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3 **MUNICIPAL CODE**
4 **OF THE**
5 **TOWN OF UNION**
6 **DOOR COUNTY, WISCONSIN**
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9 **CHAPTER 7: ZONING ORDINANCE**
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16 *Town Board Adoption*
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April 9, 2025

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7.0100 **INTRODUCTION**

7.0101 **Title**

This Ordinance shall be known as, referred to, or cited as the “TOWN OF UNION ZONING ORDINANCE, DOOR COUNTY, WISCONSIN”.

7.0102 **Authority**

Whereas the Town Board of the Town of Union (“Town”), Wisconsin, has proceeded under the provisions of Sections 60.62, 61.35 and 62.23 of the Wisconsin Statutes and whereas these regulations are adopted under the authority granted by Sections 60.62, 61.35 and 62.23 of the Wisconsin Statutes. Therefore, the Town Board of the Town of Union, Door County, Wisconsin, does ordain as follows:

7.0103 **Purpose**

The purpose of this Ordinance is to promote and protect public health, safety, aesthetics, and other aspects of the general welfare. Further purposes of this Ordinance are to:

- A. Aid in implementing any comprehensive plan that may be adopted by the Town under Wis. Stats.
- B. Promote planned and orderly land use development.
- C. Protect property values and the property tax base.
- D. Fix reasonable dimensional requirements to which buildings, structures, and lots shall conform.
- E. Prevent overcrowding of the land.
- F. Advance uses of land in accordance with its character and suitability.
- G. Provide property with access to adequate sunlight and clean air.
- H. Aid in protection of groundwater and surface water.
- I. Preserve wetlands.
- J. Protect the beauty of landscapes.
- K. Conserve flora and fauna habitats.
- L. Preserve and enhance the town's rural characteristics.
- M. Protect vegetative shore cover.
- N. Promote safety and efficiency in the town's road transportation system.
- O. Define the duties and powers of administrative bodies in administering this Ordinance.
- P. Prescribe penalties for violation of this Ordinance.

196 7.0104 **Intent**
 197 It is the general intent of this Ordinance to regulate and restrict the use of all
 198 structures, lands and water; regulate and restrict lot coverage, population
 199 distribution and density, and the size and location of all structures so as: to lessen
 200 congestion in the streets- to secure safety from fire, panic and other dangers; to
 201 promote and to protect the public health, safety, comfort, convenience and general
 202 welfare, to provide adequate light, air, including access to sunlight for solar
 203 collectors and to wind for wind energy systems, and open space; to maintain the
 204 aesthetic appearances and scenic values of the town; to prevent the overcrowding
 205 of land; to avoid undue concentration of population; to facilitate the adequate
 206 provision of transportation, water, sewerage, schools, parks and other public
 207 requirements; and to foster a more rational pattern of relationship between
 208 residential, business, commercial and recreational uses for the mutual benefit of all.

209 7.0105 **Abrogation and Greater Restrictions**
 210 It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere
 211 with any existing easements, covenants, deed restrictions, agreements, ordinances,
 212 rules, regulations, or permits previously adopted or issued pursuant to laws.
 213 However, wherever this Ordinance imposes greater restrictions, the provisions of
 214 this Ordinance shall govern.

215 7.0106 **Interpretation**
 216 In their interpretation and application, the provisions of this Ordinance shall be held
 217 to be minimum requirements and shall be liberally construed in favor of the Town
 218 and shall not be deemed a limitation or repeal of any other power granted by the
 219 Wisconsin Statutes.

220 7.0107 **Severability**
 221 If any section, clause, provision or portion of this Ordinance is adjudged
 222 unconstitutional or invalid by a court of competent jurisdiction, the remainder of
 223 this Ordinance shall not be affected thereby.

224 7.0108 **Repeal**
 225 All other ordinances or parts of ordinances of the Town inconsistent or conflicting
 226 with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

227 7.0109 **Effective Date**
 228 This Ordinance shall take effect after a public hearing, approval by the Door County
 229 Board of Supervisors, enactment by the Town Board, and the day following the
 230 publication or posting of the adopting ordinance, as provided in ss. 60.80(3) and
 231 66.0103 Wis. Stats.
 232

233 7.0200 **GENERAL PROVISIONS**

234 7.0201 **Jurisdiction**

235 This ordinance applies to all land uses, structures, and development within the
236 unincorporated limits of the Town of Union, Door County, Wisconsin.

237 7.0202 **Compliance and Permit**

238 No building, structure, or land shall hereafter be used or occupied, and no building
239 or structure or part thereof shall hereafter be erected, enlarged, constructed,
240 reconstructed, moved, or structurally altered without full compliance with the
241 provisions of this Ordinance and all other applicable local, county, state, and federal
242 regulations.

243 7.0203 **General Use Requirements**

244 A. No building or other structure shall hereafter be erected or altered:

- 245 • To exceed the height or bulk;
246 • To accommodate or house a greater number of families;
247 • to occupy a greater percentage of lot area;
248 • To have narrower or smaller rear yards, front yards, side yards, or
249 other open spaces; than herein required, or in any other manner
250 contrary to the provisions of this Ordinance.

251 B. All Principal Buildings shall be located on a lot; and **only one Principal**
252 **Building shall be located, erected, or moved onto a lot.**

253 C. Principal Uses, Permitted Accessory Uses, and Conditional Uses are limited
254 to the uses indicated for the respective zoning districts.

255 D. Accessory Uses and structures are permitted in any district (see Section
256 7.0217).

257 E. Unless specified elsewhere in this Ordinance, Conditional Uses and their
258 Accessory Uses are considered as special uses requiring review, Public
259 Hearing and approval by the Plan Commission and Town Board and issuance
260 of a Conditional Use Permit.

261 F. No yard or lot existing at the time of the Effective Date of this Ordinance
262 shall be reduced in dimension or area below the minimum requirements set
263 forth herein. Yards or lots created after the Effective Date of this Ordinance
264 shall meet at least the minimum requirements (for the zoning district within
265 which the lot is located) established by this Ordinance.

266 G. Lots created prior to the effective date of this Ordinance. Lots which were
267 created before the effective date of this Ordinance shall be considered
268 building sites provided they meet the criteria established in both pars.(a) and
269 (b):

- 270 1. They are of record in at least one of the following forms to establish
271 the lot's date of creation:

- (a) A recorded land subdivision or certified survey map on file in the County of Door Register of Deeds Office showing the lot in its present form.
- (b) A lot of record by means of a deed or land contract on file in the County of Door Register Office and which predates the effective date of this Ordinance.
- (c) Reserved
- (d) A recorded condominium plat

2. Minimum lot requirements for lots created prior to the effective date of this Ordinance.

- (a) Lots located in the Single Family Residential-20,000 and Commercial/Business districts may be used as building sites provided that the lot width is at least 50 feet and that the lot area is at least 7,500 square feet.
- (b) Lots located in Wetland, Natural Area, General Agricultural, Rural Residential districts may be used as building sites provided that the lot width is at least 90 feet and that the lot area is at least 18,000 square feet.
- (c) *Reserved*

3. *Reserved*

H. *Reserved*

7.0204 **Site Requirements**

- A. No lot shall hereafter be created, nor any building placed on a lot which does not have an access to a public road or a private road which is described and recorded in the Door County Register of Deeds office. The property owner shall be responsible for securing such access.
- B. Maximum of two livable spaces shall be permitted on a lot. The 2nd dwelling may be allowed provided the minimum lot size, lot width, and yard requirements for the applicable district could be met for each such structure.
- C. Lots created prior to the effective date of this Ordinance. Lots which were created before the effective date of this Ordinance shall be considered building sites provided they meet the criteria established in both pars. 1 and 2:

1. They are of record in at least one of the following forms to establish the lot's date of creation:

- (a) A recorded land subdivision or certified survey map on file in the County of Door Register of Deeds Office showing the lot in its present form.

- 310 (b) A lot of record by means of a deed or land contract on file in the
311 County of Door Register Office and which predates the effective
312 date of this Ordinance.
- 313 (c) Reserved
- 314 (d) A recorded condominium plat
- 315 2. Minimum lot requirements for lots created prior to the effective date
316 of this Ordinance.
- 317 (a) Lots located in the Single Family Residential-20,000 and
318 Commercial/Business districts may be used as building sites
319 provided that the lot width is at least 50 feet and that the lot area
320 is at least 7,500 square feet.
- 321 (b) Lots located in Wetland, Natural Area, General Agricultural,
322 Rural Residential districts may be used as building sites provided
323 that the lot width is at least 90 feet and that the lot area is at least
324 18,000 square feet.
- 325 (c) Reserved
- 326 3. Reserved
- 327 D. In any district where public sanitary sewer is not available, the width and area
328 of all lots shall be sufficient to Permit the use of a private onsite waste
329 treatment system designed in accordance with Chapters SPS 383 and SPS
330 385 of the Wisconsin Administrative Code.
- 331 E. **Minimum Floor Area for Dwellings:**
- 332 1. Except for occupancy units within a multiple occupancy development
333 and except as specified in subs.(2) and (3), for dwelling units in all
334 districts the minimum floor area shall be 750 square feet.
- 335 2. One Accessory Dwelling Unit may be allowed on the same lot as the
336 primary residence.
- 337 (a) The accessory dwelling unit's floor area shall be more than 300
338 square feet, up to a maximum of 1,000 square feet, but must have
339 less floor area than the principal residential dwelling unit on the
340 same lot.
- 341 3. Manufactured homes in manufactured home parks shall be subject to
342 the floor area requirements of s. 7.0408(E.), manufactured home parks.
- 343 7.0205 **Reserved**
- 344 7.0206 **Reserved**
- 345 7.0207 **Reserved**
- 346 7.0208 **Reserved**

347 7.0209 **Reserved**

348

349 7.0210 **Compliance with the Americans with Disabilities Act**

350 Modifications to requirements of this Ordinance may be granted by the Plan
351 Commission for the purpose of complying with the requirements of Title II, "Public
352 Services," and Title III, "Public Accommodations and Commercial Facilities," of
353 the Americans with Disabilities Act. Such compliance may require waiving or
354 modifications to yard/setback requirements, parking requirements, sign
355 requirements and site design and landscaping requirements. Modifications granted
356 by the Plan Commission shall be limited to the minimum extent necessary to make
357 structures and uses accessible and barrier free.

358 7.0211 **Setback Requirements from State and Federal Highways, County Highways,
359 Town Roads, and Private Roads**

360 A. State and Federal Roads. Except as provided in sub. (E), the required setback
361 for all structures fronting on state and federal roads shall be 90 feet from the
362 centerline of the road (See Section 7.0304).

363 B. County Roads. Except as provided in sub. (E), the required setback for all
364 structures fronting on county roads shall be 75 feet from the centerline of the
365 road (See Section 7.0304).

366 C. Town Roads. Except as provided in sub. (E), the required setback for all
367 structures fronting on all town roads shall be 65 feet from the centerline of
368 the road (See Section 7.0304).

369 D. Private Roads. The required setback for all structures fronting on private
370 roads or private road easements, except those serving 4 lots or less, shall be
371 30 feet. No setback shall be required from private roads or private road
372 easements which serve 4 lots or less. If the width of the private road or private
373 road easement is described by plat, survey, deed or similar document, the
374 setback shall be measured from the edge of the described road or road
375 easement. If the width of the private road or private road easement is not so
376 described, then the setback shall be measured from the edge of the traveled
377 roadway.

378 E. Setback Reduction. A setback of less than the required setback for the
379 appropriate class of road shall be permitted in cases where the adjacent
380 principal buildings are located closer to the road than the required setback.

381 1. Where each side of the proposed building location is occupied by an
382 adjacent principal building located within 200 feet of the proposed
383 building footprint, the required setback for the proposed building shall
384 be the average of the setbacks of the adjacent principal buildings.

385 2. Where one side of the proposed building location is occupied by an
386 adjacent principal building located within 200 feet of the proposed
387 building footprint, the required setback for the proposed building shall

be the average of the setback of the adjacent principal building and the setback required for that road.

7.0212 Additional Setbacks from Roads for Large Buildings

In order to reduce detrimental effects upon roadside scenery within Town of Union, all nonresidential buildings, and additions thereto, constructed after the effective date of this Ordinance shall conform to the additional setback requirements of this section. These requirements shall apply to all districts and are in addition to the required setbacks provided in s. 7.0221.

- A. The requirements of this section shall not apply to residential buildings, including multiple occupancy developments.
- B. Additional setback schedule. The required additional setback from a road shall be determined by a building's total volume according to the following schedule:

Total Volume (cubic feet)	Additional Setback Required (feet)
0 - 50,000	0
50,001 - 60,000	25
60,001 - 90,000	75
90,001 - 120,000	125
120,001 - 180,000	175
180,001 - 250,000	225
250,001 - 400,000	275
400,001 - 600,000	325
> 600,000	375

- C. Clusters of buildings. For the purposes of this section, buildings which are less than 30 feet apart shall be considered as one building and the total of each building's volume shall be used to determine the additional setback of each building.
- D. Reduced setback by screening. The required setback may be reduced by vegetative screening, as described in s. 7.0216, landscape buffer tree requirements. The screening shall be placed to obscure the view of the building(s) from the road, except for a not greater than 30-foot-wide opening that provides access to the site. This option will reduce the required setback by 50 percent but cannot be used to reduce the total setback beyond the minimum required in s. 7.0211, setback from roads.
- E. Exemptions. An exemption will be made for newly created buildings or additions that are associated by use with building(s) existing prior to the effective date of this Ordinance. However, to be exempted, the new building must be located within 150 feet of the existing building(s). Road setback requirements for these exemptions will be the minimum setback required in

s. 7.0211, setback from roads, or no closer to the road than the closest existing building, whichever is greater.

7.0213 Visual Clearance Triangle

A. In each quadrant of every public road intersection, there shall be a visual clearance triangle bounded by the road center lines and a line connecting points on them 75 feet from a road intersection. Uses permitted in a visual clearance triangle include:

1. Open fences.
2. Telephone, telegraph and power transmission poles, lines and portable equipment.
3. Field crops, shrubbery and trees, except that no trees or shrubbery may be planted within a visual clearance triangle so as to obstruct the view (Refer to Section 7.1402).

7.0214 Setback Requirements from Navigable Water (Door County Shoreland Zoning Ordinance)

The Town recognizes that Door County has adopted a Shoreland Zoning Ordinance in compliance with Wisconsin Statutes. Accordingly, the Zoning Administrator for the Town shall refer to Door County all applicants seeking permits for structures or uses which are proposed to be located or conducted within the shoreland area subject to county regulations. If the Zoning Administrator determines that any Town permit is required for such project, a permit will not be issued within Shoreland Zoning until approval from Door County has been granted.

7.0215 Height Requirements

A. Height limitation. Except as provided in subs. B and C, no building, structure, or sign shall exceed 35 feet in height above the finished grade elevation.

Finish grade is the average elevation around the base of a building or structure where such building or structure meets the surface of the ground upon completion of backfilling and landscaping.

B. Exemptions. The following shall be exempted from the height requirements of this section:

1. Architectural projections such as spires, belfries, parapet walls, domes, chimneys, and cupolas, provided that such cupolas do not exceed 64 square feet in floor area, including stairwells, are not higher than 8 feet above the adjacent roof ridge, and contain no living quarters.
2. Agricultural structures such as silos, barns, and grain storage buildings.

3. Special structures such as elevator penthouses, grain elevators, observation towers in parks, communication towers, electrical poles and towers, and smokestacks.

C. Public or semi-public facilities such as schools, churches, monuments, libraries, governmental offices and stations, may be erected to a height of 60 feet provided that all required setbacks and yards are increased by not less than one foot for each foot the structure exceeds 35 feet in height.

7.0216 Landscape Buffers

A. Purpose. These requirements are intended to reduce potential adverse impacts that a particular land use might have on occupiers of adjacent properties, such as glare of lights, dust, litter, and visual appearance. With vegetative screening, such adverse impacts will be lessened.

B. Applicability. The landscape buffer requirements shall only apply to proposed uses and expansions of existing uses which 1) adjoin lots located in the districts specified in par. (1.) and which 2) carry a higher use impact rating than existing uses on adjoining lots. The absence of either situation shall nullify the requirement for a landscape buffer.

1. The landscape buffer requirement applies where a use is proposed to be located on a lot which adjoins, along a side or rear lot line, a lot which is located in either the Single Family Residential-20,000, Rural Residential or Commercial/Business districts.

C. General Requirements

1. Landscape buffers shall be located in such manner that principal buildings and outdoor storage areas associated with the proposed use are screened as viewed from the vantage point of the principal buildings on affected adjoining lots.

2. Landscape buffers may be located in an area devoted to meeting minimum side or rear yard requirements.

3. Landscape buffers, when required, shall be established on a lot at the time of the lot's development, or at the time the use of the lot is changed to a use having a higher use impact rating than the previous use. If the new use has an equal or lesser use impact rating than the previous use, no landscape buffer shall be required. The landscape buffer shall be established prior to operation of the new use or expanded part of the use, unless a bond, certificate of deposit, cash, or other form of financial assurance acceptable to the Zoning Administrator is submitted to the County. Such financial assurance shall cover the estimated cost of installing the landscape buffer and shall be returned to the applicant upon proper installation of the landscape buffer by the applicant. If the landscape buffer materials are not properly installed within 9 months of commencement of operation of the use, the

financial assurance shall be used for installation of the landscape buffer by the County. Landscape buffers shall be provided on each lot as required by this section independent of existing landscape buffers on adjoining lots.

5. Installation and maintenance of the required landscape buffers shall be the responsibility of the owner of the lot.

6. Existing woody plants which meet the requirements listed in sub. D may be used to meet the landscape buffer requirements.

D. Landscape buffer tree requirements. Landscape buffers, at the time of establishment, shall meet the following:

1. Number of trees. There shall be at least 10 evergreen trees per 100 linear feet of landscape buffer.

2. Height. The required trees shall be at least 2 feet in height at the time of establishment of the landscape buffer.

3. Tree placement. The trees may be staggered provided that the centers of the trees are not greater than 15 feet apart, and provided there is at least one tree within each 10-foot horizontal segment of the landscape buffer.

4. Mature height. The required trees shall be capable of attaining heights of at least 15 feet.

5. Tree materials. Tree species to be located in landscape buffers shall be suitable for survival in Town of Union's climate and soil conditions found at the site.

E. Mature landscape buffers

1. The required trees, at maturity, shall be at least 15 feet in height.

2. Maintenance. Mature landscape buffers shall be maintained so as to retain the required spacing and height characteristics. However, trees may be thinned provided an opaque screening is still maintained.

7.0217 **Accessory Structures**

Accessory structures are permitted subject to the following:

A. Permit required. Accessory structures shall require a regular zoning permit except:

1. Minor structures such as birdhouses, yard light poles, birdbaths, doghouses (housing dogs which are licensed as the personal pets of the residents of the property), treehouses, noncommercial fuel storage tanks and pumps, clothesline poles, lawn ornaments, flag poles,

540 mailboxes, garbage containers, ice fishing shanties, school bus waiting
541 shelters, and farm livestock hutches.

542 2. Fences

543 B. Accessory structures shall be located on the same lot as the principal use to
544 which it is accessory.

545 C. One accessory building may be permitted prior to the erection of a principal
546 structure per sub. 1.

547 1. A minimum of 10 acres is needed to build one permitted accessory
548 building on a lot that does not contain a principal structure. The
549 accessory structure shall be for private use by the landowner only.

550 D. Items prohibited as accessory structures. Such items as, but not limited to,
551 boats, truck bodies, manufactured homes, buses, railroad cars, and trailers
552 shall not be used as accessory structures.

553 E. Additional requirements in the SF-20 and CB districts.

554 Buildings which are accessory to single family residences and duplexes in
555 the Single Family Residential-20,000, and Commercial/Business districts
556 shall comply with the following requirements:

557 1. No more than two accessory buildings shall be permitted on a lot in
558 these districts. The combined total floor area of such accessory
559 buildings shall not exceed the area of the building footprint of the
560 principal building on the lot.

561 F. Reserved

562 7.0218 **Outdoor Storage of Junk Material**

563 A. In all Single Family Residential-20,000, Rural Residential,
564 Commercial/Business districts, all outdoor storage of junk material shall
565 comply with the following:

566 1. Such outdoor storage of junk material shall be located no closer to the
567 front lot line than the furthest portion of the principal building.

568 2. The junk material shall be located such that all setback and yard
569 requirements for accessory structures for the applicable district are
570 met.

571 3. Such outdoor storage of junk material shall not exceed one inoperable
572 vehicle nor 150 square feet of area.

573 B. In the Wetland, Natural Area, and General Agricultural districts, junk
574 material may be stored outdoors, provided that the storage of junk material
575 that exceeds 3 inoperable vehicles or 1,000 square feet of storage area shall
576 be located at least 300 feet from a public right-of-way or shall be screened

577 from the public right-of-way by a vegetative screening, as described in s.
578 7.0216 (D), landscape buffer tree requirements.

- 579 C. The provisions of subs. A and B shall not apply to the storage of idle, but
580 operable farm equipment, nor to legally licensed salvage yards, sanitary
581 landfills, or other waste disposal or storage activities for which a valid license
582 from the State of Wisconsin and/or other municipality is required and has
583 been issued.

584 7.0219 **Filling and Grading**

585 Filling, grading, lagooning, dredging, excavating, and ditching may be authorized
586 under this section in any zoning district, except the Wetland district, subject to the
587 following:

588 A. **Preconstruction Grade Fill**

589 Two feet of fill above the pre-construction grade elevation shall be permitted
590 for each building or structure provided said fill is contained within 20
591 horizontal feet of the perimeter of the proposed building footprint. Fill that
592 exceeds a depth of two feet above pre-construction grade elevation may be
593 allowed provided that the finished slope of said fill shall not exceed one foot
594 vertical per five feet horizontal. Building site preparation and filling required
595 to comply with the provisions of the Door County Floodplain Zoning
596 Ordinance shall be exempt from the provisions of this paragraph.

597 B. **Navigable water protection**

598 A regular zoning permit shall be required for any filling, grading, lagooning,
599 dredging, ditching, or excavating of any area within 300 feet horizontal
600 distance of navigable water if:

- 601 1. The filling, grading, lagooning, dredging, ditching, or excavating
602 exceeds 2,000 square feet on slopes of less than 12 percent, or
- 603 2. The filling, grading, lagooning, dredging, ditching, or excavating
604 exceeds 1,000 square feet on slopes of 12 to 20 percent, or
- 605 3. The filling, grading, lagooning, dredging, ditching, or excavating is
606 on slopes of 20 percent or more.

- 607 C. **Land disturbance.** A regular zoning permit shall be required for any land
608 disturbance of a site in excess of 10,000 square feet or in excess of 1,000
609 cubic yards of earth material by means of filling, grading, or excavating. This
610 section shall not apply to planting, growing, cultivating and harvesting
611 agricultural crops, nor to installation of public utilities or sanitary waste
612 disposal systems or construction of public roads and walkways.

- 613 D. **Permit.** If a regular zoning permit is required by subs. A or B for the filling,
614 grading, lagooning, dredging, ditching, excavating, or land disturbance, the
615 permit shall be granted only upon finding that the proposed activity would
616 not result in detriment to navigable water by reason of erosion, sedimentation,

617 or impairment of fish and aquatic life nor alter any wetland, and would be
618 designed and constructed in accordance with standards contained in the
619 *United States Department of Agriculture/ Soil Conservation Service/*
620 *Wisconsin Section IV Technical Guide.*

621 7.0220 **Reserved**

622

DRAFT

623 7.0300 **ZONING DISTRICTS**

624 7.0301 **Zoning Districts Established**

625 For the purpose of this Ordinance, the Town of Union, Door County, Wisconsin, is
626 hereby divided into the following zoning districts:

627 GA - General Agricultural

628 SF20 - Single Family Residential-20,000

629 RR - Rural Residential

630 CB - Commercial/Business

631 MH - Mobile Home/Manufactured Home Park

632 NA - Natural Area

633 W - Wetland

634 HCO - STH 57 Highway Corridor Overlay District

635 HPD - Historic Preservation Overlay District.

636 7.0302 **Zoning Map**

637 Zoning districts shall be bounded and defined as shown on the official zoning map
638 prepared for the town. The zoning map shall be entitled, *Zoning Map, Town of*
639 *Union, Door County, Wisconsin*; which accompanies and is herein made part of
640 this Ordinance. This Ordinance hereby incorporates herein any future changes to
641 the zoning map or any later zoning maps that may be adopted by ordinance of the
642 Town Board. The Town Clerk shall keep an official zoning map and a copy of each
643 revision to the official zoning map.

644 7.0303 **Interpretation of District Boundaries**

645 The following rules shall be used to determine the precise location of zoning district
646 boundaries shown on the *Zoning Map, Town of Union, Door County, Wisconsin*:

647 A. Boundaries shown as following or approximately following the limits of any
648 municipal corporation shall be construed as following such limits.

649 B. Boundaries shown as following or approximately following roads shall be
650 construed as following the centerlines of such roads.

651 C. Boundaries shown as following or approximately following platted lot lines
652 or other property lines as shown on the Door County Real Property Listing
653 Tax Maps shall be construed as following such lines.

654 D. Boundaries shown as following or approximately following the centerlines
655 of streams, rivers, or other water courses shall be construed as following the
656 centerline of such water courses; in the event of a natural change in the
657 location of such water courses, the zoning district boundary shall be
658 construed as moving with the centerline.

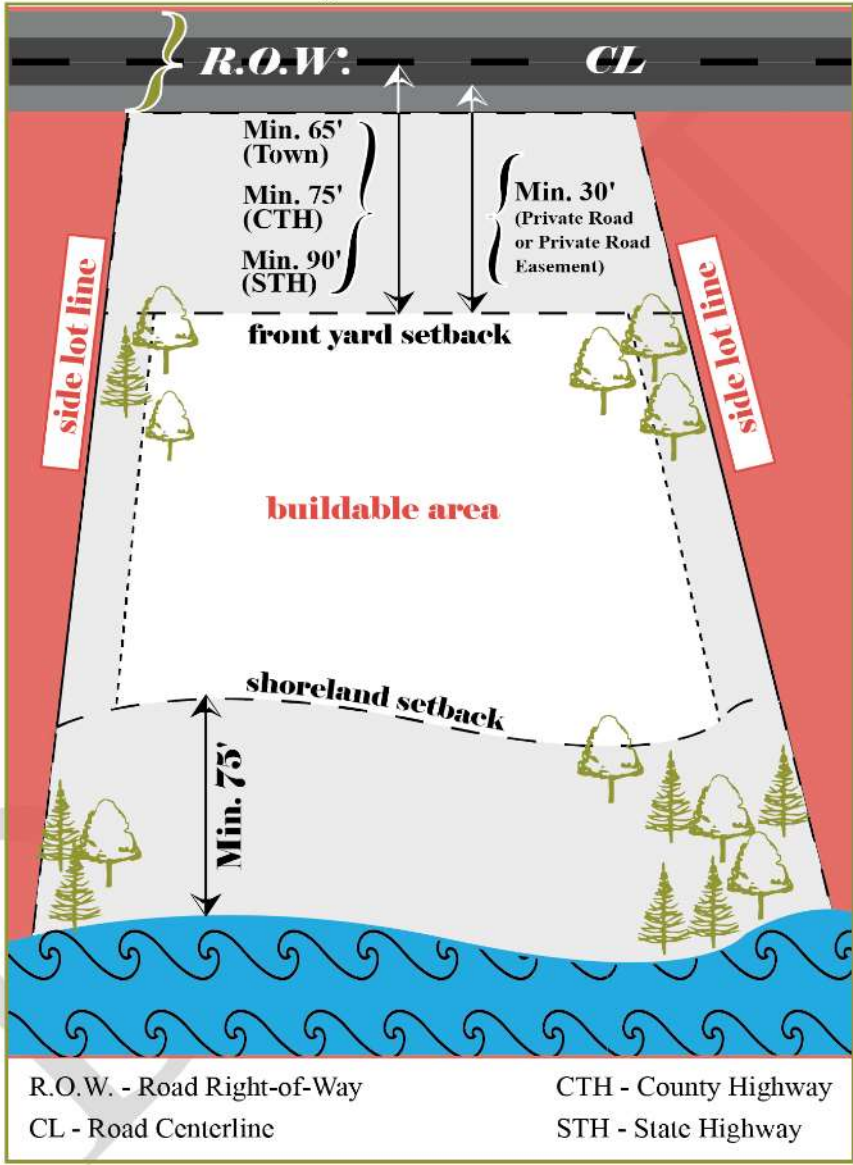
- 659 E. Boundaries shown as separated from, and parallel or approximately parallel
660 to, any of the features listed in pars. A through D, shall be construed to be
661 parallel to such features and at such distances there from as are shown on the
662 Zoning Maps of Town of Union.
- 663 F. Boundaries below the ordinary high water mark which coincide with riparian
664 rights lines as determined by NR 326.07, Wis. Admin. Code, shall be
665 construed as such riparian rights lines.
- 666 G. Boundaries below the ordinary high water mark which do not coincide with
667 riparian rights lines as determined by NR 326.07, Wis. Admin. Code, shall
668 be construed as running perpendicular to the shoreline where the boundaries
669 intersect with the shoreline.
670

7.0304 Yard Setbacks for All Districts

Figure 7.1: Yard Requirements Applying to All Zoning Districts in the Town of Union.

Front Yard setback & Shoreland setback requirements for all zoning districts.

Diagram is not to scale



699 7.0305

GA General Agricultural

A. Purpose

701 This district is intended to maintain agricultural lands which have historically
702 demonstrated high agricultural productivity. It is also intended to accommo-
703 date certain nonagricultural uses which require spacious areas to operate or
704 where natural resource exploitation occurs. Lands eligible for designation in
705 this district shall generally include those designated as “Farmland
706 Preservation Areas” in the *Door County Comprehensive and Farmland*
707 *Preservation Plan 2035*. This district is also intended to provide farmland
708 owners with additional management options by allowing limited residential
709 development, but with residential density limits and other requirements set to
710 maintain the rural characteristics of this district. Lot sizes of at least two (2)
711 acres are required for new lots. In order to promote the preservation of open
712 space, natural features, agricultural lands, and the town’s rural character, the
713 use of planned residential development is permitted in this district by which
714 residential density may be increased from four (4) units per 40 acres to eight
715 (8) units per 40 acres.

