

**MUNICIPAL CODE
OF THE
TOWN OF UNION
DOOR COUNTY, WISCONSIN**

CHAPTER 7: ZONING ORDINANCE

*Town Board Adoption
September 16, 2025*

*Effective Date
September 17, 2025*

This Page Intentionally Left Blank

TABLE OF CONTENTS

CHAPTER 7: ZONING ORDINANCE	I
7.0100 INTRODUCTION	7-1
7.0101 Title	7-1
7.0102 Authority	7-1
7.0103 Purpose	7-1
7.0104 Intent	7-2
7.0105 Abrogation and Greater Restrictions	7-2
7.0106 Interpretation	7-2
7.0107 Severability	7-2
7.0108 Repeal	7-2
7.0109 Effective Date	7-2
7.0200 GENERAL PROVISIONS	7-3
7.0201 Jurisdiction	7-3
7.0202 Compliance and Permit	7-3
7.0203 General Use Requirements	7-3
7.0204 Site Requirements	7-4
7.0205 Reserved	7-5
7.0206 Reserved	7-5
7.0207 Reserved	7-5
7.0208 Reserved	7-6
7.0209 Reserved	7-6
7.0210 Compliance with the Americans with Disabilities Act	7-6
7.0211 Setback Requirements from State and Federal Highways, County Highways, Town Roads, and Private Roads	7-6
7.0212 Additional Setbacks from Roads for Large Buildings	7-7
7.0213 Visual Clearance Triangle	7-8
7.0214 Setback Requirements from Navigable Water (Door County Shoreland Zoning Ordinance)	7-8
7.0215 Height Requirements	7-8
7.0216 Landscape Buffers	7-9
7.0217 Accessory Structures	7-10
7.0218 Outdoor Storage of Junk Material	7-11
7.0219 Filling and Grading	7-12
7.0220 Reserved	7-13

7.0300	ZONING DISTRICTS	7-14
7.0301	Zoning Districts Established	7-14
7.0302	Zoning Map	7-14
7.0303	Interpretation of District Boundaries	7-14
7.0304	Yard Setbacks for All Districts	7-16
7.0305	GA General Agricultural.....	7-17
7.0306	SF-20 Single Family Residential	7-20
7.0307	RR Rural Residential District	7-22
7.0308	CB Commercial/Business	7-24
7.0309	MH Mobile Home/Manufactured Home Park District	7-27
7.0310	NA Natural Area	7-28
7.0311	W Wetland	7-30
7.0312	STH 57 Highway Corridor Overlay District	7-34
7.0313	HPD Historic Preservation Overlay District.....	7-39
7.0400	PARTICULAR USE REQUIREMENTS	7-42
7.0401	Purpose	7-42
7.0402	Applicability	7-42
7.0403	Agricultural Use Requirements	7-42
7.0404	Commercial Use Requirements	7-43
7.0405	Industrial Use Requirements	7-47
7.0406	Institutional Use Requirements.....	7-51
7.0407	Outdoor Recreation Uses Requirements.....	7-51
7.0408	Residential Uses Requirements	7-55
7.0409	Miscellaneous Uses Requirements	7-62
7.0500	NATURAL FEATURES PROTECTION REQUIREMENTS.....	7-68
7.0501	Purpose	7-68
7.0502	Applicability	7-68
7.0503	Escarpments	7-68
7.0504	Drumlins	7-70
7.0505	Reserved	7-70
7.0506	Rockholes.....	7-70
7.0507	Woodlands	7-72
7.0508	Reserved	7-74
7.0509	Shoreland vegetation.....	7-74
7.0510	Wetland setbacks	7-74
7.0600	PLANNED RESIDENTIAL DEVELOPMENT	7-75

7.0601	Purpose	7-75
7.0602	General requirements.....	7-75
7.0603	Preserved open space.....	7-77
7.0604	Reservation of development rights agreement	7-77
7.0605	Application.....	7-78
7.0606	Specific requirements in shorelands and escarpment protection areas	7-79
7.0607	Permit requirements	7-79
7.0700	PARKING, LOADING, AND ACCESS REQUIREMENTS.....	7-80
7.0701	Parking Standards	7-80
7.0702	Restrictions on Parking of Equipment.....	7-81
7.0703	Parking of Recreational Vehicles.....	7-81
7.0704	Traffic Visibility	7-81
7.0705	Loading Requirements	7-82
7.0706	Driveway Requirements	7-82
7.0707	Street and Highway Access.....	7-82
7.0800	<i>RESERVED</i>	7-83
7.0900	NONCONFORMING USES AND STRUCTURES	7-84
7.0901	Purpose and Intent	7-84
7.0902	Buildings under Construction.....	7-84
7.0903	Existing Structures: Dimensional Nonconformance.....	7-84
7.0904	Existing Uses and Structures: Use Nonconformance	7-84
7.0905	Existing Structures and Uses: Other Standards and Requirements	7-85
7.1000	ADMINISTRATION	7-86
7.1001	Town Plan Commission.....	7-86
7.1002	Zoning Board of Appeals	7-86
7.1003	Zoning Administrator	7-90
7.1100	PROCEDURES	7-92
7.1101	Regular zoning permits.....	7-92
7.1102	Sign permits	7-94
7.1103	Site Plan Review	7-94
7.1104	Conditional use permits	7-97
7.1105	Permits that Authorize "Reasonable Accommodations": for a Disabled Person(s).....	7-101
7.1106	Other Permits	7-102
7.1107	Certificate of compliance	7-102

7.1108	Variance from the requirements of this Ordinance	7-102
7.1109	Appeals	7-104
7.1110	Amendments	7-105
7.1111	Public hearings	7-108
7.1200	RESERVED	7-109
7.1300	ENFORCEMENT	7-109
7.1301	Violations	7-109
7.1302	Prosecution	7-109
7.1303	Penalties	7-110
7.1304	Reserved	7-110
7.1400	DEFINITIONS	7-111
7.1401	Construction of Language	7-111
7.1402	Words Defined	7-112

LIST OF FIGURES

Figure 7.1: Yard Requirements Applying to All Zoning Districts in the Town of Union. ...	7-16
--	------

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.

7.0104 Intent

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

7.0105 Abrogation and Greater Restrictions

It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to laws. However, wherever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

7.0106 Interpretation

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

7.0107 Severability

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

7.0108 Repeal

All other ordinances or parts of ordinances of the Town inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

7.0109 Effective Date

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

7.0200 **GENERAL PROVISIONS**

7.0201 **Jurisdiction**

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

7.0202 **Compliance and Permit**

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

7.0203 **General Use Requirements**

- A. No building or other structure shall hereafter be erected or altered:
- To exceed the height or bulk;
 - To accommodate or house a greater number of families;
 - to occupy a greater percentage of lot area;
 - To have narrower or smaller rear yards, front yards, side yards, or other open spaces; than herein required, or in any other manner contrary to the provisions of this Ordinance.
- B. All Principal Buildings shall be located on a lot; and **only one Principal Building shall be located, erected, or moved onto a lot.**
- C. Principal Uses, Permitted Accessory Uses, and Conditional Uses are limited to the uses indicated for the respective zoning districts.
- D. Accessory Uses and structures are permitted in any district (see Section 7.0217).
- E. Unless specified elsewhere in this Ordinance, Conditional Uses and their Accessory Uses are considered as special uses requiring review, Public Hearing and approval by the Plan Commission and Town Board and issuance of a Conditional Use Permit.
- F. No yard or lot existing at the time of the Effective Date of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the Effective Date of this Ordinance shall meet at least the minimum requirements (for the zoning district within which the lot is located) established by this Ordinance.
- G. 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.(a) and (b):

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.
 - (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.

- (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

D. In any district where public sanitary sewer is not available, the width and area of all lots shall be sufficient to Permit the use of a private onsite waste treatment system designed in accordance with Chapters SPS 383 and SPS 385 of the Wisconsin Administrative Code.

E. **Minimum Floor Area for Dwellings:**

- 1. Except for occupancy units within a multiple occupancy development and except as specified in subs.(2) and (3), for dwelling units in all districts the minimum floor area shall be 750 square feet.
- 2. One Accessory Dwelling Unit may be allowed on the same lot as the primary residence.
 - (a) The accessory dwelling unit's floor area shall be more than 300 square feet, up to a maximum of 1,000 square feet, but must have less floor area than the principal residential dwelling unit on the same lot.
- 3. Manufactured homes in manufactured home parks shall be subject to the floor area requirements of s. 7.0408(E.), manufactured home parks.

7.0205 **Reserved**
7.0206 **Reserved**
7.0207 **Reserved**

7.0208 **Reserved**

7.0209 **Reserved**

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

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

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

- A. State and Federal Roads. Except as provided in sub. (E), the required setback for all structures fronting on state and federal roads shall be 90 feet from the centerline of the road (See Section 7.0304).
- B. County Roads. Except as provided in sub. (E), the required setback for all structures fronting on county roads shall be 75 feet from the centerline of the road (See Section 7.0304).
- C. Town Roads. Except as provided in sub. (E), the required setback for all structures fronting on all town roads shall be 65 feet from the centerline of the road (See Section 7.0304).
- D. Private Roads. The required setback for all structures fronting on private roads or private road easements, except those serving 4 lots or less, shall be 30 feet. No setback shall be required from private roads or private road easements which serve 4 lots or less. If the width of the private road or private road easement is described by plat, survey, deed or similar document, the setback shall be measured from the edge of the described road or road easement. If the width of the private road or private road easement is not so described, then the setback shall be measured from the edge of the traveled roadway.
- E. Setback Reduction. A setback of less than the required setback for the appropriate class of road shall be permitted in cases where the adjacent principal buildings are located closer to the road than the required setback.
 - 1. Where each side of the proposed building location is occupied by an adjacent principal building located within 200 feet of the proposed building footprint, the required setback for the proposed building shall be the average of the setbacks of the adjacent principal buildings.

2. Where one side of the proposed building location is occupied by an adjacent principal building located within 200 feet of the proposed 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, mailboxes, garbage containers, ice fishing shanties, school bus waiting shelters, and farm livestock hutches.

2. Fences

- B. Accessory structures shall be located on the same lot as the principal use to which it is accessory.
- C. One accessory building may be permitted prior to the erection of a principal structure per sub. 1.
 - 1. A minimum of 10 acres is needed to build one permitted accessory building on a lot that does not contain a principal structure. The accessory structure shall be for private use by the landowner only.
- D. Items prohibited as accessory structures. Such items as, but not limited to, boats, truck bodies, manufactured homes, buses, railroad cars, and trailers shall not be used as accessory structures.
- E. Additional requirements in the SF-20 and CB districts.

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

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

F. Reserved

7.0218 **Outdoor Storage of Junk Material**

- A. In all Single Family Residential-20,000, Rural Residential, Commercial/Business districts, all outdoor storage of junk material shall comply with the following:
 - 1. Such outdoor storage of junk material shall be located no closer to the front lot line than the furthest portion of the principal building.
 - 2. The junk material shall be located such that all setback and yard requirements for accessory structures for the applicable district are met.
 - 3. Such outdoor storage of junk material shall not exceed one inoperable vehicle nor 150 square feet of area.
- B. In the Wetland, Natural Area, and General Agricultural districts, junk material may be stored outdoors, provided that the storage of junk material that exceeds 3 inoperable vehicles or 1,000 square feet of

storage area shall be located at least 300 feet from a public right-of-way or shall be screened from the public right-of-way by a vegetative screening, as described in s. 7.0216 (D), landscape buffer tree requirements.

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

7.0219

Filling and Grading

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

- A. **Preconstruction Grade Fill**

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

- B. **Navigable water protection**

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

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

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

- D. **Permit.** If a regular zoning permit is required by subs. A or B for the filling, grading, lagooning, dredging, ditching, excavating, or land

disturbance, the permit shall be granted only upon finding that the proposed activity would not result in detriment to navigable water by reason of erosion, sedimentation, or impairment of fish and aquatic life nor alter any wetland, and would be designed and constructed in accordance with standards contained in the *United States Department of Agriculture/ Soil Conservation Service/ Wisconsin Section IV Technical Guide*.

