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3 ORDINANCE BY THE RACINE COUNTY ECONOMIC DEVELOPMENT AND LAND USE
4 PLANNING COMMITTEE TO AMEND SECTION 20-1 DEFINITIONS, SECTION 20-
5 986(f) SITE RESTRICTIONS, SECTION 20-1113(b) PROJECTIONS INTO
6 YARDS, SECTION 20-1118 ADJUSTMENT OF SHORE YARDS & SECTION 20-1120
7 AVERAGE STREET YARDS; CREATE SECTION 20-1226(14) USES PERMITTED
8 CONDITIONALLY & SECTION 20-1337(6) RESIDENTIAL USES; REPEAL & RE-
9 CREATE SECTION 20-1008 ACCESSORY USES & SECTION 20-1115 ACCESSORY
10 REGULATIONS, OF CHAPTER 20, ZONING, RACINE COUNTY CODE OF
11 ORDINANCES
12

13 To the Honorable Members of the Racine County Board of Supervisors:

14
15 AN ORDINANCE TO AMEND that Certain Ordinance Entitled RACINE COUNTY
16 ZONING ORDINANCE adopted December 2, 1969, found on pages 185 to
17 232 of the OFFICIAL PROCEEDINGS OF THE RACINE COUNTY BOARD OF
18 SUPERVISORS FOR THE YEAR 1969 as recodified May 28, 1991, by
19 Ordinance 91-196.
20

21 The Racine County Board of Supervisors ordains as follows:
22 Amend the Racine County Ordinance as follows:
23

24 AMEND Sec.20-1. Definitions by adding the following in their proper
25 alphabetic sequence:
26

27 *Balcony* shall mean a platform that projects from the wall of a
28 building four (4) feet or less, is surrounded by a railing or
29 balustrade, is open and roofless, and which is suspended or
30 cantilevered from, or supported solely by, the structure to which it
31 is attached.
32

33 *Screening* shall mean a method of visually shielding or
34 obscuring one abutting or nearby structure or use from another by
35 fencing, walls, berms, or densely planted vegetation.
36

37 *Off-road trail* shall mean a new or existing trail made for the
38 use of an off road vehicle(s) where a permanent and defined path
39 has been created and/or where the landscape has been manipulated in
40 such a manner as to create a path or ruts that may or may not
41 include jumps, pits, hills, and/or berms.
42

43 *Off-road vehicle* shall mean a motorized vehicle designed for
44 use on a variety of non-improved surfaces including but not limited
45 to, dune buggies, four-wheel drive vehicles, snowmobiles, all-
46 terrain vehicles (ATV's), dirt bikes, mini bikes, motor bikes,
47 mopeds and trail bikes. Agricultural equipment (such as farm
48 tractors, seeders, combines, cultivators, etc.) used in the
49 operation of a farm, garden tractors and riding lawnmowers are not
50 a type of off-road vehicle.

4 *In-law suite* shall mean a physical arrangement of a dwelling
 5 unit in such a fashion that a separate living quarters is created
 6 within a dwelling unit for the sole purpose of allowing related
 7 persons to live in the secondary living area while that owner and
 8 his or her family resides in the principal living area. The
 9 secondary living area may contain a bedroom, bathroom and
 10 kitchenette which permit a limited degree of independence, but does
 11 not create a separate housekeeping entity.

12 *Kitchen* shall mean a place (such as a room) with cooking
 13 facilities including kitchen-type counters and/or cabinets, kitchen
 14 sinks, or any appliances for the preparation or preservation of
 15 food, including but not limited to, gas or electric ranges, ovens
 16 or stovetops, microwave ovens, refrigerators with more than five
 17 (5) cubic feet of capacity, or freezers.

18 *Kitchenette* shall mean a small kitchen or an alcove containing
 19 minimal cooking facilities.
 20

21
 22 **AMEND Sec. 20-986(f) Site Restrictions as follows:**

23
 24 (f) Widths and area of all lots not served by a public
 25 sanitary sewer system or other sewage disposal system approved by
 26 that state agency having jurisdiction over the approval or
 27 disapproval of such system shall be sufficient to permit the use of
 28 ~~an on-site soil absorption sewage disposal~~ a private on-site
 29 wastewater treatment system (POWTS) designed in accordance with
 30 applicable state, and county and town sanitary regulations but in
 31 no case shall be less than one hundred fifty (150) feet in width
 32 and forty thousand (40,000) square feet in area, unless said lot
 33 width and area has been approved by the Economic Development and
 34 Land Use Planning Committee through the land division or
 35 conditional use process.
 36