B. Principal Uses

717 The following Principal Uses are permitted uses in the GA district:

- 718 1. Agricultural Uses
- 719 2. Airstrips and Landing Fields
- 720 3. Auto Repair
- 721 4. Bed & Breakfast Establishments
- 722 5. Camping
- 723 6. Cemeteries
- 724 7. Churches
- 725 8. Commercial Riding Stables
- 726 9. Two Family Dwellings
- 727 10. Family Day Care Homes
- 728 11. Farm Implement Sales/Service
- 729 12. Farmers Market/Roadside Stand
- 730 13. Farm Residences

- 731 14. Fire/Police Stations
- 732 15. Greenhouses
- 733 16. Gun Clubs/Shooting Ranges
- 734 17. Home Businesses
- 735 18. Kennels
- 736 19. Noncommercial Communication Towers, Antennas, Transmitters <=
- 737 200'
- 738 20. Parks
- 739 21. Riding Stables
- 740 22. Public or Private Schools
- 741 23. Sawmills/Planing Mills
- 742 24. Single Family Residences
- 743 25. Town Halls/Community Centers
- 744 26. Tree/Shrub Nurseries
- 745 27. Utility Facilities - Type A
- 746 28. Veterinarian Clinics
- 747 29. Wineries/Breweries
- 748 30. Transportation, utility, communication, or other use that is required
- 749 under state or federal law to be located in a specific place, or that is
- 750 authorized to be located in a specific place under a state or federal law
- 751 that preempts the requirement of a Conditional Use Permit for that use.
- 752 31. Undeveloped natural resources and open space areas.
- 753 C. Permitted Accessory Uses
- 754 The following Accessory Uses are permitted in the GA district:
- 755 1. Accessory Dwelling Units
- 756 2. Accessory Structures
- 757

D. Conditional Use

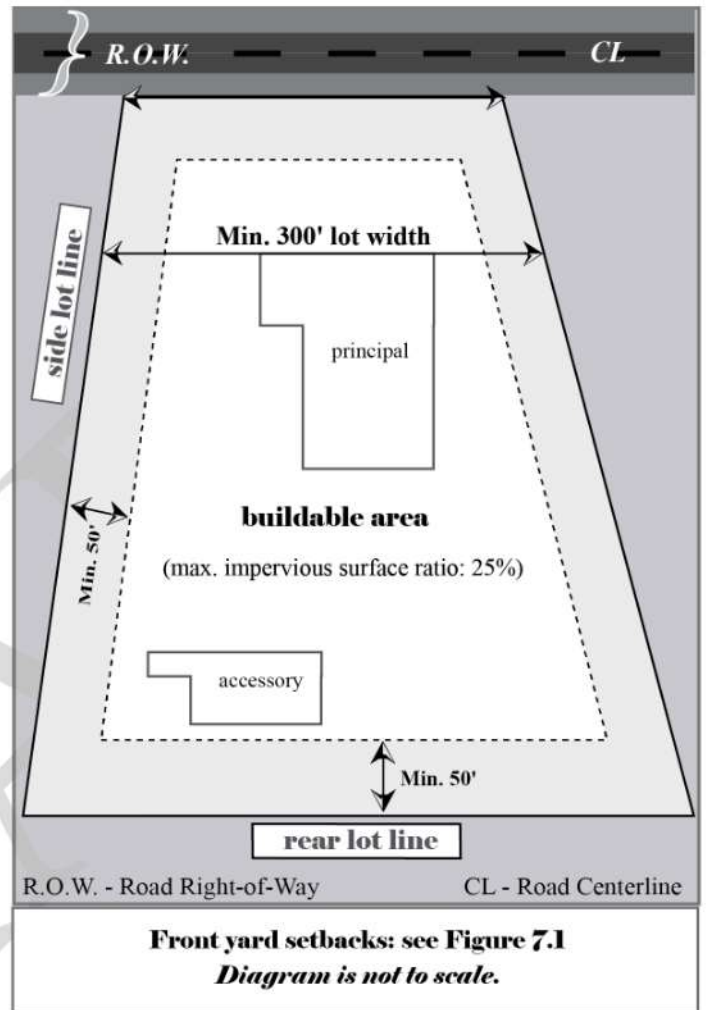
The following Conditional Uses in the GA district are allowed only after a Public Hearing and approval by the Town Board.

1. All Communication Towers, Antennas, Transmitters > 200'
2. Animal Feeding Operation
3. Animal Shelters/Pounds
4. Campgrounds/Trailer Camps
5. Commercial Trucking Establishments
6. Fertilizer Distribution Plants
7. Fruit/Vegetable/Cheese Processing Plants
8. Golf Driving Range
9. Grain Mills
10. Institutional Residential
11. Planned Residential Developments
12. Retreat Centers
13. Slaughterhouses
14. Solid Waste Facilities
15. Telecommunication Towers
16. Utility Facilities - Type B

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E. Yard Requirements for Principal and Conditional Uses within the GA District:

General Agricultural (GA) 781	
Lot Size:	
Minimum lot area:	2 acres
Planned residential development	Max. of 8 residents ≥ 2 acres
Minimum lot area width at building line:	300 ft.
Planned residential development	As determined by the Town.
Yard Setbacks:	
Front yard:	<i>See Section 7.0304</i>
Minimum rear:	50 ft.
Planned residential development	50 ft.
Minimum side:	50 ft.
Planned residential development	50 ft.
Structure Height: (See Section 7.0215)	
Maximum Residence:	35 ft.
Maximum Residential Accessory:	35 ft.
Maximum Agricultural Structures:	N/A



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7.0306

SF-20 Single Family Residential

A. Purpose and Intent of the SF-20 Single Family Residential District

This district is intended to provide for exclusive single family residential and planned residential development at fairly high densities. Lot sizes of at least 20,000 square feet are required for new lots which are not served by public sewer. Generally, these districts will be located along the waterfront and in or near existing communities where smaller lots are the norm. The permitted uses are restricted in order to maintain the strictly residential character of these areas.

B. Principal Uses

The following Principal Uses are permitted uses in the SF-20 district:

1. Churches.
2. Community living arrangements with a capacity for 8 or fewer and foster homes subject to the limitations set forth in s. 60.63 Wis. Stats.
3. Family Day Care Homes
4. Home Occupations
5. Model Homes
6. Noncommercial Communication Towers, Antennas, Transmitters <= 200'
7. Parks
8. Public Boat Launching Facilities
9. Single Family Residences
10. Utility Facilities - Type A

C. Permitted Accessory Uses

The following Accessory Uses are permitted in the SF-20 district:

1. Accessory Dwelling Units
2. Accessory Structure (See Sec. 7.0217)

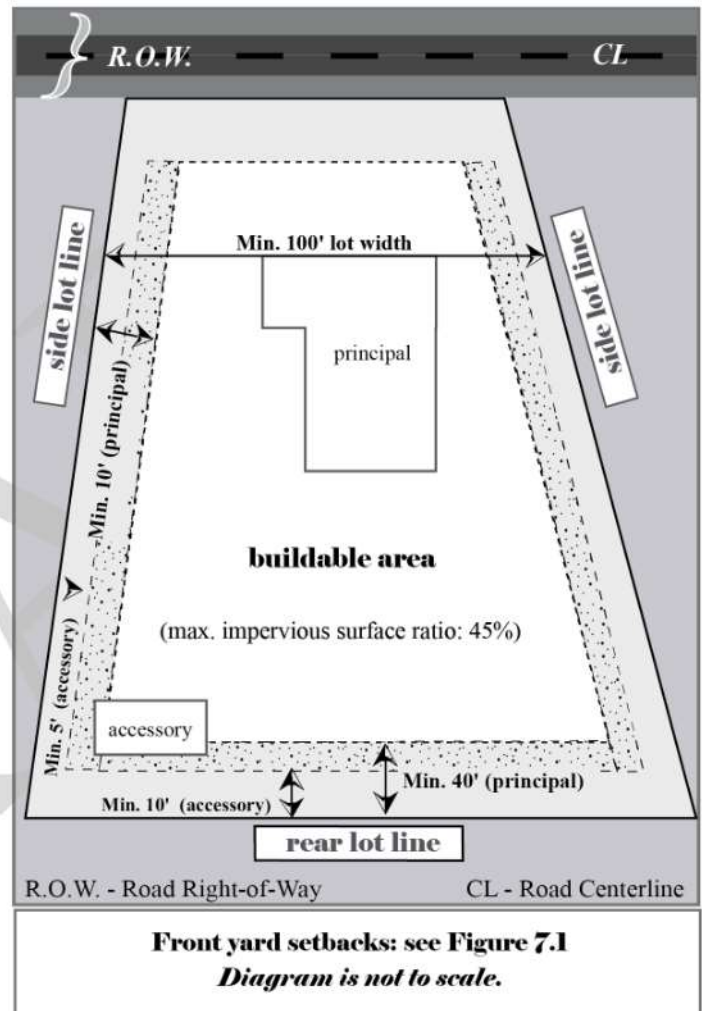
D. Conditional Uses

The following Conditional Uses in the SF-20 district are allowed only after a Public Hearing and approval by the Town Board.

1. Bed and Breakfast Establishments
2. Community living arrangements with a capacity for 9 or more persons subject to the limitations set forth in s. 60.63 Wis. Stats.

E. Yard Requirements for Principal and Conditional Uses within the SF-20 District:

Single Family Residential (SF-20)	
Lot Size:	
Minimum lot area:	20,000 sq. ft.
Minimum lot width at building line:	100 ft.
Yard Setbacks:	
Front yard:	<i>See Section 7.0304</i>
Minimum rear:	
Principal use	40 ft.
Accessory use	10 ft.
Minimum side:	
Principal use	10 ft.
Accessory use	5 ft.
Minimum shoreland:	75 ft.
Structure Height: (See Section 7.0215)	
Maximum All Structures :	35 ft.



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RR Rural Residential District

A. Purpose and Intent of the RR Rural Residential District

This district is intended to provide for single family and two-family residential developments on medium-sized lots. Lot sizes of at least 2.0 acres are required for new lots. It is intended to provide additional development options to homeowners by allowing certain businesses to be established in conjunction with residences. It will generally be located within the interior of the town.

B. Principal Uses

The following Principal Uses are permitted uses in the RR district:

1. Bed and Breakfast Establishments
2. Camping
3. Cemeteries
4. Building of Worship.
5. Community living arrangements with a capacity for 8 or fewer and foster homes subject to the limitations set forth in s. 60.63 Wis. Stats.
6. Two Family Dwellings
7. Fire/Police Stations
8. Home Businesses
9. Institutional Residential
10. Model Homes
11. Noncommercial Communication Towers < 200'
12. Private riding stables
13. Public Boat Launching Facilities
14. Public or Private Schools
15. Public parks, playgrounds, and athletic fields.
16. Single-family residences.
17. Town Halls/Community Centers

853 18. Utility Facilities – Type A

854 C. Permitted Accessory Uses

855 The following Accessory Uses are permitted in the RR district:

856 1. Accessory Dwelling Units

857 2. Accessory Structure (See Sec. 7.0217)

858 D. Conditional Uses

859 The following Conditional Uses in the RR district are allowed only after a
860 Public Hearing and approval by the Town Board.

861 1. Community living arrangements with a capacity for 9 or more persons
862 subject to the limitations set forth in s. 60.63 Wis. Stats.

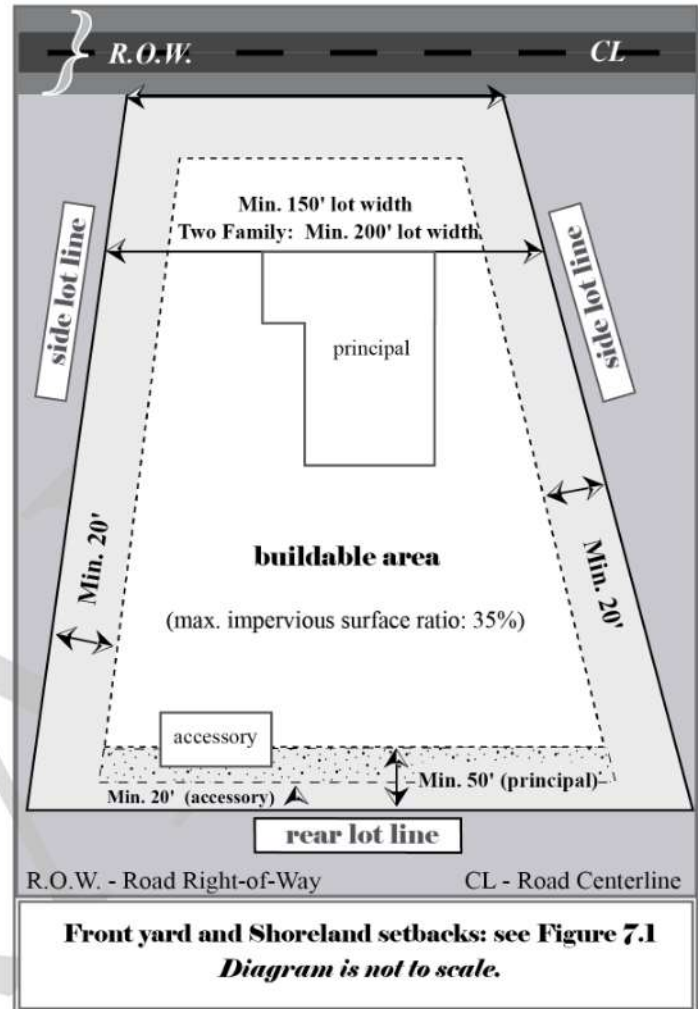
863 2. Utility Facilities – Type B

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E. Yard Requirements for Principal and Conditional Uses within the RR District:

Rural Residential (RR)	
Lot Size:	
Minimum lot area	2 acres
Minimum lot width at building line	150 ft.
Two Family Dwellings	200 ft.
Yard Setbacks:	
Front yard:	<i>See Section 7.0304</i>
Minimum rear:	
Principal use	50 ft.
Accessory use	20 ft.
Minimum side	20 ft.
Minimum shoreland:	75 ft.
Structure Height: (See Section 7.0215)	
Maximum All Structures:	35 ft.



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CB Commercial/Business

870 A. Purpose and Intent of the CB Commercial/Business Use Commercial District

871 The purpose of the Commercial/Business (CB) district is to provide areas for
872 mixed residential and commercial use. It will encompass areas that already
873 have this mixed use, as well as those areas where expansion of this mixed use
874 is desired. It will typically be located within or near existing communities but
875 may also be used in outlying areas and to facilitate small development nodes.

876 B. Principal Uses

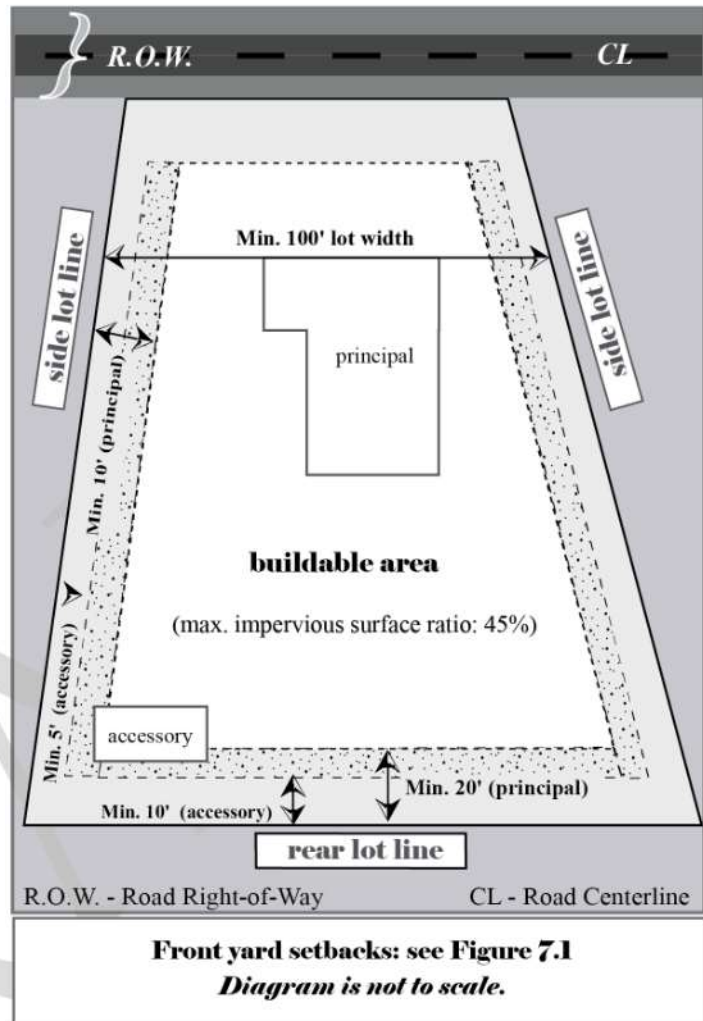
877 The following Principal Uses are permitted uses in the CB district, provided
878 that a site plan is submitted and approved by the Plan Commission.

- 879 1. Art Galleries
- 880 2. Banks
- 881 3. Bed & Breakfast Establishments
- 882 4. Bulk storage of agricultural products, cooperatives, feed mills, and
883 fertilizer plants
- 884 5. Business and professional offices and services
- 885 6. Commercial Storage
- 886 7. Community Use
- 887 8. Contractor or trade storage
- 888 9. Dairies and dairy-processing businesses, such as cheese factories
- 889 10. Day Care Centers
- 890 11. Family Day Care Homes
- 891 12. Farm equipment and implement sales
- 892 13. Farm Markets
- 893 14. Hotels
- 894 15. Home Businesses
- 895 16. Indoor recreation
- 896 17. Laundromats and Laundry Service
- 897 18. Medical/Dental Clinics.

- 898 19. Motels
- 899 20. Parks
- 900 21. Parking areas and ramps
- 901 22. Private clubs and lodges, except adult entertainment establishments
- 902 23. Restaurants
- 903 24. Single Family Residences
- 904 25. Stores for conducting retail, service, or wholesale business
- 905 26. Taverns
- 906 27. Veterinarian Clinics
- 907 28. Wineries/Breweries
- 908 C. Permitted Accessory Uses
- 909 The following Accessory Uses are permitted in the CB district.
- 910 1. Accessory Dwelling
- 911 2. Accessory Structures (See Sec. 7.0217)
- 912 D. Conditional Uses
- 913 The following Conditional Uses in the CB district are allowed only after a
- 914 Public Hearing and approval by the Town Board.
- 915 1. Animal Shelters/Pounds
- 916 2. Riding Stables, Commercial and Private
- 917 3. Golf courses
- 918 4. Outdoor Theater
- 919

920 E. Yard Requirements for Principal and Conditional Uses within the CB
 921 District:

Commercial/Business (CB)⁹²²	
Lot Size:	
Minimum lot area:	20,000 sq. ft.
Minimum lot width:	100 ft.
Yard Setbacks:	
Front yard:	<i>See Section 7.0304</i>
Minimum rear- Unsewered and public sewer:	
Principal use	20 ft.
Accessory use	10 ft.
Minimum side- Unsewered and public sewer:	
Principal use	10 ft.
Accessory use	5 ft.
Minimum shoreland:	75 ft.
Structure Height: (See Section 7.0215)	
Maximum All Structures	35 ft.



925 7.0309

MH Mobile Home/Manufactured Home Park District

A. Purpose and Intent of the MH Mobile Home/Manufactured Home Park District

The MH district is intended to provide for the location of mobile home/manufactured home parks in a residential setting that is compatible with adjacent land uses. All new structures and uses and changes or additions to existing structures and uses shall be in compliance with the site plan review requirements of this ordinance (Section 7.1103).

B. Principal Uses

The following Principal Uses are permitted uses in the MH district:

1. One individual mobile home or manufactured home on a lot in a mobile home/manufactured home park per section 7.0408(E).

C. Permitted Accessory Uses

The following Accessory Uses are permitted in the MH district.

1. Accessory Structures (Section 7.0408(E))

D. Conditional Uses

The following Conditional Uses in the MH district are allowed only after a Public Hearing and approval by the Town Board.

1. Mobile home/manufactured home parks
2. Accessory buildings for the purpose of providing laundry and recreational facilities and for the sale of convenience food and related items primarily for and to mobile home residents.
3. Home occupations

E. Standards

Refer to Section 7.0408(E), Manufactured Home Parks.

952 7.0310

NA Natural Area

953 A. Purpose

954 This district is intended to provide areas that conserve existing, mostly
955 undeveloped natural areas. The district may be used in upland areas adjacent
956 to, or surrounded by, wetland areas or in other areas where natural features
957 are considered significant. General agriculture, recreational, institutional, and
958 very low-density residential uses are allowed, but commercial and industrial
959 uses are not permitted.

960 B. Principal Uses

961 The following Principal Uses are permitted uses in the NA district:

- 962 1. Agriculture
- 963 2. Camping
- 964 3. Home Businesses
- 965 4. Kennels
- 966 5. Parks
- 967 6. Private Riding Stables
- 968 7. Single Family Residences
- 969 8. Tree/Shrub Nurseries

970 C. Permitted Accessory Uses in the NA district:

- 971 1. Accessory Dwelling
- 972 2. Accessory Structure (See Sec. 7.0217)

973 D. Conditional Use

974 The following Conditional Uses in the NA district are allowed only after a
975 Public Hearing and approval by the Town Board.

- 976 1. Camps and campgrounds.
- 977 2. Commercial recreational areas, such as a golf course, nature center, or
978 other low impact activity
- 979 3. Gun Clubs/Shooting Ranges
- 980 4. Institutional Recreation Camps
- 981 5. Retreat Centers

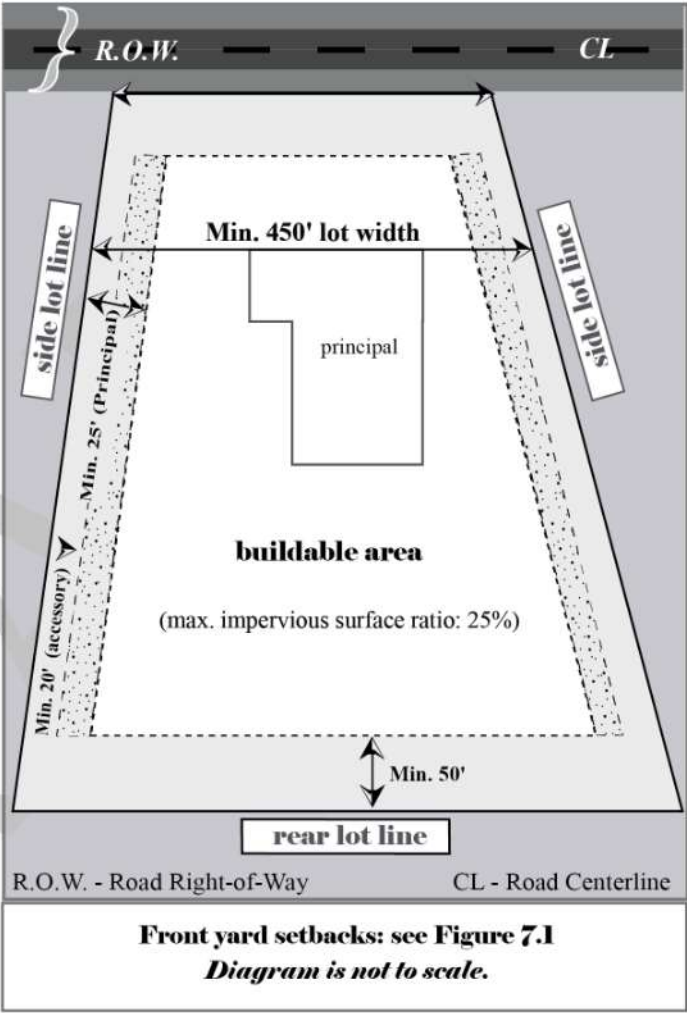
- 982 6. Roadside Stands
- 983 7. Sawmills/Planing Mills

984 E. Yard Requirements for Principal, Permitted Accessory, and Conditional Uses

985 within the NA district:

986

Natural Resource (NA)	
Lot Size:	
Minimum lot area	15 acres
Minimum lot width	450 ft.
Yard Setbacks:	
Front yard:	<i>See Section 7.0304</i>
Minimum rear:	50 ft.
Minimum side:	
Principal	25 ft.
Accessory	20 ft.
Minimum shoreland:	75 ft.
Structure Height: (See Section 7.0215)	
Maximum All Structures:	35 ft.



W Wetland

990 A. Purpose

991 This district is intended to prevent the destruction and depletion of Town of
992 Union's wetlands; to protect water courses and navigable waters and the
993 public rights therein; to maintain the purity of water in lakes and streams and
994 to prevent pollution thereof; and to protect spawning grounds, fish, and
995 habitats for wild flora and fauna. Furthermore, this district is intended to
996 prevent the changing of the natural character of wetlands.

997 B. Uses pertaining to the Wetland district

998 1. Uses which do not require the issuance of a zoning permit, but which
999 must be carried out without any filling, draining, flooding, dredging,
1000 ditching, tiling, or excavating:

1001 (a) Hiking, fishing, trapping, hunting, swimming and boating.

1002 (b) The harvesting of wild crops such as marsh hay, ferns, moss, wild
1003 rice, berries, tree fruits, and tree seeds in a manner that is not
1004 injurious to the natural reproduction of such crops.

1005 (c) The pasturing of livestock.

1006 (d) The cultivation of agricultural crops.

1007 (e) The practice of silviculture, including the planting, thinning and
1008 harvesting of timber, subject to the requirements of s. 7.0507,
1009 woodlands.

1010 (f) The construction or maintenance of duck blinds and deer stands.

1011 2. Uses which do not require the issuance of a zoning permit and which
1012 may include limited filling, flooding, draining, dredging, ditching,
1013 tiling, or excavating, but only to the extent specifically provided
1014 below:

1015 (a) Temporary water and stabilization measures necessary to alleviate
1016 abnormally wet or dry conditions that would have an adverse
1017 impact on silvicultural activities if not corrected.

1018 (b) The cultivation of cranberries including flooding, dike and dam
1019 construction, or ditching necessary for the growing and harvesting
1020 of cranberries.

1021 (c) The maintenance and repair of existing agricultural drainage
1022 systems where permissible by s. 30.20, Wis. Stats., including
1023 ditching, tiling, dredging, excavating, and filling necessary to
1024 maintain the level of drainage required to continue the existing
1025 agricultural use. This includes the minimum filling necessary for
1026 disposal of dredged spoil adjacent to the drainage system,
1027 provided that the filling is permissible by Chapter 30, Wis. Stats.,

- 1028 and that the dredged spoil is placed on existing spoil banks where
1029 possible.
- 1030 (d) The construction or maintenance of fences for pasturing livestock,
1031 including limited excavating and filling necessary for such
1032 construction or maintenance.
- 1033 (e) The construction or maintenance of piers, docks or walkways built
1034 on piling, including limited excavating and filling necessary for
1035 such construction and maintenance.
- 1036 (f) The maintenance, repair, replacement, or reconstruction of
1037 existing town and county highways and bridges, including limited
1038 excavating and filling necessary for such maintenance, repair,
1039 replacement, or reconstruction.
- 1040 3. Uses which require the issuance of a regular zoning permit and which
1041 may include limited filling, flooding, draining, dredging, ditching,
1042 tiling, or excavating, but only to the extent specifically provided
1043 below:
- 1044 (a) The construction and maintenance of roads which are necessary
1045 to conduct silvicultural activities or agricultural cultivation,
1046 subject to the following conditions:
- 1047 (1) The road cannot, as a practical matter, be located outside
1048 the wetland.
- 1049 (2) The road is designed and constructed to minimize
1050 adverse impact upon the natural functions of the wetland.
- 1051 (3) The road is designed and constructed with the minimum
1052 cross section to serve the intended use.
- 1053 (4) Road construction activities are carried out in the
1054 immediate area of the roadbed only.
- 1055 (b) The construction and maintenance of nonresidential buildings,
1056 subject to the following conditions:
- 1057 (1) The building is essential for and used solely in
1058 conjunction with the raising of waterfowl, minnows, or
1059 other wetland or aquatic animals or some use permitted
1060 in the Wetland district.
- 1061 (2) The building cannot, as a practical matter, be located
1062 outside the wetland.
- 1063 (3) Such building is not designed for human habitation and
1064 does not exceed 500 square feet in floor area.
- 1065 (4) Only limited filling or excavating necessary to provide
1066 structural support for the building shall be allowed.

1067 (c) The establishment of public and private parks and recreation
1068 areas, natural and outdoor education areas, historic and scientific
1069 areas, wildlife refuges, game preserves and private wildlife
1070 habitat areas, and public boat launching ramps and attendant
1071 access roads, subject to the following:

1072 (1) Any private wildlife habitat areas shall be used
1073 exclusively for that purpose.

1074 (2) Filling or excavating necessary for the construction or
1075 maintenance of public boat launching ramps or attendant
1076 access roads is allowed only where such construction or
1077 maintenance meets the criteria in par.3., subd.(a).

1078 (3) Ditching, excavating, dredging, or dike and dam
1079 construction in public and private parks and recreation
1080 areas, natural and outdoor education areas, historic and
1081 scientific areas, wildlife refuges, and game preserves and
1082 private wildlife habitat areas is allowed only for the
1083 purpose of improving wildlife habitat and to otherwise
1084 enhance wetland values.

1085 (d) The construction or maintenance of electric, gas, telephone, water
1086 and sewer transmission and distribution facilities by public
1087 utilities and cooperative associations organized for the purpose of
1088 producing or furnishing such services to their members and the
1089 construction or maintenance of railroad lines subject to the
1090 following standards:

1091 (1) The transmission and distribution facilities and railroad
1092 lines cannot, as a practical matter, be located outside the
1093 wetland.

1094 (2) Such construction or maintenance is done in a manner
1095 designed to minimize adverse impact upon the natural
1096 functions of the wetland.

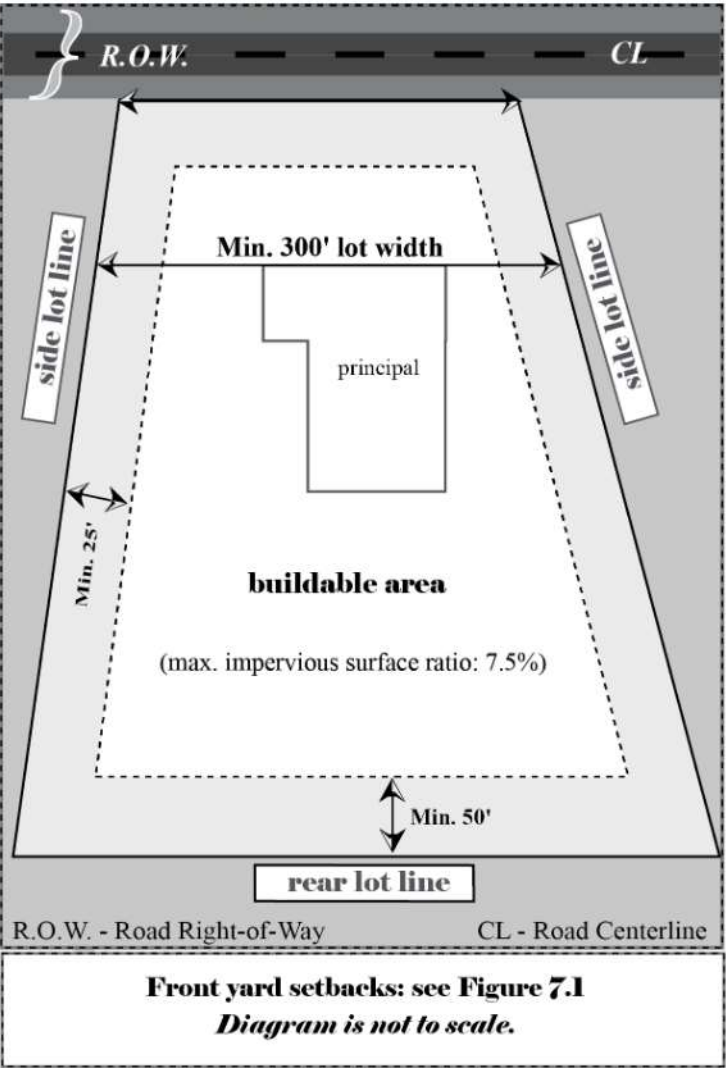
1097 4. Prohibited uses. Any use not listed in section B, subd. 1 - 3 is
1098 prohibited, unless the wetland or portion of the wetland has been
1099 rezoned by amendment of this Ordinance in accordance with this
1100 Ordinance.
1101

1102

1103

C. Yard Requirements for Principal and Conditional Uses within the W District:

Wetland (W)	
Lot Size:	
Minimum lot area	10 acres
Minimum lot width	300 ft.
Yard Setbacks:	
Front yard:	See Section 7.0304
Minimum rear:	50 ft.
Minimum side:	25 ft.
Minimum shoreland:	75 ft.
Structure Height: (See Section 7.0225)	
Maximum Farm Residence:	35 ft.
Maximum Farm Residence Accessory:	14 ft.
Maximum Agricultural Structures:	



1106 7.0312

STH 57 Highway Corridor Overlay District

1107 A. Purpose

1108 The STH 57 Highway Corridor Overlay District is hereby established as a
1109 district which overlaps and overlays existing base zoning districts, the extent
1110 and boundaries of which are as indicated on the official zoning map for the
1111 Town of Union. Overlay district provide for the possibility of superimposing
1112 certain additional requirements upon a basic zoning district without
1113 disturbing the requirements of the basic district. The uses of the underlying
1114 standard zoning district shall remain in force.