7.0220 **Reserved**

7.0300 **ZONING DISTRICTS**

7.0301 **Zoning Districts Established**

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

GA - General Agricultural

SF20 - Single Family Residential-20,000

RR - Rural Residential

CB - Commercial/Business

MH - Mobile Home/Manufactured Home Park

NA - Natural Area

W - Wetland

HCO - STH 57 Highway Corridor Overlay District

HPD - Historic Preservation Overlay District.

7.0302 **Zoning Map**

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

7.0303 **Interpretation of District Boundaries**

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

- A. Boundaries shown as following or approximately following the limits of any municipal corporation shall be construed as following such limits.
- B. Boundaries shown as following or approximately following roads shall be construed as following the centerlines of such roads.
- C. Boundaries shown as following or approximately following platted lot lines or other property lines as shown on the Door County Real Property Listing Tax Maps shall be construed as following such lines.
- D. Boundaries shown as following or approximately following the centerlines of streams, rivers, or other water courses shall be construed as following the centerline of such water courses; in the event of a natural change in the location of such water courses, the

zoning district boundary shall be construed as moving with the centerline.

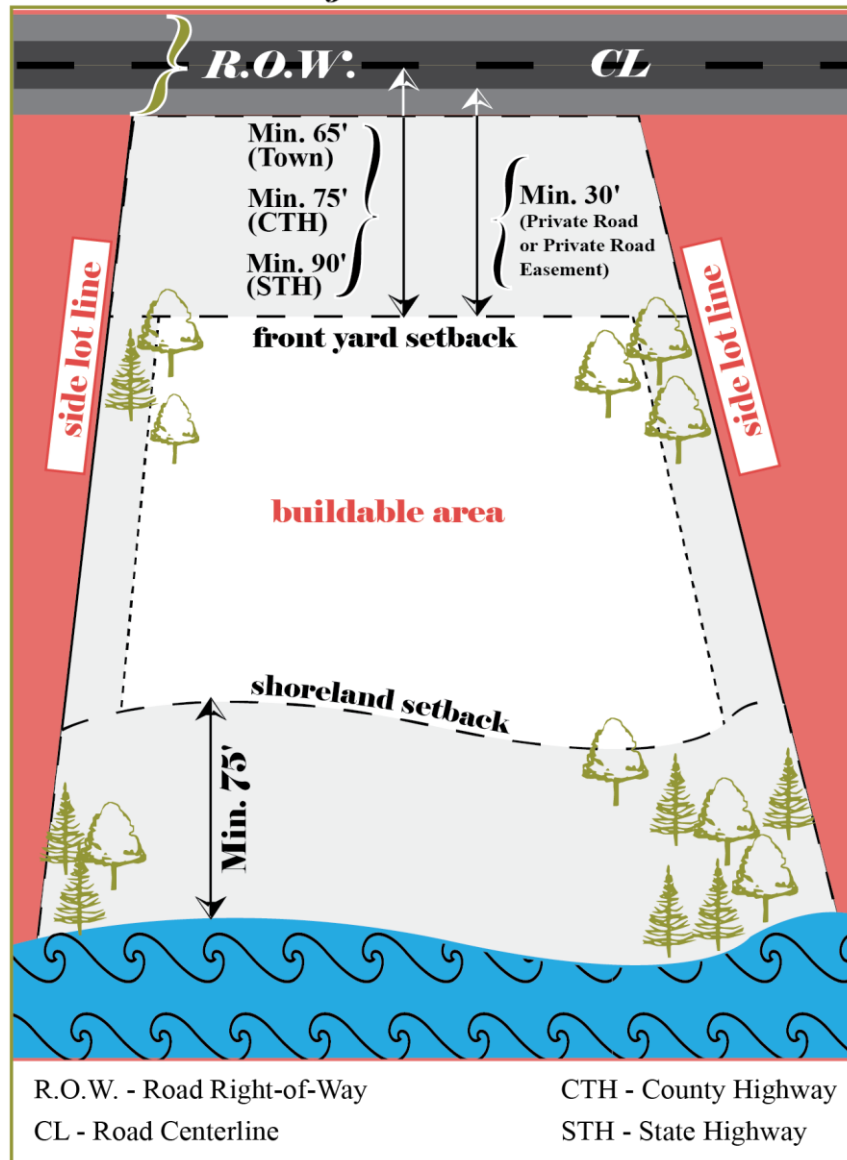
- E. Boundaries shown as separated from, and parallel or approximately parallel to, any of the features listed in pars. A through D, shall be construed to be parallel to such features and at such distances there from as are shown on the Zoning Maps of Town of Union.
- F. Boundaries below the ordinary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

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



GA General Agricultural**A. Purpose**

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

B. Principal Uses

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

1. Agricultural Uses
2. Airstrips and Landing Fields
3. Auto Repair
4. Bed & Breakfast Establishments
5. Camping
6. Cemeteries
7. Churches
8. Commercial Riding Stables
9. Two Family Dwellings
10. Family Day Care Homes
11. Farm Implement Sales/Service
12. Farmers Market/Roadside Stand
13. Farm Residences
14. Fire/Police Stations
15. Greenhouses
16. Gun Clubs/Shooting Ranges
17. Home Businesses
18. Kennels
19. Noncommercial Communication Towers, Antennas,
Transmitters <= 200'
20. Parks
21. Riding Stables
22. Public or Private Schools
23. Sawmills/Planing Mills

24. Single Family Residences
25. Town Halls/Community Centers
26. Tree/Shrub Nurseries
27. Utility Facilities - Type A
28. Veterinarian Clinics
29. Wineries/Breweries
30. Transportation, utility, communication, or other use that is required under state or federal law to be located in a specific place, or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a Conditional Use Permit for that use.
31. Undeveloped natural resources and open space areas.

C. Permitted Accessory Uses

The following Accessory Uses are permitted in the GA district:

1. Accessory Dwelling Units
2. Accessory Structures

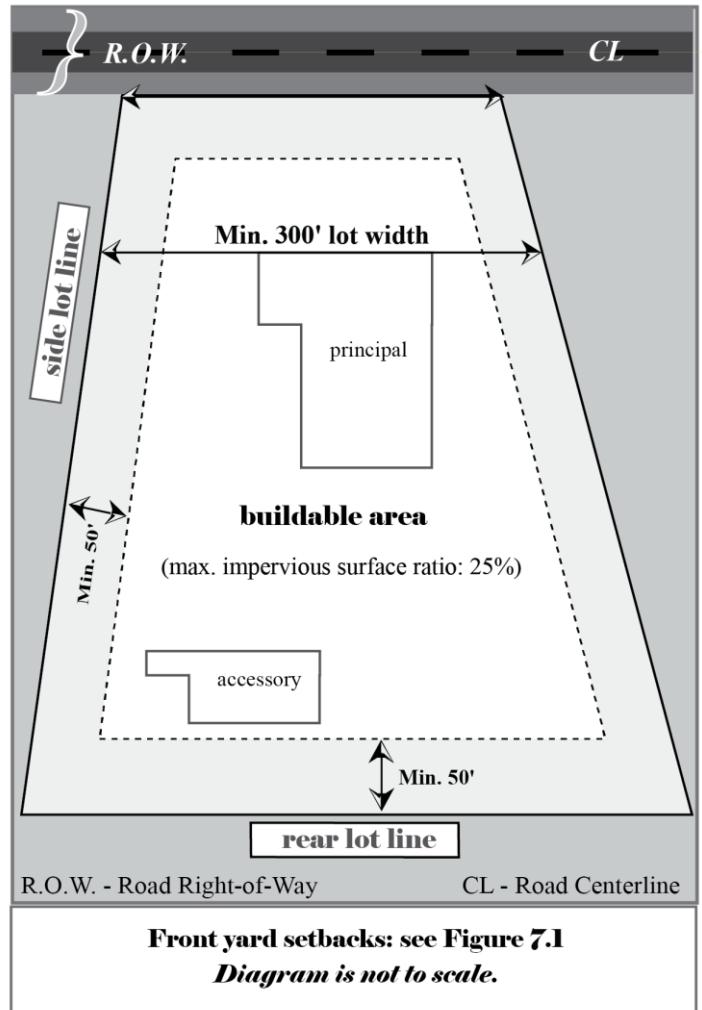
D. Conditional Use

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

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

General Agricultural (GA)	
Lot Size:	
Minimum lot area:	2 acres
Planned residential development	Max. of 8 residents \geq 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



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)

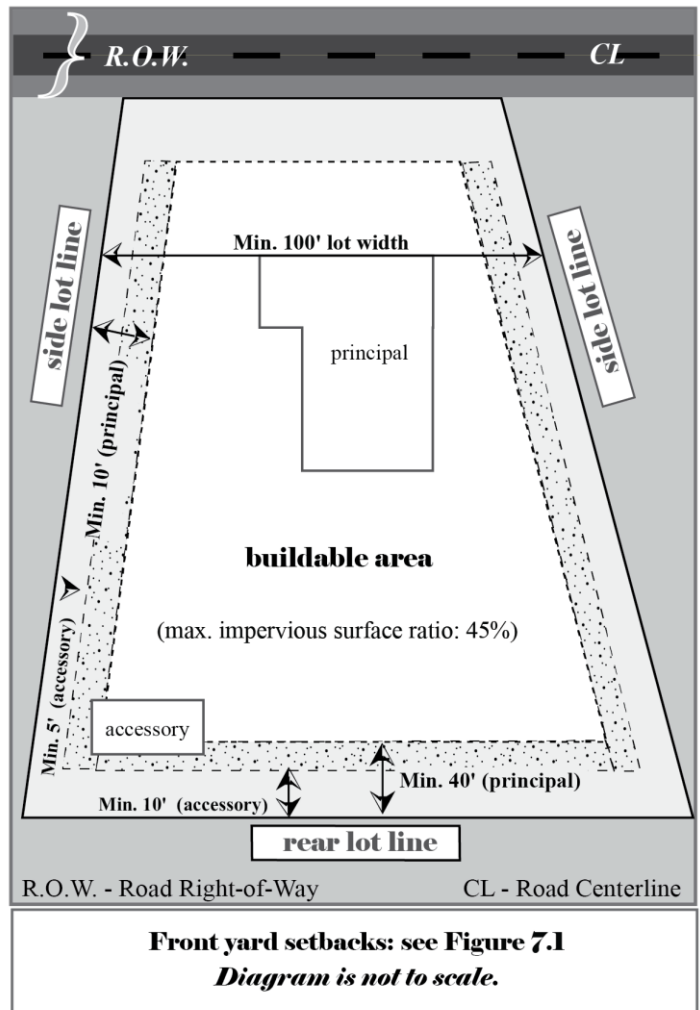
D. Conditional Uses

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.



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
18. Utility Facilities – Type A

C. Permitted Accessory Uses

The following Accessory Uses are permitted in the RR district:

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

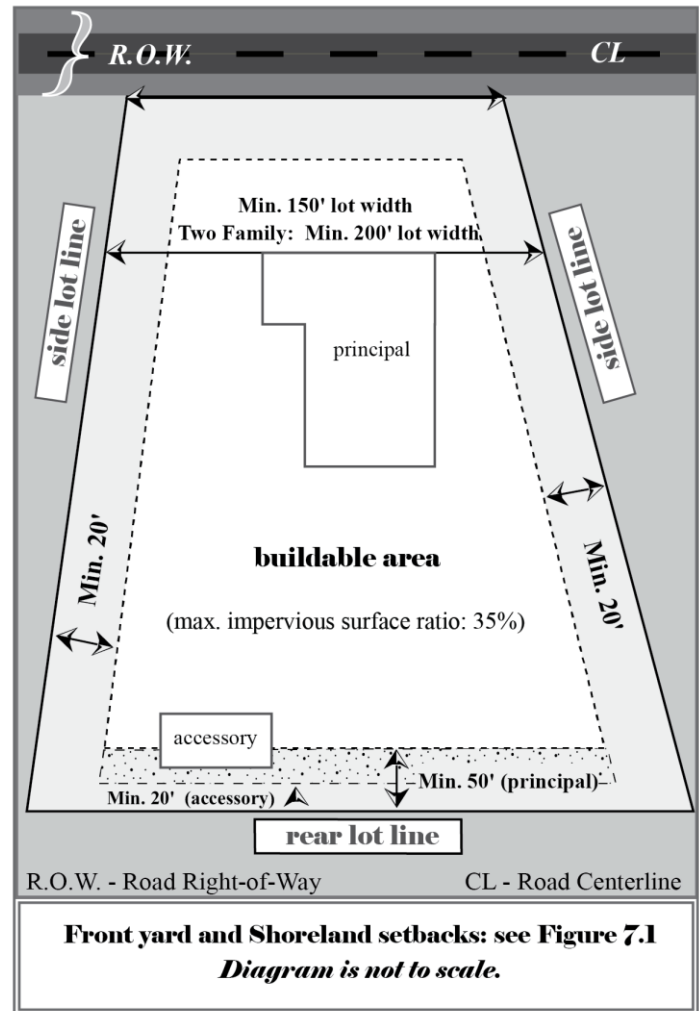
D. Conditional Uses

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

1. Community living arrangements with a capacity for 9 or more persons subject to the limitations set forth in s. 60.63 Wis. Stats.
2. Utility Facilities – Type B

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:	See Section 7.0304
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.



