 feet
Street	Minimum	50 feet
Shore	Minimum	75 feet

- 454
- 455 (5) Bed and Breakfast (B&B) in all residential districts and the A-2 district.
- 456
- 457 (6) Servant's quarters not for rent in any district that allows residential
 458 development as a principal use; itinerant agricultural laborer's quarters not
 459 for rent in any agricultural district. All such structures must be clearly
 460 accessory to the principal use. In the A-1 district all servant's and itinerant
 461 agricultural labor's quarters must qualify under s. 91.01(19) Wis. Stats.

462 Ordinance No. 2015-90
463 Page Eleven

464 **Sec. 20-1465. – Commercial scale wind energy facility.**

465 Commercial-scale wind energy facilities are conditional uses in any agricultural
466 district in conformance with the following requirements: In the A-1 district, must meet
467 s.91.46(4) or s.91.44(1)(f) Wis. Stats .
468

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471
472
473 **The Racine County Clerk is directed to transmit duplicate copies of this ordinance by**
474 **registered mail to all affected Town Clerks within seven (7) days after this ordinance**
475 **is adopted.**

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477
478 **Respectfully submitted,**

479
480 **ECONOMIC DEVELOPMENT & LAND USE**
481 **PLANNING COMMITTEE**

482 1st Reading _____

483 2nd Reading _____

484 **BOARD ACTION**

485 Adopted _____

486 For _____

487 Against _____

488 Absent _____

Mark M. Gleason, Chairman

Robert D. Grove, Vice-Chairman

489
490 **VOTE REQUIRED: Majority**

Mike Dawson, Secretary

491
492 Prepared by:
493 Public Works & Development
494 Services Department

Thomas Pringle

Monte G. Osterman

Tom Hincz

Thomas Roanhouse

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511 Ordinance No. 2015-90
512 Page Twelve

513
514

515 **The foregoing legislation adopted by the County Board of Supervisors of Racine**
516 **County, Wisconsin, is hereby:**

517

518 **Approved:** _____

519 **Vetoed:** _____

520

521 **Date:** _____,

522

523

524 _____
525 **Jonathan Delagrave, County Executive**

526

527 The Certificate of Publication, in compliance with State Statutes, is available at Racine
528 County Public Works & Development Services Department.

529

530 FISCAL NOTE - NOT APPLICABLE

531

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533