1115 B. Overlay Area Defined

1116 The STH 57 Highway Corridor Overlay District encompasses all lands within
1117 1,000-feet of either side of the STH 57 right-of-way. Persons with property
1118 divided by the defined limits of the STH 57 Highway Corridor Overlay
1119 District are required to comply with the District's standards only for that
1120 segment of the property within the STH 57 Highway Corridor Overlay
1121 District.

1122 C. Permitted Uses

1123 1. The overlay district provisions apply to any base district set forth in
1124 this Ordinance that exists within the defined overlay district. In the
1125 instance of conflicting requirements, the more restrictive of the
1126 conflicting requirements shall apply.

1127 2. There shall be no alteration of the existing condition of lands, uses, or
1128 structures within *the STH 57 Highway Corridor Overlay District* from
1129 the date of enactment of this Ordinance henceforth, except as provided
1130 for by this Section or by other sections of this Ordinance.

1131 3. These regulations are supplementary to the permitted uses and
1132 requirements for the appropriate underlying zoning district as
1133 contained in this Ordinance.

1134 4. Uses prohibited in the underlying zoning district are also prohibited in
1135 the STH 57 Highway Corridor Overlay District.

1136 5. All uses proposed in the *STH 57 Highway Corridor Overlay District*
1137 shall be subject to site plan review procedures in s. 7.1103 of this
1138 Ordinance. The Site Plan Review function shall be undertaken by the
1139 Plan Commission.

1140 D. Standards

1141 Unless otherwise noted in this Section, the standards of the underlying base
1142 zoning district shall apply.

1143 E. Building Architecture

1144 The following regulations apply to all development, except for agricultural
1145 uses and single-family residential development of less than four lots or
1146 residences.

1147 1. The Plan Commission prior to the issuance of a building permit must
1148 approve all building locations and design.

1149 2. Structures within the corridor shall be designed with an "architectural
1150 character" that blends with the overall visual character of the rural
1151 context of its setting. This character can be stylized but shall at a
1152 minimum have the following elements:

1153 (a) Buildings shall have a minimum 2:1 roof slope when the
1154 building's ground coverage is less than 10,000 sq. ft.

1155 (b) Buildings greater than 10,000 sq. ft. shall have architecturally
1156 detailed elements strategically integrated into the building's
1157 facades to add detail and break the visual impact of large wall
1158 areas.

1159 (c) Building materials shall be compatible with the visual context and
1160 use customary in the Town of Union and Door County, to the
1161 greatest extent possible, materials such as brick, stone and wood.
1162 Composite wall panels, curtain wall systems, decorative masonry
1163 and architecturally detailed prefabricated concrete wall panels
1164 shall be permitted in industrial and commercial areas.

1165 (d) Building colors which sharply contrast with the natural colors of
1166 the landscape context shall be prohibited.

1167 Commentary: Suggested building colors are natural "earth tones",
1168 white, or subdued hues of blue, green or yellow.

1169 (e) One dominant material should be selected with its own natural
1170 integrity. Materials shall convey permanence, substance,
1171 timelessness, and restraint, with low maintenance.

1172 (f) Any exterior building wall (front, side or rear) facing a road or
1173 STH 57 shall be constructed of one of the following materials:

1174 (1) Clay or masonry brick

1175 (2) Customized concrete masonry with striated, scored or
1176 broken faced brick type units (sealed) with color
1177 consistent with design theme.

1178 (3) Poured in place, tilt-up or pre-cast concrete. Poured in
1179 place and tilt-up walls shall have a finish of stone, a
1180 texture or a coating.

1181 (4) Steel frame structures with architectural flat metal panels
1182 or glass curtain walls.

- 1183 (5) Natural stone
- 1184 (6) Non-decorative exposed concrete block buildings are
- 1185 prohibited, as are pre-engineered metal buildings,
- 1186 corrugated metal-sided buildings, and wood sided
- 1187 buildings unless such metal buildings and wood sided
- 1188 buildings are enhanced on all elevations by the
- 1189 application of brick, decorative masonry, or decorative
- 1190 stucco surfaces in combination with decorative fascia
- 1191 overhangs, trim, as detailed above.

1192 F. Landscaping Plan and Landscape Development

1193 The following regulations apply to all development, except for agricultural

1194 uses and single family residential development of less than four lots or

1195 residences.

- 1196 1. Except for agricultural uses and single family residential development
- 1197 of less than four lots or residences, all proposed development within
- 1198 the STH 57 Highway Corridor Overlay District shall require a
- 1199 landscape development plan that is approved by the Plan Commission
- 1200 as a condition of any permits under this Ordinance.
- 1201 2. Landscape development shall be consistent and blend with the
- 1202 adjoining landscape (i.e. meadow, prairie, windbreak, upland woods
- 1203 (woodlot), hedgerow, lowland woods, wetland, etc.).
- 1204 3. Building sites shall maintain a minimum of 25% of the lot area in open
- 1205 space that will be landscaped subject to s 7.0216 of this Ordinance.
- 1206 Landscape development should reflect the native or agricultural
- 1207 character of the adjoining countryside.
- 1208 4. A 25-foot-wide area adjacent to the public road right-of-way along the
- 1209 entire lot width shall be used for screening and landscaping.
- 1210 5. Complete vegetative clearing shall be allowed only in the areas
- 1211 required for access driveways. For driveways serving as both entrance
- 1212 and exit, a strip a maximum of 40 feet may be cleared. When separate
- 1213 entrance and exit driveways are used, a maximum of 20 feet may be
- 1214 cleared for each driveway.

1215 G. On-Site Utilities

1216 All on-site utilities, including but not limited to electrical, telephone, and

1217 cable, shall be installed as underground facilities. This shall apply to utilities

1218 running from the utility easement or road right-of-way to structures and to

1219 utilities supplying service between structures.

1220 H. Lighting

1221 All outdoor lighting shall be subject to s. 7.0409(F) of this Ordinance.

1222 I. Drainage

1223 Storm water drainage should be directed into natural drainage channels and
1224 detention / retention ponds Pond edges and drainage channels shall be
1225 protected from erosion by natural aquatic vegetation whenever possible.
1226 When storm water volumes and/or velocities indicate more substantial
1227 measures than planting are required to control erosion, limestone rip-rap may
1228 be used.

1229 J. Access

1230 1. No direct driveways access shall be permitted to STH 57 other than
1231 WisDOT approved access for county and local road intersections,
1232 agricultural operations and field access.

1233 2. Driveway access to lands adjoining county highways intersecting with
1234 STH 57 shall maintain a minimum separation distance of 1,000-feet
1235 from the nearest STH 57 highway right-of-way line. Driveway access
1236 to lands adjoining all other roads intersecting with STH 57 shall
1237 maintain a minimum separation distance of 500' from the nearest STH
1238 57 highway right-of-way line.

1239 3. All permitted driveway access to STH 57 and county and town roads
1240 intersecting with STH 57 shall be subject to and in accordance with the
1241 requirements of s.7.0706 of this Ordinance.

1242 K. Parking

1243 1. Off street parking and loading areas shall be subject to and in
1244 accordance with s.7.0700 of this Ordinance.

1245 2. Natural drainage systems for parking lots are encouraged. If drainage
1246 detention is required it shall be in a naturally configured pond,
1247 recreated wetland area or dry detention area.

1248 L. Loading and Unloading

1249 1. Loading and unloading requirements shall be subject to s. 7.0705 of
1250 this Ordinance.

1251 2. Service areas, loading docks, truck parking, outside storage and
1252 dumpster areas shall be screened from all viewing highways located
1253 within the District and any adjacent residential developments.
1254 Screening shall be accomplished with a minimum 8' high opaque
1255 screen. This screening may be accomplished by:

1256 (a) Freestanding or attached wing walls or fences constructed of
1257 materials complimentary or the same as the primary construction
1258 materials found in the principal buildings.

- 1259 (b) Earth berms and/or landscaping dense enough to create a
1260 year-round opaque screen. Plant material used for screening these
1261 service areas may be considered part of the general Site
1262 Landscaping & Open Space landscape requirement.
- 1263 M. Outdoor Display and Storage
- 1264 1. Reserved
- 1265 2. No outdoor storage shall be allowed between the business location's
1266 principal or accessory building and all viewing highways. This
1267 restriction shall not apply to "farmer's markets" and other agricultural
1268 uses (i.e. livestock, crops, farm implements currently in use for
1269 agricultural production)
- 1270 N. Signs in Highway Corridor Overlay District
- 1271 1. On-premise business identification signs (building mounted & free
1272 standing) Refer to *Chapter 15: Sign Ordinance of the Municipal Code
1273 of the Town of Union*.
- 1274 2. Except for temporary farm produce signs (see *Chapter 15: Sign
1275 Ordinance of the Municipal Code of the Town of Union*), off premises
1276 advertising signs (temporary and permanent) shall not be permitted
1277 within the STH 57 Highway Corridor Overlay District.
- 1278 3. Standard WisDOT tourist information signs and business logo sign
1279 groupings (Specific Information Signs) as currently used along the
1280 State highway system shall be allowed within the right of way. Route
1281 designation signs such as the Lake Michigan Circle Tour, Rustic Road
1282 and Ethnic Trail signs shall also be allowed within the right of way.
- 1283 O. Viewsheds
- 1284 Scenic vistas and sight lines to other special views particularly related to
1285 creeks, public open space, conservancy areas, and large farms shall be
1286 maintained through careful building placement and landscape development.
- 1287 P. Lot requirements
- 1288 Lot size shall be subject to and in accordance with s. 7.0300 of this Ordinance.
- 1289 Q. Setbacks from roads
- 1290 Building setbacks shall be subject to and in accordance with s. 7.0211 of this
1291 Ordinance.
- 1292

1293 7.0313

HPD Historic Preservation Overlay District

1294 It is hereby declared a matter of public policy that the protection, enhancement,
1295 perpetuation and use of improvements of special character or special historical
1296 interest or value is a public necessity and is required in the interest of health,
1297 prosperity, safety and welfare of the citizens of the Town. The purpose of the HPD
1298 Historic Preservation Overlay District is to effect and accomplish the protection,
1299 enhancement, and perpetuation of such improvements and of districts which
1300 represent or reflect elements of the Town's cultural, social, economic, political, and
1301 architectural history; safeguard the Town's historic and cultural heritage, as
1302 embodied and reflected in such landmarks and historic districts; stabilize and
1303 improve property values; foster civic pride in the beauty and noble
1304 accomplishments of the past; protect and enhance the Town's attractions to
1305 residents, tourists, and visitors for education, pleasure and general welfare; and
1306 serve as a support and stimulus to business and industry; and strengthen the
1307 economy of the Town.

1308 To further the purposes of this Section, the National Register of Historic Places-
1309 Inventory and Nomination Form for the Namur Belgian-American District shall be
1310 used as guide for implementing the provisions of this District.

1311 Commentary: The Namur Belgian-American District was added to the National
1312 Register of Historic Places in 1989

A. Principal Uses

1314 Any principal use permitted in the underlying basic use district.

B. Accessory Uses

1316 Any accessory use permitted in the underlying basic use district.

C. Conditional Uses

1318 Any conditional use permitted in the underlying basic use district.

D. Lot Area and Width

1320 Lot area and width shall conform to the requirements in the underlying basic
1321 use district.

E. Building Height and Area

1323 Building height and area shall conform to the requirements in the underlying
1324 basic use district.

F. Yards

1326 All buildings shall conform to the setback and yard requirements of the
1327 underlying basic use district.

G. Historic Preservation Commission

1329 The Historic Preservation Commission is hereby created and shall be
1330 composed of five (5) members appointed by the Town Board.

- 1331 H. Historic Preservation Commission Review and Recommendation
- 1332 1. Demolition Permit Review
- 1333 No permit to demolition of all or part of a property in an HPD district
1334 until the Historic Preservation Commission has reviewed the application
1335 or petition and has recommended approval, approval with conditions, or
1336 denial of the application or petition to the Plan Commission.
- 1337 2. Construction, Reconstruction, Alteration Plan Review
- 1338 No permit to reconstruct, remodel, alter the architectural appearance of
1339 all or any part of the exterior of a property in a HPD district or construct
1340 any improvement on any such property until the Historic Preservation
1341 Commission has reviewed the application or petition and the applicant
1342 has met with the Commission to obtain the advice of the Commission
1343 on how to construct, remodel or alter the property consistent with the
1344 purpose of the HPD. The Historic Preservation Commission shall have
1345 60 days to provide such advice from the date of the application for a
1346 permit. In offering its advice the Historic Preservation Commission
1347 shall consider the following.
- 1348 (a) New construction or new additions should be undertaken in such
1349 a manner that they do not destroy historic materials, and the new
1350 work should be differentiated from the old and should be
1351 compatible with the massing, size, scale, and architectural
1352 features of this historic property and its environment.
- 1353 (b) The historic character of the property should be retained and
1354 preserved, and the removal of historic materials or features that
1355 characterize the property should be avoided.
- 1356 (c) Existing historical and architectural features of the buildings and
1357 structures should be retained, and missing features and details
1358 should be restored whenever possible.
- 1359 (d) In the case of the construction of a new improvement upon a
1360 historic site, or within a historic district, the exterior of such
1361 improvement should be designed to harmonize with and not
1362 adversely affect the external appearance of other neighboring
1363 improvements on such site or in the district.
- 1364 (e) Significant archeological resources should be protected and
1365 preserved.
- 1366 (f) Ordinary maintenance and repairs may be undertaken without the
1367 advice of the Historic Preservation Commission provided that the
1368 work involves repairs to existing features of a historic structure or
1369 site or the replacement of elements of a structure with pieces
1370 identical in appearance and provided that the work does not

1371 change the exterior appearance of the structure or site and does
1372 not require the issuance of a building permit.

1373 I. Designation of Landmarks, Landmark Sites, and Historic Districts

1374 The Town Board, upon referral to and receipt of the recommendations of the
1375 Plan Commission and Historic Preservation Commission, may designate
1376 landmarks, landmark sites, and historic districts within the Town. Appropriate
1377 records, including photographs and plans, shall be kept as a part of the Town's
1378 official zoning file.

1379 J. Limitation on Structural or Appearance Changes

1380 Structural changes shall be regulated in the following manner:

1381 1. Certificate of Appropriateness Required.

1382 There shall be no demolition of all or any part of a structure within the
1383 HPD district without the review and approval of plans for such
1384 demolition by the Plan Commission. In determining whether to grant
1385 approval, the Plan Commission shall take into consideration the
1386 recommendation of the Historic Preservation Commission. The Plan
1387 Commission shall make its determination within 60 days of the filing of
1388 the application for a Certificate of Appropriateness.

1389 2. Basis for Approval

1390 No demolitions shall be permitted in the HPD district that would tend
1391 to destroy or impair the character and quality of the HPD district.

1392 3. Repairs or Destruction

1393 No person in charge of a landmark or development that is an HPD
1394 district and subject to s. 7.0904 of this Ordinance shall be granted a
1395 permit to demolish such property without the review and
1396 recommendation of the Historic Preservation Commission to the Town
1397 Plan Commission.

1398	7.0400	PARTICULAR USE REQUIREMENTS
1399	7.0401	Purpose
1400		The purpose of these requirements is to minimize potential negative impacts from
1401		certain uses and to promote compatibility between particular uses and surrounding
1402		uses.
1403	7.0402	Applicability
1404		In addition to complying with other regulations established in this Ordinance, these
1405		requirements must be met for each specific use. These requirements shall override
1406		any requirements which are described elsewhere in this ordinance for the zoning
1407		districts, but only to the extent that they conflict with such requirements.
1408	7.0403	Agricultural Use Requirements
1409		A. Agriculture
1410		1. Any agricultural use involving animals shall provide sufficient shelter
1411		and open space to meet or exceed any standards set by the United
1412		States Department of Agriculture and/or the Wisconsin Department of
1413		Natural Resources. Any use of a property involving horses shall
1414		comply with the requirements of s. 7.0407(D), Commercial and private
1415		riding stables.
1416		2. Barnyards, feed lots, and farm structures housing animals shall be
1417		located at least 100 feet from navigable water and shall be located so
1418		that manure will not drain into navigable water.
1419		3. Except in General Agricultural (GA) district, barnyards, feed lots, and
1420		farm structures housing animals, shall be located at least 200 feet from
1421		any dwelling unit other than that of the animal keeper's dwelling unit.
1422		B. Roadside stands
1423		1. Except for temporary structures not exceeding 160 square feet of floor
1424		area, all structures associated with roadside stands shall meet all
1425		setbacks and other provisions of this Ordinance. Temporary roadside
1426		stands which do not exceed 160 square feet of floor area are exempt
1427		from s. 7.0211, setbacks from roads, but shall not be placed in public
1428		right-of-ways.
1429		2. Only one roadside stand shall be permitted on a lot.
1430		C. Farm markets
1431		1. Such use shall principally involve the sale of farm and garden products,
1432		but other types of merchandise may be sold, provided such
1433		merchandise occupies not more than 30 percent of the indoor and
1434		outdoor display area of the farm market.

- 1435 2. At least one off-street parking space shall be provided for each 200
1436 square feet of indoor and outdoor display area.
- 1437 D. Agricultural visitation facilities
- 1438 1. If the agricultural visitation facility involves animals, the requirements
1439 of s. 7.0403(A)(1) shall be applicable.
- 1440 2. Off-street parking requirements and standards of section 7.0700 of this
1441 Ordinance shall be applicable.
- 1442 7.0404 **Commercial Use Requirements**
- 1443 A. Kennels
- 1444 1. All dogs shall be housed indoors during the hours from 9:00 p.m. to
1445 6:00 a.m.
- 1446 2. Minimum side and rear yards for all structures associated with kennels
1447 shall be 200 feet.
- 1448 3. Except as exempted here, all kennels shall be screened from public
1449 roads by vegetative screening as described in s. 7.0216(D), landscape
1450 buffer tree requirements. Structures located at least 200 feet from the
1451 centerline of public roads are exempt from the screening requirement.
- 1452 4. There shall be no more than 2 adult dogs in any single enclosure unit.
- 1453 B. Restaurants and taverns.
- 1454 1. Unenclosed seating areas shall comply with the side yard and rear yard
1455 requirements for principal buildings.
- 1456 2. Screening. All unenclosed seating areas shall be screened from
1457 adjacent residential properties by a vegetative screening, as described
1458 in s. 7.0216(D), landscape buffer tree requirements.
- 1459 3. Lighting. Lighting fixtures intended to illuminate unenclosed seating
1460 areas, volleyball courts, or similar uses shall be placed no higher than
1461 14 feet above the ground and shall be directed and/or hooded such that
1462 no light shall cast upon adjacent properties nor upon public roads.
- 1463 C. Model homes
- 1464 1. A model home may be used as a sales office, but shall not include a
1465 workshop or construction shop.
- 1466 2. Outside storage is prohibited.

- 1467 3. No more than one on-premise sign shall be permitted. Such sign shall
1468 not exceed 4 square feet in sign face area and shall not be illuminated.
1469 No pennants, banners, flags, or similar devices shall be allowed.
- 1470 4. The regular zoning permit for a model home shall expire after 3 years.
1471 Renewals shall only be authorized as conditional uses.
- 1472 D. Auto repair
- 1473 1. The rebuilding or assembly of automobiles, engines, or transmissions
1474 on a factory production basis and/or the disassembly of automobiles
1475 on a factory production basis shall not be permitted.
- 1476 2. All repair, painting, parts storage, and body work activities shall take
1477 place within a building.
- 1478 3. All damaged or non-operable parts shall be stored indoors or in
1479 storage containers.
- 1480 E. Lumber and building supply yards
- 1481 Such uses shall be screened from public roads by a vegetative screening, as
1482 described in s. 7.0216(D), landscape buffer tree requirements.
- 1483 F. Trade or contractors establishments
- 1484 All outside storage areas and parking of trucks and machinery used in
1485 conjunction with the establishment shall be screened from all adjacent
1486 properties and public roads by a vegetative screening, as described in s.
1487 7.0216(D), landscape buffer tree requirements.
- 1488 G. Commercial storage facilities
- 1489 1. All buildings shall be located a minimum of 50 feet from all lot lines.
- 1490 2. Use. Commercial storage facilities shall not be used as workshops or
1491 retail shops.
- 1492 3. Outside storage. Outside storage shall be prohibited.
- 1493 4. Screening. Such facilities shall be screened from public roads by a
1494 vegetative screening, as described in s. 7.0216(D), landscape buffer
1495 tree requirements.
- 1496 5. Reserved
- 1497 H. Home Businesses
- 1498 The use of a dwelling unit or accessory structure for a home business shall be
1499 clearly secondary to the residential use of the property and shall not change
1500 the property's residential character. The following shall apply:

- 1501 1. Home businesses shall not require a zoning permit.
- 1502 2. A maximum of two home businesses shall be permitted per lot or
- 1503 building site. In no instance shall there be more than two home-based
- 1504 enterprises on a lot or building site.
- 1505 3. The home business shall be conducted by resident(s) of the dwelling
- 1506 unit. Other persons may be employed by the business but shall not
- 1507 work on the premises.
- 1508 4. Home businesses may be conducted in any dwelling unit or accessory
- 1509 building. The total floor area dedicated to home businesses, whether
- 1510 located within the dwelling unit and/or in an accessory building, shall
- 1511 be no more than 25% of the floor area of the dwelling unit.
- 1512 5. Sanitary facilities shall be provided per county and state sanitary code
- 1513 requirements.
- 1514 6. Uses subject to regulations found elsewhere in this ordinance shall also
- 1515 comply with those regulations.
- 1516 7. A maximum of one on-premise advertising sign, not to be illuminated
- 1517 and not to exceed 12 square feet in area, shall be permitted for a home
- 1518 business. Such signs shall be authorized through issuance of a sign
- 1519 permit in compliance with the requirements of this ordinance. No off-
- 1520 premise advertising signs shall be permitted.
- 1521 I. Bed and breakfast establishments
- 1522 1. State license. Prior to the establishment of a bed and breakfast, the
- 1523 operator shall obtain a license from the state as may be required by
- 1524 state law and maintain such license for the life of the use or until the
- 1525 state no longer requires such license.*
- 1526 2. Type of dwelling. A bed and breakfast shall only occur within a single-
- 1527 family dwelling.
- 1528 3. Number of allowable guest rooms. No more than 5 guest rooms shall
- 1529 be offered.
- 1530 4. Residency requirement. The operator of a bed and breakfast shall
- 1531 reside within the single-family dwelling during the time period when
- 1532 one or more of the rooms are occupied.
- 1533 5. Exterior character of the dwelling unit. The exterior appearance of the
- 1534 building shall not be altered from its single-family appearance.
- 1535 6. Food preparation. No food preparation or cooking shall be allowed in
- 1536 guest rooms.

- 1537 7. Meals. Meals shall only be offered to overnight guests.
- 1538 8. Maximum stay. The maximum stay for any occupant shall be 14
- 1539 consecutive days.
- 1540 9. Record of guests. The operator shall keep a listing showing the names
- 1541 of all guests. This list shall be kept on file for a period of one year.
- 1542 Such list shall be available for inspection by town officials at any time
- 1543 upon request.
- 1544 10. Signage. One exterior advertising sign may be placed on the premises.
- 1545 The sign location, type, and size must be approved as part of the site
- 1546 plan review process
- 1547 Commentary: See subch. VII of chapter 254, Wis. Stats., and ch. HFS 197,
- 1548 Wis. Admin. Code
- 1549 11. No more than one on-premise sign shall be permitted. Except in the
- 1550 Single Family Residential-20,000, such sign shall not exceed 9 square
- 1551 feet in sign face area. In the Single Family Residential-20,000 Family
- 1552 Residential-30,000 districts, such sign shall not exceed 4 square feet in
- 1553 sign face area.
- 1554 12. In the Single Family Residential-20,000 district, at the time of zoning
- 1555 permit application, the building proposed to house the bed and
- 1556 breakfast establishment shall be at least 10 years old, as dated from
- 1557 original construction.
- 1558 J. Family day care homes
- 1559 1. Pick up and drop off areas shall not be located within any public right-
- 1560 of-way.
- 1561 2. Family day care homes shall provide at least 100 square feet of
- 1562 outdoor play area per child.
- 1563 3. Outdoor play areas shall be enclosed by a wall or fence and shall be
- 1564 separated from vehicular circulation and parking areas.
- 1565 4. Family day care homes shall be permitted no more than one sign. Such
- 1566 sign shall not exceed 4 square feet in sign face area and shall not be
- 1567 illuminated.
- 1568 K. Day care centers
- 1569 1. Pick up and drop off areas shall not be located within any public right-
- 1570 of-way.
- 1571 2. Day care centers shall provide at least 100 square feet of outdoor play
- 1572 area per child.

1573 3. Outdoor play areas shall be enclosed by a wall or fence and shall be
1574 separated from vehicular circulation and parking areas.

1575 L. Reserved

1576 7.0405 **Industrial Use Requirements**

1577 A. Sawmills/planing mills

1578 1. Such uses shall be located a minimum distance of 500 feet from any
1579 dwelling unit other than that of the owner or operator of the
1580 establishment.

1581 2. No sawmill/planing mill shall produce a sound level at its property
1582 boundary that exceeds 85 decibels.

1583 3. Areas used for stockpiling and maneuvering shall be a minimum
1584 distance of 200 feet from any dwelling unit other than that of the owner
1585 or operator of the establishment.

1586 B. Nonmetallic mining

1587 The following requirements shall apply to nonmetallic mining:

1588 1. Application. In addition to the application requirements of s. 7.1104,
1589 conditional use permits, all applications for a proposed nonmetallic
1590 mining operation shall include the following information, except that
1591 the Planning Commission may waive portions of the specified
1592 information upon finding that, because of the nature or method of the
1593 operation, such information is not relevant or is unnecessary to a full
1594 and proper evaluation of the application:

1595 (a) Site plan. A site plan, drawn at a scale which produces a clearly
1596 legible drawing, which shall include the following:

1597 (1) North point, scale, and date.

1598 (2) Property boundaries of the operator's owned and/or
1599 leased land.

1600 (3) Location and boundaries of the nonmetallic mining site,
1601 including extent of the area to be excavated, related
1602 storage and processing areas, and areas where
1603 nonmetallic mining refuse is to be deposited.

1604 (4) Location of all access points, roads, rights-of-way, and
1605 utility easements on or abutting the property.

1606 (5) Location of all structures within 300 feet of the mining
1607 site.

1608 (6) Location of karst features and location and direction of
1609 flow of all watercourses on or within 300 feet of the
1610 mining site.

- 1611 (7) Bench marks.
- 1612 (8) A topographic map, with a minimum contour interval of
- 1613 5 feet, of the proposed mining site and the area within
- 1614 300 feet of the mining site. The contour lines shall be
- 1615 referenced to one of the bench marks shown on the site
- 1616 plan.
- 1617 (9) Areas to be used for sedimentation ponds, if any.
- 1618 (10) Proposed parking areas, signs, and fencing, including a
- 1619 description of the purpose of the fencing.
- 1620 (11) Typical cross section of the site showing the water table.
- 1621 (12) A statement signed by the property owner that the
- 1622 property owner shall assume responsibility for financial
- 1623 assurance as provided in par. (4).
- 1624 (b) Operation plan. An operation plan which shall include description
- 1625 of the proposed nonmetallic mining operation and methods and
- 1626 procedures to be used in mining the site. The operation plan shall
- 1627 also include the following:
- 1628 (1) The approximate date of commencement of the
- 1629 operation.
- 1630 (2) Type of mining, processing, and transportation
- 1631 equipment to be used.
- 1632 (3) Estimated type of materials to be extracted.
- 1633 (4) Primary travel routes to be used to transport material to
- 1634 processing plants or markets.
- 1635 (5) Operational measures to be taken to minimize noise,
- 1636 dust, air contaminants, and vibrations.
- 1637 (6) Operational measures to be taken to prevent groundwater
- 1638 and surface water degradation.
- 1639 (7) If excavations below the water table are to occur,
- 1640 operational measures to be taken to prevent entry of
- 1641 contaminants into the groundwater.
- 1642 (8) Operational measures to be taken to stabilize topsoil and
- 1643 other material stockpiles.
- 1644 (c) Reclamation plan. A reclamation plan for the nonmetallic mining
- 1645 site as required and approved under the Door County Code.
- 1646 2. Financial assurance
- 1647 (a) Except for nonmetallic mining by governmental units and except
- 1648 as provided in subd. (3)., a bond shall be required to ensure
- 1649 compliance with the approved reclamation plan. The Plan

Commission shall determine the required bonding level of the project based upon the estimated cost of fulfilling the reclamation plan. Following approval of the permit and as a condition of the permit, but prior to commencing the project, the operator shall file with the town the required bond conditioned on faithful performance in conformance with the approved reclamation plan. Upon notification by the Town of bonding approval and conformance with permit conditions, the operator may commence project and reclamation operations.