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

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

B. Principal Uses

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

1. Art Galleries
2. Banks
3. Bed & Breakfast Establishments
4. Bulk storage of agricultural products, cooperatives, feed mills, and fertilizer plants
5. Business and professional offices and services
6. Commercial Storage
7. Community Use
8. Contractor or trade storage
9. Dairies and dairy-processing businesses, such as cheese factories
10. Day Care Centers
11. Family Day Care Homes
12. Farm equipment and implement sales
13. Farm Markets
14. Hotels
15. Home Businesses
16. Indoor recreation
17. Laundromats and Laundry Service
18. Medical/Dental Clinics.
19. Motels
20. Parks
21. Parking areas and ramps
22. Private clubs and lodges, except adult entertainment establishments
23. Restaurants
24. Single Family Residences
25. Stores for conducting retail, service, or wholesale business
26. Taverns
27. Veterinarian Clinics
28. Wineries/Breweries

C. Permitted Accessory Uses

The following Accessory Uses are permitted in the CB district.

1. Accessory Dwelling
2. Accessory Structures (See Sec. 7.0217)

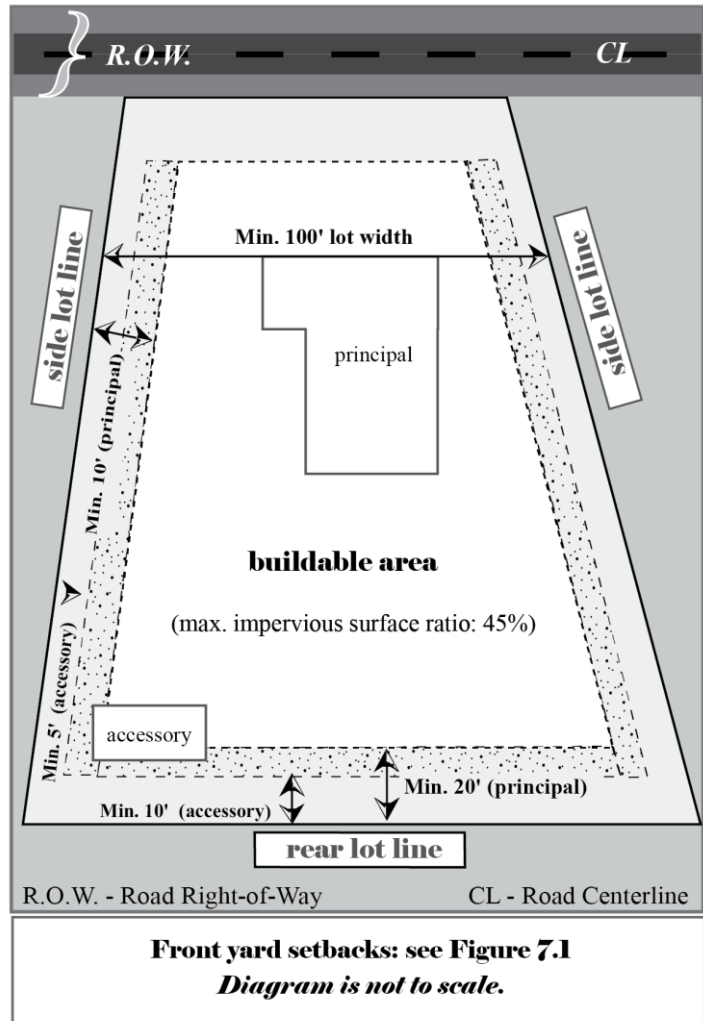
D. Conditional Uses

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

1. Animal Shelters/Pounds
2. Riding Stables, Commercial and Private
3. Golf courses
4. Outdoor Theater

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

Commercial/Business (CB)	
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.



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.

NA Natural Area**A. Purpose**

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

B. Principal Uses

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

1. Agriculture
2. Camping
3. Home Businesses
4. Kennels
5. Parks
6. Private Riding Stables
7. Single Family Residences
8. Tree/Shrub Nurseries

C. Permitted Accessory Uses in the NA district:

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

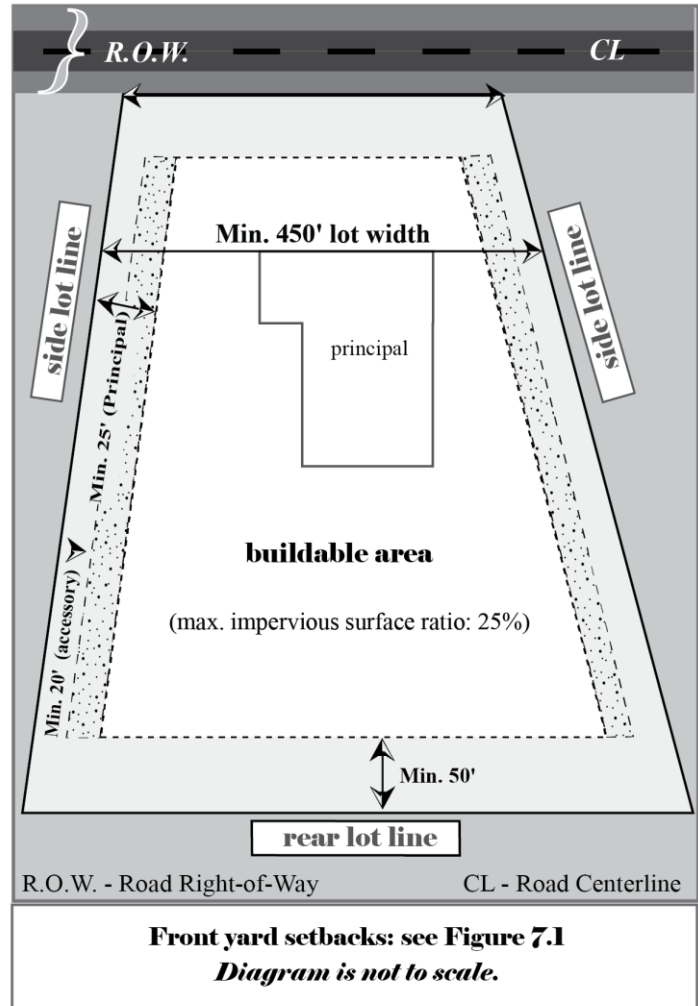
D. Conditional Use

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

1. Camps and campgrounds.
2. Commercial recreational areas, such as a golf course, nature center, or other low impact activity
3. Gun Clubs/Shooting Ranges
4. Institutional Recreation Camps
5. Retreat Centers
6. Roadside Stands
7. Sawmills/Planing Mills

E. Yard Requirements for Principal, Permitted Accessory, and Conditional Uses within the NA district:

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**A. Purpose**

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

B. Uses pertaining to the Wetland district

1. Uses which do not require the issuance of a zoning permit, but which must be carried out without any filling, draining, flooding, dredging, ditching, tiling, or excavating:
 - (a) Hiking, fishing, trapping, hunting, swimming and boating.
 - (b) The harvesting of wild crops such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds in a manner that is not injurious to the natural reproduction of such crops.
 - (c) The pasturing of livestock.
 - (d) The cultivation of agricultural crops.
 - (e) The practice of silviculture, including the planting, thinning and harvesting of timber, subject to the requirements of s. 7.0507, woodlands.
 - (f) The construction or maintenance of duck blinds and deer stands.
2. Uses which do not require the issuance of a zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating, but only to the extent specifically provided below:
 - (a) Temporary water and stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected.
 - (b) The cultivation of cranberries including flooding, dike and dam construction, or ditching necessary for the growing and harvesting of cranberries.
 - (c) The maintenance and repair of existing agricultural drainage systems where permissible by s. 30.20, Wis. Stats., including ditching, tiling, dredging, excavating, and filling necessary to maintain the level of drainage required to continue the existing agricultural use. This includes the

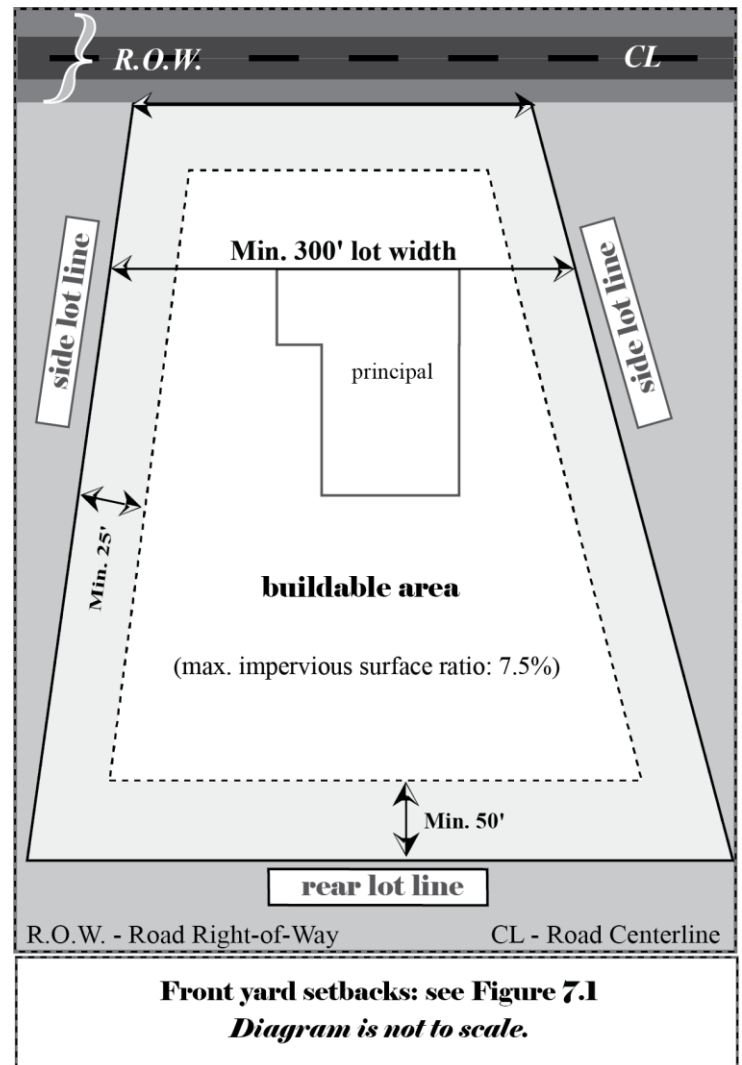
minimum filling necessary for disposal of dredged spoil adjacent to the drainage system, provided that the filling is permissible by Chapter 30, Wis. Stats., and that the dredged spoil is placed on existing spoil banks where possible.

- (d) The construction or maintenance of fences for pasturing livestock, including limited excavating and filling necessary for such construction or maintenance.
 - (e) The construction or maintenance of piers, docks or walkways built on piling, including limited excavating and filling necessary for such construction and maintenance.
 - (f) The maintenance, repair, replacement, or reconstruction of existing town and county highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement, or reconstruction.
3. Uses which require the issuance of a regular zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating, but only to the extent specifically provided below:
- (a) The construction and maintenance of roads which are necessary to conduct silvicultural activities or agricultural cultivation, subject to the following conditions:
 - (1) The road cannot, as a practical matter, be located outside the wetland.
 - (2) The road is designed and constructed to minimize adverse impact upon the natural functions of the wetland.
 - (3) The road is designed and constructed with the minimum cross section to serve the intended use.
 - (4) Road construction activities are carried out in the immediate area of the roadbed only.
 - (b) The construction and maintenance of nonresidential buildings, subject to the following conditions:
 - (1) The building is essential for and used solely in conjunction with the raising of waterfowl, minnows, or other wetland or aquatic animals or some use permitted in the Wetland district.
 - (2) The building cannot, as a practical matter, be located outside the wetland.
 - (3) Such building is not designed for human habitation and does not exceed 500 square feet in floor area.