37 **AMEND Sec. 20-1113(b) Projections into yards as follows:**

38
 39 (b) Architectural projections, such as chimneys, flues, sills,
 40 eaves, belt courses, and ornaments, decorative projections,
 41 lighting fixtures, balconies, and bay/bow windows, may project into
 42 any required yard; but such projection shall not exceed two (2)
 43 feet and bay/bow windows must be less than or equal to eight (8)
 44 feet wide.
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3 CREATE Sec. 20-1226(14) Uses permitted conditionally to read as
4 follows:

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6 (14) Non-municipal, non-commercial off-road trails for off-road
7 vehicles in the A-2 agricultural district subject to the
8 following:

- 9
10 a. The off-road trails shall be at least six hundred (600)
11 feet from residential, institutional park and recreational
12 park districts, and at least six hundred (600) feet from
13 the nearest lot line in any other zoning district if there
14 exists a legal public or semi-public use listed in Section
15 20-1336.
16
17 b. A detailed plan shall be presented showing the location of
18 off-road trails and indicating speed limits and the
19 posting thereof along with other warning and cautionary
20 signs.
21
22 c. Noise, land disturbance, dust and safety issues must be
23 addressed. In addition, a restoration plan must be in
24 place if the landscape is altered.
25
26 d. The Economic Development and Land Use Planning Committee
27 shall consider the effect of the proposed operation upon
28 existing streets, neighboring development, proposed land
29 use, drainage, soil erosion, and natural beauty.
30
31 e. The conditional use permit shall be valid for one (1)
32 year. Renewal request shall be filed with the Planning
33 and Development Department at least sixty (60) days prior
34 to the expiration date.
35
36 f. Commercial off-road trails for off-road vehicles are
37 prohibited in all but the B-3, B-4, B-5 and B-6 districts,
38 pursuant to Sec. 20-1246(b).
39
40 g. Seasonal snowmobile trails mapped by the Racine County
41 Alliance of snowmobile clubs and/or with oversight by the
42 Racine County Public Works Department are exempt from the
43 provision of this section.
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4 REPEAL & RE-CREATE Sec. 20-1008 Accessory uses to read as follows:

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

7
8 (a) Accessory uses and structures are permitted in any
9 district, but not until their principal structure is present or
10 under construction, except as provided in (b) below.

11
12 (b) Accessory structures may be permitted in the agricultural
13 districts prior to the presence of the principal structure provided
14 that the parcel on which the accessory structure will be located is
15 ten (10) contiguous acres in size or larger, the accessory
16 structure is intended for an agricultural use, the proposed
17 accessory structure meets the setback requirements needed for a
18 principal structure in that district, and the accessory structure
19 is at least one hundred (100) feet from any existing residence on
20 abutting parcels.

21
22 (c) Accessory uses may include, but are not limited to,
23 incidental repairs; incidental storage; parking areas; private
24 swimming pools; private emergency shelters; and gardening. Examples
25 of accessory structures (regardless of whether attached to a
26 foundation) are barns, detached garages, playhouses, sheds, private
27 greenhouses, gazebos, storage buildings, boathouses, wind energy
28 facilities, swimming pool pump houses, and tower broadcast
29 facilities.

30
31 (d) Servant's and itinerant agricultural laborer's quarters
32 not for rent may be considered accessory uses, subject to
33 conditional use approval. In areas not served by public sanitary
34 sewer, any added quarters must have Private Onsite Wastewater
35 Treatment System (POWTS) sanitary approval prior to zoning permit
36 issuance. These uses will also require a recorded deed restriction
37 at the time of the filing of the zoning permit application
38 indicating that the proposed use is associated with the principal
39 use on the property, that the quarters are not for rent, that
40 quarters are limited in area to the lesser of 800 square feet or
41 50% of the habitable floor area of the main residence, and that the
42 structure with this use will be utilized as a single housekeeping
43 entity and not as a multi-family dwelling. In addition, a detached
44 accessory structure used for the above quarters must be located on
45 the same property as the principal structure/use and comply with
46 accessory structure setbacks, but in no case may be less than
47 twenty-five (25) feet from a lot line.
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(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 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 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 address and one 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).

4 (10) The suite may have up to one bedroom, kitchenette, and
5 bathroom, along with a sitting room or parlor.

6 (11) There may be no more than one suite addition within or
7 attached to a single-family residence.

8
9 (12) Evidence of a recorded deed restriction will be required at
10 the time of the filing of the zoning permit application that
11 establishes that persons within the home are required to be
12 living together in the dwelling as a single housekeeping
13 entity, that the living area shall not be utilized as a two-
14 family dwelling, and that the suite will be in compliance with
15 Sec. 20-1008(e).