(b) Bond requirements

- (1) Bonds shall be issued by a surety company licensed to do business in Wisconsin. At the option of the operator, a performance bond or a forfeiture bond may be filed. Surety companies may have the opportunity to complete the reclamation plan in lieu of a cash payment to the Town.
- (2) Each bond shall provide that the bond not be canceled by the surety company, except upon not less than 90 days written notice to the Town. Not less than 30 days prior to the expiration of the 90 day notice of cancellation, the operator must deliver to the Town a replacement bond, in the absence of which all nonmetallic mining shall cease.
- (3) The bond shall be payable to "Town of Union."
- (4) The estimated cost of reclamation of each project shall be determined by the Plan Commission on the basis of relevant factors including, but not limited to, topography of the site, project methods being employed, depth of project operations, and from data provided in the operation and reclamation plans.
- (5) If a phased reclamation plan is approved, the required bond in such case may cover progressive phases of the reclamation.

(c) Security deposits. In lieu of a bond, and upon written approval of the Plan Commission, an operator may deposit with the Town cash, certificates of deposit, governmental securities or other security acceptable to the Plan Commission.

(d) Financial assurance release. The Town shall release the operator's bond or deposit if it finds, after inspection of the project site, that the operator has fully carried out and completed reclamation of the project site in accordance with the operation and reclamation plan and has otherwise complied with permit requirements.

3. Permit requirements

1692 (a) Renewal of permit. Conditional use permits for nonmetallic
1693 mining shall be effective for 2 years, unless a lesser time period is
1694 specified by the Plan Commission. Renewals of permits shall be
1695 issued as follows:

1696 (1) Applications for permit renewal must be submitted at
1697 least 60 days prior to the expiration date of the existing
1698 permit. Such applications shall comply with the
1699 requirements of 7.0405(B)(1), but need not include any
1700 items shown on previously submitted applications.
1701 Renewal applications may merely indicate no change in
1702 such items. Any changes from prior applications shall be
1703 shown on applications for permit renewal.

1704 (2) No permit renewal shall be granted unless the project is
1705 in compliance with the terms of the existing permit,
1706 including the reclamation plan approved by the Plan
1707 Commission.

1708 (3) Permit renewals may be conditioned upon correction of
1709 any unanticipated environmental impacts which occur
1710 during the original or renewal permits.

1711 (4) No public hearing shall be required to be held with
1712 respect to a renewal application, unless the application
1713 provides for an enlargement of the previous approved
1714 mining site or otherwise provides for an alteration or
1715 change in the method of operations or reclamation
1716 previously approved which might adversely affect the
1717 use or enjoyment of nearby properties.

1718 (5) Renewal permits shall be issued for another 5 years.

1719 (b) Transfer of permit. When one operator succeeds to the interest of
1720 another at an uncompleted site, the first operator shall be released
1721 of the responsibilities imposed by the permit, but only if:

1722 (1) The operation is in compliance with the requirements of
1723 this section and the permit for the operation.

1724 (2) The new operator assumes the responsibility of the
1725 former operator to complete the reclamation of the entire
1726 mining site by a written, signed and notarized document
1727 and provides financial assurance for such reclamation.

1728 (c) Mining site enlargement. Any proposed mining site enlargement
1729 shall be processed as a new application pursuant to this section.
1730 All provisions of this section shall apply to the proposed
1731 enlargement.

1732 (d) Failure to open and operate. Failure of an operator to take
1733 substantial steps to open and operate in a mining site within one

1734 year of the initial permit issuance shall invalidate the permit. A
1735 new permit application shall be required for any future mining
1736 activity.

1737 (e) Abandonment of nonmetallic mining operations. If abandonment
1738 of nonmetallic mining operations occurs, new mining operations
1739 shall not be permitted, except upon permit issuance as prescribed
1740 by this section.

1741 7.0406 **Institutional Use Requirements**

1742 A. Public highway garages

1743 Public highway garages shall be screened from public roads by means of a
1744 vegetative screening, as described in s. 7.0216(D), landscape buffer tree
1745 requirements.

1746 7.0407 **Outdoor Recreation Uses Requirements**

1747 A. Parks

1748 1. Parks owned and/or managed by units of government.

1749 2. Facilities for active recreation as defined in Section 7.1400 shall be
1750 located a minimum of 75 feet from lot lines when the abutting property
1751 contains a single family residence or, if vacant, is located in a zoning
1752 district where single family residences are permitted.

1753 3. Parks which are privately owned.

1754 (a) Facilities for active recreation shall be on tracts the larger of
1755 either:

1756 (1) 450 feet wide and 4.5 acres in area, or

1757 (2) The minimum lot width and area for new lots in the
1758 zoning district as required by Section 7.0300.

1759 (b) Facilities for active recreation shall be located a minimum of 150
1760 feet from lot lines when the abutting property contains a single
1761 family residence or, if vacant, is located in a zoning district where
1762 single family residences are permitted.

1763 B. Campgrounds and trailer camps

1764 1. Each recreational vehicle, trailer, or camp site shall be plainly marked
1765 and surfaced with gravel, asphalt, or other material to free the site of
1766 mud.

1767 2. The maximum number of recreational vehicle, trailer, or camp sites
1768 shall be 15 per acre.

- 1769 3. The minimum size of a recreational vehicle park, trailer park or
1770 campground shall be 5 acres
- 1771 4. The minimum dimensions of a recreational vehicle, trailer, or camp
1772 site shall be 25 feet wide by 40 feet long.
- 1773 5. Each recreational vehicle, trailer, or camp site shall be separated from
1774 other recreational vehicle, trailer, or camp sites by at least 15 feet.
- 1775 6. There shall be 2 off-street parking spaces for each recreational vehicle,
1776 trailer, or camp site.
- 1777 7. All recreational vehicle, trailer, or camp sites shall meet the required
1778 setbacks from roads and from the ordinary high water mark and shall
1779 be located at least 50 feet from all exterior lot lines.
- 1780 8. Each recreational vehicle park, trailer park, or campground shall be
1781 screened by means of a vegetative screening, as described in s.
1782 7.0216(D), landscape buffer tree requirements, along all lot lines.
1783 Such requirement may be waived by the Plan Commission, upon
1784 referral and recommendation by the Zoning Administrator, if existing
1785 woody vegetation is such that the screening objective is or will be
1786 achieved.
- 1787 9. Seasonal campsites shall be allowed subject to the following:
- 1788 (a) No more than one wheeled camping unit or one shelter unit shall
1789 be allowed on any individual campsite. In addition to these
1790 facilities, a tent may be erected to serve as an auxiliary shelter, but
1791 shall not be erected for a period of more than 14 consecutive days.
- 1792 (b) A seasonal camping unit shall not exceed 400 square feet in floor
1793 area nor 8 feet 6 inches in width when in the in-transit position.
- 1794 (c) A seasonal camping unit shall not be occupied for more than 4
1795 months in a calendar year, although a camping unit may remain
1796 on an individual campsite for an entire calendar year. The wheels
1797 and tires shall remain in an in-transit position.
- 1798 (d) No porches, lean-tos, or additions shall be constructed onto or
1799 immediately adjacent to a camping unit. Canvas screen rooms or
1800 awnings shall be allowed.
- 1801 (e) A wooden deck may be provided adjacent to a camping unit
1802 subject to the following:
- 1803 (1) The deck shall not exceed 256 square feet in area.
- 1804 (2) The deck may be enclosed by open railings, but shall not
1805 have built-in benches or tables.

- 1806 (3) The deck shall not have a permanent foundation in the
1807 ground.
- 1808 (f) A camping unit and deck may only be skirted with lattice;
1809 however, solid skirting may be installed immediately adjacent to
1810 the tires.
- 1811 (g) One storage shed shall be allowed per campsite. Said shed shall
1812 not exceed 80 square feet in floor area.
- 1813 10. A shelter unit may be located on an individual campsite provided it is
1814 designed only to protect occupants from the elements and does not
1815 have a permanent water supply, a sewage system, electricity, or
1816 heating and cooking facilities. A shelter unit shall not exceed 300
1817 square feet in total floor area and shall not be rented to a camping party
1818 for a term exceeding 30 consecutive days.
- 1819 11. One dwelling unit to be occupied by the owner and not more than one
1820 additional dwelling unit to be occupied by the manager shall be
1821 allowed in a campground.
- 1822 C. Camping
- 1823 1. Camping shall be permitted in approved campgrounds without
1824 issuance of a regular zoning permit.
- 1825 2. Camping on a lot by one camping party including the landowner or by
1826 one camping party with the landowner's written permission shall be
1827 allowed without issuance of a regular zoning permit, subject to the
1828 following:
- 1829 (a) Such camping shall be allowed in all zoning districts, except
1830 Wetland and Commercial/Business districts.
- 1831 (b) Sanitary waste disposal shall be provided by either:
- 1832 (1) Connection to approved on-site waste disposal system.
- 1833 (2) Self-contained holding tank with disposal at an approved
1834 sanitary dump station.
- 1835 (3) A portable toilet with disposal at an approved sanitary
1836 dump station.
- 1837 (c) Side and rear yard requirements for the camping unit shall be as
1838 required for principal structures in s. 7.0300, district
1839 requirements.
- 1840 (d) The camping unit shall meet the setback requirements of s.
1841 7.0300.
- 1842 (e) Camping shall not exceed 15 consecutive days nor more than 30
1843 days in any calendar year.

- 1844 (f) Not more than two camping unit shall be permitted on a lot.
- 1845 (g) Except as provided in subd. h., the camping unit shall be removed
- 1846 from the property after each camping stay.
- 1847 (h) Outdoor storage.
- 1848 (1) If a principal building is located on the lot, one camping
- 1849 unit may be stored outdoors. The stored camping unit
- 1850 shall meet all required setbacks and yards for accessory
- 1851 structures. The stored camping unit shall be in an in-
- 1852 transit position with no utility connections, windows and
- 1853 doors closed, and not used for sleeping purposes.
- 1854 (2) The storage of a camping unit on a vacant lot shall be
- 1855 prohibited.
- 1856 3. Camping on a lot during construction of a single family dwelling unit
- 1857 shall be allowed, subject to the following:
- 1858 (a) A regular zoning permit for a single family residence has been
- 1859 secured and a slab, crawlspace, or foundation for the single family
- 1860 dwelling unit has been installed. A regular zoning permit which
- 1861 authorizes such camping has been secured.
- 1862 (b) An approved on-site waste disposal system, designed to
- 1863 accommodate the single family residence, has been installed on
- 1864 the property prior to the placement, erection, and/or use of the
- 1865 camping unit to serve as a means of sanitary waste disposal for
- 1866 the users of the camping unit.
- 1867 (c) The camping activity shall cease upon the completion of the single
- 1868 family dwelling unit on the property.
- 1869 (d) Renewal permits shall only be issued when substantial progress
- 1870 toward completion of the single family dwelling unit is
- 1871 demonstrated during the previous year.
- 1872 D. Commercial and private riding stables
- 1873 Any use of a property involving the keeping of horses shall comply with the
- 1874 requirements of this section.
- 1875 1. Minimum lot size for riding stables shall be 5 acres for commercial
- 1876 riding stables and 2.5 acres for private riding stables.
- 1877 2. There shall be at least 20,000 square feet of open space provided on
- 1878 the lot for each horse kept on the lot.
- 1879 3. All stables shall be located at least 100 feet from the ordinary high
- 1880 water mark of navigable water and shall be located such that manure
- 1881 will not drain into navigable water.

- 1882 4. All stables shall be located at least 200 feet from a dwelling unit other
1883 than that of the owner or operator of the establishment.
- 1884 E. Marinas, excursion boating, and charter fishing
- 1885 If boat launching facilities which are available to the public are provided,
1886 parking spaces for towing vehicles and trailers shall be provided at the rate
1887 of 15 parking spaces per launching lane. Each parking space shall be at least
1888 10 feet wide by 40 feet long. Such parking shall be in addition to the parking
1889 required in s. 7.0700, parking requirements.
- 1890 F. Institutional recreation camps
- 1891 1. Minimum lot size shall be 10 acres.
- 1892 2. Maximum capacity shall be 5 persons per acre or 200 persons,
1893 whichever is less. Such capacity shall be determined by the number
1894 sleeping spaces, number of dining spaces, and/or other appropriate
1895 means of determination.
- 1896 G. Retreat Centers
- 1897 1. Minimum lot size shall be 20 acres.
- 1898 2. Maximum capacity shall be 3 persons per acre or 75 persons,
1899 whichever is less. Such capacity shall be determined by the number of
1900 sleeping spaces provided, number of dining spaces provided, and/or
1901 other appropriate means of determination.
- 1902 7.0408 **Residential Uses Requirements**
- 1903 A. Single family residences separated from farm parcels.
- 1904 Single family residences existing prior to the effective date of this Ordinance
1905 may be separated from farm parcels, subject to the following:
- 1906 1. The lot created shall contain at least one acre exclusive of lands within
1907 any public right-of-way.
- 1908 2. The lot width of the resultant lot shall be at least 200 feet.
- 1909 3. The lot lines created shall place all existing structures in conformance
1910 with applicable setback and yard requirements.
- 1911 4. The creation of the separate lot shall not reduce the remaining tract to
1912 a lot area of less than that required for a new lot in the zoning district.
- 1913 B. Farm-related residences
- 1914 Separate lots created for farm- related residences shall comply with the
1915 following:

- 1916 1. The lot lines created shall place all existing structures in conformance
1917 with applicable setback and yard requirements.
- 1918 2. The lot created shall be at least one acre in area exclusive of lands
1919 within any public right-of-way.
- 1920 3. The minimum lot width shall be 200 feet.
- 1921 4. The creation of the separate parcel shall not reduce the remaining tract
1922 to a lot area of less than that required for a new lot in the zoning district.
- 1923 C. Accessory residences
- 1924 1. There shall be no more than one accessory residence on a lot.
- 1925 2. In all districts, the accessory residence shall be a detached dwelling
1926 unit.
- 1927 3. The setbacks and minimum yards for such dwelling unit shall be the
1928 required setbacks and minimum yards for principal structures rather
1929 than accessory structures.
- 1930 4. Such dwelling unit shall meet all other provisions of this Ordinance,
1931 including parking, minimum floor area, and impervious surface ratio.
- 1932 5. Such dwelling unit may be a manufactured home only in districts
1933 where manufactured homes are permitted as a principal use. In such
1934 instances, the manufactured home shall meet the design requirements
1935 in s. 7.0408(D), manufactured homes.
- 1936 D. Manufactured homes
- 1937 Manufactured homes are permitted in manufactured home parks, refer to s.
1938 7.0408(E), manufactured home parks, and as temporary manufactured homes
1939 refer to s. 7.0408(F), temporary manufactured homes. Otherwise
1940 manufactured homes are not permitted unless the manufactured homes are
1941 considered single-family residences or single family dwelling units, refer to
1942 Definitions s. 7.1400.
- 1943 E. Manufactured home parks
- 1944 Only those legally existing manufactured home parks that existed prior to the
1945 adoption of this Ordinance are permitted in the Town of Union. Expansion
1946 of such manufactured home parks is permitted provided that the expansion is
1947 in compliance with this ordinance.
- 1948 1. Internal streets shall have a minimum right-of-way width of at least 24
1949 feet.

- 1950
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2. Internal streets and parking areas shall be surfaced with a dust-free material.
- 1952
1953
3. There shall be at least 2 parking spaces for each manufactured home site.
- 1954
1955
4. The minimum distance between manufactured home units, including all appurtenances, shall be 15 feet.
- 1956
1957
1958
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5. The minimum setback from an internal street shall be 22 feet from the traveled centerline or 10 feet from the edge of the right-of-way, whichever is greater, for all manufactured homes, including all appurtenances, and accessory structures.
- 1960
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6. No sales office or other business or commercial use shall be located within a manufactured home park. Laundries, washrooms, recreation rooms, maintenance equipment storage, and one management office are permitted.
- 1964
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1972
7. Each manufactured home park shall be screened, except for permitted entrances and exits, by means of a vegetative screen, as described in s. 7.0216(D), landscape buffer tree requirements, at the perimeter of the manufactured home park. The requirement may be waived by the Plan Commission, upon referral and recommendation of the Zoning Administrator, if existing woody vegetation is such that the screening objective is or will be achieved. In addition, there shall be a yard with a minimum width of 40 feet around the perimeter of the manufactured home park.
- 1973
1974
8. Manufactured homes in manufactured home parks shall contain at least 750 square feet of floor area.
- 1975
1976
9. No manufactured home site shall be rented for a period of less than 30 days.
- 1977
1978
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1980
1981
10. Deck(s) shall be permitted on each manufactured home site. The total size of the deck(s) shall not exceed 25 percent of the floor area of the manufactured home. Deck(s) shall comply with the setback and yard requirements for manufactured homes in approved manufactured home parks.
- 1982
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1986
1987
11. The total floor area of additions such as screen porches, lean-tos, or other extensions attached to a manufactured home shall not exceed 5 percent of the floor area of the manufactured home. Any additions constructed in conformance with this provision shall comply with the setback and yard requirements for manufactured homes in an approved manufactured home park.

- 1988
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12. One accessory structure shall be permitted for each manufactured home site and shall not exceed 120 square feet in floor area.
- 1990
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13. All manufactured homes shall meet the construction standards of the U.S. Department of Housing and Urban Development Manufactured Housing Code.
- 1993
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14. No permit shall be required to move a manufactured home onto a manufactured home site or interchange a manufactured home for another manufactured home on a manufactured home site in a manufactured home park that has been approved in accord with all applicable provisions of this Ordinance. The number of manufactured homes in an approved manufactured home park shall not exceed the number of manufactured home sites illustrated on site plans approved as part of the approval of the manufactured home park or the approval of an expansion of the manufactured home park.
- 2002
15. All manufactured home sites shall take access only to an internal street.
- 2003
2004
2005
2006
16. The number of manufactured homes in a nonconforming manufactured home park shall not exceed the number of sites existing on the effective date of this Ordinance, unless expansion has been authorized through a conditional use permit.
- 2007
- F. Temporary manufactured homes
- 2008
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1. Manufactured homes used as residences for farm employees, parents, and/or adult children of farm operators shall comply with the following:
- 2011
2012
2013
- (a) Such manufactured home shall provide housing for farm employees who assist farm operators engaged in agricultural activities, or for parents and/or adult children of farm operators.
- 2014
- (b) The manufactured home shall not be placed on a separate lot.
- 2015
2016
2017
- (c) The manufactured home shall meet the minimum floor area requirements and all setback and yard requirements of this Ordinance.
- 2018
2019
2020
- (d) When the manufactured home is no longer occupied by said farm employees, parents, or adult children, the manufactured home shall be removed from the farm operator's property.
- 2021
2022
- (e) The manufactured home shall be connected to a code complying wastewater disposal system.
- 2023
2024
2025
- (f) The number of such manufactured homes shall not exceed one manufactured home per 80 acres of land owned by said farm operator.

- 2026 (g) All portions of such manufactured home shall be located within
2027 300 feet of the dwelling unit of said farm operator.
- 2028 (h) Requires a conditional use permit
- 2029 2. Manufactured homes used as temporary accessory units shall comply
2030 with the following:
- 2031 (a) Only owner-occupiers of a single family dwelling unit are
2032 permitted to install a temporary accessory unit. There shall be no
2033 more than one temporary accessory unit on a lot.
- 2034 (b) The temporary accessory unit shall be removed upon cessation of
2035 occupancy of the individual(s) for whom the temporary accessory
2036 unit was intended.
- 2037 (c) The temporary accessory unit shall meet all setback and yard
2038 requirements for principal structures.
- 2039 (d) Off-street parking for the temporary accessory unit shall be
2040 provided.
- 2041 (e) Requires a conditional use permit
- 2042 G. Seasonal Dwellings for Agricultural Production and Processing Workers
- 2043 1. Such dwellings shall only be occupied by persons who, or a family at
2044 least one member of which, is/are actively engaged in agricultural
2045 production or processing.
- 2046 2. The required yards and setbacks shall be doubled, unless such
2047 dwellings are screened by a vegetative screening as described in s.
2048 7.0216(D), landscape buffer tree requirements.
- 2049 3. Such dwellings shall be placed on the same lot and shall be clustered
2050 within 50 feet of each other.
- 2051 4. Such dwellings shall be connected to a code complying wastewater
2052 disposal system(s).
- 2053 5. Not more than 4 seasonal dwellings shall be permitted, unless a
2054 conditional use permit has been authorized by the Plan Commission.
- 2055 H. Multiple occupancy development (MOD) requirements
- 2056 MODs include multi-family dwellings (more than 2 dus) hotels, motels,
2057 condominium developments, time shares, etc. MODS are permitted in the
2058 Commercial/Business (CB) district.
- 2059 1. Procedures
- 2060 (a) Multiple occupancy developments (MODs) may only be
2061 authorized through the conditional use permit procedure.

2062 (b) Any room within a MOD occupancy unit that is not a kitchen,
2063 living room, dining room, bathroom, or utility room shall be
2064 counted as a bedroom. If the site plan for an occupancy unit
2065 depicts no bedrooms, the occupancy unit shall be considered to
2066 contain one bedroom.

2067 2. Lot requirements

2068 (a) The minimum lot size requirements for MODs shall be one acre
2069 and 100' in lot width

2070 (b) Reserved

2071 3. Density

2072 (a) The maximum residential density of a MOD shall be based on the
2073 net lot area and number of bedrooms within the MOD.

2074 (b) MODs shall not exceed 5 bedrooms per acre of net lot area;
2075 fractional results shall be rounded down to the nearest whole
2076 number.

2077 (c) The net lot area shall not include land located in Wetland zoning
2078 districts. In addition, if the MOD includes mixed uses, the
2079 minimum lot area for the appropriate district for those uses shall
2080 not be included in the net lot area.

2081 (d) The net lot area of a MOD shall not be reduced if a violation of
2082 density limitations would result.

2083 4. Impervious surface ratios

2084 The maximum impervious surface ratio shall be 35%.

2085 5. Structure height

2086 (a) Maximum height for principal and accessory MOD structures
2087 shall be 26 feet above the average grade, except that structure
2088 height may be increased by one foot for each 2 feet the sideyard
2089 setback is increased over 20 feet.

2090 (b) In no case shall structure height exceed 35 feet above the average
2091 grade.

2092 6. Minimum yards

2093 (a) For MOD buildings on lots 150 feet wide or less, with street-
2094 facing building facades of less than 80 feet in length, with 6 or
2095 fewer bedrooms per building and a maximum of 2 units per
2096 building, required side and rear yard setbacks for principal and
2097 accessory structures shall be a minimum of 10 feet and 20 feet,
2098 respectively.

- 2099 (b) For all other, side and rear yard setbacks shall be 20 feet, unless:
- 2100 (1) The MOD is adjacent to a single family residence in an
- 2101 SF-20 zoning district in which case minimum side and
- 2102 rear yard setbacks for all principal and accessory
- 2103 structures shall be 65 feet, or
- 2104 (2) The MOD is adjacent to a single family residence in an
- 2105 CB zoning district in which case minimum side and rear
- 2106 yard setbacks for all principal and accessory structures
- 2107 shall be 40 feet.
- 2108 (c) Where the requirements outlined in 1., 2., or 3. conflict with s.
- 2109 7.0408(5)(b), non-core area MOD building height, the larger
- 2110 setback shall be used.
- 2111 7. Road setbacks
- 2112 (a) Minimum road setbacks shall be as required in s. 7.0211, setbacks
- 2113 from roads, except that the provisions of s. 7.0212, setback
- 2114 reduction, shall not be applicable. In addition, for each foot of
- 2115 street-facing building facade in excess of 80 feet in length the
- 2116 MOD building shall be set back an additional 6 inches.
- 2117 8. Ordinary high water mark setback
- 2118 (a) The minimum ordinary high water mark setback shall be as
- 2119 required in s. 7.0214, setback from navigable water.
- 2120 (b) Reserved
- 2121 9. Off-street parking and related structure requirements
- 2122 (a) Off-street parking spaces. For each occupancy unit within a
- 2123 MOD, one space shall be provided for the first bedroom, .8 spaces
- 2124 for any additional bedrooms, and an additional .2 spaces for each
- 2125 bedroom within a lockout unit.
- 2126 (b) Right-of-way setbacks for off-street parking areas. Off-street
- 2127 parking areas must be located a minimum of 25 feet from any road
- 2128 rights-of-way.
- 2129 (c) Side and rear yard setbacks for off-street parking areas,
- 2130 driveways, dumpsters, and recycling areas shall be 5 feet, unless:
- 2131 (1) The MOD is adjacent to a single family residence in an
- 2132 SF-20, zoning district, in which case minimum side and
- 2133 rear yard setbacks shall be 25 feet, or
- 2134 (2) The MOD is adjacent to a single family residence in an
- 2135 CB, zoning district, in which case minimum side and rear
- 2136 yard setbacks shall be 15 feet.

- 2137 10. Additional landscaping and screening requirements
- 2138 (a) A 25 foot wide area adjacent to public road rights-of-way shall be
- 2139 used for screening and landscaping.
- 2140 (1) Complete vegetative clearing shall be allowed only in the
- 2141 areas required for access driveways. For driveways
- 2142 serving as both entrance and exit, a strip a maximum of
- 2143 40 feet may be cleared. When separate entrance and exit
- 2144 driveways are used, a maximum of 20 feet may be
- 2145 cleared for each driveway.
- 2146 11. Outdoor lighting. All outdoor lighting shall utilize lighting fixtures
- 2147 whose hood, lens, or combination thereof allow no direct beams of
- 2148 light from the fixture to be seen from off the property or to be cast
- 2149 skyward.
- 2150 12. Building spacing. Buildings may be clustered on a lot, but shall be
- 2151 separated from each other by a distance of at least 20 feet or as required
- 2152 by the Wisconsin Administrative Code, whichever is greater.
- 2153 13. Mixed uses. Uses other than occupancy units, if permitted in the
- 2154 district, may be located on the same lot as the MOD.
- 2155 14. Accessory buildings. The total number of accessory buildings shall be
- 2156 limited to two (2) or the number of MOD principal buildings on the
- 2157 lot, whichever is greater. The total combined floor area of all accessory
- 2158 buildings shall not exceed 70 percent of the total building footprint of
- 2159 all MOD principal buildings.
- 2160 15. Manufactured homes prohibited. Manufactured homes shall not be
- 2161 used as occupancy units within a MOD.
- 2162 7.0409 **Miscellaneous Uses Requirements**
- 2163 A. Airports, airstrips, and landing fields
- 2164 1. The area proposed for this use shall be sufficient in size, and the site
- 2165 shall otherwise be adequate, to meet the standards of the Federal
- 2166 Aviation Administration, Department of Transportation, for the class
- 2167 of airport proposed.
- 2168 2. One off-street parking space shall be required for every tie-down space
- 2169 or plane space within hangars.
- 2170 B. Utility facilities
- 2171 1. No zoning permit shall be required for any installation that is at or
- 2172 below grade elevation, nor for electrical poles, towers, and wires.

- 2173 2. Those structures which are 4 feet or less above grade elevation need
2174 not meet setback requirements nor need they be placed on conforming
2175 lots.
- 2176 3. Electrical substations shall be enclosed by a chain link fence at least
2177 10 feet high. Such structures shall additionally be located at least 75
2178 feet from a dwelling unit.
- 2179 C. Keeping of chickens
- 2180 1. Purpose. The purpose of this section is to provide standards for the
2181 keeping of domesticated chickens. It is intended to enable residents to
2182 keep a small number of female chickens on a non-commercial basis
2183 while limiting the potential adverse impacts on the surrounding area.
2184 This section is intended to create standards and requirements that
2185 ensure that domesticated chickens do not adversely impact the area
2186 surrounding the property on which the chickens are kept.
- 2187 2. Definitions. The following definitions are used in this section:
- 2188 CHICKEN means a domestic chicken of the sub-species Gallus gallus
2189 domesticus.
- 2190 KEEP means either the owning, keeping, possessing or harboring of a
2191 chicken.
- 2192 ROOSTER means a male chicken of any age, including a capon or
2193 otherwise neutered male chicken.
- 2194 COOP means a new or existing enclosed accessory structure designed
2195 or modified for the keeping of chickens and meeting the requirements
2196 of this section.
- 2197 CHICKEN RUN means a fenced cage attached to a coop at least ten
2198 (10) square feet in area per chicken and not to exceed one hundred
2199 twenty (120) square feet in area.
- 2200 3. Keeping of chickens allowed.
- 2201 (a) The keeping of domesticated chickens shall be allowed as a
2202 permitted accessory use in all zoning districts and shall comply
2203 with the requirements of this section.
- 2204 Note: The requirements of Section 7.0409 (C) do not apply in
2205 the General Agricultural (GA) district, however all
2206 requirements of the GA district must be adhered to.
- 2207 (b) Up to eight (8) chickens are allowed.
- 2208 (c) No person shall keep any rooster.

2209 (d) Chickens shall not be allowed to free range and shall not be
2210 housed in garages or homes.

2211 4. Henhouses.

2212 A henhouse shall be provided and shall be designed to provide safe and
2213 healthy living conditions for the chickens while minimizing adverse
2214 impacts to other residents in the area.

2215 (a) The structures shall be enclosed on all sides and shall have a roof,
2216 structural floor, and doors. Access doors must be able to be shut
2217 and locked at night. Opening windows and vents must be covered
2218 with predator-and bird-proof wire of less than one (1) inch
2219 openings.

2220 (b) The henhouse must be impermeable to rodents, wild birds, and
2221 predators, including dogs and cats.

2222 (c) Henhouses shall be constructed in a workmanlike manner, be
2223 moisture-resistant and either raised up off the ground or placed on
2224 a hard surface such as concrete, patio block or gravel.

2225 (d) No henhouse shall be located closer than forty (40) feet to any
2226 principal residential structure on an adjacent lot and must meet the
2227 setback of the zoning district for an accessory building.

2228 (e) All permanent (non-mobile) coops shall comply with all building
2229 and zoning requirements of this ordinance.

2230 5. Chicken Coops.

2231 (a) An enclosed chicken pen must be provided consisting of sturdy
2232 wire fencing. The pen must be covered with wire, aviary netting,
2233 or solid roofing.

2234 (b) All chicken coops shall be located in the rear yard. No chicken
2235 coop shall be located in the front or side yard of a parcel, whether
2236 outside the setback or not.

2237 (c) Coops that are no longer being utilized to house chickens shall be
2238 removed from the property within sixty (60) days.

2239 (d) No chicken coop shall be located closer than twenty-five (25) feet
2240 to any principal residential structure on an adjacent lot and must
2241 be set back a minimum of three (3) feet from adjacent property
2242 lines. No chicken coop shall be located within any setback area.

2243 6. Waste Storage and Removal.

2244 All persons keeping chickens must properly dispose of manure by
2245 using it for fertilizer, removing it from the property, or working it into
2246 a compost bin or container. All manure shall be removed and no
2247 accumulation in manure piles shall be allowed. In addition, all

2248 enclosures and the surrounding area must be kept free from trash and
2249 accumulated droppings. Uneaten feed shall be removed in a timely
2250 manner.

2251 D. Animal shelters and pounds

2252 1. All animal shelters and pounds located in the Commercial/Business
2253 (CB) district shall house all animals indoors. No outdoor housing shall
2254 be permitted.

2255 2. All structures associated with animal shelters and pounds located in
2256 the Commercial/Business (CB) district shall be at least 50 feet from all
2257 side and rear lot lines.

2258 3. All structures associated with animal shelters and pounds located in
2259 the General Agricultural (GA) district shall be at least 200 feet from
2260 all side and rear lot lines.