- (4) Only limited filling or excavating necessary to provide structural support for the building shall be allowed.
 - (c) The establishment of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves and private wildlife habitat areas, and public boat launching ramps and attendant access roads, subject to the following:
 - (1) Any private wildlife habitat areas shall be used exclusively for that purpose.
 - (2) Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets the criteria in par.3., subd.(a).
 - (3) Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, and game preserves and private wildlife habitat areas is allowed only for the purpose of improving wildlife habitat and to otherwise enhance wetland values.
 - (d) The construction or maintenance of electric, gas, telephone, water and sewer transmission and distribution facilities by public utilities and cooperative associations organized for the purpose of producing or furnishing such services to their members and the construction or maintenance of railroad lines subject to the following standards:
 - (1) The transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland.
 - (2) Such construction or maintenance is done in a manner designed to minimize adverse impact upon the natural functions of the wetland.
4. Prohibited uses. Any use not listed in section B, subd. 1 - 3 is prohibited, unless the wetland or portion of the wetland has been rezoned by amendment of this Ordinance in accordance with this Ordinance.

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:	<i>See Section 7.0304</i>
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:	



STH 57 Highway Corridor Overlay District**A. Purpose**

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

B. Overlay Area Defined

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

C. Permitted Uses

1. The overlay district provisions apply to any base district set forth in this Ordinance that exists within the defined overlay district. In the instance of conflicting requirements, the more restrictive of the conflicting requirements shall apply.
2. There shall be no alteration of the existing condition of lands, uses, or structures within *the STH 57 Highway Corridor Overlay District* from the date of enactment of this Ordinance henceforth, except as provided for by this Section or by other sections of this Ordinance.
3. These regulations are supplementary to the permitted uses and requirements for the appropriate underlying zoning district as contained in this Ordinance.
4. Uses prohibited in the underlying zoning district are also prohibited in the STH 57 Highway Corridor Overlay District.
5. All uses proposed in the *STH 57 Highway Corridor Overlay District* shall be subject to site plan review procedures in s. 7.1103 of this Ordinance. The Site Plan Review function shall be undertaken by the Plan Commission.

D. Standards

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

E. Building Architecture

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

1. The Plan Commission prior to the issuance of a building permit must approve all building locations and design.
2. Structures within the corridor shall be designed with an "architectural character" that blends with the overall visual character of the rural context of its setting. This character can be stylized but shall at a minimum have the following elements:
 - (a) Buildings shall have a minimum 2:1 roof slope when the building's ground coverage is less than 10,000 sq. ft.
 - (b) Buildings greater than 10,000 sq. ft. shall have architecturally detailed elements strategically integrated into the building's facades to add detail and break the visual impact of large wall areas.
 - (c) Building materials shall be compatible with the visual context and use customary in the Town of Union and Door County, to the greatest extent possible, materials such as brick, stone and wood. Composite wall panels, curtain wall systems, decorative masonry and architecturally detailed prefabricated concrete wall panels shall be permitted in industrial and commercial areas.
 - (d) Building colors which sharply contrast with the natural colors of the landscape context shall be prohibited.

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

- (e) One dominant material should be selected with its own natural integrity. Materials shall convey permanence, substance, timelessness, and restraint, with low maintenance.
- (f) Any exterior building wall (front, side or rear) facing a road or STH 57 shall be constructed of one of the following materials:
 - (1) Clay or masonry brick
 - (2) Customized concrete masonry with striated, scored or broken faced brick type units (sealed) with color consistent with design theme.
 - (3) Steel frame structures with architectural flat metal panels or glass curtain walls.

- (4) Steel frame structures with architectural flat metal panels or glass curtain walls.
- (5) Natural stone
- (6) Non-decorative exposed concrete block buildings are prohibited, as are pre-engineered metal buildings, corrugated metal-sided buildings, and wood sided buildings unless such metal buildings and wood sided buildings are enhanced on all elevations by the application of brick, decorative masonry, or decorative stucco surfaces in combination with decorative fascia overhangs, trim, as detailed above.

F. Landscaping Plan and Landscape Development

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

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

G. On-Site Utilities

All on-site utilities, including but not limited to electrical, telephone, and cable, shall be installed as underground facilities. This shall apply to utilities running from the utility easement or road right-of-way to structures and to utilities supplying service between structures.

H. Lighting

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

I. Drainage

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

J. Access

1. No direct driveway access shall be permitted to STH 57 other than WisDOT approved access for county and local road intersections, agricultural operations and field access.
2. Driveway access to lands adjoining county highways intersecting with STH 57 shall maintain a minimum separation distance of 1,000-feet from the nearest STH 57 highway right-of-way line. Driveway access to lands adjoining all other roads intersecting with STH 57 shall maintain a minimum separation distance of 500' from the nearest STH 57 highway right-of-way line.
3. All permitted driveway access to STH 57 and county and town roads intersecting with STH 57 shall be subject to and in accordance with the requirements of s.7.0706 of this Ordinance.

K. Parking

1. Off street parking and loading areas shall be subject to and in accordance with s.7.0700 of this Ordinance.
2. Natural drainage systems for parking lots are encouraged. If drainage detention is required it shall be in a naturally configured pond, recreated wetland area or dry detention area.

L. Loading and Unloading

1. Loading and unloading requirements shall be subject to s. 7.0705 of this Ordinance.
2. Service areas, loading docks, truck parking, outside storage and dumpster areas shall be screened from all viewing highways located within the District and any adjacent residential developments. Screening shall be accomplished with a minimum 8' high opaque screen. This screening may be accomplished by:
 - (a) Freestanding or attached wing walls or fences constructed of materials complimentary or the same as the primary construction materials found in the principal buildings.
 - (b) Earth berms and/or landscaping dense enough to create a

year-round opaque screen. Plant material used for screening these service areas may be considered part of the general Site Landscaping & Open Space landscape requirement.

M. Outdoor Display and Storage

1. Reserved
2. No outdoor storage shall be allowed between the business location's principal or accessory building and all viewing highways. This restriction shall not apply to "farmer's markets" and other agricultural uses (i.e., livestock, crops, farm implements currently in use for agricultural production)

N. Signs in Highway Corridor Overlay District

1. On-premise business identification signs (building mounted & free standing) Refer to *Chapter 15: Sign Ordinance of the Municipal Code of the Town of Union*.
2. Except for temporary farm produce signs (see *Chapter 15: Sign Ordinance of the Municipal Code of the Town of Union*), off premises advertising signs (temporary and permanent) shall not be permitted within the STH 57 Highway Corridor Overlay District.
3. Standard WisDOT tourist information signs and business logo sign groupings (Specific Information Signs) as currently used along the State highway system shall be allowed within the right of way. Route designation signs such as the Lake Michigan Circle Tour, Rustic Road and Ethnic Trail signs shall also be allowed within the right of way.

O. Viewsheds

Scenic vistas and sight lines to other special views particularly related to creeks, public open space, conservancy areas, and large farms shall be maintained through careful building placement and landscape development.

P. Lot requirements

Lot size shall be subject to and in accordance with s. 7.0300 of this Ordinance.

Q. Setbacks from roads

Building setbacks shall be subject to and in accordance with s. 7.0211 of this Ordinance.

HPD Historic Preservation Overlay District

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

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

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

A. Principal Uses

Any principal use permitted in the underlying basic use district.

B. Accessory Uses

Any accessory use permitted in the underlying basic use district.

C. Conditional Uses

Any conditional use permitted in the underlying basic use district.

D. Lot Area and Width

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

E. Building Height and Area

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

F. Yards

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

G. Historic Preservation Commission

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

H. Historic Preservation Commission Review and Recommendation

1. Demolition Permit Review

No permit to demolition of all or part of a property in an HPD district until the Historic Preservation Commission has reviewed the application or petition and has recommended approval, approval with conditions, or denial of the application or petition to the Plan Commission.

2. Construction, Reconstruction, Alteration Plan Review

No permit to reconstruct, remodel, alter the architectural appearance of all or any part of the exterior of a property in a HPD district or construct any improvement on any such property until the Historic Preservation Commission has reviewed the application or petition and the applicant has met with the Commission to obtain the advice of the Commission on how to construct, remodel or alter the property consistent with the purpose of the HPD. The Historic Preservation Commission shall have 60 days to provide such advice from the date of the application for a permit. In offering its advice the Historic Preservation Commission shall consider the following.

- (a) New construction or new additions should be undertaken in such a manner that they do not destroy historic materials, and the new work should be differentiated from the old and should be compatible with the massing, size, scale, and architectural features of this historic property and its environment.
- (b) The historic character of the property should be retained and preserved, and the removal of historic materials or features that characterize the property should be avoided.
- (c) Existing historical and architectural features of the buildings and structures should be retained, and missing features and details should be restored whenever possible.
- (d) In the case of the construction of a new improvement upon a historic site, or within a historic district, the exterior of such improvement should be designed to harmonize with and not adversely affect the external appearance of other neighboring improvements on such site or in the district.
- (e) Significant archeological resources should be protected and preserved.
- (f) Ordinary maintenance and repairs may be undertaken without the advice of the Historic Preservation Commission

provided that the work involves repairs to existing features of a historic structure or site or the replacement of elements of a structure with pieces identical in appearance and provided that the work does not change the exterior appearance of the structure or site and does not require the issuance of a building permit.

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

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

J. Limitation on Structural or Appearance Changes

Structural changes shall be regulated in the following manner:

1. Certificate of Appropriateness Required.

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

2. Basis for Approval

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

3. Repairs or Destruction

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

7.0400 **PARTICULAR USE REQUIREMENTS**

7.0401 **Purpose**

The purpose of these requirements is to minimize potential negative impacts from certain uses and to promote compatibility between particular uses and surrounding uses.

7.0402 **Applicability**

In addition to complying with other regulations established in this Ordinance, these requirements must be met for each specific use. These requirements shall override any requirements which are described elsewhere in this ordinance for the zoning districts, but only to the extent that they conflict with such requirements.

7.0403 **Agricultural Use Requirements**

A. Agriculture

1. Any agricultural use involving animals shall provide sufficient shelter and open space to meet or exceed any standards set by the United States Department of Agriculture and/or the Wisconsin Department of Natural Resources. Any use of a property involving horses shall comply with the requirements of s. 7.0407(D), Commercial and private riding stables.
2. Barnyards, feed lots, and farm structures housing animals shall be located at least 100 feet from navigable water and shall be located so that manure will not drain into navigable water.
3. Except in General Agricultural (GA) district, barnyards, feed lots, and farm structures housing animals, shall be located at least 200 feet from any dwelling unit other than that of the animal keeper's dwelling unit.

B. Roadside stands

1. Except for temporary structures not exceeding 160 square feet of floor area, all structures associated with roadside stands shall meet all setbacks and other provisions of this Ordinance. Temporary roadside stands which do not exceed 160 square feet of floor area are exempt from s. 7.0211, setbacks from roads, but shall not be placed in public rights-of-way.
2. Only one roadside stand shall be permitted on a lot.

C. Farm markets

1. Such use shall principally involve the sale of farm and garden products, but other types of merchandise may be sold, provided such merchandise occupies not more than 30 percent of the indoor and outdoor display area of the farm market.

2. At least one off-street parking space shall be provided for each 200 square feet of indoor and outdoor display area.

D. Agricultural visitation facilities

1. If the agricultural visitation facility involves animals, the requirements of s. 7.0403(A)(1) shall be applicable.
2. Off-street parking requirements and standards of section 7.0700 of this Ordinance shall be applicable.

7.0404 Commercial Use Requirements

A. Kennels

1. All dogs shall be housed indoors during the hours from 9:00 p.m. to 6:00 a.m.
2. Minimum side and rear yards for all structures associated with kennels shall be 200 feet.
3. Except as exempted here, all kennels shall be screened from public roads by vegetative screening as described in s. 7.0216(D), landscape buffer tree requirements. Structures located at least 200 feet from the centerline of public roads are exempt from the screening requirement.
4. There shall be no more than 2 adult dogs in any single enclosure unit.