16
17 (f) "A", "C-2" and "R" district residential accessory uses
18 and structures shall not involve the conduct of any business,
19 trade, or industry, except if allowed as a principal or conditional
20 use, and as allowed in Sec. 20-1015 for storage of home occupation
21 materials, which may not exceed two hundred (200) square feet of
22 storage area for the home occupation.

23
24 REPEAL & RE-CREATE Sec. 20-1115 Accessory Uses to read as follows:

25
26 Sec. 20-1115. Accessory regulations.

27
28 (a) Except for signs and towers for broadcast facilities
29 and/or wind energy, which are regulated separately, any detached
30 accessory structure less than thirty-six (36) square feet in area
31 is exempt from the requirement for obtaining a zoning permit. In
32 addition, any temporary, seasonal outdoor above-ground swimming
33 pool, hot tub, or whirlpool bath that does not remain erected on
34 the same lot for more than one hundred twenty (120) consecutive
35 days is exempt from the requirement for obtaining a zoning permit.

36
37 (b) Detached accessory structures shall not be closer than
38 ten (10) feet to the principal structure; not closer than three (3)
39 feet to a side or rear lot line if less than seven hundred twenty
40 (720) square feet in footprint area or five (5) feet to a side or
41 rear lot line if \geq 720 square feet in footprint area; not closer
42 than five (5) feet to an alley line; shall not exceed seventeen
43 (17) feet in height; and are permitted in the rear and side yards
44 only, except as follows:

45
46 (1) Within the shoreland area, accessory structures are permitted
47 in the street yard portion of waterfront lots provided that
48 they are not placed within the required minimum street yard
49 setback and provided that the principal and accessory
50 structure's street yard setbacks are within seventy-five (75)
51 feet of each other.

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3 (2) For lots with multiple street yards and no defined rear yard
4 area, accessory structures are permitted in the street yard
5 portion of the secondary or non-access street provided that
6 they are not placed within the minimum required street yard
7 setback and provided that the principal and accessory
8 structure's street yard setbacks are within seventy-five (75)
9 feet of each other.

10
11 (3) Accessory structures may be placed in the street yard portion
12 of a lot if the street yard setback of a principal structure
13 exceeds the required setback for the particular district in
14 question, provided that the street yard setback of the
15 accessory structure is not less than the required setback for
16 the district or the average street yard setback of principal
17 structures on abutting parcels, if any, whichever is greater
18 and provided that the principal and accessory structure's
19 street yard setbacks are within seventy-five (75) feet of each
20 other. On vacant parcels, the minimum setback may be used for
21 averaging.

22
23 (4) Accessory structures located in the R-1 district and other
24 non-"R" districts are limited in height to that listed for the
25 principal structures in those districts, but shall not exceed
26 in height twice their distance from the nearest lot line. A
27 greater height may be approved through a site plan review
28 process and as allowed in Sec. 20-1111.

29
30 (5) Any portion of an accessory structure placed or constructed in
31 a side yard area of a nonconforming principal structure shall
32 not encroach into the minimum required street and/or shore
33 yard setback.

34
35 (6) Tower broadcast facilities and wind energy facilities
36 restrictions may be found in Art. X and XI, respectively.

37
38 (c) For all residential "R" district accessory structures,
39 and residential accessory structures associated with a
40 nonconforming use in any other district, there shall be no more
41 than three (3) detached accessory structures allowed per lot, and
42 the aggregate total footprint area shall not exceed the following
43 square footage for the stated lot size, exclusive of road right-of-
44 way:

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4 Lot Size / Accessory Structure(s) Maximum Aggregate Total
5 Footprint Area

- 6 < 20,000 square feet lot = 950 square feet
- 7 ≥ 20,000 square feet to < 1 acre lot = 1,200 square feet
- 8 1 acre to < 2 acre lot = 1,450 square feet
- 9 2 acre to < 3 acre lot = 1,700 square feet
- 10 3 acre to < 4 acre lot = 1,950 square feet
- 11 4 acre to < 5 acre lot = 2,200 square feet
- 12 ≥ 5 acre lot = the greater of 2,200 square feet or one (1)
- 13 percent of lot area

14 Note: A greater amount of square footage per lot size may be
15 allowed if approved as part of a conditional use permit or
16 site plan review when needed as an integral part of the plan
17 of operation and where said structure(s) is used solely
18 accessory to the permitted conditional use on said lot. In
19 addition, the aggregate total amount of accessory structures
20 on an R-1 zoned lot will be allowed to exceed the above
21 allowable square footage per lot size, up to three (3) percent
22 of the total lot area.