2261 4. All animal shelters and pounds located in the General Agricultural
2262 (GA) district shall be located on lots containing at least 10 acres.

2263 5. All animal shelters and pounds with outdoor housing of animals shall
2264 be screened from all adjacent properties and public roads by means of
2265 a vegetative screening, as described in s. 7.0216(D), landscape buffer
2266 tree requirements.

2267 6. There shall be at least one housing unit for every 2 adult dogs housed
2268 by animal shelters and pounds. Further, there shall be no more than 2
2269 adult dogs housed in any single enclosure unit.

2270 7. The Plan Commission, in granting a conditional use permit, may
2271 impose additional conditions based on Wisconsin Federated Humane
2272 Society standards.

2273 E. Communication towers, antennas, transmitters

2274 1. A conditional use permit shall be required for all commercial
2275 communication towers, antennas, and transmitters exceeding 50 feet
2276 in height .

2277 2. The minimum front yard, side, and rear yard setbacks for all towers
2278 and antennas shall be as distance equal to the height of the tower or
2279 antenna. At a minimum, the required road and navigable water
2280 setbacks shall be met by all towers and antennas.

2281 3. All towers and antennas shall be located such that all yard
2282 requirements for accessory structures for the applicable district shall
2283 be met.

2284 4. Towers and antennas exceeding 200 feet in height shall be subject to
2285 the following:

2286 (a) Lot area. The minimum lot area shall be determined by use of the
2287 guyed tower land requirements chart and diagrams at the end of
2288 this subsection, or the minimum lot area requirement for the
2289 applicable zoning district, whichever is greater.

2290 (b) Security. The base of towers or antennas at the point of entry into
2291 the earth shall be enclosed within security fencing. Any security
2292 lighting shall utilize fixtures whose hood, lens or combination
2293 thereof allows no direct beams of light to spill onto adjoining
2294 properties or to be cast skyward.

2295 (c) Access. The service drive providing access to the facility shall be
2296 the minimum necessary to provide maneuverability for service or
2297 emergency vehicles.

2298 Commentary: The reason for the service drive design limitation
2299 is to discourage trespassing.

2300 (d) Lighting. Standards for lighting structures as set forth in Federal
2301 Aviation Administration Advisory Circular AC70/7460,
2302 *Obstruction Marking and Lighting*, shall be followed, except that
2303 strobe lights shall not be used during hours of darkness.

2304 F. Lighting

2305 Except as may be specified elsewhere in this Ordinance the following
2306 standards shall apply:

2307 1. Fixtures shall be equipped with or be capable of being back-fitted with
2308 light directing devices such as shields, visors or hoods when necessary
2309 to redirect offending light distribution.

2310 2. All outdoor lighting, whether or not required by this ordinance, on
2311 private, residential, commercial, industrial, municipal, recreational or
2312 institutional property, shall be aimed, located, designed, fitted and
2313 maintained so as not to present a hazard to drivers or pedestrians by
2314 impairing their ability to safely traverse, i.e., disabling glare, and so as
2315 not to create a nuisance by projecting or reflecting objectionable light
2316 onto a neighboring use or property, i.e., nuisance glare.

2317 3. Floodlights and spotlights shall be installed or aimed that they do not
2318 project their output into the windows of neighboring residences,
2319 adjacent uses, directly skyward or onto a roadway.

2320 4. Vegetation screens shall not be employed to serve as the primary
2321 means for controlling light distribution.

2322 5. Externally illuminated signs shall be lighted by fixtures mounted at the
2323 top of the sign and aimed downward.

2324 6. Lighting standards in parking areas shall be placed a minimum of five
2325 (5) feet outside paved area, or on concrete pedestals at least thirty (30)
2326 inches above the pavement, or suitably protected by approved means.

2327

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2328 7.0500 **NATURAL FEATURES PROTECTION**
2329 **REQUIREMENTS**

2330 7.0501 **Purpose**

2331 These requirements are intended to preserve interesting geological features, protect
2332 against soil erosion and groundwater contamination, preserve the natural beauty of
2333 Town of Union, and protect wild flora and fauna.

2334 7.0502 **Applicability**

2335 These requirements shall be in effect in all zoning districts. They shall be applied
2336 independently of other applicable requirements of this Ordinance. Wherever other
2337 requirements of this Ordinance conflict with requirements of this chapter, the most
2338 stringent requirement shall govern.

2339 Commentary: Certain other natural features, not included in here, are subject to
2340 regulation. Presence of those natural features on property can significantly affect
2341 the way that that property may be used or developed. The reader is advised to
2342 consult the following references for pertinent regulations:

2343

2344	Natural Feature	Regulatory Reference
2345	Bodies of Water	Chapters 30, 31, 88, and 144, Wis. Stats.
2346	Floodplains	Door County Floodplain Zoning Ordinance
2347	Wetlands	This Ordinance, s. 7.0311(B)

2348 7.0503 **Escarpments**

2349 A. Purpose

2350 The purposes of these regulations are to:

- 2351 1. Promote safe conditions by preventing placement of roads on highly
2352 inclined surfaces.
- 2353 2. Preserve escarpments as landmark features that contribute to the
2354 scenic diversity and attractiveness of the town.
- 2355 3. Preserve flora and fauna habitats.

2356 B. Determination

2357 The location of escarpments subject to the requirements of this section shall
2358 be determined by reference to a map entitled "*Door County Escarpment*
2359 *Protection Areas*" on file in the office of the Planning Department; to a map
2360 entitled Niagara Escarpment Study Area, contained in the WDNR Report
2361 Publ ER-801 2002, The Niagara Escarpment; and by site visits if required.

2362 Commentary: Generally, the escarpment protection areas include lengthy
2363 slopes of 20% and greater and the areas associated with the crest of the
2364 escarpment.

2365 C. Site Plan

2366 A site plan prepared in accordance with s. 7.1103 of this Ordinance is
2367 required for all uses.

2368 D. Requirements

2369 1. No roads or driveways shall be placed on slopes of 30-39% unless the
2370 roads or driveways are placed parallel to the escarpment face. No
2371 roads or driveways shall be placed on slopes of 40% or greater.

2372 2. The clearing of trees located within escarpment protection areas shall
2373 be permitted for:

2374 (a) Building footprints

2375 (b) Sites for wastewater disposal systems

2376 (c) Driveways

2377 (d) The area on a lot extending not more than 25 feet from the exterior
2378 walls of principal buildings and 15 feet from accessory buildings.

2379 3. In the area on a lot lying between 25 feet and 100 feet from the exterior
2380 walls of principal buildings, selective clearing is permitted provided
2381 that:

2382 (a) No more than 30 percent of this area on the lot shall be cleared.

2383 (b) The clearing of the 30 percent described above shall not result in
2384 strips of cleared openings of more than 30 feet in any 100-foot
2385 wide strip nor create a cleared opening strip greater than 30 feet
2386 wide.

2387 (c) In the remaining 70 percent of this area, cutting and pruning shall
2388 leave sufficient cover to screen vehicles, dwellings, and other
2389 structures.

2390 4. In the area on a lot lying more than 100 feet from the exterior walls of
2391 principal buildings, and for lots which contain no principal buildings,
2392 selective clearing shall be permitted provided that within escarpment
2393 protection areas there shall be no cleared area greater than 5,000 square
2394 feet, and provided that the shade of the remaining trees over 15 feet in
2395 height covers at least 70% of the wooded land surface of the lot.

2396 5. Pruning of trees is permitted, except that trees shall not be pruned
2397 completely clear of branches above a height equal to one half the
2398 height of the trees.

2399 6. In addition, the woodlands located within escarpment protection areas
2400 shall also be subject to the requirements of s. 7.0507, Woodlands.

2401 Commentary: Even though vegetation removal is permitted by this
2402 Ordinance, the Town strongly recommends that the existing vegetation
2403 be preserved to the greatest extent possible so as to protect the
2404 ecosystem of the Niagara Escarpment.

2405 7. Setbacks: There shall be a minimum 25 foot setback from the crest of
2406 the Niagara Escarpment. The crest shall be established by means of a
2407 site inspection by the Town, the location of which will be plotted by
2408 the applicant on the site plan.

2409 7.0504 **Drumlins**

2410 A. Purpose

2411 The purpose of these regulations is to protect the historical value and
2412 intactness of drumlins as unique landforms directly shaped by glaciers. Their
2413 existence demonstrates that the Door Peninsula shares continuity with the
2414 glacial features in the remainder of Wisconsin and they contribute to the
2415 special aggregate landscape of Town of Union.

2416 B. Applicability

2417 Drumlins which are at least 25 feet in height and at least 150 feet in length
2418 are subject to the requirements in this section.

2419 C. Determination

2420 The location of drumlins shall be determined by reference to a map entitled
2421 "*Door County Natural Features Map*" on file in the office of the Door County
2422 Planning Department.

2423 D. Requirements

2424 1. Drumlins shall not be mined, or in any other way removed, in part or
2425 in total, except for customary excavation necessary to construct
2426 foundations for permitted buildings or for utilities which serve
2427 permitted buildings.

2428 2. For any lot, the total area of the building footprints of all buildings
2429 placed on a drumlin shall not exceed 10% of the surface area of that
2430 portion of a drumlin located on the lot.

2431 7.0505 **Reserved**

2432 7.0506 **Rockholes**

2433 A. Purpose

2434 Rockholes provide easy opportunity for contaminated surface water to enter
2435 Town of Union's groundwater system. Since Town of Union's people rely on

2436 groundwater for drinking water, human health and public welfare will be
2437 benefited by minimizing opportunity for entry of contaminated surface water
2438 into rockholes. The purpose of these regulations is to reduce entry of
2439 contaminant-bearing surface water into rockholes.

2440 B. Applicability

2441 Each of the following shall be subject to the requirements of sub. D:

- 2442 1. Rockholes where the rockhole opening is one square foot or greater in
2443 size.
- 2444 2. Rockholes where the area bounded by the associated rockhole
2445 depression is 100 square feet or greater in size.
- 2446 3. Rockhole channels where the rockhole channel cross-sectional area is
2447 3 square feet or greater in size.

2448 C. Determination

2449 Rockholes, particularly rockhole openings, can appear suddenly at the ground
2450 surface or disappear. Because rockholes are not necessarily permanent
2451 features on the ground surface, the location of rockholes on a lot shall be
2452 determined by the lot owner at time of zoning permit application or by a
2453 Zoning Administrator at time of lot inspection while processing the zoning
2454 permit application.

2455 Commentary: Some rockhole openings and rockhole depressions receive
2456 sufficient surface water to cause formation of an eroded channel in the ground
2457 to form. This section places regulations upon those channels of the size
2458 specified in sub. B, par.3.

2459 D. Requirements

2460 The requirements of either par. A or B shall be met.

- 2461 1. The following items shall not be placed within 75 feet of rockhole
2462 openings, rockhole depressions, or rockhole channels:
 - 2463 (a) Buildings
 - 2464 (b) Surface water discharge pipes or channels that drain into a
2465 rockhole opening, rockhole depression, or rockhole channel
 - 2466 (c) Petroleum products storage facilities
 - 2467 (d) Wastewater treatment and disposal systems
 - 2468 (e) Livestock manure storage facilities
 - 2469 (f) Parking lots
 - 2470 (g) Livestock barnyards and feedlots
 - 2471 (h) Fertilizer distribution plants

- 2472 (i) Sanitary landfills
2473 (j) Animal shelters
2474 (k) Kennels
2475 (l) Salvage yards
- 2476 2. Alternative protection plan. It is recognized that, in some instances,
2477 there may be other methods of groundwater protection regarding
2478 rockholes such as drainage diversion, berming, filling the rockhole,
2479 etc. A landowner may devise and submit an alternative protection plan
2480 for the prevention of groundwater contamination through rockholes.
2481 Such plan must be approved by the Town of Union Soil and Water
2482 Conservation Department and shall specify the measures to be
2483 undertaken. If approved, the applicant shall adhere to the requirements
2484 of the alternative protection plan rather than the requirements of par.1.
- 2485 7.0507 **Woodlands**
- 2486 A. Purpose
- 2487 The woodlands of Town of Union significantly contribute to the county's
2488 scenic attractiveness and provide to people recreational opportunities. They
2489 provide habitat for numerous species of plant and animal life. The purpose
2490 of these regulations is to perpetuate the existence of the woodlands.
- 2491 B. Applicability
- 2492 Woodland areas possessing both of the following characteristics on the
2493 effective date of this Ordinance shall be subject to the requirements of
2494 sub.(4):
- 2495 1. The woodland area must be 5 acres or more in size, and
- 2496 2. The shade of trees over 15 feet in height must cover at least 70% of the
2497 land surface of the woodland area.
- 2498 C. Determination
- 2499 The location of regulated woodland areas shall be determined by using aerial
2500 photographs taken at or near the effective date of this Ordinance coupled with
2501 a field survey, if necessary.
2502

D. Requirements

1. Woodland clearing. The proportion of total woodland area on a lot that may be cleared shall not exceed that shown below:

Zoning Districts	Proportion of Total Woodland Area That May Be Cleared
W, NA, GA	20%
SF-20, RR	40%
CB	70 %

2. Cleared areas which are 10,000 square feet or greater shall be included in the calculation of the percent of woodland area that is cleared. Cleared areas which are less than 10,000 square feet shall not be included in the calculation of the percent of woodland area that is cleared provided that the noncleared area on the lot still meets the characteristic listed in sub. B, par.2.

E. Woodland management

Woodlands that have been left remaining in compliance with sub. D, par. 1 may be used or managed as follows:

1. Selective cutting is permitted, provided that after cutting, the woodland area on a lot still meets the characteristics shown in sub. B, par. 2, and provided that the selective cutting does not result in a cleared area greater than 10,000 square feet.
2. Clearcutting is permitted subject to the following requirements:
 - (a) Clearcutting is allowed only in areas where 40% or more of all the trees in the area are either aspen, white birch, or white cedar trees over 10 inches in caliper.
 - (b) No area of clearcutting shall exceed 10 acres in size.
 - (c) Clearcutting on contiguous land under any one ownership shall not exceed the greater of 10 acres or 25% of the area referenced in subd. 1. in a 10-year period.
 - (d) A clear-cut area shall not be converted or developed for another use, but shall be allowed to regenerate woodland cover naturally.

Commentary: The purpose of the clearcutting provisions is to aid in the propagation of those tree species which are benefited by periodic clearcutting in order to regenerate.

- 2534 3. Salvage cutting of trees severely damaged by storms, ice, fire, insects,
2535 fungi, or disease is permitted. An area of salvage cutting may not be
2536 converted or developed for another use, but shall be allowed to
2537 regenerate woodland cover naturally or by replanting.
- 2538 4. Other woodland management techniques designed to enhance or
2539 protect the woodlands are permitted upon written approval of a
2540 qualified forester as a sound forestry practice as defined in NR 46.02
2541 or NR 46.15, Wis. Admin. Code.
- 2542 F. Woodlands that are located in escarpment protection areas are also subject to
2543 provisions contained in s. 7.0503., escarpments; woodlands that are located
2544 in shorelands are also subject to the shoreland vegetation protection
2545 provisions listed in s. 7.0509, shoreland vegetation.
- 2546 7.0508 **Reserved**
- 2547 7.0509 **Shoreland vegetation**
- 2548 Cutting of trees and shrubbery in the Shoreland Area shall comply with the
2549 provisions of the Door County Zoning Ordinance.
- 2550 7.0510 **Wetland setbacks**
- 2551 A. Requirements of this section shall apply to all zoning districts in the Town.
- 2552 B. All buildings and structures, unless specifically permitted within Wetland
2553 zoning districts per s. 7.0311(B), shall be set back from wetlands, as defined
2554 in s. 7.1400, a minimum of 35 feet, except for buildings and structures in SF-
2555 20 zoning district, where the required setback from wetlands shall be 10 feet.
- 2556 C. All wetland boundaries shall be determined by field verification by the Town
2557 of Union.
- 2558

2559 7.0600 **PLANNED RESIDENTIAL DEVELOPMENT**

2560 7.0601 **Purpose**

2561 A. The planned residential development option is intended to give landowners
2562 greater flexibility in developing tracts of land on a project basis by relaxing
2563 the various lot area, lot width, setback, yard, and other regulations.

2564 Commentary: Planned residential development is intended to accommodate
2565 residential and related uses only. Should a developer of a planned residential
2566 development desire to incorporate nonresidential uses, say, a restaurant or
2567 retail shops (assuming such uses are allowed in the applicable zoning
2568 district), they will need to be incorporated in such a way that they are not part
2569 of the area assigned to the planned residential development.

2570 B. The planned residential development option is intended to promote the
2571 benefits of:

- 2572 1. Coordinated area site planning.
- 2573 2. Diversified location of structures.
- 2574 3. Safe and efficient pedestrian and vehicular traffic systems.
- 2575 4. Attractive recreation and open spaces.
- 2576 5. Economical arrangement of public and private utilities and
2577 community facilities.
- 2578 6. Preservation of natural resources and agricultural land.

2579 7.0602 **General requirements**

2580 A. Minimum site

2581 The area of the proposed planned residential development site must meet the
2582 minimum site area requirements established in s. 7.0300.

2583 B. Development requirements relaxed

2584 Individual residential uses and structures of a planned residential
2585 development shall comply with all of the requirements and provisions of this
2586 Ordinance, except that individual uses and structures need not comply with
2587 the following requirements:

- 2588 1. Minimum lot area, except as provided in sub. G.
- 2589 2. Minimum lot width
- 2590 3. Minimum yard requirements, provided that there is at least 15 feet
2591 between detached dwelling units and provided the development meets
2592 the yard requirement for the perimeter of the site listed in s. 7.0300.

- 2593 4. Impervious surface ratio, provided the development as a whole does
2594 not exceed the maximum impervious surface ratio for the zoning
2595 district in which the development is located.
- 2596 5. Setback from roads, provided that all structures are located at least 15
2597 feet from the right-of-way of interior roads, and provided that all
2598 structures meet the requirements of s. 7.0211, setbacks from roads, for
2599 all perimeter and through roads.
- 2600 6. Woodland clearing provisions, provided the development as a whole
2601 meets these provisions.
- 2602 C. Site Area
- 2603 The site area used to calculate the required preserved open space and the
2604 maximum residential density of the development shall not include any land
2605 used for nonresidential development.
- 2606 D. Water Supply and Sewage Disposal
- 2607 Water supply and sewage disposal shall meet the minimum standards of the
2608 Wisconsin Department of Natural Resources, the Wisconsin Department of
2609 Industry, Labor and Human Relations, and the Door County Sanitary
2610 Ordinance, as appropriate.
- 2611 E. Residential Density
- 2612 Residential density shall not exceed the maximum allowed for planned
2613 residential development in the zoning district in which the development is
2614 located. For planned residential developments that cross zoning district
2615 boundaries, maximum density for the development shall be determined by
2616 prorating the maximum density of each applicable zoning district.
- 2617 F. The minimum lot size
- 2618 Minimum lot size for planned residential developments shall be 2 acres or
2619 not less than that allowed by SPS 385, Wis. Admin. Code, whichever is
2620 greater.
- 2621 G. Land located within the Wetland district:
- 2622 1. Shall not be included in determining the maximum residential density
2623 of the planned residential development.
- 2624 2. May be included in meeting the minimum site area requirement.
- 2625 3. May be included in meeting the minimum preserved open space
2626 requirement.
- 2627 H. Site Plan

2628 All development within a planned residential development shall conform
2629 with a submitted site plan which meets the requirements of this section.

2630 I. Nonresidential use restricted

2631 Except for home occupations, individual lots or dwelling units within a
2632 planned residential development shall not be converted to or used for
2633 nonresidential use, except for home offices/studios and home occupations.

2634 J. Access restricted

2635 Not more than 2 lots per planned residential development shall have direct
2636 access to an existing state or county road. All additional lots shall have access
2637 by an internal subdivision road.

2638 7.0603 **Preserved open space**

2639 A. The size and shape of areas established as preserved open space shall be
2640 sufficient and suitable for agricultural, recreational, or other permitted uses
2641 in preserved open space. Except for open space used for walkways or
2642 subsurface sanitary facilities, the minimum size of a preserved open space
2643 area shall be 2 acres and 200 feet of width for developments with a total site
2644 area of 20 acres or more, and 20,000 square feet and 100 feet of width for
2645 developments with a total site area of less than 20 acres.

2646 B. There shall be adequate guarantees for retention of preserved open space in
2647 perpetuity through the use of a reservation of development rights agreement,
2648 as provided in s. 7.0604.

2649 C. Ownership, tax liability, and maintenance of private open space shall be
2650 established in a manner acceptable to the county.

2651 D. Permitted uses. The following uses are permitted in preserved open space
2652 provided they are allowed by the underlying zoning district and provided they
2653 meet all other requirements of this Ordinance:

2654 1. The maintenance and protection of natural resources in the manner and
2655 to the extent required by section 7.0500, natural features protection
2656 requirements.

2657 2. Passive recreational uses which involve the creation and/or
2658 maintenance of very negligible impervious surfaces, such uses
2659 including arboretums, hiking, nature areas, wildlife sanctuaries, picnic
2660 areas, public and private parks, garden plots and beaches.

2661 3. General agricultural and tree/shrub nursery uses, including the sale of
2662 produce or plants grown on the premises.

2663 E. The area, or portions thereof, of building sites shall not be counted toward
2664 the minimum preserved open space requirement.

2665 7.0604 **Reservation of development rights agreement**

- 2666 A. Reservation of development rights agreements shall:
- 2667 1. Be required for the minimum preserved open space area of a planned
- 2668 residential development.
- 2669 2. Restrict future development of any residential, commercial or
- 2670 industrial structures and uses.
- 2671 3. Not restrict future development of any structures used for agricultural
- 2672 or tree/shrub nursery uses.
- 2673 4. Not restrict future use of the property for public purposes.
- 2674 B. The reservation of development rights shall be granted to the County and
- 2675 shall run with and bind the land.
- 2676 C. The grantor shall retain the right to petition the Town Board of Supervisors
- 2677 for release (partial or entire) of the reservation of development rights in the
- 2678 event the zoning district classification of the property is changed.
- 2679 7.0605 **Application**
- 2680 In addition to the information required in s. 7.1104(B), application, the application
- 2681 for a planned residential development shall contain the following:
- 2682 A. Information on the total area of the site, area of preserved open space,
- 2683 residential density, number of dwelling units, and other data necessary to
- 2684 fully describe the project.
- 2685 B. Information regarding any intended deed restrictions and establishment of
- 2686 any property owners associations.
- 2687 C. Accurate map(s) and site plan of the project site showing the following:
- 2688 1. Location of the project site and abutting properties.
- 2689 2. The location of public and private roads, driveways, and parking
- 2690 areas.
- 2691 3. The location, size, and arrangement of proposed lots.
- 2692 4. The proposed location of structures.
- 2693 5. The location of preserved open space areas and areas reserved or
- 2694 dedicated for public uses such as parks or schools.
- 2695 6. Location of present or proposed wastewater disposal system.
- 2696 7. Existing topography and proposed topography changes.
- 2697 8. Existing surface water drainage pattern and proposed surface water
- 2698 drainage system.

- D. Upon written request, other information required by the Zoning Administrator or Plan Commission to determine compliance with the requirements of this ordinance.

7.0606

Specific requirements in shorelands and escarpment protection areas

- A. For planned residential developments which front on navigable water, a portion of the area between the ordinary high water mark and 200 feet inland from all points along the ordinary high water mark shall be dedicated as preserved open space, as provided in s. 7.0603. The portion shall be equal to at least the percentage listed as minimum preserved open space in s. 7.0300, for each applicable zoning district.

Commentary: Thus, for a planned residential development in an SF-20 district, the percentage of the subject area to be left in open space would be at least 25%.

- B. For planned residential developments located within an escarpment protection area, a portion of the escarpment protection area shall be dedicated as preserved open space as provided in s. 7.0603. The portion shall, at a minimum, equal the percentage listed as minimum required preserved open space in s. 7.0300, for the applicable zoning district. The location of this preserved open space on the escarpment shall be subject to approval by the Plan Commission during the conditional use procedure.

7.0607

Permit requirements

- A. A conditional use permit for a planned residential development use shall establish the right to develop the dwelling units and structures that are described in the approved site plan. However, a regular zoning permit shall be required for the construction of each individual structure.
- B. A conditional use permit to establish a planned residential use shall expire 12 months from the date of issuance unless both the reservation of development rights agreement for the preserved open space and the proposed lots within the development have been recorded in the Door County Register of Deeds office.
- C. No construction activities shall be commenced prior to the recordation of the reservation of development rights agreement.

- 2732 7.0700 **PARKING, LOADING, AND ACCESS**
2733 **REQUIREMENTS**
- 2734 7.0701 **Parking Standards**
- 2735 A. Parking areas may be located in any yard space for commercial uses and in
2736 any yard but the front yard for other uses, but shall not be closer than ten (10)
2737 feet to any street line. No parking space or area shall be permitted within five
2738 (5) feet of a property line in a side yard.
- 2739 B. For commercial/business uses, each parking space shall be a minimum of two
2740 hundred (200) square feet, exclusive of the space required for ingress and
2741 egress. Minimum width of the parking space shall be ten (10) feet, and there
2742 shall be one (1) space for each 200 square feet of floor area.
- 2743 C. Where parking facilities are permitted on land other than the zoning lot on
2744 which the building or use served is located, such facilities shall be in the same
2745 possession as the zoning lot occupied by the building or use to which the
2746 parking facilities are accessory.
- 2747 D. All parking areas and appurtenant passageways and driveways serving
2748 commercial/business uses shall be illuminated adequately from the hours of
2749 sunset to sunrise when the use is in operation. Adequate shielding shall be
2750 provided by commercial/business uses to protect adjacent residential zones
2751 from the glare of such illumination and from that of automobile headlights.
- 2752 E. Where a building permit has been issued prior to the effective date of this
2753 ordinance, and provided that construction is begun within six (6) months of
2754 such effective date and diligently prosecuted to completion, parking and
2755 loading facilities in the amounts required for the issuance of said building
2756 permit may be provided in lieu of any different amounts required by this
2757 ordinance.
- 2758 F. None of the off-street facilities as required in this Ordinance shall be required
2759 for any existing building or use, unless said building or use shall be enlarged,
2760 in which case the provisions of this ordinance shall apply only to the enlarged
2761 portion of the building or use.
- 2762 G. Uses Not Listed – In the case of structures or uses not mentioned, the Plan
2763 Commission shall determine the number of parking spaces to be required
2764 after considering, but not limited to the following: the amount of floor space,
2765 number of employees, the traffic generation potential, and the number of
2766 spaces required for the uses that are specified.
- 2767

2768 7.0702 **Restrictions on Parking of Equipment**

2769 Parking of farm, construction, or building equipment and parking of trucks, tractors,
2770 and semi-trailers shall be restricted as follows:

2771 A. Parking in all zoning districts. Vehicles and machinery used on an operating
2772 farm or used in conjunction with a business may be stored, inside or outside,
2773 on the premises provided that when stored outside, they do not block a public
2774 right-of-way or obscure clear vision on roadways.

2775 B. Storage of junked vehicles. No more than one (1) disassembled, dismantled,
2776 junked, wrecked, inoperable, or unlicensed vehicles shall be stored or
2777 allowed to remain in the open upon private property in the Town of Union.
2778 Additional vehicles stored in the open must be removed within 10 days after
2779 receiving written notice from the Zoning Administrator to remove or enclose
2780 such vehicles unless:

2781 1. The vehicle is being held as a part of an automotive sales or repair
2782 business enterprise located within a district zoned for that purpose; or

2783 2. The vehicle is in use on the premises as a lawful, unlicensed use; or

2784 3. Due to individual hardship, a variance has been granted by the Zoning
2785 Board of Appeals to store such vehicle. The Zoning Board of Appeals
2786 shall not grant such variances for a period of more than one (1) year.

2787 7.0703 **Parking of Recreational Vehicles**

2788 No motorhome, travel trailer, recreational vehicle, boat, snowmobile, or other
2789 recreational type vehicle shall be stored on any property in any residential district
2790 except as provided herein:

2791 A. Storage of recreational vehicles shall be limited to recreational vehicles
2792 owned and used by the property owner.

2793 B. Any number of personal recreational vehicles may be stored within the lot
2794 within a fully enclosed structure.

2795 7.0704 **Traffic Visibility**

2796 Intersections of two town roads: No obstructions, such as structures, parking, or
2797 vegetation, shall be permitted in any district between the heights of 2.5 feet and 10
2798 feet above the plane through the mean centerline street grade within the triangular
2799 space formed by a line joining points on the right-of-way of two intersecting town
2800 roads at a point located 75 feet from their intersection.

2801 In the Case of County Highways, the corner cutoff distances establishing the
2802 triangular vision clearance space shall be increased to 200 feet.

2803 In the Case of State or Federal Highways, the corner cutoff distances establishing
2804 the triangular vision clearance space shall be increased in 300 feet.

2805 7.0705 **Loading Requirements**

2806 In all districts, adequate loading areas shall be provided so that all vehicles loading,
2807 maneuvering, or unloading are completely off the public ways and so that all
2808 vehicles need not back onto any public way.

2809 7.0706 **Driveway Requirements**

2810 Refer to *Chapter 4: Driveways and Roadways* of the *Municipal Code of the Town*
2811 *of Union*.

2812 7.0707 **Street and Highway Access**

2813 A. No direct private access shall be permitted to the existing or proposed right-
2814 of-way of expressways, state trunk highways, or any controlled access arterial
2815 street without permission from the highway agency having access control
2816 jurisdiction. Access barriers, fencing, ditching, landscaping, or other
2817 topographic barriers shall be erected to prevent unauthorized vehicular
2818 ingress and egress to the above specified streets or highways.

2819 B. Temporary access to the above rights-of-way may be granted by the Town
2820 Board after review and recommendation by the highway agency having
2821 jurisdiction. Such access permit shall be temporary, revocable, and subject to
2822 any conditions required by the reviewing agencies, Plan Commission, or
2823 Town Board.

2824

2825 7.0800 ***RESERVED***
2826

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2827 7.0900 **NONCONFORMING USES AND STRUCTURES**

2828 7.0901 **Purpose and Intent**

2829 The purpose and intent of this Section is to provide for the regulation of non-
2830 conforming buildings, structures, land and other uses and to specify those
2831 circumstances and conditions under which such non-conforming buildings,
2832 structures, land and uses shall be permitted to continue. Any non-conforming
2833 building, structure, lot, land or other use which existed lawfully in A-1 Exclusive
2834 Agriculture at the time of the original adoption of the Town of Union Zoning
2835 Ordinance, and any non-conforming building, structure, land or other use which
2836 existed lawfully at the time of the adoption of this Ordinance, is subject to the
2837 regulations which follow.

2838 7.0902 **Buildings under Construction**

2839 Buildings or structures on which construction was started before the effective date
2840 of this Ordinance may be constructed notwithstanding this ordinance, provided that
2841 the construction was legal and had received any necessary permits under the
2842 Ordinance in effect on the date the construction project commenced.