B. Restaurants and taverns.

1. Unenclosed seating areas shall comply with the side yard and rear yard requirements for principal buildings.
2. Screening. All unenclosed seating areas shall be screened from adjacent residential properties by a vegetative screening, as described in s. 7.0216(D), landscape buffer tree requirements.
3. Lighting. Lighting fixtures intended to illuminate unenclosed seating areas, volleyball courts, or similar uses shall be placed no higher than 14 feet above the ground and shall be directed and/or hooded such that no light shall cast upon adjacent properties nor upon public roads.

C. Model homes

1. A model home may be used as a sales office, but shall not include a workshop or construction shop.
2. Outside storage is prohibited.
3. No more than one on-premise sign shall be permitted. Such sign shall not exceed 4 square feet in sign face area and shall not be illuminated. No pennants, banners, flags, or similar devices shall be allowed.

4. The regular zoning permit for a model home shall expire after 3 years. Renewals shall only be authorized as conditional uses.

D. Auto repair

1. The rebuilding or assembly of automobiles, engines, or transmissions on a factory production basis and/or the disassembly of automobiles on a factory production basis shall not be permitted.
2. All repair, painting, parts storage, and body work activities shall take place within a building.
3. All damaged or non-operable parts shall be stored indoors or in storage containers.

E. Lumber and building supply yards

Such uses shall be screened from public roads by a vegetative screening, as described in s. 7.0216(D), landscape buffer tree requirements.

F. Trade or contractor's establishments

All outside storage areas and parking of trucks and machinery used in conjunction with the establishment shall be screened from all adjacent properties and public roads by a vegetative screening, as described in s. 7.0216(D), landscape buffer tree requirements.

G. Commercial storage facilities

1. All buildings shall be located a minimum of 50 feet from all lot lines.
2. Use. Commercial storage facilities shall not be used as workshops or retail shops.
3. Outside storage. Outside storage shall be prohibited.
4. Screening. Such facilities shall be screened from public roads by a vegetative screening, as described in s. 7.0216(D), landscape buffer tree requirements.
5. Reserved

H. Home Businesses

The use of a dwelling unit or accessory structure for a home business shall be clearly secondary to the residential use of the property and shall not change the property's residential character. The following shall apply:

1. Home businesses shall not require a zoning permit.

2. A maximum of two home businesses shall be permitted per lot or building site. In no instance shall there be more than two home-based enterprises on a lot or building site.
3. The home business shall be conducted by resident(s) of the dwelling unit. Other persons may be employed by the business but shall not work on the premises.
4. Home businesses may be conducted in any dwelling unit or accessory building. The total floor area dedicated to home businesses, whether located within the dwelling unit and/or in an accessory building, shall be no more than 25% of the floor area of the dwelling unit.
5. Sanitary facilities shall be provided per county and state sanitary code requirements.
6. Uses subject to regulations found elsewhere in this ordinance shall also comply with those regulations.
7. A maximum of one on-premise advertising sign, not to be illuminated and not to exceed 12 square feet in area, shall be permitted for a home business. Such signs shall be authorized through issuance of a sign permit in compliance with the requirements of this ordinance. No off-premise advertising signs shall be permitted.

I. Bed and breakfast establishments

1. State license. Prior to the establishment of a bed and breakfast, the operator shall obtain a license from the state as may be required by state law and maintain such license for the life of the use or until the state no longer requires such license.
2. Type of dwelling. A bed and breakfast shall only occur within a single-family dwelling.
3. Number of allowable guest rooms. No more than 5 guest rooms shall be offered.
4. Residency requirement. The operator of a bed and breakfast shall reside within the single-family dwelling during the time period when one or more of the rooms are occupied.
5. Exterior character of the dwelling unit. The exterior appearance of the building shall not be altered from its single-family appearance.
6. Food preparation. No food preparation or cooking shall be allowed in guest rooms.
7. Meals. Meals shall only be offered to overnight guests.

8. Maximum stay. The maximum stay for any occupant shall be 14 consecutive days.
9. Record of guests. The operator shall keep a listing showing the names of all guests. This list shall be kept on file for a period of one year. Such list shall be available for inspection by town officials at any time upon request.
10. Signage. One exterior advertising sign may be placed on the premises. The sign location, type, and size must be approved as part of the site plan review process

Commentary: See subch. VII of chapter 254, Wis. Stats., and ch. HFS 197, Wis. Admin. Code

11. No more than one on-premise sign shall be permitted. Except in the Single Family Residential-20,000, such sign shall not exceed 9 square feet in sign face area. In the Single Family Residential-20,000 Family Residential-30,000 districts, such sign shall not exceed 4 square feet in sign face area.
12. In the Single Family Residential-20,000 district, at the time of zoning permit application, the building proposed to house the bed and breakfast establishment shall be at least 10 years old, as dated from original construction.

J. Family day care homes

1. Pick up and drop off areas shall not be located within any public right-of-way.
2. Family day care homes shall provide at least 100 square feet of outdoor play area per child.
3. Outdoor play areas shall be enclosed by a wall or fence and shall be separated from vehicular circulation and parking areas.
4. Family day care homes shall be permitted no more than one sign. Such sign shall not exceed 4 square feet in sign face area and shall not be illuminated.

K. Day care centers

1. Pick up and drop off areas shall not be located within any public right-of-way.
2. Day care centers shall provide at least 100 square feet of outdoor play area per child.
3. Outdoor play areas shall be enclosed by a wall or fence and shall be separated from vehicular circulation and parking areas.

L. Reserved

Industrial Use Requirements**A. Sawmills/planing mills**

1. Such uses shall be located a minimum distance of 500 feet from any dwelling unit other than that of the owner or operator of the establishment.
2. No sawmill/planing mill shall produce a sound level at its property boundary that exceeds 85 decibels.
3. Areas used for stockpiling and maneuvering shall be a minimum distance of 200 feet from any dwelling unit other than that of the owner or operator of the establishment.

B. Nonmetallic mining

The following requirements shall apply to nonmetallic mining:

1. Application. In addition to the application requirements of s. 7.1104, conditional use permits, all applications for a proposed nonmetallic mining operation shall include the following information, except that the Planning Commission may waive portions of the specified information upon finding that, because of the nature or method of the operation, such information is not relevant or is unnecessary to a full and proper evaluation of the application:
 - (a) Site plan. A site plan, drawn at a scale which produces a clearly legible drawing, which shall include the following:
 - (1) North point, scale, and date.
 - (2) Property boundaries of the operator's owned and/or leased land.
 - (3) Location and boundaries of the nonmetallic mining site, including extent of the area to be excavated, related storage and processing areas, and areas where nonmetallic mining refuse is to be deposited.
 - (4) Location of all access points, roads, rights-of-way, and utility easements on or abutting the property.
 - (5) Location of all structures within 300 feet of the mining site.
 - (6) Location of karst features and location and direction of flow of all watercourses on or within 300 feet of the mining site.
 - (7) Bench marks.
 - (8) A topographic map, with a minimum contour interval of 5 feet, of the proposed mining site and

the area within 300 feet of the mining site. The contour lines shall be referenced to one of the bench marks shown on the site plan.

- (9) Areas to be used for sedimentation ponds, if any.
 - (10) Proposed parking areas, signs, and fencing, including a description of the purpose of the fencing.
 - (11) Typical cross section of the site showing the water table.
 - (12) A statement signed by the property owner that the property owner shall assume responsibility for financial assurance as provided in par. (4).
- (b) Operation plan. An operation plan which shall include description of the proposed nonmetallic mining operation and methods and procedures to be used in mining the site. The operation plan shall also include the following:
- (1) The approximate date of commencement of the operation.
 - (2) Type of mining, processing, and transportation equipment to be used.
 - (3) Estimated type of materials to be extracted.
 - (4) Primary travel routes to be used to transport material to processing plants or markets.
 - (5) Operational measures to be taken to minimize noise, dust, air contaminants, and vibrations.
 - (6) Operational measures to be taken to prevent groundwater and surface water degradation.
 - (7) If excavations below the water table are to occur, operational measures to be taken to prevent entry of contaminants into the groundwater.
 - (8) Operational measures to be taken to stabilize topsoil and other material stockpiles.
- (c) Reclamation plan. A reclamation plan for the nonmetallic mining site as required and approved under the Door County Code.

2. Financial assurance

- (a) Except for nonmetallic mining by governmental units and except as provided in subd. (3)., a bond shall be required to ensure 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

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

- (1) Applications for permit renewal must be submitted at least 60 days prior to the expiration date of the existing permit. Such applications shall comply with the requirements of 7.0405(B)(1), but need not include any items shown on previously submitted applications. Renewal applications may merely indicate no change in such items. Any changes from prior applications shall be shown on applications for permit renewal.
- (2) No permit renewal shall be granted unless the project is in compliance with the terms of the existing permit, including the reclamation plan approved by the Plan Commission.
- (3) Permit renewals may be conditioned upon correction of any unanticipated environmental impacts which occur during the original or renewal permits.
- (4) No public hearing shall be required to be held with respect to a renewal application, unless the application provides for an enlargement of the previous approved mining site or otherwise provides for an alteration or change in the method of operations or reclamation previously approved which might adversely affect the use or enjoyment of nearby properties.
- (5) Renewal permits shall be issued for another 5 years.

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

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

- (2) The new operator assumes the responsibility of the former operator to complete the reclamation of the entire mining site by a written, signed and notarized document and provides financial assurance for such reclamation.
- (c) Mining site enlargement. Any proposed mining site enlargement shall be processed as a new application pursuant to this section. All provisions of this section shall apply to the proposed enlargement.
- (d) Failure to open and operate. Failure of an operator to take substantial steps to open and operate in a mining site within one year of the initial permit issuance shall invalidate the permit. A new permit application shall be required for any future mining activity.
- (e) Abandonment of nonmetallic mining operations. If abandonment of nonmetallic mining operations occurs, new mining operations shall not be permitted, except upon permit issuance as prescribed by this section.

7.0406 **Institutional Use Requirements**

A. Public highway garages

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

7.0407 **Outdoor Recreation Uses Requirements**

A. Parks

- 1. Parks owned and/or managed by units of government.
- 2. Facilities for active recreation as defined in Section 7.1400 shall be located a minimum of 75 feet from lot lines when the abutting property contains a single-family residence or, if vacant, is located in a zoning district where single family residences are permitted.
- 3. Parks which are privately owned.
 - (a) Facilities for active recreation shall be on tracts the larger of either:
 - (1) 450 feet wide and 4.5 acres in area, or
 - (2) The minimum lot width and area for new lots in the zoning district as required by Section 7.0300.
 - (b) Facilities for active recreation shall be located a minimum of 150 feet from lot lines when the abutting property contains a single-family residence or, if vacant, is located

in a zoning district where single family residences are permitted.

B. Campgrounds and trailer camps

1. Each recreational vehicle, trailer, or camp site shall be plainly marked and surfaced with gravel, asphalt, or other material to free the site of mud.
2. The maximum number of recreational vehicle, trailer, or camp sites shall be 15 per acre.
3. The minimum size of a recreational vehicle park, trailer park or campground shall be 5 acres
4. The minimum dimensions of a recreational vehicle, trailer, or camp site shall be 25 feet wide by 40 feet long.
5. Each recreational vehicle, trailer, or camp site shall be separated from other recreational vehicle, trailer, or camp sites by at least 15 feet.
6. There shall be 2 off-street parking spaces for each recreational vehicle, trailer, or camp site.
7. All recreational vehicle, trailer, or camp sites shall meet the required setbacks from roads and from the ordinary high-water mark and shall be located at least 50 feet from all exterior lot lines.
8. Each recreational vehicle park, trailer park, or campground shall be screened by means of a vegetative screening, as described in s. 7.0216(D), landscape buffer tree requirements, along all lot lines. Such requirement may be waived by the Plan Commission, upon referral and recommendation by the Zoning Administrator, if existing woody vegetation is such that the screening objective is or will be achieved.
9. Seasonal campsites shall be allowed subject to the following:
 - (a) No more than one wheeled camping unit or one shelter unit shall be allowed on any individual campsite. In addition to these facilities, a tent may be erected to serve as an auxiliary shelter, but shall not be erected for a period of more than 14 consecutive days.
 - (b) A seasonal camping unit shall not exceed 400 square feet in floor area nor 8 feet 6 inches in width when in the in-transit position.
 - (c) A seasonal camping unit shall not be occupied for more than 4 months in a calendar year, although a camping unit may remain on an individual campsite for an entire calendar year. The wheels and tires shall remain in an in-

transit position.