23
24 (d) The aggregate total footprint area for all non-"R"
25 district accessory structures (see above for residential accessory
26 nonconforming use) shall not exceed three (3) percent of the total
27 lot area, except as follows:

- 28
- 29 (1) On all "A" district or C-2 zoned parcels, ten (10) acres or
30 more in area, the aggregate total footprint area of all
31 accessory structures may not exceed five (5) percent of the
32 total lot area when the principal use is for the pursuit of
33 farming and related agricultural uses.
- 34
- 35 (2) A greater amount of square footage per lot size may be allowed
36 if approved as part of a conditional use permit or site plan
37 review when needed as an integral part of the plan of
38 operation and where said structure(s) is used solely accessory
39 to the permitted principal or conditional use on said lot.
- 40

41 (e) Where an accessory structure is permanently attached to
42 the principal structure by a roof or wall-to-wall, such accessory
43 structure shall be considered as a part of the principal structure.
44 Decks, stairs and landings that abut a principal structure, whether
45 or not physically attached, and outdoor swimming pools, hot tubs or
46 whirlpools on top of, within, or immediately abutting such shall be
47 considered to be part of the principal structure and principal
48 structure setbacks would apply for required setbacks except where
49 Section 20-1113, 20-1118, and 20-1120 setbacks apply. Attachments
50 which are cosmetic such as a fence, trellis, sidewalk or patio less
51 than six (6) inches from grade are not considered an attachment.

2
3 AMEND Sec. 20-1118 Adjustment of shore yards to read as follows:

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5 Sec. 20-1118. Adjustment of shore yards.

6
7 Shore yards may be reduced to the average of the shore yards
8 existing on the abutting properties within a straight-line distance
9 of one hundred (100) feet, excluding highway right-of-way or road
10 easements, of the subject site but shall not be reduced to less
11 than fifty (50) feet. Only principal structures on abutting lots
12 within one hundred (100) straight-line feet of the proposed
13 structure may be used for averaging. Any existing uncovered and/or
14 unenclosed portion of a principal structure, such as deck or
15 covered porch, can only be used for averaging with a similar
16 uncovered and/or unenclosed portion of a proposed structure. If an
17 abutting lot is vacant or the existing principal structures are
18 greater than one hundred (100) feet from the proposed structure,
19 seventy-five (75) feet shall be used for averaging purposes. If a
20 principal structure on an abutting lot within one hundred (100)
21 feet is greater than the required minimum shore yard setback, the
22 actual setback shall be used for averaging. On substandard lots,
23 fifty (50) feet is used as the minimum setback for averaging
24 purposes.

25
26 AMEND Sec. 20-1120. Average street yards to read as follows:

27
28 Sec. 20-1120. Average street yards.

29
30 The street yard may be increased or decreased in any residential or
31 business district to the average of the existing street yards of
32 the abutting structures on each side. However, in no case may the
33 street yard be decreased to less than the district minimum setback
34 or minimum substandard lot setback, whichever applies. Only
35 principal structures on abutting lots within one hundred (100)
36 straight-line feet of the proposed structure may be used for
37 averaging. Any existing uncovered and/or unenclosed portion of a
38 principal structure, such as deck or covered porch, can only be
39 used for averaging with a similar uncovered and/or unenclosed
40 portion of a proposed structure. If an abutting lot is vacant or
41 the existing principal structure is greater than one hundred (100)
42 feet from the proposed structure, the minimum required setback for
43 the district may be used or the minimum substandard setback may be
44 used when said abutting lot is a substandard lot.

45
46 CREATE Sec. 20-1337(6) Residential uses to read as follows:

47
48 Sec. 20-1337(6) Residential uses

49
50 Servant's quarters not for rent in any district that allows
51 residential development as a principal use; itinerant agricultural
52 laborer's quarters not for rent in any agricultural district.

4 All such structures must be clearly accessory to the principal use.

5
6 The Racine County Clerk is directed to transmit duplicate copies of
7 this ordinance by registered mail to all affected Town Clerks
8 within seven (7) days after this ordinance is adopted.

9
10 Respectfully submitted,
11 ECONOMIC DEVELOPMENT & LAND USE PLANNING COMMITTEE

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16 _____
17 Jeff Halbach, Chair

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19
20 _____
21 Robert D. Grove, Vice Chair

22
23
24 _____
25 Q. A. Shakoor, II, Secretary

26
27 _____
28 Karen A. Nelson

29
30 _____
31 Mark M. Gleason

32
33 _____
34 Ken Hall

35
36 _____
37 Thomas Pringle

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39
40 VOTE REQUIRED: MAJORITY

41 BOARD ACTION:

42 1st Reading _____

43 Adopted _____

44 2nd Reading _____

45 For _____

46 Against _____

47 Absent _____

48
49 The Certificate of Publication, in compliance with State Statutes,
50 is available at Racine County Planning.

51 FISCAL NOTE - NOT APPLICABLE
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53
54