2843 7.0903 **Existing Structures: Dimensional Nonconformance**

2844 Buildings which were constructed prior to the effective date of this Ordinance
2845 which are conforming to the Ordinance as to use, but do not conform as to
2846 dimensional rules (setbacks, height, yard spaces, separations, etc.) are subject to the
2847 following requirements.

- 2848 A. Repairs and improvements of a maintenance nature are allowed.
- 2849 B. Alterations, additions and expansion which change the exterior dimensions
2850 of the structure or building and which conform to the dimensional rules of
2851 this Ordinance are allowed.
- 2852 C. No alterations, additions or expansions may occur which will increase the
2853 dimensional nonconformity.

2854 7.0904 **Existing Uses and Structures: Use Nonconformance**

2855 Land uses or uses of structures which were established prior to the effective date of
2856 this Ordinance, which are nonconforming as to use may be continued provided that:

- 2857 A. If a nonconforming use is discontinued or terminated for a period of 12
2858 months, any future use of that use or structure shall conform to this
2859 Ordinance.
- 2860 B. A nonconforming use which is changed to a conforming use shall not revert
2861 back to a nonconforming use or structure.
- 2862

2863 7.0905 **Existing Structures and Uses: Other Standards and Requirements**

2864 Restoration of Certain Nonconforming Structures. In accordance with Wis. Stat. §
2865 60.61(5m), a nonconforming structure that is damaged or destroyed by fire, flood,
2866 ice, infestation, mold, snow, vandalism, or violent wind may be restored to the size,
2867 location, and use that it had immediately before the damage or destruction occurred.
2868 The size of the nonconforming structure may be enlarged, but only to the extent
2869 necessary for the structure to comply with applicable state and federal
2870 requirements.

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2871 7.1000 **ADMINISTRATION**

2872 7.1001 **Town Plan Commission**

2873 In general, the Town Plan Commission shall have such authority as may be
2874 necessary to enable it to perform its function, promote community planning, and
2875 implement the purposes of this Ordinance. The Town Plan Commission shall have
2876 the power to carry out the following duties under this Ordinance.

- 2877 A. Supervise the administration of this Ordinance.
- 2878 B. Exercise those duties and powers specified in s. 62.23, Wis. Stats.
- 2879 C. Hold public hearings as required by this Ordinance, by Wisconsin Statutes,
2880 or by its own motions.
- 2881 D. Submit recommendations to the Town Board of Supervisors for or against
2882 proposed zoning text and map amendments.
- 2883 E. Review and make recommendations on applications for conditional use
2884 permits, and recommend any conditions for such permits to the Town Board.
- 2885 F. Financial sureties
- 2886 1. The Town Plan Commission may require that a performance bond or
2887 letter of credit be provided for the benefit of the Town and filed with
2888 the Town so as to ensure compliance with the terms of this Ordinance
2889 or required permit.
- 2890 2. Failure to provide or maintain such bond or letter of credit shall
2891 invalidate any permit.

2892 7.1002 **Zoning Board of Appeals**

2893 A. Establishment

2894 There is hereby established, in accordance with Wis. Stats. s. 62.23 7 (e), a
2895 Board of Appeals for the Town of Union for the purpose of hearing appeals
2896 and making determinations regarding the issuance of variances to the
2897 provisions of this Zoning ordinance.

2898 B. Membership

- 2899 1. The Board of Appeals shall consist of five (5) members appointed by
2900 the Town Chairperson and confirmed by the Town Board.
- 2901 (a) Terms shall be for staggered three-year periods, except that of
2902 those first appointed, one (1) shall for one (1) year, two (2) for
2903 two (2) years and two (2) for three (3) years.
- 2904 (b) Chairperson shall be designated by the Town Chairperson.
- 2905 (c) Conflict of interest. Any member who has any interest in a matter
2906 before the Board shall not vote thereon and shall remove

2907 himself/herself from any meeting or hearing at which said matter
2908 is under consideration.

- 2909 (d) Alternate Members. The Town Chairperson shall appoint, for
2910 staggered terms, two (2) alternative members. Annually the Town
2911 Chairperson shall designate one alternate members as 1st alternate
2912 and the other the 2nd alternate. The 1st alternate shall act, with
2913 full power, only when a member of the board refuses to vote
2914 because of interest or when the member is absent. The 2nd
2915 alternate shall so act only when the 1st alternate so refuses or is
2916 absent or when more member of the board.
- 2917 (e) No more than one town board supervisor member may be a
2918 member of the Board of Appeals.
- 2919 (f) Secretary shall be appointed by the Board of Appeals.
- 2920 (g) Zoning Administrator shall attend all meetings for the purpose of
2921 providing technical assistance.
- 2922 (h) Vacancies shall be filled for the unexpired term in the same
2923 manner as appointments for a full term.

2924 C. Organization

- 2925 1. The Board of Appeals shall organize and adopt rules of procedure for
2926 its own government in accordance with the provisions of this
2927 Ordinance.
 - 2928 (a) Meetings shall be held at the call of the Chairperson and at such
2929 times as the board may determine and shall be open to the public.
 - 2930 (b) Minutes of the proceedings and a record of all actions shall be
2931 kept by the Secretary, showing the vote of each member upon
2932 each question, or if absent, or failing to vote indicating such fact,
2933 the reasons for the Board's determination, and its findings of facts.
2934 The Secretary shall keep records of the Board's examinations and
2935 other official actions, all of which shall be immediately filed with
2936 the Town Clerk and shall be a public record.
 - 2937 (c) The concurring vote of four (4) members of the Board shall be
2938 necessary to correct an error; grant a variance; or make an
2939 interpretation;
 - 2940 (d) In any action involving a historic property, as defined in
2941 Wisconsin Statutes s.44.31(3), the Board shall consider any
2942 suggested alternatives or recommended decision submitted by the
2943 Town Plan Commission.

2944 D. Powers

- 2945 1. The Board of Appeals shall have the following powers:

- (a) Errors. To hear and decide appeals where it is alleged there is error in any order, requirements, decision, or determination made by the Plan Commission or Building/Zoning Administrator in the enforcement of codes, regulations or ordinances under their jurisdiction.
- (b) Variances. To hear and grant appeals for variances as will not be contrary to the public interest, where owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of this Ordinance shall be observed and the public safety, welfare, and justice secured. An unnecessary hardship does not include a self-imposed hardship. Use variances shall not be granted, the intent being that such variances shall not have the effect of permitting in any district a use that is prohibited in that district.
- (c) Interpretations. To hear and decide application for interpretations of the codes, regulations, ordinances and the boundaries of the zoning districts after the Plan Commission has made a review and recommendations.
- (d) Decisions. The Board may reverse, affirm wholly or partly, modify the requirement, decision or determinations appealed from, and may direct the issuance of a permit.
- (e) Assistance. The Board may request assistance from other town and county officials, departments, commissions and boards.
- (f) Oaths. The Chairperson may administer oaths and may compel the attendance of witnesses.

E. Appeals and Applications

Appeals to the Board of Appeals may be made by any person aggrieved or by any officer, department, or board of the Town affected by any decision of the Zoning Administrator concerning the literal enforcement of this Ordinance. Such appeals shall be filed with the Secretary within sixty (60) days after the date of written notice of the decision or order of the Zoning Administrator. Applications may be made by the owner or lessee of the structure, land, or water to be affected at any time and shall be filed with the Secretary. Such appeals and application shall include the following:

1. Name and Address of the appellant or applicant, all abutting property owners, all property owners of record within 500 feet, and all property owners immediately adjacent to the site such as across waterways and rights-of-way utilities, roads, and highways.
2. Plat of Survey prepared by a registered land surveyor showing all of the information required for a Building Permit under Section 7.0208 of this Ordinance.

2987 3. Additional Information required by the Board of Appeals or Zoning
2988 Administrator.

2989 4. A fee receipt from the Town Clerk.

2990 F. Public Hearings

2991 The Board of Appeals shall fix a reasonable time and place for the required
2992 Public Hearing within 45 days of receiving written application for the Public
2993 Hearing, and shall give notice as specified in Section 7.1400 of this
2994 Ordinance, and shall give due notice to the parties in interest, the Zoning
2995 Administrator, and the Town Plan Commission. At the Public Hearing, the
2996 appellant or applicant may appear in person, by agent, or by attorney. The
2997 Board of Appeals may postpone a Public Hearing if it determines that it needs
2998 additional information.

2999 G. Findings

3000 No Variance to the provisions of this Ordinance shall be granted by the Board
3001 of Appeals unless it finds beyond a reasonable doubt that all of the following
3002 facts and conditions exist and so indicates in the minutes of its proceedings:

3003 1. Preservation of Intent: No Variance shall be granted that is not
3004 consistent with the purpose and intent of the regulations for the district
3005 in which the development is located. No Variance shall have the effect
3006 of permitting a use in any district that is not a stated Permitted Use,
3007 Accessory Use, or Conditional Use in that particular district.

3008 2. Exceptional Circumstances: There must be exceptional, extraordinary,
3009 or unusual circumstances or conditions applying to the Lot or parcel,
3010 structure, use or intended use that do not apply generally to other
3011 properties of uses in the same district, and the granting of the Variance
3012 should not be of so general or recurrent nature as to suggest that this
3013 Ordinance should be changed.

3014 3. Economic Hardship and Self-Created Hardship Not Grounds for
3015 Variance: No Variance shall be granted solely on the basis of economic
3016 gain or loss. Self-created hardships shall not be considered as grounds
3017 for the granting of a Variance.

3018 4. Preservation of Property Rights: The Variance must be necessary for
3019 the preservation and enjoyment of substantial property rights
3020 possessed by other properties in the same district and same vicinity.

3021 5. Absence of Detriment: No Variance shall be granted that will create
3022 substantial detriment to adjacent property or that will materially impair
3023 or be contrary to the purpose and spirit of this Ordinance or the public
3024 interest.

- 3025 H. Decision
- 3026 1. The Board of Appeals shall decide all appeals and applications within
- 3027 30 days after the Public Hearing and shall transmit a signed copy of
- 3028 the Board of Appeal's decision to the appellant or applicant, Zoning
- 3029 Administrator, and Town Plan Commission.
- 3030 2. Conditions may be placed upon any permit ordered or authorized by
- 3031 the Board of Appeals.
- 3032 3. Variances or Substitutions granted by the Board of Appeals shall
- 3033 expire within six (6) months unless substantial work has commenced
- 3034 pursuant to such grant.
- 3035 I. Review by Court Of Record
- 3036 Any person or persons aggrieved by any decision of the Board of Appeals
- 3037 may, within 30 days, after the filing of the decision in the office of the Town
- 3038 Clerk, seek court review of the decision as provided in s. 62.23(7)(e)(10) Wis.
- 3039 Stats.
- 3040 7.1003 **Zoning Administrator**
- 3041 The Town Board of Union shall appoint a Zoning Administrator. The Town Zoning
- 3042 Administrator is hereby designated as the administrative and enforcement officer
- 3043 for the provisions of this Ordinance. The Town Zoning Administrator shall have
- 3044 the following responsibilities and duties:
- 3045 A. Administer and enforce this Ordinance as the authorized representative of the
- 3046 Town Plan Commission.
- 3047 B. Provide to the public the necessary permit application forms and variance and
- 3048 appeals forms. Assist the public in preparing permit applications and variance
- 3049 and appeal petitions.
- 3050 C. Conduct all necessary on-site inspections and investigations of structures,
- 3051 lands, and waters to certify compliance with this Ordinance.
- 3052 D. Issue or deny regular zoning permits and sign permits.
- 3053 E. Suspend or revoke zoning permits and sign permits and/or issue cease and
- 3054 desist orders upon noncompliance with the terms of the permit and/or this
- 3055 Ordinance.
- 3056 F. Issue, deny, or revoke certificates of compliance.
- 3057 G. Investigate alleged zoning violations and give notice of all violations of this
- 3058 Ordinance to the owner, resident, agent, or occupant of the premises.
- 3059 H. Report uncorrected violations to the Town Attorney and assist the Town
- 3060 Attorney in initiating enforcement proceedings.
- 3061 I. Gain entry to premises, buildings, and structures during reasonable hours for
- 3062 the purpose of investigating applications for permit and for the purpose of

3063 determining compliance with this Ordinance or with any issued permit. If
3064 entry is refused after presentation of proper identification, a special
3065 inspection warrant may be procured in accordance with Wis. Stats.

3066 J. Record all permits issued, inspections made, work approved, and all other
3067 official actions.

3068 K. Assist in giving all legal notices required by State Statutes or this Ordinance.

3069 L. Recommend to the Plan Commission any amendments necessary to make the
3070 operation of this Ordinance more effective.

3071 M. When necessary, provide technical and clerical assistance during hearings
3072 conducted by the Board of Appeals or the Town Plan Commission.

3073 N. Make referrals and recommendations to the Plan Commission and the Town
3074 Board in accordance with this Ordinance.

3075

3076 7.1100

PROCEDURES

3077 7.1101

Regular zoning permits

3078

A. Applicability

3079

Unless specifically exempted below or elsewhere in this Ordinance, regular zoning permits, certifying that any use, structure, or site complies with the provisions of this Ordinance, shall be required in the following instances:

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3082

1. Construction, reconstruction, location, relocation, demolition, erection, extension, enlargement, conversion, or structural alteration of any building, structure, or part thereof or use of land or for activities as may be required by this Ordinance, except:

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- (a) Signs.

3087

Commentary: However, many types of signs require a sign permit. Refer to *Chapter 15: Sign Ordinance* of the *Municipal Code of the Town of Union*.

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- (b) Structures which are less than six inches in height above preconstruction grade elevation.

3091

3092

- (c) Stoops which are 18 square feet or less in area.

3093

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- (d) Stairways which extend less than 6 feet away from a building and which do not exceed 4 feet in width.

3095

2. Establishment or expansion of any accessory or principal use, except uses permitted as conditional uses.

3096

3097

3. Filling or grading of land if required by s. 7.0219, filling and grading.

3098

B. Applications

3099

1. An application for a regular zoning permit shall be submitted to the Zoning Administrator on forms furnished by the Town of Union Plan Commission and shall include the following information:

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3101

3102

- (a) Name and address of the property owner.

3103

- (b) Signature of the property owner or agent.

3104

3105

- (c) Tax parcel number, deed, legal description or other identifier of the subject property.

3106

- (d) Statement concerning the proposed structure or use of the site.

3107

3108

- (e) An accurate site plan, drawn at a scale which produces a clearly legible drawing, showing the following:

- 3109 (1) Boundaries, dimensions, and area of the subject site.
3110 (2) The spatial relationship of the subject site to abutting
3111 public roads and rights-of-way, private roads, easements,
3112 and navigable waters.
3113 (3) The location and dimensions of any existing or proposed
3114 structures or additions and their relationship to abutting
3115 public roads and rights-of-way, private roads, property
3116 lines, existing and proposed wells and sanitary waste
3117 disposal systems, and the ordinary high water mark of
3118 navigable waters.
3119 (4) Location of proposed or existing road access points,
3120 parking and loading areas, and driveways.
3121 (f) Building plans including all floor plans and at least 2 elevation
3122 views.
3123 (g) Additional information as may be required by the Zoning
3124 Administrator in order to determine the full compliance with the
3125 requirements of this Ordinance.
3126 (h) Water supply and sewage disposal. Satisfactory evidence that a
3127 safe and adequate supply of water and approved sewage disposal
3128 facilities will be provided, in accordance with the requirements of
3129 the Door County Sanitary Ordinance, shall be submitted.
- 3130 2. Fee. All permit applications shall be accompanied by a fee established
3131 by the Town of Union Board of Supervisors.
- 3132 3. No application shall be accepted by the Zoning Administrator until
3133 complete as judged by the Zoning Administrator and until all fees
3134 established by Town of Union have been paid in full.
- 3135 C. Permit issuance or denial
- 3136 Upon the Zoning Administrator's determination that the proposed use or
3137 structure complies with the provisions of this Ordinance, a regular zoning
3138 permit shall be issued. The permit shall authorize the applicant to proceed
3139 subject to all provisions of this Ordinance and any conditions attached to the
3140 permit. An application for a use or structure not in conformity with the
3141 provisions of this Ordinance shall be denied a regular zoning permit and the
3142 reasons for denial shall be stated. No permit shall be issued for uses or
3143 structures involving human occupancy without documentation that provision
3144 has been made for safe and adequate water supply and disposal of sewage.
- 3145 D. Expiration
- 3146 1. Regular zoning permits to establish a use shall expire 12 months from
3147 date of issuance if no action has commenced to establish the use. Any

3148 change of land use after the expiration of a zoning permit shall be
3149 considered a violation of this Ordinance.

3150 2. Except as sub.E applies, regular zoning permits for construction of a
3151 structure shall expire 12 months from the date of issuance. Any
3152 exterior construction after the expiration of a zoning permit shall be
3153 considered a violation of this Ordinance.

3154 E. Renewal

3155 If construction has commenced prior to the expiration of a regular zoning
3156 permit, but is not completed prior to such expiration, a 12-month renewal
3157 regular zoning permit shall be issued by the Zoning Administrator upon
3158 submittal of a renewal application and fee. Additional renewals shall be
3159 granted by the Zoning Administrator upon a finding that progress had been
3160 made during the previous year toward completion of the structure. If a 12
3161 month period passes without evidence of progress towards completion, the
3162 Zoning Administrator shall advise the Town Plan Commission of same and
3163 the Town Plan Commission may call a public hearing on the matter and may
3164 impose a completion schedule. For purposes of this Ordinance, a structure
3165 shall be deemed completed when the roof, exterior walls, doors, windows,
3166 and subfloors are in place and finished and the sanitary waste disposal system
3167 has been installed.

3168 F. Termination

3169 If a use or structure does not comply with the issued regular zoning permit or
3170 this Ordinance, the permit shall be terminated by the Zoning Administrator.
3171 If a use permitted by a regular zoning permit ceases for a period of more than
3172 18 months, the regular zoning permit shall terminate, and all future activity
3173 shall require a new zoning permit.

3174 7.1102 **Sign permits**

3175 Refer to *Chapter 15: Sign Ordinance* of the *Municipal Code of the Town of Union*.

3176 7.1103 **Site Plan Review**

3177 A. Applicability

3178 This section applies to all uses which are subject to the site plan review
3179 procedure per s. 7.0300.

3180 B. Purpose and Intent

3181 For the purpose of promoting compatible development, stability of property
3182 values, and to prevent impairment or depreciation of property values, no
3183 person shall be issued a zoning permit for uses subject to the site plan review

3184 procedure without first obtaining the approval of the Plan Commission of a
3185 site plan as set forth in this section.

3186 The Town Plan Commission shall insure that such construction is in accord
3187 with the official map, any applicable subdivision ordinance and applicable
3188 comprehensive plan of the Town of Union and other applicable codes and
3189 ordinances of the Town of Union.

3190 The Plan Commission shall review the site, existing and proposed structures,
3191 architectural plans, neighboring uses, utilization of landscaping and open
3192 space, parking areas, driveway locations, loading and unloading in the case
3193 of commercial and industrial uses, highway access, traffic generation and
3194 circulation, drainage, sewerage and water systems and the proposed
3195 operation.

3196 C. Applications

3197 Applications to establish a use or to increase the scale or intensity of an
3198 existing use requiring a site plan review shall follow the application
3199 procedures for a regular zoning permit, as provided in s. 7.1101(B), and shall
3200 be accompanied by a fee established by the Town Board of Supervisors. If
3201 the application complies with the provisions of this Ordinance, the Zoning
3202 Administrator shall refer the application to the Plan Commission to initiate
3203 the site plan review process.

3204 D. Principles

3205 To implement and define criteria for the purposes set forth in s. 7.1103 (B),
3206 the following principles are established to apply to all new structures and uses
3207 and to changes or additions to existing structures and uses.

3208 1. No building shall be permitted the design or exterior appearance of
3209 which is of such unorthodox or abnormal character in relation to its
3210 surroundings as to be unsightly or offensive to generally accepted taste
3211 and community standards.

3212 2. No building shall be permitted the design or exterior appearance of
3213 which is so identical with those adjoining as to create excessive
3214 monotony or drabness.

3215 3. No building shall be permitted where any exposed facade is not
3216 constructed or faced with a finished material which is aesthetically
3217 compatible with the other facades and presents an attractive
3218 appearance to the public and to surrounding properties.

3219 4. No building or sign shall be permitted to be sited on the property in a
3220 manner which would unnecessarily destroy or substantially damage
3221 the natural beauty of the area, particularly insofar as it would adversely
3222 affect values incident to ownership of land in that area; or which would

3223 unnecessarily have an adverse effect on the beauty and general
3224 enjoyment of existing structures on adjoining properties.

3225 5. No building or use shall be permitted that would have a negative
3226 impact on the maintenance of safe and healthful conditions in the town.

3227 6. Buildings and uses shall provide for safe traffic circulation and safe
3228 driveway locations.

3229 E. Review and Findings

3230 1. The Plan Commission shall review the referred plans at the first regular
3231 Plan Commission meeting following their submittal. The Plan
3232 Commission shall render a decision no later than the following regular
3233 Plan Commission meeting. The Plan Commission shall not approve
3234 any plans unless they find after viewing the application that the
3235 structure or use, as planned, will not violate the intent and purpose of
3236 this Ordinance. The Plan Commission will approve said plans only
3237 after determining the proposed building or buildings will not impair an
3238 adequate supply of light and air to adjacent property, or substantially
3239 increase the danger of fire, or traffic congestion, or otherwise endanger
3240 the public health or safety.

3241 2. To facilitate making the findings the Plan Commission shall consider
3242 the following topics:

3243 (a) Will the proposed project manage vehicular traffic in the area in
3244 a safe manner?

3245 (b) Will the proposed project manage pedestrian traffic in the area in
3246 a safe manner?

3247 (c) Will the proposed project create an unsightly view?

3248 (d) Will the proposed project create a noise nuisance for the
3249 neighboring properties?

3250 (e) Will the proposed project create objectionable lighting glare or
3251 spillover onto the neighboring properties?

3252 (f) Will the proposed project create water runoff problems?

3253 (g) Will the proposed project create an odor nuisance for the
3254 neighboring properties?

3255 (h) Will the proposed project obstruct views to historic, scenic, or
3256 cultural landmarks, or to features which define the area's
3257 character?

3258 (i) Will the proposed project negatively impact the natural character
3259 of the area due to the removal of natural vegetation or by altering
3260 the topography?

- (j) Will the proposed project contribute to visual harmony with buildings and structures in the area, particularly as related to scale and design?

F. Sureties

The Plan Commission may impose time schedules for the completion of buildings, parking areas, open space utilization, and landscaping. The Plan Commission shall require appropriate sureties to guarantee that requirements will be completed on schedule. Failure to complete required improvements within specified time limits shall constitute a zoning violation, and the Zoning Administrator shall initiate the appropriate action to correct the violation pursuant to s. 7.1300 of this Ordinance.

7.1104 **Conditional use permits**

A. Applicability

A conditional use permit shall be required for the establishment of each use permitted as a conditional use and for an addition to, or the expansion or intensification of, a nonconforming use. Expansion of a use permitted as a conditional use shall also require a conditional use permit, except that the minor expansion of a building housing a use permitted as a conditional use which would not increase the scale or intensity of that use shall only require a regular zoning permit.

B. Application

1. An application for a conditional use permit shall be submitted to the Zoning Administrator upon forms furnished by the Town of Union Plan Commission. The application shall contain the following information:

(a) All the information required for a regular zoning permit listed in s. 7.1101(B)(1), and a completed conditional use permit form addendum. Upon written request by the Zoning Administrator, such additional information as may be required by the Zoning Administrator so that the Town Plan Commission can determine whether or not the proposed use at the proposed location will not be contrary to the public interest and will not be detrimental or injurious to public health, public safety, or the character of the surrounding area. The written request shall contain an explanation of why the additional information is needed.

(c) Water supply and sewage disposal. Where the proposed use involves human occupancy, satisfactory evidence that a safe and adequate supply of water and approved sewage disposal facilities will be provided, in accordance with the requirements of the Door County Sanitary Ordinance, shall be submitted.

- 3301 2. Fee. All conditional use permit applications shall be accompanied by
3302 a fee established by the Town Board of Supervisors.
- 3303 3. No application shall be accepted by the Zoning Administrator until
3304 complete as judged by the Zoning Administrator and until all fees
3305 established by Town of Union have been paid in full.
- 3306 4. For each application for a conditional use, the Town Plan Commission
3307 shall report to the Town Board its findings and recommendations,
3308 including the stipulation of additional conditions and guarantees that
3309 such conditions will be complied with when they are deemed
3310 necessary for the protection of the public interest.
- 3311 C. Public hearing
- 3312 A public hearing shall be held by the Plan Commission after a public notice
3313 has been given as provided in s. 7.1111(A), notice for public hearings and
3314 after having received recommendations on the conditional use permit from
3315 the Plan Commission. At the public hearing, any party may appear in person
3316 or by agent or attorney.
- 3317 1. Statements of personal preferences or speculation not based on
3318 substantial evidence must be disregarded by the Plan Commission.
- 3319 (a) *Substantial evidence* means facts and information, other than
3320 merely personal preferences or speculation, directly pertaining to
3321 the requirements and conditions an applicant must meet to obtain
3322 a conditional use permit and that reasonable persons would accept
3323 in support of a conclusion.
- 3324 D. Determination
- 3325 Following review, investigation, and public hearing, the Plan Commission
3326 shall make written findings of fact on the proposed conditional use. Decisions
3327 shall include an accurate and complete description of the approved
3328 conditional use, including all applicable conditions, or if disapproved, the
3329 reasons for disapproval.
- 3330 Any condition imposed and any decision to approve or deny a Conditional
3331 Use Permit must be based on substantial evidence. The applicant must
3332 provide substantial evidence that demonstrates the application and all
3333 requirements and conditions established by the Town relating to the
3334 conditional use are or shall be satisfied.
- 3335 E. Basis of approval
- 3336 1. The Plan Commission shall review each conditional use permit
3337 application for compliance with all requirements applicable to that
3338 specific use and to all other relevant provisions of this Ordinance. In
3339 approving conditional uses, the Plan Commission also shall determine

that the proposed use at the proposed location will not be contrary to the public interest and will not be detrimental or injurious to the public health, public safety, or character of the surrounding area.

2. To aid in the review of the proposed project against the above criteria, the Plan Commission shall evaluate the following specific criteria as applicable, but shall not be limited thereto:

- (a) Whether the proposed project will adversely affect property values in the area.
- (b) Whether the proposed use is similar to other uses in the area.
- (c) Whether the proposed project is consistent with the Door County Development Plan or any officially adopted Town plan.
- (d) Provision of an approved sanitary waste disposal system.
- (e) Provision for a potable water supply.
- (f) Provisions for solid waste disposal.
- (g) Whether the proposed use creates noise, odor, or dust.
- (h) Provision of safe vehicular and pedestrian access.
- (i) Whether the proposed project adversely impacts area traffic flow and congestion.
- (j) Adequacy of emergency services and their ability to service the site.
- (k) Provision for proper surface water drainage.
- (l) Whether proposed buildings contribute to visual harmony with existing buildings in the area, particularly as related to scale and design.
- (m) Whether the proposed project creates excessive exterior lighting glare or spillover onto neighboring properties.
- (n) Whether the proposed project leads to a major change in the natural character of the area through the removal of natural vegetation or altering of the topography.

3. The applicant's failure to satisfy the criteria listed in par. 2 or any other applicable requirement in this Ordinance may be deemed grounds to deny the conditional use permit. At all times the burden of proof to demonstrate satisfaction of these criteria remains with the applicant.

F. Conditions and restrictions

The Plan Commission may, in approving an application for a conditional use permit, impose such restrictions and conditions that it determines are required to prevent or minimize adverse effects from the proposed use or development on other properties in the area and on the general health, safety, and welfare

3378 of the Town. The conditions may include landscaping, architectural design,
3379 type of construction, construction commencement and completion date,
3380 lighting, fencing, location, size and number of signs, water supply and waste
3381 disposal systems, higher performance standards, street dedication, certified
3382 survey maps, floodproofing, ground cover, diversions, silting basins,
3383 terraces, streambank protection, planting screens, operational control, hours
3384 of operation, improved traffic circulation, deed restrictions, highway access
3385 restrictions, increased yards, or additional conditions may be recommended
3386 by the Town Plan Commission and may be required by the Town Board upon
3387 its finding that these are necessary to fulfill the purpose and intent of this
3388 Ordinance. Such conditions may include financial sureties.

3389 G. Expiration

3390 All conditional use permits shall expire 12 months from the date of issuance
3391 where no action has commenced to establish the authorized use. If a time
3392 limit has been imposed as a condition for the permit, the permit shall expire
3393 at the end of the time limit.

3394 H. Notification.

3395 Reserved

3396 I. Termination

3397 If an established conditional use does not continue in conformity with the
3398 permit or this Ordinance, the conditional use permit shall be terminated by
3399 action of the Town Plan Commission. If an established use permitted as a
3400 conditional use ceases for a period of more than 18 months, the conditional
3401 use permit shall terminate, and all future activity shall require a new
3402 conditional use permit.

3403 J. Resubmission

3404 A conditional use permit application that has been heard and decided shall
3405 not be eligible to be resubmitted during the 6 months following the decision.
3406 The 6 month period may be waived by the Plan Commission/Town Board,
3407 provided that the applicant submits a written report identifying how the new
3408 application differs materially from the previous application or identifying
3409 substantial new evidence that will be offered, and provided that the Plan
3410 Commission/Town Board votes, by simple majority, that the changes or new
3411 evidence would be of such significance that the Commission/Board might
3412 consider changing the previous decision.

3413 7.1105 **Permits that Authorize "Reasonable Accommodations": for a Disabled**
3414 **Person(s).**

3415 A. The Zoning Administrator will use a Building Permit that waives specified
3416 Zoning Ordinance requirements, if the Zoning Administrator determines that
3417 both of the following conditions have been met.

- 3418 1. The requested accommodation (i.e., the requested waiver of zoning
3419 restrictions), or another less-extensive accommodation is:
- 3420 (a) Necessary to afford handicapped or disabled persons equal
3421 housing opportunity or equal access to public accommodations,
3422 and
- 3423 (b) The minimum accommodations that will give the handicapped or
3424 disabled persons adequate relief.
- 3425 2. The accommodation will not unreasonably undermine the basic
3426 purposes the Zoning Ordinance seeks to achieve.
- 3427 B. If the Zoning Administrator issues either to a handicapped or disabled person,
3428 or to the owner of a place of public accommodation, a Building Permit
3429 waiving compliance with specified zoning requirements, the Building Permit
3430 must:
- 3431 1. State that issuance of the Building Permits required by Federal Fair
3432 Housing Act, the Wisconsin Open Housing Law, or the Americans
3433 with Disabilities Act, or any combination of them; and
- 3434 2. Include the condition that the building addition or other structure (such
3435 as entrance ramps) authorized by the Building Permit must be
3436 constructed to make it easily removable when the handicapped or
3437 disabled person no longer occupies the property, unless the Town
3438 Zoning Administrator specifies in writing, reason for not including the
3439 condition. If the Building Permit includes this condition, the property
3440 owner must notify the Zoning Administrator not more than 30 days
3441 after the handicapped or disabled person vacates the property.
- 3442 C. In cases where the Zoning Administrator issues a handicapped or disabled
3443 person a Building Permit conditioned on removal of the building addition or
3444 other structure when the handicapped or disabled person no longer occupies
3445 the property, the Building Permit will not become effective until the property
3446 owner:
- 3447 1. Signs an affidavit that includes the legal description of the property
3448 and acknowledges that the building addition or other structure
3449 authorized by the Building Permit is authorized for only the period a
3450 handicapped or disabled person who requires the structure occupies
3451 the property, and
- 3452 2. Records the affidavit with the Town Clerk.