- (d) No porches, lean-tos, or additions shall be constructed onto or immediately adjacent to a camping unit. Canvas screen rooms or awnings shall be allowed.
 - (e) A wooden deck may be provided adjacent to a camping unit subject to the following:
 - (1) The deck shall not exceed 256 square feet in area.
 - (2) The deck may be enclosed by open railings, but shall not have built-in benches or tables.
 - (3) The deck shall not have a permanent foundation in the ground.
 - (f) A camping unit and deck may only be skirted with lattice; however, solid skirting may be installed immediately adjacent to the tires.
 - (g) One storage shed shall be allowed per campsite. Said shed shall not exceed 80 square feet in floor area.
10. A shelter unit may be located on an individual campsite provided it is designed only to protect occupants from the elements and does not have a permanent water supply, a sewage system, electricity, or heating and cooking facilities. A shelter unit shall not exceed 300 square feet in total floor area and shall not be rented to a camping party for a term exceeding 30 consecutive days.
11. One dwelling unit to be occupied by the owner and not more than one additional dwelling unit to be occupied by the manager shall be allowed in a campground.

C. Camping

- 1. Camping shall be permitted in approved campgrounds without issuance of a regular zoning permit.
- 2. Camping on a lot by one camping party including the landowner or by one camping party with the landowner's written permission shall be allowed without issuance of a regular zoning permit, subject to the following:
 - (a) Such camping shall be allowed in all zoning districts, except Wetland and Commercial/Business districts.
 - (b) Sanitary waste disposal shall be provided by either:
 - (1) Connection to approved on-site waste disposal system.
 - (2) Self-contained holding tank with disposal at an approved sanitary dump station.

- (3) A portable toilet with disposal at an approved sanitary dump station.
 - (c) Side and rear yard requirements for the camping unit shall be as required for principal structures in s. 7.0300, district requirements.
 - (d) The camping unit shall meet the setback requirements of s. 7.0300.
 - (e) Camping shall not exceed 15 consecutive days nor more than 30 days in any calendar year.
 - (f) Not more than two camping unit shall be permitted on a lot.
 - (g) Except as provided in subd. h., the camping unit shall be removed from the property after each camping stay.
 - (h) Outdoor storage.
 - (1) If a principal building is located on the lot, one camping unit may be stored outdoors. The stored camping unit shall meet all required setbacks and yards for accessory structures. The stored camping unit shall be in an in-transit position with no utility connections, windows and doors closed, and not used for sleeping purposes.
 - (2) The storage of a camping unit on a vacant lot shall be prohibited.
3. Camping on a lot during construction of a single-family dwelling unit shall be allowed, subject to the following:
- (a) A regular zoning permit for a single-family residence has been secured and a slab, crawlspace, or foundation for the single-family dwelling unit has been installed. A regular zoning permit which authorizes such camping has been secured.
 - (b) An approved on-site waste disposal system, designed to accommodate the single-family residence, has been installed on the property prior to the placement, erection, and/or use of the camping unit to serve as a means of sanitary waste disposal for the users of the camping unit.
 - (c) The camping activity shall cease upon the completion of the single-family dwelling unit on the property.
 - (d) Renewal permits shall only be issued when substantial progress toward completion of the single-family dwelling unit is demonstrated during the previous year.

D. Commercial and private riding stables

Any use of a property involving the keeping of horses shall comply with the requirements of this section.

1. Minimum lot size for riding stables shall be 5 acres for commercial riding stables and 2.5 acres for private riding stables.
2. There shall be at least 20,000 square feet of open space provided on the lot for each horse kept on the lot.
3. All stables shall be located at least 100 feet from the ordinary high-water mark of navigable water and shall be located such that manure will not drain into navigable water.
4. All stables shall be located at least 200 feet from a dwelling unit other than that of the owner or operator of the establishment.

E. Marinas, excursion boating, and charter fishing

If boat launching facilities which are available to the public are provided, parking spaces for towing vehicles and trailers shall be provided at the rate of 15 parking spaces per launching lane. Each parking space shall be at least 10 feet wide by 40 feet long. Such parking shall be in addition to the parking required in s. 7.0700, parking requirements.

F. Institutional recreation camps

1. Minimum lot size shall be 10 acres.
2. Maximum capacity shall be 5 persons per acre or 200 persons, whichever is less. Such capacity shall be determined by the number sleeping spaces, number of dining spaces, and/or other appropriate means of determination.

G. Retreat Centers

1. Minimum lot size shall be 20 acres.
2. Maximum capacity shall be 3 persons per acre or 75 persons, whichever is less. Such capacity shall be determined by the number of sleeping spaces provided, number of dining spaces provided, and/or other appropriate means of determination.

7.0408 **Residential Uses Requirements**

A. Single family residences separated from farm parcels.

Single family residences existing prior to the effective date of this Ordinance may be separated from farm parcels, subject to the following:

1. The lot created shall contain at least one acre exclusive of lands within any public right-of-way.

2. The lot width of the resultant lot shall be at least 200 feet.
3. The lot lines created shall place all existing structures in conformance with applicable setback and yard requirements.
4. The creation of the separate lot shall not reduce the remaining tract to a lot area of less than that required for a new lot in the zoning district.

B. Farm-related residences

Separate lots created for farm- related residences shall comply with the following:

1. The lot lines created shall place all existing structures in conformance with applicable setback and yard requirements.
2. The lot created shall be at least one acre in area exclusive of lands within any public right-of-way.
3. The minimum lot width shall be 200 feet.
4. The creation of the separate parcel shall not reduce the remaining tract to a lot area of less than that required for a new lot in the zoning district.

C. Accessory residences

1. There shall be no more than one accessory residence on a lot.
2. In all districts, the accessory residence shall be a detached dwelling unit.
3. The setbacks and minimum yards for such dwelling unit shall be the required setbacks and minimum yards for principal structures rather than accessory structures.
4. Such dwelling unit shall meet all other provisions of this Ordinance, including parking, minimum floor area, and impervious surface ratio.
5. Such dwelling unit may be a manufactured home only in districts where manufactured homes are permitted as a principal use. In such instances, the manufactured home shall meet the design requirements in s. 7.0408(D), manufactured homes.

D. Manufactured homes

Manufactured homes are permitted in manufactured home parks, refer to s. 7.0408(E), manufactured home parks, and as temporary manufactured homes refer to s. 7.0408(F), temporary manufactured homes. Otherwise, manufactured homes are not permitted unless the manufactured homes are considered single-family residences or single-family dwelling units, refer to Definitions s. 7.1400.

E. Manufactured home parks

Only those legally existing manufactured home parks that existed prior to the adoption of this Ordinance are permitted in the Town of Union. Expansion of such manufactured home parks is permitted provided that the expansion is in compliance with this ordinance.

1. Internal streets shall have a minimum right-of-way width of at least 24 feet.
2. Internal streets and parking areas shall be surfaced with a dust-free material.
3. There shall be at least 2 parking spaces for each manufactured home site.
4. The minimum distance between manufactured home units, including all appurtenances, shall be 15 feet.
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.
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.
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.
8. Manufactured homes in manufactured home parks shall contain at least 750 square feet of floor area.
9. No manufactured home site shall be rented for a period of less than 30 days.
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.

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.
12. One accessory structure shall be permitted for each manufactured home site and shall not exceed 120 square feet in floor area.
13. All manufactured homes shall meet the construction standards of the U.S. Department of Housing and Urban Development Manufactured Housing Code.
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.
15. All manufactured home sites shall take access only to an internal street.
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.

F. Temporary manufactured homes

1. Manufactured homes used as residences for farm employees, parents, and/or adult children of farm operators shall comply with the following:
 - (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.
 - (b) The manufactured home shall not be placed on a separate lot.
 - (c) The manufactured home shall meet the minimum floor area requirements and all setback and yard requirements of this Ordinance.
 - (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.

- (e) The manufactured home shall be connected to a code complying wastewater disposal system.
 - (f) The number of such manufactured homes shall not exceed one manufactured home per 80 acres of land owned by said farm operator.
 - (g) All portions of such manufactured home shall be located within 300 feet of the dwelling unit of said farm operator.
 - (h) Requires a conditional use permit
2. Manufactured homes used as temporary accessory units shall comply with the following:
- (a) Only owner-occupiers of a single-family dwelling unit are permitted to install a temporary accessory unit. There shall be no more than one temporary accessory unit on a lot.
 - (b) The temporary accessory unit shall be removed upon cessation of occupancy of the individual(s) for whom the temporary accessory unit was intended.
 - (c) The temporary accessory unit shall meet all setback and yard requirements for principal structures.
 - (d) Off-street parking for the temporary accessory unit shall be provided.
 - (e) Requires a conditional use permit

G. Seasonal Dwellings for Agricultural Production and Processing Workers

- 1. Such dwellings shall only be occupied by persons who, or a family at least one member of which, is/are actively engaged in agricultural production or processing.
- 2. The required yards and setbacks shall be doubled, unless such dwellings are screened by a vegetative screening as described in s. 7.0216(D), landscape buffer tree requirements.
- 3. Such dwellings shall be placed on the same lot and shall be clustered within 50 feet of each other.
- 4. Such dwellings shall be connected to a code complying wastewater disposal system(s).
- 5. Not more than 4 seasonal dwellings shall be permitted, unless a conditional use permit has been authorized by the Plan Commission.

H. Multiple occupancy development (MOD) requirements

MODs include multi-family dwellings (more than 2 dus) hotels, motels, condominium developments, time shares, etc. MODS are permitted in the Commercial/Business (CB) district.

1. Procedures

- (a) Multiple occupancy developments (MODs) may only be authorized through the conditional use permit procedure.
- (b) Any room within a MOD occupancy unit that is not a kitchen, living room, dining room, bathroom, or utility room shall be counted as a bedroom. If the site plan for an occupancy unit depicts no bedrooms, the occupancy unit shall be considered to contain one bedroom.

2. Lot requirements

- (a) The minimum lot size requirements for MODs shall be one acre and 100' in lot width
- (b) Reserved

3. Density

- (a) The maximum residential density of a MOD shall be based on the net lot area and number of bedrooms within the MOD.
- (b) MODs shall not exceed 5 bedrooms per acre of net lot area; fractional results shall be rounded down to the nearest whole number.
- (c) The net lot area shall not include land located in Wetland zoning districts. In addition, if the MOD includes mixed uses, the minimum lot area for the appropriate district for those uses shall not be included in the net lot area.
- (d) The net lot area of a MOD shall not be reduced if a violation of density limitations would result.

4. Impervious surface ratios

The maximum impervious surface ratio shall be 35%.

5. Structure height

- (a) Maximum height for principal and accessory MOD structures shall be 26 feet above the average grade, except that structure height may be increased by one foot for each 2 feet the side yard setback is increased over 20 feet.
- (b) In no case shall structure height exceed 35 feet above the average grade.

6. Minimum yards

- (a) For MOD buildings on lots 150 feet wide or less, with street-facing building facades of less than 80 feet in length, with 6 or fewer bedrooms per building and a maximum of 2 units per building, required side and rear yard setbacks for principal and accessory structures shall be a minimum of 10 feet and 20 feet, respectively.
- (b) For all other, side and rear yard setbacks shall be 20 feet, unless:
 - (1) The MOD is adjacent to a single-family residence in an SF-20 zoning district in which case minimum side and rear yard setbacks for all principal and accessory structures shall be 65 feet, or
 - (2) The MOD is adjacent to a single-family residence in an CB zoning district in which case minimum side and rear yard setbacks for all principal and accessory structures shall be 40 feet.
- (c) Where the requirements outlined in 1., 2., or 3. conflict with s. 7.0408(5)(b), non-core area MOD building height, the larger setback shall be used.

7. Road setbacks

- (a) Minimum road setbacks shall be as required in s. 7.0211, setbacks from roads, except that the provisions of s. 7.0212, setback reduction, shall not be applicable. In addition, for each foot of street-facing building facade in excess of 80 feet in length the MOD building shall be set back an additional 6 inches.

8. Ordinary high water mark setback

- (a) The minimum ordinary high water mark setback shall be as required in s. 7.0214, setback from navigable water.
- (b) Reserved

9. Off-street parking and related structure requirements

- (a) Off-street parking spaces. For each occupancy unit within a MOD, one space shall be provided for the first bedroom, .8 spaces for any additional bedrooms, and an additional .2 spaces for each bedroom within a lockout unit.
- (b) Right-of-way setbacks for off-street parking areas. Off-street parking areas must be located a minimum of 25 feet from any road rights-of-way.
- (c) Side and rear yard setbacks for off-street parking areas,

driveways, dumpsters, and recycling areas shall be 5 feet, unless:

- (1) The MOD is adjacent to a single-family residence in an SF-20, zoning district, in which case minimum side and rear yard setbacks shall be 25 feet, or
- (2) The MOD is adjacent to a single-family residence in an CB, zoning district, in which case minimum side and rear yard setbacks shall be 15 feet.

10. Additional landscaping and screening requirements

- (a) A 25-foot-wide area adjacent to public road rights-of-way shall be used for screening and landscaping.

- (1) Complete vegetative clearing shall be allowed only in the areas required for access driveways. For driveways serving as both entrance and exit, a strip a maximum of 40 feet may be cleared. When separate entrance and exit driveways are used, a maximum of 20 feet may be cleared for each driveway.

11. Outdoor lighting. All outdoor lighting shall utilize lighting fixtures whose hood, lens, or combination thereof allow no direct beams of light from the fixture to be seen from off the property or to be cast skyward.
12. Building spacing. Buildings may be clustered on a lot, but shall be separated from each other by a distance of at least 20 feet or as required by the Wisconsin Administrative Code, whichever is greater.
13. Mixed uses. Uses other than occupancy units, if permitted in the district, may be located on the same lot as the MOD.
14. Accessory buildings. The total number of accessory buildings shall be limited to two (2) or the number of MOD principal buildings on the lot, whichever is greater. The total combined floor area of all accessory buildings shall not exceed 70 percent of the total building footprint of all MOD principal buildings.
15. Manufactured homes prohibited. Manufactured homes shall not be used as occupancy units within a MOD.

7.0409 **Miscellaneous Uses Requirements**

A. Airports, airstrips, and landing fields

1. The area proposed for this use shall be sufficient in size, and the site shall otherwise be adequate, to meet the standards of the

Federal Aviation Administration, Department of Transportation, for the class of airport proposed.

2. One off-street parking space shall be required for every tie-down space or plane space within hangars.

B. Utility facilities

1. No zoning permit shall be required for any installation that is at or below grade elevation, nor for electrical poles, towers, and wires.
2. Those structures which are 4 feet or less above grade elevation need not meet setback requirements nor need they be placed on conforming lots.
3. Electrical substations shall be enclosed by a chain link fence at least 10 feet high. Such structures shall additionally be located at least 75 feet from a dwelling unit.

C. Keeping of chickens

1. Purpose. The purpose of this section is to provide standards for the keeping of domesticated chickens. It is intended to enable residents to keep a small number of female chickens on a non-commercial basis while limiting the potential adverse impacts on the surrounding area. This section is intended to create standards and requirements that ensure that domesticated chickens do not adversely impact the area surrounding the property on which the chickens are kept.

2. Definitions. The following definitions are used in this section:

CHICKEN means a domestic chicken of the sub-species *Gallus gallus domesticus*.

KEEP means either the owning, keeping, possessing or harboring of a chicken.

ROOSTER means a male chicken of any age, including a capon or otherwise neutered male chicken.

COOP means a new or existing enclosed accessory structure designed or modified for the keeping of chickens and meeting the requirements of this section.

CHICKEN RUN means a fenced cage attached to a coop at least ten (10) square feet in area per chicken and not to exceed one hundred twenty (120) square feet in area.

3. Keeping of chickens allowed.

- (a) The keeping of domesticated chickens shall be allowed as a permitted accessory use in all zoning districts and shall

comply with the requirements of this section.

Note: The requirements of Section 7.0409 (C) do not apply in the General Agricultural (GA) district, however all requirements of the GA district must be adhered to.

- (b) Up to eight (8) chickens are allowed.
- (c) No person shall keep any rooster.
- (d) Chickens shall not be allowed to free range and shall not be housed in garages or homes.

4. Henhouses.

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

- (a) The structures shall be enclosed on all sides and shall have a roof, structural floor, and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator-and bird-proof wire of less than one (1) inch openings.
- (b) The henhouse must be impermeable to rodents, wild birds, and predators, including dogs and cats.
- (c) Henhouses shall be constructed in a workmanlike manner, be moisture-resistant and either raised up off the ground or placed on a hard surface such as concrete, patio block or gravel.
- (d) No henhouse shall be located closer than forty (40) feet to any principal residential structure on an adjacent lot and must meet the setback of the zoning district for an accessory building.
- (e) All permanent (non-mobile) coops shall comply with all building and zoning requirements of this ordinance.

5. Chicken Coops.

- (a) An enclosed chicken pen must be provided consisting of sturdy wire fencing. The pen must be covered with wire, aviary netting, or solid roofing.
- (b) All chicken coops shall be located in the rear yard. No chicken coop shall be located in the front or side yard of a parcel, whether outside the setback or not.
- (c) Coops that are no longer being utilized to house chickens shall be removed from the property within sixty (60) days.

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

6. Waste Storage and Removal.

All persons keeping chickens must properly dispose of manure by using it for fertilizer, removing it from the property, or working it into a compost bin or container. All manure shall be removed and no accumulation in manure piles shall be allowed. In addition, all enclosures and the surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

D. Animal shelters and pounds

- 1. All animal shelters and pounds located in the Commercial/Business (CB) district shall house all animals indoors. No outdoor housing shall be permitted.
- 2. All structures associated with animal shelters and pounds located in the Commercial/Business (CB) district shall be at least 50 feet from all side and rear lot lines.
- 3. All structures associated with animal shelters and pounds located in the General Agricultural (GA) district shall be at least 200 feet from all side and rear lot lines.
- 4. All animal shelters and pounds located in the General Agricultural (GA) district shall be located on lots containing at least 10 acres.
- 5. All animal shelters and pounds with outdoor housing of animals shall be screened from all adjacent properties and public roads by means of a vegetative screening, as described in s. 7.0216(D), landscape buffer tree requirements.
- 6. There shall be at least one housing unit for every 2 adult dogs housed by animal shelters and pounds. Further, there shall be no more than 2 adult dogs housed in any single enclosure unit.
- 7. The Plan Commission, in granting a conditional use permit, may impose additional conditions based on Wisconsin Federated Humane Society standards.

E. Communication towers, antennas, transmitters

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

2. The minimum front yard, side, and rear yard setbacks for all towers and antennas shall be as distance equal to the height of the tower or antenna. At a minimum, the required road and navigable water setbacks shall be met by all towers and antennas.
3. All towers and antennas shall be located such that all yard requirements for accessory structures for the applicable district shall be met.
4. Towers and antennas exceeding 200 feet in height shall be subject to the following:
 - (a) Lot area. The minimum lot area shall be determined by use of the guyed tower land requirements chart and diagrams at the end of this subsection, or the minimum lot area requirement for the applicable zoning district, whichever is greater.
 - (b) Security. The base of towers or antennas at the point of entry into the earth shall be enclosed within security fencing. Any security lighting shall utilize fixtures whose hood, lens or combination thereof allows no direct beams of light to spill onto adjoining properties or to be cast skyward.
 - (c) Access. The service drive providing access to the facility shall be the minimum necessary to provide maneuverability for service or emergency vehicles.
Commentary: The reason for the service drive design limitation is to discourage trespassing.
 - (d) Lighting. Standards for lighting structures as set forth in Federal Aviation Administration Advisory Circular AC70/7460, *Obstruction Marking and Lighting*, shall be followed, except that strobe lights shall not be used during hours of darkness.

F. Lighting

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

1. Fixtures shall be equipped with or be capable of being back-fitted with light directing devices such as shields, visors or hoods when necessary to redirect offending light distribution.
2. All outdoor lighting, whether or not required by this ordinance, on private, residential, commercial, industrial, municipal, recreational or institutional property, shall be aimed, located, designed, fitted and maintained so as not to present a hazard to

drivers or pedestrians by impairing their ability to safely traverse, i.e., disabling glare, and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property, i.e., nuisance glare.

3. Floodlights and spotlights shall be installed or aimed that they do not project their output into the windows of neighboring residences, adjacent uses, directly skyward or onto a roadway.
4. Vegetation screens shall not be employed to serve as the primary means for controlling light distribution.
5. Externally illuminated signs shall be lighted by fixtures mounted at the top of the sign and aimed downward.
6. Lighting standards in parking areas shall be placed a minimum of five (5) feet outside paved area, or on concrete pedestals at least thirty (30) inches above the pavement, or suitably protected by approved means.

7.0500 **NATURAL FEATURES PROTECTION REQUIREMENTS**

7.0501 **Purpose**

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

7.0502 **Applicability**

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

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

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

7.0503 **Escarpments**

A. Purpose

The purposes of these regulations are to:

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

B. Determination

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

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

C. Site Plan

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

D. Requirements

1. No roads or driveways shall be placed on slopes of 30-39% unless the roads or driveways are placed parallel to the escarpment face. No roads or driveways shall be placed on slopes of 40% or greater.
2. The clearing of trees located within escarpment protection areas shall be permitted for:
 - (a) Building footprints
 - (b) Sites for wastewater disposal systems
 - (c) Driveways
 - (d) The area on a lot extending not more than 25 feet from the exterior walls of principal buildings and 15 feet from accessory buildings.
3. In the area on a lot lying between 25 feet and 100 feet from the exterior walls of principal buildings, selective clearing is permitted provided that:
 - (a) No more than 30 percent of this area on the lot shall be cleared.
 - (b) The clearing of the 30 percent described above shall not result in strips of cleared openings of more than 30 feet in any 100-foot-wide strip nor create a cleared opening strip greater than 30 feet wide.
 - (c) In the remaining 70 percent of this area, cutting and pruning shall leave sufficient cover to screen vehicles, dwellings, and other structures.
4. In the area on a lot lying more than 100 feet from the exterior walls of principal buildings, and for lots which contain no principal buildings, selective clearing shall be permitted provided that within escarpment protection areas there shall be no cleared area greater than 5,000 square feet, and provided that the shade of the remaining trees over 15 feet in height covers at least 70% of the wooded land surface of the lot.
5. Pruning of trees is permitted, except that trees shall not be pruned completely clear of branches above a height equal to one half the height of the trees.

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

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

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

7.0504

Drumlins

A. Purpose

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

B. Applicability

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

C. Determination

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

D. Requirements

1. Drumlins shall not be mined, or in any other way removed, in part or in total, except for customary excavation necessary to construct foundations for permitted buildings or for utilities which serve permitted buildings.
2. For any lot, the total area of the building footprints of all buildings placed on a drumlin shall not exceed 10% of the surface area of that portion of a drumlin located on the lot.

7.0505

Reserved

7.0506

Rockholes

A. Purpose

Rockholes provide easy opportunity for contaminated surface water to enter Town of Union's groundwater system. Since Town of Union's

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

B. Applicability

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

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

C. Determination

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

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

D. Requirements

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

1. The following items shall not be placed within 75 feet of rockhole openings, rockhole depressions, or rockhole channels:
 - (a) Buildings
 - (b) Surface water discharge pipes or channels that drain into a rockhole opening, rockhole depression, or rockhole channel
 - (c) Petroleum products storage facilities
 - (d) Wastewater treatment and disposal systems
 - (e) Livestock manure storage facilities
 - (f) Parking lots
 - (g) Livestock barnyards and feedlots

- (h) Fertilizer distribution plants
 - (i) Sanitary landfills
 - (j) Animal shelters
 - (k) Kennels
 - (l) Salvage yards
2. Alternative protection plan. It is recognized that, in some instances, there may be other methods of groundwater protection regarding rockholes such as drainage diversion, berming, filling the rockhole, etc. A landowner may devise and submit an alternative protection plan for the prevention of groundwater contamination through rockholes. Such plan must be approved by the Town of Union Soil and Water Conservation Department and shall specify the measures to be undertaken. If approved, the applicant shall adhere to the requirements of the alternative protection plan rather than the requirements of par.1.