3453 7.1106

Other Permits

3454 It is the responsibility of the Permit applicant to secure all other necessary Permits
3455 required by any state, federal, or county agency. This includes, but is not limited
3456 to, building, electrical, plumbing, and HVAC Permits from the Town's building or
3457 other applicable inspector to ensure architectural plans and specifications comply

3458 with the Wisconsin Uniform Dwelling Code pursuant to Chapters SPS 320 to 325
3459 of the Wisconsin Administrative Code; water use Permits from the Wisconsin
3460 Department of Natural Resources (WDNR) pursuant to Chapters 30 and 31 of the
3461 Wisconsin Statutes; and a wetland fill Permit from the U.S. Army Corps of
3462 Engineers pursuant to Section 404 of the Federal Water Pollution Control Act
3463 and/or a Water Quality Certification from the DNR.

3464 7.1107 **Certificate of compliance**

3465 No land shall be occupied or used and no building or structure hereafter erected,
3466 altered or moved shall be occupied until a certificate of compliance is issued by the
3467 Zoning Administrator documenting that the use, building or structure conforms
3468 with the provisions of this Ordinance.

3469 7.1108 **Variance from the requirements of this Ordinance**

3470 A. Petition

3471 A petition for a variance shall be filed by the property owner, or the owner's
3472 agent, using forms furnished by the Town of Union Plan Commission. Such
3473 petition shall include the following:

- 3474 1. Name and address of the property owner and petitioner (if different).
- 3475 2. Signature of petitioner.
- 3476 3. Location of property involved in the petition.
- 3477 4. Proposed use or structure in question, including a site plan showing the
3478 preferred arrangement for which the variance is sought.
- 3479 5. Sections(s) of this Ordinance from which a variance is requested.
- 3480 6. Details as to the narrowness, shallowness, shape, topography, or other
3481 characteristics of the land or the physical conditions applying to the
3482 building, structure, use or intended use which make it not merely
3483 inconvenient but extremely difficult, if not impossible, to comply with
3484 the provisions of this Ordinance.
- 3485 7. A statement that the conditions detailed above are unique to this
3486 property and are not generally existing on other properties in the same
3487 zoning district.
- 3488 8. A statement that the unnecessary hardship was not caused by the
3489 applicant nor by any persons still having an interest in the property.
- 3490 9. A petition for a variance shall be accompanied by a fee established by
3491 the Town Board of Supervisors.

3492 B. Processing

3493 1. Public hearing. The Board of Appeals shall hold a public hearing in
3494 accordance with s. 62.23(7)(e)6., Wis. Stats., and after a public notice
3495 has been given as provided in s. 7.1111(A), notice for public hearings.
3496 At the hearing, any party may appear in person or by agent or by
3497 attorney.

3498 2. Decision. Within a reasonable time, the Board of Appeals shall render
3499 a decision to either grant or deny the request for variance.

3500 (a) A variance granted shall be the minimum to permit a use of the
3501 property and may contain conditions or guarantees attached
3502 thereto by the Board of Appeals.

3503 (b) A variance denied shall be accompanied by the reasons for denial.

3504 C. Standards for variance

3505 The Board of Appeals shall consider the following standards for granting a
3506 variance. The burden of proof at all times remains with the applicant to
3507 establish that the proposed variance meets the following standards:

3508 1. Unnecessary hardship. That there are present actual physical
3509 conditions applying to the lot, parcel, building, structure, use or
3510 intended use on that parcel which are creating the unnecessary
3511 hardship in the application of this Ordinance, as distinguished from a
3512 mere inconvenience to the owner if the strict letter of the regulations
3513 are required, and without a variance there is no reasonable use of the
3514 property.

3515 2. Unique condition. That the conditions described in par. (a) are unique,
3516 exceptional, extraordinary, or unusual circumstances applying only or
3517 primarily to the property under consideration and are not of such a
3518 general or recurrent nature elsewhere in the same zoning district as to
3519 suggest or establish the basis for Ordinance changes or amendments,
3520 or of having that effect if relied upon as the basis for granting a
3521 variance.

3522 3. Conditions not self-created. That the condition creating the hardship
3523 or difficulty was not caused by the petitioner nor by any person still
3524 having an interest in the property.

3525 4. Public interest. That in granting the variance there will not be a
3526 substantial detriment to neighboring property and the grant of variance
3527 will not be contrary to the purpose of this Ordinance and the public
3528 interest.

3529 5. Effect on uses. No variance shall have the effect of allowing in any
3530 district a use not permitted in that district.

3531 D. Reserved

- 3532 E. Resubmission
- 3533 A variance petition that has been heard and decided shall not be eligible to be
- 3534 resubmitted during the 6 months following the decision. The 6 month period
- 3535 may be waived by the Board of Appeals provided that the petitioner submits
- 3536 a written report identifying how the new petition differs materially from the
- 3537 previous petition or identifying substantial new evidence that will be offered
- 3538 and provided that the Board of Appeals votes by simple majority that the
- 3539 changes or new evidence would be of such significance that the Board might
- 3540 consider changing the previous decision.
- 3541 F. Road projects
- 3542 When a structure becomes a nonconforming structure as to setback from a
- 3543 road, because the road was widened or relocated by the county, a town, or the
- 3544 Wisconsin Department of Transportation, such structure shall not require a
- 3545 variance and shall not be considered a nonconforming structure in regards to
- 3546 setback from a road or highway. However, no such structure shall thereafter
- 3547 be enlarged or rebuilt in such a manner that it will be closer to the right-of-
- 3548 way of the road.
- 3549 G. Repairs and restoration
- 3550 A structure that was authorized by a variance that is damaged or destroyed
- 3551 by fire, explosion, flooding, storm damage, or similar calamity may be
- 3552 repaired or restored provided either 1) the repair or restoration would bring
- 3553 the structure into compliance with this Ordinance; or 2) the repair or
- 3554 restoration of the structure conforms fully to the structure authorized by the
- 3555 variance.
- 3556 7.1109 **Appeals**
- 3557 See 7.1002 E
- 3558 7.1110 **Amendments**
- 3559 A. Authority
- 3560 Whenever the public necessity, convenience, general welfare, or good zoning
- 3561 practice require, the Town Board of Union may, by Ordinance, change the
- 3562 district boundaries or amend, change, or supplement the regulations
- 3563 established by this Ordinance or amendments thereto.
- 3564 B. Initiation
- 3565 A change or amendment may be initiated by the Town Board, Town Plan
- 3566 Commission or by a petition of one or more of the owners or lessees of
- 3567 property within the area affected by the change.
- 3568 C. Petition
- 3569 Petition for any change to the district boundaries or amendments to the
- 3570 regulation shall be filed with the Town Clerk, describe the premises to be

3571 rezoned or the regulations to be amended, list the reasons justifying the
3572 petition, specify the proposed use and have attached the following:

- 3573 1. Petitioners name, address, phone number, and interest in property
3574 (owner, broker, etc.).
- 3575 2. Existing and proposed zoning district or text amendment.
- 3576 3. Proposed use (a statement of the type, extent, area, etc., of any
3577 development project).
- 3578 4. Owners' names and addresses of all properties lying within two
3579 hundred (200) feet of the area proposed to be rezoned.
- 3580 5. Compatibility with adjacent lands (a statement of land uses and impact
3581 of zoning change).
- 3582 6. Legal description of property to be rezoned.
- 3583 7. Plot plan or survey plat drawn to scale of 1 inch equals 100 feet
3584 showing the area proposed to be rezoned, its location, its dimension,
3585 the location and classification of adjacent zoning districts, and the
3586 location and existing uses and buildings of all properties within two
3587 hundred (200) feet of the area proposed to be rezoned.
- 3588 8. Additional information as may be requested by the Union Plan
3589 Commission.
- 3590 9. Fee receipt in the amount established by the Town Board.

3591 D. Plan Commission Recommendation

3592 The Plan Commission shall review all proposed changes and amendments
3593 within the limits of the Town and shall recommend to the Town Board in
3594 writing that the petition be granted as requested, modified, or denied. Where
3595 the purpose and effect of the proposed amendment is to change the zoning
3596 classification of a particular property, the Town Plan Commission shall make
3597 findings based upon the evidence presented to it in each specific case with
3598 respect to the following matters:

- 3599 1. Existing uses or property within the general area of the property in
3600 question.
- 3601 2. Zoning classification of property within the general area of the
3602 property in question.
- 3603 3. Suitability of the property in question to the uses permitted under the
3604 existing zoning classification.

- 3605 4. Trend of development, if any, in the general area of the property in
3606 question, including changes, if any, which have taken place in its
3607 present zoning classification.
- 3608 5. The Plan Commission may recommend the adoption of an amendment
3609 changing the zoning classification of the property in question to any
3610 higher classification than that requested by the applicant.
- 3611 6. The Plan Commission shall not recommend the adoption of a
3612 proposed amendment unless it finds that the adoption of such
3613 amendment is in the public interest and is not solely for the interest of
3614 the applicant.
- 3615 7. That the effective date of the change to district boundary is reasonable
3616 given the timing of the proposed use.
- 3617 8. Consistency with any Town comprehensive plan adopted under
3618 Wisconsin Statutes s 66.1001.
- 3619 E. Rezoning of wetland
- 3620 A wetland, or a portion of a wetland, in a Wetland district shall not be rezoned
3621 if the proposed rezoning may result in a significant adverse impact upon any
3622 of the following:
- 3623 1. Storm or flood water storage capacity.
- 3624 2. Maintenance of dry season stream flow, discharge of groundwater to
3625 a wetland, the recharge of groundwater from a wetland to another area,
3626 or the flow of groundwater through a wetland.
- 3627 3. Filtering or storage of sediments, nutrients, heavy metals, or organic
3628 compounds that would otherwise drain into navigable waters.
- 3629 4. Shoreline protection against soil erosion.
- 3630 5. Fish spawning, breeding, nursery, or feeding grounds.
- 3631 6. Wildlife habitat.
- 3632 7. Areas of special recreational, scenic, or scientific interest, including
3633 scarce wetland types.
- 3634 F. Zoning amendments in the Agricultural District
- 3635 In order to preserve the rural character of the town, it's the Town of Union's
3636 policy that rezoning for residential uses be contiguous with existing

3637 residential districts so as not to fragment agricultural and open space lands
3638 with residential development.

3639 G. Zoning amendments in the STH 57 Corridor

3640 In order to preserve the rural character of the town, it's the Town of Union's
3641 policy to preserve the open space characteristics of the STH 57 Corridor.
3642 Preservation of this area is considered important to the overall image and
3643 quality of life as well as retaining the character and charm of the town of
3644 Union. The town encourages commercial development along STH 57 to take
3645 place only in areas that have existing public infrastructure, in areas that are
3646 contiguous to existing commercial development, such as in the
3647 unincorporated villages of Brussels and Dyckesville, and that in areas that are
3648 served by grade separated interchanges. It is not the intent of the town to
3649 encourage "strip commercial development" in the STH 57 Corridor. Any
3650 rezoning shall require a site plan per s. 7.1103. The town shall consider the
3651 following standards for zoning of lands within the STH 57 Corridor in
3652 addition to those in s. 7.1110 (D).

- 3653 1. Availability of alternate sites
- 3654 2. There should be no direct access of commercial uses to STH 57
- 3655 3. All commercial uses access to STH 57 should be from arterial or major
3656 collectors intersecting with STH 57.
- 3657 4. Preservation of scenic views
- 3658 5. Fragmentation of agricultural lands

3659 H. *Reserved*

3660 I. Resubmission

3661 A petition for zoning amendment that has been heard and decided shall not
3662 be eligible to be resubmitted during the 6 months following final action by
3663 the Town of Union Board of Supervisors. The 6 month period may be waived
3664 by the Town Plan Commission provided that the petitioner submits a written
3665 report identifying how the new zoning amendment petition differs
3666 substantially from the previous petition or identifying substantial new
3667 evidence that will be offered and provided that the Town Plan Commission
3668 votes by simple majority that the changes or new evidence would be of such
3669 significance that the Town of Union Board of Supervisors might
3670 consider changing the previous decision.

3671 J. Public Hearing

3672 The Town Plan Commission shall hold a public hearing upon each proposed
3673 amendment after public notice has been given as provided for in s. 7.1111.

3674 K. Town Board's Action

3675 Following such hearing and after careful consideration of the Town Plan
3676 Commission's written report and recommendations, the Town Board shall
3677 vote on the passage of the proposed changes or amendments. The Town Plan
3678 Commission's recommendations may be only overruled by a unanimous vote
3679 of the full Town Board membership.

3680 L. Protest

3681 In the event of a protest against such change or amendment, duly signed and
3682 acknowledged by the owners of 20 percent or more either of the areas of the
3683 land included in such proposed change or by the owners of 20 percent or more
3684 of the land immediately adjacent extending 100 feet therefrom, or by the
3685 owners of 20 percent or more of the land directly opposite thereto extending
3686 100 feet from the street frontage of such opposite land, such changes or
3687 amendments shall not become effective except by the favorable vote of the
3688 full Town Board membership.

3689 M. County Board Approval

3690 Per Wis Stats. s 60.62, no amendment may be adopted unless approved by
3691 the Door County Board. Therefore, the adoption of any amendment to this
3692 ordinance shall be conditioned on the approval of the amendment by the
3693 County Board.

3694 N. Effective Date

3695 The amending ordinance shall become effective immediately after adoption
3696 by the Town Board, approval by the Door County Board of Supervisors, and
3697 publication or posting as provided by law.

3698 7.1111 **Public hearings**

3699 When Public Hearings are required by this Ordinance (e.g., Amendments,
3700 appeals, Variances, Conditional Uses, etc.) or by Wisconsin Statutes, the
3701 following shall apply:

3702 A. Notice of any Public Hearing which the Town Board, Town Plan
3703 Commission, or Town Board of Appeals is required to hold under the terms
3704 of this Ordinance shall be given by publishing in the Town a Class 2 notice
3705 in accordance with Chapter 985, Wis. Stats. The notice shall specify the time
3706 and place of such Public Hearing and shall state the matter to be considered
3707 at said Public Hearing.

3708 B. Notice of the Public Hearing requiring a Class 2 Notice shall give due notice
3709 to all parties-in-interest at least 10 days before the Public Hearing. Parties-in-
3710 interest shall be defined as the applicant, the Clerk of any municipality whose
3711 boundaries are within 1,000 feet of any lands included in the petition, and the
3712 owners of all lands included in the petition, and the owners within 500 feet
3713 of all lands included in the petition.

3714 C. Failure to give any notice to any property owner shall not invalidate the action
3715 taken by the Town Board, Town Plan Commission, or Board of Appeals.

3716 7.1200 **RESERVED**

3717 7.1300 **ENFORCEMENT**

3718 7.1301 **Violations**

- 3719 A. It shall be unlawful to locate, erect, construct, reconstruct, alter, enlarge,
3720 extend, convert, or relocate any building, structure, or sign or use any
3721 building, structure, land, or sign in violation of the provisions of this
3722 Ordinance, or amendments or supplements thereto, lawfully adopted by the
3723 Town Board of Supervisors. It shall also be unlawful to fail to obtain permits
3724 as required by this Ordinance or to fail to comply with any requirement or
3725 condition imposed by the Board of Appeals or Town Plan Commission.
- 3726 B. Each and every day of violation as described in sub. A may be deemed a
3727 separate offense and violation.
- 3728 C. Any person, firm, association, or corporation or representative agent failing
3729 to comply with the provisions of this Ordinance may be subject to prosecution
3730 under the terms of this Ordinance and the penalties set forth in Section 7.1303
3731 of this ordinance.

3732 7.1302 **Prosecution**

- 3733 A. Civil proceedings. Pursuant to s. 66.12, Wis. Stats., an action for violation
3734 of this Ordinance shall be a civil action.
- 3735 B. Notification. The Zoning Administrator shall serve any violators with a
3736 notice of violation stating the following:
- 3737 1. The nature of the violation.
- 3738 2. Reserved
- 3739 3. That the violator shall be subject to:
- 3740 (a) Civil action to remove or otherwise eliminate the violation, and/or
- 3741 (b) Penalties, upon conviction, as set forth in s. 7.1303, penalties.
- 3742 C. Injunction. Compliance with this Ordinance may also be enforced by an
3743 action for injunction at the suit of Town of Union or the owner or owners of
3744 real estate within the zoning district affected by such violation.
- 3745 D. Penalty. Those actions commenced on behalf of Town of Union may, in
3746 addition, seek a forfeiture or penalty as outlined herein.

3747 7.1303 **Penalties**

3748 Any person, firm, association, or corporation or representative agent who fails to
3749 comply with the provisions of this Ordinance or any order of the Zoning
3750 Administrator issued in accordance with this Ordinance shall, upon conviction
3751 thereof, forfeit not less than \$10 nor more than \$500 and the cost of prosecution for

3752 each violation including costs, disbursement and attorney fees; and in default of
3753 payment of such forfeiture and costs shall be imprisoned until payment thereof, but
3754 not exceeding 30 days. Each day a violation exists or continues shall constitute a
3755 separate violation.

3756 7.1304 **Reserved**

3757

DRAFT

3758 7.1400

DEFINITIONS

3759 7.1401

Construction of Language

3760 In interpreting the various contents of the Ordinance, the following rules of
3761 construction shall apply:

3762 A. Unless the context clearly indicates the contrary, the following conjunctions
3763 shall be interpreted as follows:

3764 1. “And” indicates that all connected words or provisions shall apply.

3765 2. “And/or” indicates that the connected words or provisions may apply
3766 singly or in any combination.

3767 3. “Or” indicates that the connected words or provisions may apply
3768 singly or in any combination.

3769 4. “Either . . . or” indicates that the connected words or provisions shall
3770 apply singly but not in combination.

3771 B. In case of conflict between the text and a diagram or graphic, the text controls.

3772 C. All references to departments, committees, commissions, boards, or other
3773 public agencies are to those of the Town, unless otherwise indicated.

3774 D. All references to public officials are to those of the Town, and include
3775 designated deputies of such officials, unless otherwise indicated.

3776 E. The term “building” includes the word “structure.” A “building” or
3777 “structure” includes any part thereof.

3778 F. The term “person” includes an individual, a corporation, a partnership, an
3779 incorporated association, or any other similar entity.

3780 G. The term “dwelling” includes the word “residence” and the word “lot”
3781 includes the words “plat” or “parcel.”

3782 H. All references to “Title”, “Chapter”, or “Section” shall refer to this Zoning
3783 Ordinance unless another meaning is clear from the context of the reference.

3784 I. The words “shall,” “will,” and “must” are always mandatory and not
3785 discretionary. The word “should” indicates that which is recommended but
3786 not required; and the word “may” is permissive.

3787 J. The present tense includes the past and future tenses, and the future tense
3788 includes the past.

3789 K. The singular number includes the plural, and the plural number includes the
3790 singular.

3791 L. Sections and section headings contained herein shall not be deemed to govern,
3792 limit, modify, or in any manner affect the scope, meaning, or intent of any
3793 section.

3794 M. Any words not herein defined shall be presumed to have their customary
3795 dictionary definitions.

3796 7.1402 **Words Defined**

3797 The following words, terms, and phrases, when used in this chapter, shall have the
3798 meanings ascribed to them in this Section, except where the context clearly
3799 indicates a different meaning.

3800 **Accessory Building** - a building, or any portion of a building, that is subordinate to the principal
3801 building and that is used for a purpose incidental to the permitted use of the principal building
3802 or the premises.

3803 **Temporary Building** – structures that have a fabric or plastic type of material, but not
3804 limited to, for the sidewalls and or roof. That may or may not be secured to the ground.

3805 **Portable Building** – structures that have fabric, plastic, wooden or metal materials, but
3806 not limited to, for the sidewalls and or roof, that is not secured to the ground.

3807 **Permanent Building** – structures that have wooden or metal materials, but not limited
3808 to, for the sidewalls and or roof, that may or may not be secured to the ground.

3809 **Accessory Use** – any use that is subordinate to the Principal Use and that is incidental to the
3810 Principal Use.

3811 **Agricultural Accessory Use** – means any of the following land uses on a Farm:

3812 A. A building, structure, or improvement that is an integral part of, or is incidental to,
3813 an Agricultural Use. This may include, for example:

3814 1. A facility used to store or process raw agricultural commodities, all of
3815 which are produced on the farm.

3816 2. A facility used to keep livestock on the farm.

3817 3. A facility used to store or process inputs primarily for Agricultural
3818 Uses on the farm.

3819 4. A facility used to keep or service vehicles or equipment primarily
3820 employed in Agricultural Uses on the farm.

3821 5. A wind turbine or solar energy facility that collects wind or solar
3822 energy on the farm, and uses or transforms it to provide energy
3823 primarily for use on the farm.

3824 6. A manure digester, biofuel facility, or other facility that produces
3825 energy primarily for use on the farm and that primarily uses materials
3826 grown or produced on the farm.

3827 7. A waste storage or processing facility used to store or process animal
3828 waste produced solely from livestock kept on the farm.

3829 B. An activity or business operation that is an integral part of, or incidental to, an
3830 Agricultural Use.

3831 ***Agricultural Uses*** - any of the following activities conducted for the purpose of producing an
3832 income or livelihood:

3833 A. Aquaculture.

3834 B. Beekeeping.

3835 C. Crop or forage production.

3836 D. Enrolling land in a federal agricultural commodity payment program or a federal or
3837 state agricultural land conservation payment program.

3838 E. Floriculture.

3839 F. Forest management.

3840 G. Fur farming.

3841 H. Keeping livestock.

3842 I. Nursery, sod, or Christmas tree production.

3843 ***Agriculture-Related Uses*** - a facility, whether or not located on a farm, that has at least one of
3844 the following as a primary and not merely incidental purpose:

3845 A. Providing agricultural supplies, agricultural equipment, agricultural inputs or
3846 agricultural services (e.g., seed, fertilizer, and farm chemical sales) directly to
3847 farms.

3848 B. Storing, processing or handling raw agricultural commodities obtained directly
3849 from farms. Examples include feed mills and grain elevators.

3850 C. Slaughtering livestock.

3851 D. Marketing livestock to or from farms.

3852 E. Processing agricultural by-products or waste received directly from farms.

3853 ***Airport*** - any area of land or water which is used or intended for use for the landing and taking
3854 off of aircraft, and any appurtenant areas which are used or intended for use for airport
3855 buildings, or other airport facilities or rights-of-way, including all necessary taxiways, aircraft
3856 storage and tie-down areas, hangars and other necessary buildings and open spaces.

3857 ***Alley*** - a public or private right-of-way primarily designed to serve as secondary access to
3858 abutting properties.

3859 ***Amendment*** - a change made by correction, addition, or deletion to a contract, policy, or
3860 ordinance.

3861 ***Animal Unit*** - the value used to establish the maximum number of animals permitted on a tract
3862 of land in the GA zoning district. Animal units are calculated by multiplying the number of
3863 animals of a particular type by the appropriate Animal Unit Factor for that type of animal. The
3864 Animal Unit Factor for each type of livestock is set by the Wisconsin Department of

3865 Agriculture, Trade and Consumer Protection and published at Wis. Admin. Code ch. NR
3866 243.05.

3867 ***Assisted Living Facilities*** - facilities for persons who need some level of care monitoring
3868 services but choose to live in a setting without 24-hour access to nursing services. Assisted
3869 living facilities (i.e., Community Based Residential Facilities, Residential Care Apartment
3870 Complex, and Adult Family Homes) are regulated by the Wisconsin Department of Health and
3871 Family Services.

3872 ***Adult Family Home*** - a place where 3 or 4 adults who are not related to the operator
3873 reside and receive care, treatment or services that are above the level of room and board
3874 and that may include up to 7 hours per week of nursing care per resident.

3875 ***Community Based Residential Facility*** - a place where 5 or more unrelated people live
3876 together in a community setting. Services provided include room and board, supervision,
3877 support services, and may include up to 3 hours of nursing care per week.

3878 ***Residential Care Apartment Complex*** - a place where 5 or more adults reside that
3879 consists of independent apartments, each of which has: an individual lockable entrance
3880 and exit, a kitchen, including a stove, individual bathroom, sleeping and living areas, and
3881 that provides, to a person who resides in the place, not more than 28 hours per week of
3882 services that are supportive, personal and nursing services. Residential care apartment
3883 complex does not include a nursing home or a community-based residential facility.

3884 ***Automobile Wrecking Yard*** - Any premises on which more than three automotive vehicles,
3885 not in operating condition, are stored in the open.

3886 ***Banquet Hall / Dance Hall*** - a facility/room used for hosting a party, reception, or other social
3887 event.

Basement - that portion of any structure located partly underground and having more than one-half (1/2) of its height below the finished lot grade.

Bed and Breakfast - any place of lodging that provides eight or fewer rooms for rent to no more than a total of 20 tourists for more than 10 nights in a 12-month period, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.

Buildable Area - the ground area of a lot which is defined by the minimum setback and spacing requirements within which construction of a permitted building and any attached accessory buildings is permitted by this ordinance.

Building - any structure built, used, designed or intended for the support, shelter, protection, or enclosure of persons, animals, or property of any kind, and which is permanently affixed to the land.

Building Line - a line measured across the width of the lot at that point where the main structure, including any overhang, is in accordance with setback provisions.

Clinic, Medical or Dental - an organization of specializing physicians or dentist, or both, who have their offices in a common building. A clinic shall not include in-patient care.

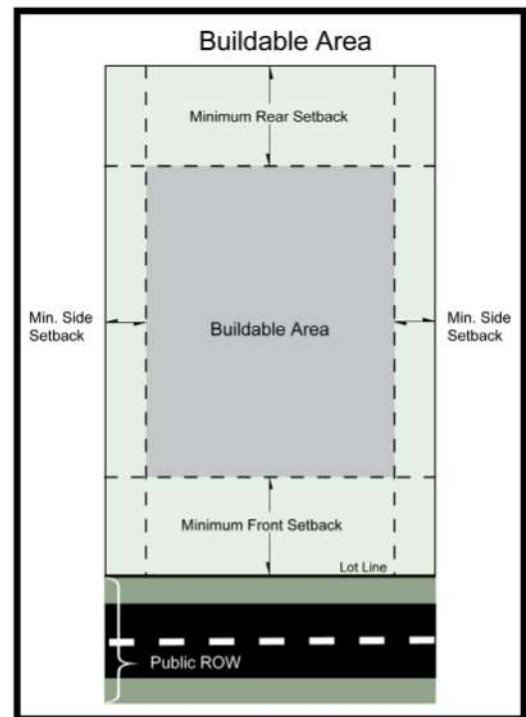
Clinic, Veterinary - an establishment for the examination and treatment of animals, which may or may not have provision for keeping such animals overnight on the premises. A veterinarian's office, whether or not a part of his home, shall be considered a veterinary clinic.

Commercial - the offering or purchase of goods and services with the intention of making a profit.

Commercial Storage - storage facilities that are rented or sometimes leased to individuals, usually storing household goods; or to small businesses, usually storing equipment, excess inventory, or archived records.

Common Ownership - means ownership by the same person or persons or by a legal entity that is owned, in whole or in part, by the same person or persons. For the purposes of this ordinance, ownership by one member of a married couple is deemed to be common ownership by the married couple.

Community Living Arrangement - a facility licensed and operated under the authority of the State of Wisconsin including group homes for children, foster homes, treatment foster homes,



3927 adult family homes, and Community Based Residential Facilities, but not including nursing
3928 homes or day care facilities.

3929 **Community Use** - means a structure and related premises used to provide athletic, civic,
3930 cultural, educational, medical, recreational, religious, or social programs and services to the
3931 community. Community uses include, but are not limited to such things as a church, clinic,
3932 community center, fire station, hospital, library, mausoleum, municipal hall, museum, park,
3933 playground, police station, or school.

3934 **Conditional Use** - means a use that is not permitted by right. Rather, its allowance is subject
3935 to the discretionary judgment of the Town Plan Commission, as described in Section 7._____,
3936 Conditional Use Permits.

3937 **Condominium Declaration** - a legal document filed in the county or state in which a
3938 condominium will be located. The declaration establishes the existence of and further governs
3939 the use and maintenance of a condominium property including legal descriptions of the
3940 condominium and of each individual unit, the nature and scope of the development project
3941 (when applicable), and several provisions regarding the use of the condominium units and
3942 common areas.

3943 **Contiguous** - means adjacent to or sharing a common boundary. A lot, parcel, or tract is
3944 contiguous with another lot, parcel, or tract if they have all, part, or any point of any boundary
3945 line in common. Lots, parcels, or tracts that are separated by a pipeline, private road, public
3946 road, railroad, right-of-way, river, section line, stream, transportation easement, transmission
3947 line, or transmission right-of-way are contiguous.

3948 **Day Care Home, Family** - a dwelling licensed as a day care center by the State of Wisconsin
3949 pursuant to s. 48.65 Wis. Stats.

3950 **Day Care Center** - an establishment providing care and supervision for 4 or more persons
3951 under the age of 7 and licensed by the State of Wisconsin pursuant to s. 48.65 Wis. Stats.

3952 **Deer/Game Farm** - An area of land devoted to the production of deer, game animals, game
3953 birds, and fur animals licensed by the Wisconsin Conservation Department under Wis. Stat. §
3954 29.573 to Wis. Stat. § 29.578, in which the animals are housed and fed under artificial
3955 conditions.

3956 **District, Zoning** - divisions of the town, each area being accurately defined to boundaries and
3957 locations on the official zoning map and in the zoning ordinance, for which the regulations and
3958 requirements governing use, lot, and bulk of buildings and premises are uniform.

3959 **District, Overlay** - provide for the possibility of superimposing certain additional requirements
3960 upon a basic zoning district without disturbing the requirements of the basic district. In the
3961 instance of conflicting requirements, the stricter of the conflicting requirements shall apply.

3962 **Dwelling** – a building, or portion thereof, including a mobile home, designed or used
3963 exclusively for residential occupancy, including single-family dwellings, two-family
3964 dwellings, and multiple-family dwellings, but not including hotels and motels.

3965 **Dwelling Unit** – one (1) or more rooms which are arranged, designed for use as living quarters.

3966 ***Dwelling Unit, Accessory*** - is a small (floor area maximum is 1,000 square feet but must
3967 contain less floor area than the principal dwelling unit) second residence on the same lot as an
3968 existing principal residence. Accessory dwelling units cannot have more than two bedrooms.
3969 The owner of the lot must reside either in the principal residence or in the accessory dwelling
3970 unit.

3971 ***Dwelling Unit, Single Family*** – a building designed to be occupied exclusively by one (1)
3972 family.

3973 ***Dwelling Unit, Two Family*** – a building designed to be occupied exclusively by two (2)
3974 families.

3975 ***Dwelling Unit, Multi-Family*** – a building used and designed as a residence for three (3) or
3976 more families.

3977 ***Effective Date:*** the date on which provisions of an agreement, contract, policy, ordinance, etc.
3978 take effect, which may be a past, present or future date. This may be different from the date
3979 upon which the event actually occurs or is recorded. All references to *Effective Date* for the
3980 Town of Union Zoning Ordinance shall be _____, unless specified otherwise
3981 within this ordinance.

3982 ***Escarpment*** - a steep slope, or series of cliffs or steep slopes, which faces in one general direction,
3983 breaks the continuity of the land by separating two comparatively level or more gently sloping
3984 surfaces, and is produced by erosion or by faulting.

3985 ***Escarpment Crest*** - the uppermost point of the Escarpment slope or face. It may be the top of a
3986 rock cliff, or where the bedrock is buried, the most obvious break in slope associated with the
3987 underlying bedrock.

3988 ***Escarpment Face (Slope)*** - the area between the crest of the Escarpment and usually
3989 characterized by a steep gradient. Where the rise occurs in the form of a series of steps, the slope
3990 also includes the terraces between the steps.

3991 ***Escarpment Toe (Base)*** - the lowest point on the Escarpment slope or face determined by the
3992 most obvious break in slope associated with the bedrock or landforms overlying the bedrock.

3993 ***Essential Services*** - electric, telephone, gas, or water service, including the overhead, surface,
3994 or underground distribution or transmission systems necessary to supply the service. It includes
3995 the conduits, pipes, poles, towers, wires, and similar devices necessary to supply these services,
3996 but does not include any buildings necessary to supply these services. It does not include wind
3997 energy systems, communications facilities, or any structure or use listed as a permitted,
3998 accessory, or conditional structure or use in any other district.

3999 ***Farm*** - all land under common ownership that is primarily devoted to agricultural use. For
4000 purposes of this ordinance, land is deemed to be primarily devoted to agricultural use if:

- 4001 A. A majority of the land area is in agricultural use, or
4002 B. The land produces at least \$6,000 in annual gross farm revenues to its owner or
4003 renter, regardless of whether a majority of the land area is in agricultural use. (s.
4004 71.613(1)(d) Wis. Stats.)

4005 **Farm Consolidation** - means the joining together of all or part of 2 or more farm operations,
4006 which were in existence before the Effective Date or subsequent Amendment of this ordinance,
4007 into a single farm operation.

4008 **Farm Operation** - means an activity conducted primarily for the production of one or more
4009 agricultural products or commodities, for home use or for sale, in a quantity sufficient to
4010 contribute to the operator's support.

4011 **Farm Residence** – meaning any of the following structures that is located on a farm:

4012 A. A single-family or two-family dwelling residence that is occupied by any of the
4013 following:

- 4014 1. An owner or operator of the farm.
- 4015 2. A parent or child of an owner or operator of the farm.
- 4016 3. An individual who earns more than 50 percent of his or her gross
4017 income from the farm.

4018 **Feedlot** - An animal confinement facility or dairy farm used or designed for the feeding or
4019 holding animals.

4020 **Fish Hatcheries** – Establishments devoted to hatching, raising or rearing fish.

4021 **Garage, Private** – An accessory building to the principal building which provides for the
4022 storage.

4023 **Garage, Public and Storage** - any building or premises, other than a private garage, where
4024 motor driven vehicles are equipped, repaired, serviced, hired, sold, or stored.

4025 **Gross Farm Revenue** - means the gross receipts from all Agricultural Uses, less the cost or
4026 other basis of livestock and other agricultural items purchased for resale which are sold or
4027 otherwise disposed of during the taxable year. Gross farm revenue includes receipts accruing
4028 to a renter, but does not include rent paid to the land owner.

4029 **Group Home** - any facility operated by a person required to be licensed by the State of
4030 Wisconsin under § 48.625, Wis. Stats., for the care and maintenance of 5 to 8 residents under
4031 18 years of age.

4032 **Guest House** - an accessory building or portion of a main building used to house guests of the
4033 occupants of the main building. The square footage shall be no greater than one-half the square
4034 footage of the principal building. The guest house shall not be rented or offered for rent
4035 independent of the main building.

4036 **Home Business** - a business, profession, occupation, or trade conducted for gain or support in
4037 conjunction with a residence. Examples of businesses that may be permitted as home
4038 businesses include trade or contractors establishments (such as plumbing, heating and air
4039 conditioning, excavating, carpentry and woodworking, painting, and electrical), veterinary
4040 offices, kennels, and automotive and farm implement repair shops.

- 4041 **Home Occupation** – A gainful occupation conducted by members of the family within his or
4042 her place of residence, where the space used is incidental to residential use. A household
4043 occupation includes such things as babysitting, dressmaking, canning, laundering and crafts,
4044 offices for commercial loggers, offices for building tradesmen, accountants, home beauty
4045 shops, lawyers, real estate agents and insurance agents. Includes home based, off-site sales
4046 (e.g., candles, cosmetics, cookware, etc.)
- 4047 **Hotel** – A building in which lodging, with or without a meal, is offered transient guests for
4048 compensation and in which there are more than five (5) sleeping rooms with or without cooking
4049 facilities in any individual room or apartment.
- 4050 **Hunting and Fishing Cabins** - buildings used only during hunting and fishing seasons as a
4051 base for hunting, fishing, and outdoor recreation and not permanently occupied for residential
4052 use.
- 4053 **Impervious Surface** - Surfaces which do not absorb precipitation including buildings,
4054 structures, parking areas, driveways, roads, sidewalks, and any areas in concrete, asphalt, or
4055 packed stone.
- 4056 **Impervious Surface Ratio** - A measure of the intensity of use of a parcel of land determined
4057 by dividing the total area of all impervious surfaces within the site by the total area of the site.
- 4058 **Junk Yard or Salvage Yard** – An area where junk, waste, or scrap materials are bought, sold,
4059 exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to,
4060 scrap iron and other metals, paper, rags, rubber tires, bottles, used automobiles, used
4061 machinery, used building material and similar materials. A salvage dealer license is required
4062 under Wis. Stat. § 218.205.
- 4063 **Kennel** - any lot or premises on which household animals are boarded, bred, groomed, sold,
4064 or trained on a regular basis for commercial purposes.
- 4065 **Land Disturbing Activity** - Any disturbance to the ground surface that may result in soil
4066 erosion through the action of wind or water.
- 4067 **Land Fill Operation** – A solid waste disposal operation where solid waste is deposited on land
4068 by utilizing the principles of engineering to confine the waste to the smallest practical area, to
4069 reduce it to the smallest practical volume, per Wis. Stat. Ch. 289.
- 4070 **Livestock** - means bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised
4071 deer, farm-raised game birds, camelids (e.g., llamas, alpacas), ratites (e.g., ostrich, emu), and
4072 farm-raised fish.
- 4073 **Livestock Facility** - A feedlot or facility, other than a pasture or winter grazing area, where
4074 animals used in the production of food, fiber, or other animal products are or will be fed,
4075 confined, maintained, or stabled for a total of 45 days or more in any 12-month period.
4076 "Livestock facility" does not include an aquaculture facility. A livestock facility includes all
4077 of the tax parcels of land on which the facility is located.

Lot – a parcel of land abutting on a public road or other officially approved means of access, having a width and depth sufficient to provide the space necessary for one (1) principal building and its accessory buildings together with the open spaces required by this ordinance.

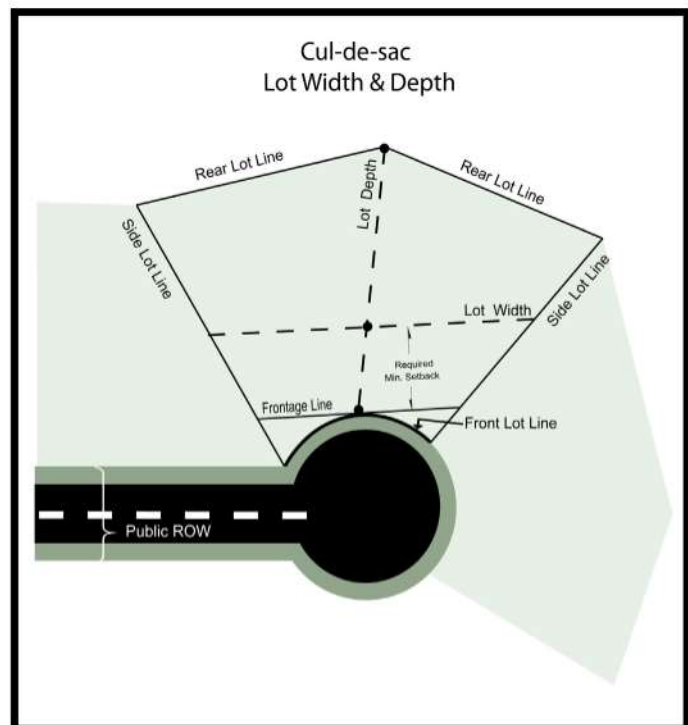
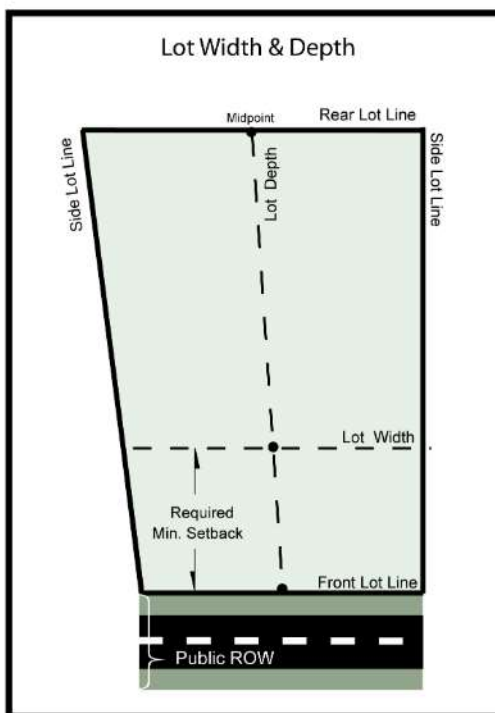
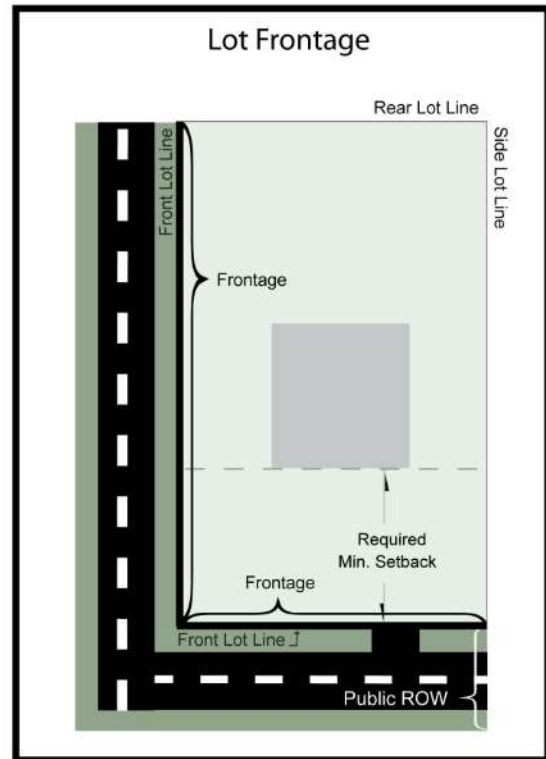
Lot, Frontage – The side of a lot abutting on a road or way, and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

Lot, Corner – a lot abutting on two or more roads at their intersection.

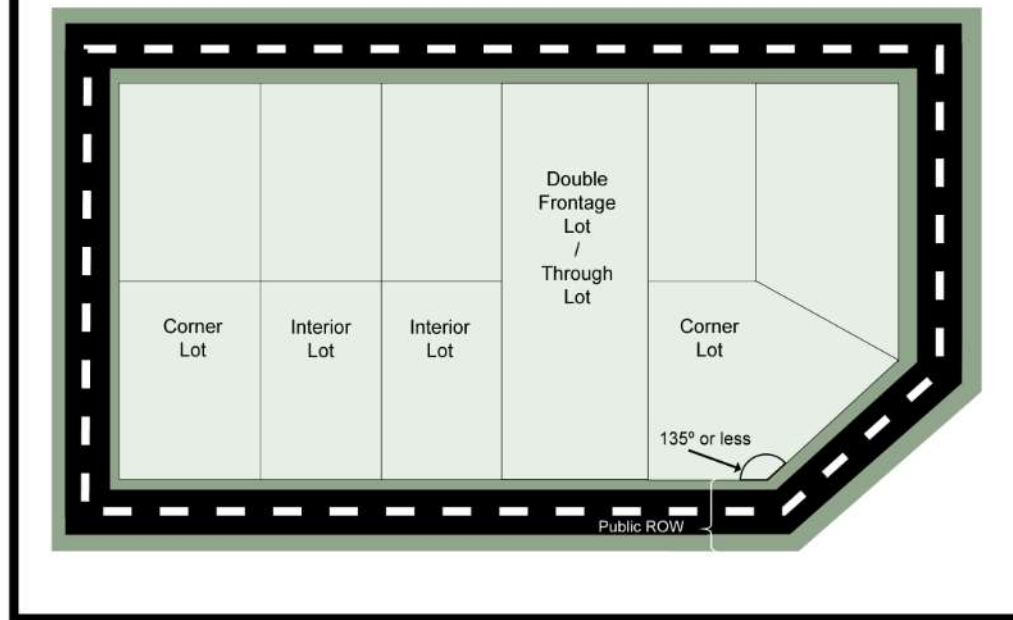
Lot, Depth of – the mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries.

Lot Lines and Area – the peripheral boundaries of a parcel of land including the road right-of-way lines and the total area lying within such boundaries.

Lot, Width of – the horizontal distance between the side lot lines.



Lot Types



Lot of Record – a lot which is part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds of Door County; or a parcel of land, the deed to which was recorded in the office of said Register of Deeds prior to the Effective Date of adoption of this Ordinance, and certified survey maps approved and recorded in the Register of Deeds Office of Door County.

Lot, Shoreland - Shoreland lots shall provide a Front Yard on the road abutting the lot, a shore yard on the watercourse abutting the lot, and 2 side yards. Shoreland lots do not normally have a rear yard (See Section 7. _____).

Manmade Pond - a pond created or constructed by human activity, such as excavating gravel, sand, stone, or topsoil from a property, but does not include a family swimming pool and manure storage pit.

Manufactured Home - means a structure, transportable in one or more sections built on a permanent chassis and designed to be used as a dwelling unit, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in it, and is certified and labeled as a manufactured home under 42 U.S.C. §§ 5401-5426.

Manufactured Home Park - means -any park, court, camp, site, lot, parcel or tract of land designed, maintained, intended or used for the purpose of supplying a location or accommodations for two or more manufactured homes, and shall include all facilities used or intended for use as part of the equipment thereof. Mobile Home Parks shall not include automobile or manufactured home sales lots on which unoccupied manufactured homes are parked for purposes of inspection and sale.

4146 **Mobile Home** – means a structure, transportable in one or more sections built on a chassis and
4147 designed to be used as a dwelling unit, with or without permanent foundation, when connected
4148 to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical
4149 systems contained in it, and built prior to the enactment of the Federal Manufactured
4150 Construction and Safety Standards Act of 1974, which became effective July 15, 1976.

4151 **Motel** - establishment consisting of a group of attached or detached living or sleeping
4152 accommodations with bathroom and closet space, located on a single zoning lot and designed
4153 for use by transient guests; and where there is no permanent occupancy of any unit except by
4154 the owner, his agent or his employees.

4155 **Motor Home** – a motor vehicle designed to be operated upon a highway for use as a temporary
4156 or recreational dwelling and having the same internal characteristics and equipment as a mobile
4157 home.

4158 **Nonconforming Use** - means a land use that does not comply with this Zoning Ordinance, but
4159 which lawfully existed prior to the Effective Date of adoption or subsequent Amendment of
4160 this ordinance.

4161 **Nursing Home** – a place which provides 24-hour services including board and room to three
4162 (3) or more unrelated residents who because of their mental or physical condition require
4163 nursing care or personal care in excess of seven (7) hours a week, unless the facility has been
4164 designated as a community based residential facility. Nursing homes shall be licensed under
4165 Chapter 50 of the Wisconsin State Statutes.

4166 **Parking Space, Off-Street** - for the purposes of this Ordinance, an off-street parking space
4167 shall consist of a space adequate for parking an automobile with room for opening doors on
4168 both sides, together with properly related access to a public street or alley and maneuvering
4169 room. Required off-street parking area for three or more automobiles shall have individual
4170 spaces marked, and shall be so designed, maintained, and regulated that no parking or
4171 maneuvering incidental to parking shall be on any public street, highway, walk, or alley, and
4172 so that any automobile may be parked and unparked without moving another.

4173 For the purpose of rough computation, an off-street parking space and necessary access and
4174 maneuvering room may be estimated at 300 square feet, but off-street, parking requirements
4175 will be considered to be met only when actual spaces meeting the requirements above are
4176 provided and maintained, improved in a manner appropriate to the circumstances of the case,
4177 and in accordance with all ordinances and regulations of the Town.

4178 **Open Space Area or Open Space Parcel** - means a tract of land on which no structures, other
4179 than hunting blinds or small sheds, have been constructed or may be approved for
4180 construction.

4181 **Ordinary High Water Mark (OHWM)** - the point on the bank or shore up to which the
4182 presence and action of the water is so continuous as to leave a distinct mark either by erosion,
4183 destruction of terrestrial vegetation or other easily recognized characteristic. Source: WDNR.

4184 **Permit** - means a written authorization made by the Town Zoning Administrator or Town Plan
4185 Commission to the applicant to conduct land disturbing construction activity or to discharge
4186 post-construction runoff to waters of the state.

4187 **Permitted Use** – means a use permitted by right, provided all requirements of this Ordinance
4188 are met.

4189 **Preliminary Plat** - A map indicating the proposed layout of a development and related
4190 information that is submitted for preliminary review.

4191 **Principal Building** – the building of primary importance or permitted use on a parcel of land,
4192 in contrast to those which are accessory or of secondary importance. On agricultural zoned
4193 property the principal building may include barns and structures essential to the operation of a
4194 farm.

4195 **Professional Office** – means the office of an architect, author, dentist, doctor, lawyer, minister,
4196 musician, professional engineer, or other recognized professional practitioner.

4197 **Property Enhancement** – means an increase in the market value of property that is the result
4198 of an improvement.

4199 **Property Maintenance** - the preservation of an asset, or of a condition of property, by upkeep
4200 and necessary repairs.

4201 **Protected Farmland** - means land that is any of the following:

4202 1. Located in the A-1 zoning district certified under ch. 91, Wis. Stats.

4203 2. Covered by a farmland preservation agreement under ch. 91, Wis. Stats.

4204 3. Covered by an agricultural conservation easement under Wis. Stat. § 93.73.

4205 4. Otherwise legally protected from nonagricultural development.

4206 **Public Hearing (“Hearing”)** - A legal requirement giving citizens an opportunity to listen and
4207 comment on issues regarding planning, zoning, etc.

4208 **Public Hunting & Fishing Grounds** - land purchased or held in compliance with applicable
4209 state and federal government statutes and regulations for preservation or development of
4210 wildlife and/or wildlife habitat, and open to the public for hunting and fishing pursuant to such
4211 statutes and regulations.

4212 **Reasonable Accommodation** - a deviation from the strict requirements of this ordinance which
4213 is necessary to provide equal housing opportunity for a disabled person or persons. An
4214 accommodation is reasonable if it does not cause an administrative burden, fiscal burden, or
4215 undue hardship on the town and does not undermine the basic purpose of this ordinance.

4216 **Recreation Camps and Resorts** – means an area, premises, or parcel of land on which is
4217 provided facilities for overnight or short term camping in tents, bedrolls, travel trailers, pick
4218 up coaches, motor homes, or camping trailers, as defined in Chapter DHS 178 of the Wisconsin
4219 Administrative Code. Recreational camps include accessory buildings and service facilities
4220 required by the State Board of Health together with a residence or living quarters for the owner
4221 or caretaker on the premises. Recreational camps shall mean and be synonymous with camps
4222 and campgrounds for the purposes of this Ordinance.

Recreation Vehicle - any unit other than a mobile or manufactured home, whether self-propelled, mounted on, or towed by another vehicle, that is used for recreational purposes. It includes, but is not limited to, an all-terrain vehicle, boat, camper, folding tent trailer, motor home, park trailer, snowmobile, travel trailer, or truck camper.

Rental Cabins or Cottages – buildings designed for seasonal uses and occupancy by persons other than the owner upon periodical payment.

Retail, Service, and Wholesale Businesses – For the purposes of this ordinance, stores for conducting retail, service, and wholesale business include auto, truck, trailer and other equipment sales, rentals, and service; building, electrical, heating, lumber, and plumbing supply yards; cabinet making and woodworking; gas stations and convenience stores; greenhouses; recreational/fishing equipment sales; or other uses not specifically listed, but which are deemed by the Town Plan Commission to be similar to the uses listed above, provided that these uses are not specified elsewhere as a Conditional Use.

Road - a right-of-way that is dedicated to, intended to, subject to a public easement for, or that provides a roadway for general vehicular circulation and is the principal means of vehicular access to abutting properties, regardless of whether it has been developed. A road may include space for drainage, pedestrian walkways, sidewalks, and utilities.

Roadside Stand – a structure not permanently fixed to the ground that is readily removable in its entirety; covered or uncovered and not wholly enclosed, and used solely for the sale of products. No such roadside stand shall be more than three hundred (300) square feet in ground area and limited to a maximum height of ten (10) feet.

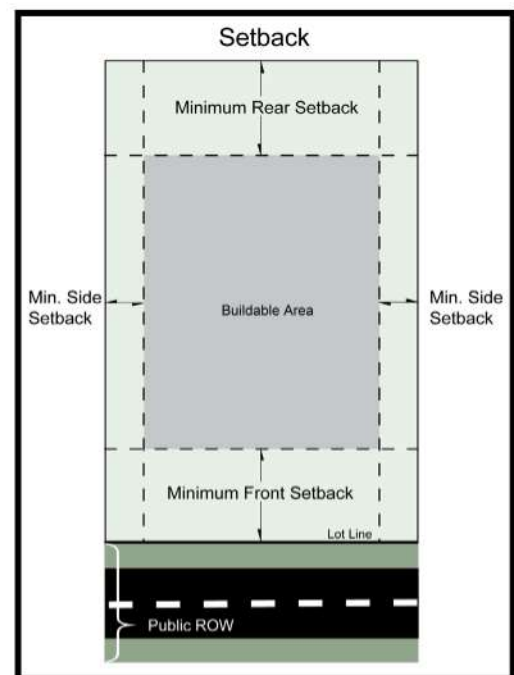
Salvage Yard - see *Junkyard*

Setback – the distance from a lot line or other specified line to a structure or other specified point on a lot as measured perpendicularly to the lot line or other specified line.

Shooting Preserve - Land developed for wildlife and stocked with game with the intention of charging a fee for hunting and complying with state or other governmental regulations.

Shoreland Zoning - under an ordinance enacted by Door County under Wis. Stat. § 59.692, shoreland zoning limits or prohibits the construction or placement of buildings or structures.

Sign – means any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.



4263 **Sign Types** - (Refer to *Chapter 15: Sign Ordinance* of the *Municipal Code of the Town of*
4264 *Union*)

4265 **Solar Energy System** - means equipment which directly converts and then transfers or stores
4266 solar energy into usable forms of thermal or electrical energy.

4267 **Story** – that part of a building between any floor and the floor next above, and if there is no
4268 floor above, then the ceiling above. A basement is a story if its ceiling is five (5) feet or more
4269 above the level from which the height of the building is measured.

4270 **Structural Alteration** - means any change in the supporting members of a building or any
4271 substantial change in the roof structure or in the exterior walls.

4272 **Structure** - means anything constructed or erected, the use of which requires a permanent
4273 location on the ground or attached to something having permanent location on the ground.

4274 **Sub-Standard Lot** - means a lot which is recorded with the Register of Deeds prior to the
4275 Effective Date of adoption or subsequent Amendment of this Ordinance, and is located in a
4276 zone requiring greater area, width, or other characteristics.

4277 **Surveys and Plans** - means surveys and plans as referred to in this ordinance and as relating
4278 to the construction of highways, shall be considered as accepted by the County or Town Board
4279 if County or Town funds have been used in the improvement carried out according to such
4280 plans.

4281 **Temporary Use** - A use established for a limited duration with the intent to discontinue such
4282 use upon the expiration of the time period.

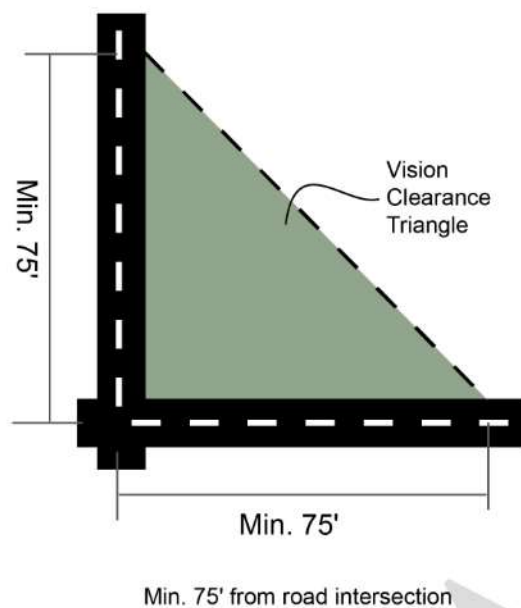
4283 **Traffic Lane** - means a strip of roadway intended to accommodate a single lane of moving
4284 vehicles.

4285 **Unnecessary Hardship** - That circumstance where special conditions, which are not self-
4286 created, affect a particular property and make strict conformity with the restrictions governing
4287 dimensional standards (such as lot area, lot width, setbacks, yard requirements, or building
4288 height) unnecessarily burdensome or unreasonable in light of the purpose of the Ordinance.
4289 Unnecessary hardship is present only where, in the absence of a variance, no feasible use can
4290 be made of the property.

4291 **Variance** – An authorization granted by the Board of Appeals for the construction or
4292 maintenance of a building or structure in a manner which is inconsistent with or contrary to
4293 the dimensional standards contained in this Ordinance.
4294

4295 *Visual Clearance Triangle*

Vision Triangle



4296

4297 ***Wind Generating Equipment*** - is the conversion of wind energy into a useful form of energy,

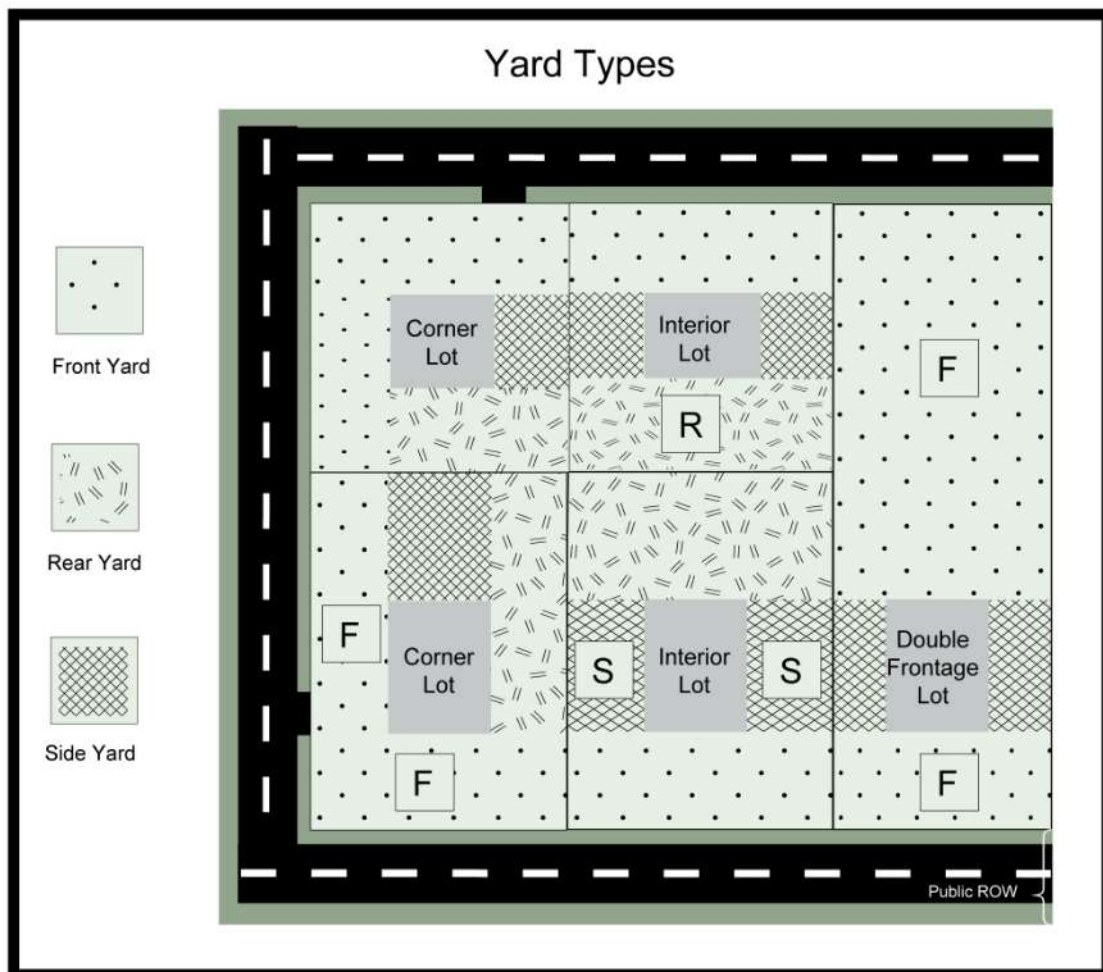
4298 such as using wind turbines to make electricity, windmills for mechanical power, wind pumps

4299 for water pumping or drainage.

4300

Yard-related definitions:

1. ***Yard*** - an open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation.
2. ***Yard, Front*** - means a yard extending the full width of a lot between the existing or proposed road right-of-way line and the nearest part of any structure. Corner lots shall have two such yards.
3. ***Yard, Rear*** - means a yard extending the full width of a lot between the rear lot line and the nearest part of any structure. This yard shall be opposite the front yard or one of the front yards on a corner lot.
4. ***Yard, Shore*** – means a yard extending 75 feet of the ordinary high water mark (OHWM) (shoreland) (See Section 7.0304).
5. ***Yard, Side*** - means a yard extending from the front yard to the rear yard and from a side lot line to the nearest part of any structure.



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