7.0507

Woodlands

A. Purpose

The woodlands of Town of Union significantly contribute to the county's scenic attractiveness and provide to people recreational opportunities. They provide habitat for numerous species of plant and animal life. The purpose of these regulations is to perpetuate the existence of the woodlands.

B. Applicability

Woodland areas possessing both of the following characteristics on the effective date of this Ordinance shall be subject to the requirements of sub.(4):

- 1. The woodland area must be 5 acres or more in size, and
- 2. The shade of trees over 15 feet in height must cover at least 70% of the land surface of the woodland area.

C. Determination

The location of regulated woodland areas shall be determined by using aerial photographs taken at or near the effective date of this Ordinance coupled with a field survey, if necessary.

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.
3. Salvage cutting of trees severely damaged by storms, ice, fire, insects, fungi, or disease is permitted. An area of salvage cutting

may not be converted or developed for another use, but shall be allowed to regenerate woodland cover naturally or by replanting.

4. Other woodland management techniques designed to enhance or protect the woodlands are permitted upon written approval of a qualified forester as a sound forestry practice as defined in NR 46.02 or NR 46.15, Wis. Admin. Code.

- F. Woodlands that are located in escarpment protection areas are also subject to provisions contained in s. 7.0503., escarpments; woodlands that are located in shorelands are also subject to the shoreland vegetation protection provisions listed in s. 7.0509, shoreland vegetation.

7.0508 **Reserved**

7.0509 **Shoreland vegetation**

Cutting of trees and shrubbery in the Shoreland Area shall comply with the provisions of the Door County Zoning Ordinance.

7.0510 **Wetland setbacks**

- A. Requirements of this section shall apply to all zoning districts in the Town.
- B. All buildings and structures, unless specifically permitted within Wetland zoning districts per s. 7.0311(B), shall be set back from wetlands, as defined in s. 7.1400, a minimum of 35 feet, except for buildings and structures in SF-20 zoning district, where the required setback from wetlands shall be 10 feet.
- C. All wetland boundaries shall be determined by field verification by the Town of Union.

7.0600 **PLANNED RESIDENTIAL DEVELOPMENT**

7.0601 **Purpose**

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

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

- B. The planned residential development option is intended to promote the benefits of:
1. Coordinated area site planning.
 2. Diversified location of structures.
 3. Safe and efficient pedestrian and vehicular traffic systems.
 4. Attractive recreation and open spaces.
 5. Economical arrangement of public and private utilities and community facilities.
 6. Preservation of natural resources and agricultural land.

7.0602 **General requirements**

- A. Minimum site

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

- B. Development requirements relaxed

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

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

4. Impervious surface ratio, provided the development as a whole does not exceed the maximum impervious surface ratio for the zoning district in which the development is located.
5. Setback from roads, provided that all structures are located at least 15 feet from the right-of-way of interior roads, and provided that all structures meet the requirements of s. 7.0211, setbacks from roads, for all perimeter and through roads.
6. Woodland clearing provisions, provided the development as a whole meets these provisions.

C. Site Area

The site area used to calculate the required preserved open space and the maximum residential density of the development shall not include any land used for nonresidential development.

D. Water Supply and Sewage Disposal

Water supply and sewage disposal shall meet the minimum standards of the Wisconsin Department of Natural Resources, the Wisconsin Department of Industry, Labor and Human Relations, and the Door County Sanitary Ordinance, as appropriate.

E. Residential Density

Residential density shall not exceed the maximum allowed for planned residential development in the zoning district in which the development is located. For planned residential developments that cross zoning district boundaries, maximum density for the development shall be determined by prorating the maximum density of each applicable zoning district.

F. The minimum lot size

Minimum lot size for planned residential developments shall be 2 acres or not less than that allowed by SPS 385, Wis. Admin. Code, whichever is greater.

G. Land located within the Wetland district:

1. Shall not be included in determining the maximum residential density of the planned residential development.
2. May be included in meeting the minimum site area requirement.
3. May be included in meeting the minimum preserved open space requirement.

H. Site Plan

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

I. Nonresidential use restricted

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

J. Access restricted

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

7.0603

Preserved open space

- A. The size and shape of areas established as preserved open space shall be sufficient and suitable for agricultural, recreational, or other permitted uses in preserved open space. Except for open space used for walkways or subsurface sanitary facilities, the minimum size of a preserved open space area shall be 2 acres and 200 feet of width for developments with a total site area of 20 acres or more, and 20,000 square feet and 100 feet of width for developments with a total site area of less than 20 acres.
- B. There shall be adequate guarantees for retention of preserved open space in perpetuity through the use of a reservation of development rights agreement, as provided in s. 7.0604.
- C. Ownership, tax liability, and maintenance of private open space shall be established in a manner acceptable to the county.
- D. Permitted uses. The following uses are permitted in preserved open space provided they are allowed by the underlying zoning district and provided they meet all other requirements of this Ordinance:
1. The maintenance and protection of natural resources in the manner and to the extent required by section 7.0500, natural features protection requirements.
 2. Passive recreational uses which involve the creation and/or maintenance of very negligible impervious surfaces, such uses including arboretums, hiking, nature areas, wildlife sanctuaries, picnic areas, public and private parks, garden plots and beaches.
 3. General agricultural and tree/shrub nursery uses, including the sale of produce or plants grown on the premises.
- E. The area, or portions thereof, of building sites shall not be counted toward the minimum preserved open space requirement.

7.0604

Reservation of development rights agreement

- A. Reservation of development rights agreements shall:

1. Be required for the minimum preserved open space area of a planned residential development.
 2. Restrict future development of any residential, commercial or industrial structures and uses.
 3. Not restrict future development of any structures used for agricultural or tree/shrub nursery uses.
 4. Not restrict future use of the property for public purposes.
- B. The reservation of development rights shall be granted to the County and shall run with and bind the land.
- C. The grantor shall retain the right to petition the Town Board of Supervisors for release (partial or entire) of the reservation of development rights in the event the zoning district classification of the property is changed.

7.0605

Application

In addition to the information required in s. 7.1104(B), application, the application for a planned residential development shall contain the following:

- A. Information on the total area of the site, area of preserved open space, residential density, number of dwelling units, and other data necessary to fully describe the project.
- B. Information regarding any intended deed restrictions and establishment of any property owners associations.
- C. Accurate map(s) and site plan of the project site showing the following:
 1. Location of the project site and abutting properties.
 2. The location of public and private roads, driveways, and parking areas.
 3. The location, size, and arrangement of proposed lots.
 4. The proposed location of structures.
 5. The location of preserved open space areas and areas reserved or dedicated for public uses such as parks or schools.
 6. Location of present or proposed wastewater disposal system.
 7. Existing topography and proposed topography changes.
 8. Existing surface water drainage pattern and proposed surface water 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.

7.0700 **PARKING, LOADING, AND ACCESS REQUIREMENTS**

7.0701 **Parking Standards**

- A. Parking areas may be located in any yard space for commercial uses and in any yard but the front yard for other uses, but shall not be closer than ten (10) feet to any street line. No parking space or area shall be permitted within five (5) feet of a property line in a side yard.
- B. For commercial/business uses, each parking space shall be a minimum of two hundred (200) square feet, exclusive of the space required for ingress and egress. Minimum width of the parking space shall be ten (10) feet, and there shall be one (1) space for each 200 square feet of floor area.
- C. Where parking facilities are permitted on land other than the zoning lot on which the building or use served is located, such facilities shall be in the same possession as the zoning lot occupied by the building or use to which the parking facilities are accessory.
- D. All parking areas and appurtenant passageways and driveways serving commercial/business uses shall be illuminated adequately from the hours of sunset to sunrise when the use is in operation. Adequate shielding shall be provided by commercial/business uses to protect adjacent residential zones from the glare of such illumination and from that of automobile headlights.
- E. Where a building permit has been issued prior to the effective date of this ordinance, and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion, parking and loading facilities in the amounts required for the issuance of said building permit may be provided in lieu of any different amounts required by this ordinance.
- F. None of the off-street facilities as required in this Ordinance shall be required for any existing building or use, unless said building or use shall be enlarged, in which case the provisions of this ordinance shall apply only to the enlarged portion of the building or use.
- G. Uses Not Listed – In the case of structures or uses not mentioned, the Plan Commission shall determine the number of parking spaces to be required after considering, but not limited to the following: the amount of floor space, number of employees, the traffic generation potential, and the number of spaces required for the uses that are specified.

7.0702 **Restrictions on Parking of Equipment**

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

- A. Parking in all zoning districts. Vehicles and machinery used on an operating farm or used in conjunction with a business may be stored, inside or outside, on the premises provided that when stored outside, they do not block a public right-of-way or obscure clear vision on roadways.
- B. Storage of junked vehicles. No more than one (1) disassembled, dismantled, junked, wrecked, inoperable, or unlicensed vehicles shall be stored or allowed to remain in the open upon private property in the Town of Union. Additional vehicles stored in the open must be removed within 10 days after receiving written notice from the Zoning Administrator to remove or enclose such vehicles unless:
 - 1. The vehicle is being held as a part of an automotive sales or repair business enterprise located within a district zoned for that purpose; or
 - 2. The vehicle is in use on the premises as a lawful, unlicensed use; or
 - 3. Due to individual hardship, a variance has been granted by the Zoning Board of Appeals to store such vehicle. The Zoning Board of Appeals shall not grant such variances for a period of more than one (1) year.

7.0703 **Parking of Recreational Vehicles**

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

- A. Storage of recreational vehicles shall be limited to recreational vehicles owned and used by the property owner.
- B. Any number of personal recreational vehicles may be stored within the lot within a fully enclosed structure.

7.0704 **Traffic Visibility**

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

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

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

7.0705 **Loading Requirements**

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

7.0706 **Driveway Requirements**

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

7.0707 **Street and Highway Access**

- A. No direct private access shall be permitted to the existing or proposed right-of-way of expressways, state trunk highways, or any controlled access arterial street without permission from the highway agency having access control jurisdiction. Access barriers, fencing, ditching, landscaping, or other topographic barriers shall be erected to prevent unauthorized vehicular ingress and egress to the above specified streets or highways.
- B. Temporary access to the above rights-of-way may be granted by the Town Board after review and recommendation by the highway agency having jurisdiction. Such access permit shall be temporary, revocable, and subject to any conditions required by the reviewing agencies, Plan Commission, or Town Board.

7.0800 ***RESERVED***

7.0900 **NONCONFORMING USES AND STRUCTURES**

7.0901 **Purpose and Intent**

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

7.0902 **Buildings under Construction**

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

7.0903 **Existing Structures: Dimensional Nonconformance**

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

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

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

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

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

7.0905

Existing Structures and Uses: Other Standards and Requirements

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

7.1000 **ADMINISTRATION**

7.1001 **Town Plan Commission**

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

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

7.1002 **Zoning Board of Appeals**

A. Establishment

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

B. Membership

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

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

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

C. Organization

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

D. Powers

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.
3. Additional Information required by the Board of Appeals or Zoning Administrator.
4. A fee receipt from the Town Clerk.

F. Public Hearings

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

G. Findings

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

1. Preservation of Intent: No Variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No Variance shall have the effect of permitting a use in any district that is not a stated Permitted Use, Accessory Use, or Conditional Use in that particular district.
2. Exceptional Circumstances: There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the Lot or parcel, structure, use or intended use that do not apply generally to other properties of uses in the same district, and the granting of the Variance should not be of so general or recurrent nature as to suggest that this Ordinance should be changed.
3. Economic Hardship and Self-Created Hardship Not Grounds for Variance: No Variance shall be granted solely on the basis of economic gain or loss. Self-created hardships shall not be considered as grounds for the granting of a Variance.
4. Preservation of Property Rights: The Variance must be necessary for the preservation and enjoyment of substantial

property rights possessed by other properties in the same district and same vicinity.

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

H. Decision

1. The Board of Appeals shall decide all appeals and applications within 30 days after the Public Hearing and shall transmit a signed copy of the Board of Appeal's decision to the appellant or applicant, Zoning Administrator, and Town Plan Commission.
2. Conditions may be placed upon any permit ordered or authorized by the Board of Appeals.
3. Variances or Substitutions granted by the Board of Appeals shall expire within six (6) months unless substantial work has commenced pursuant to such grant.

I. Review by Court Of Record

Any person or persons aggrieved by any decision of the Board of Appeals may, within 30 days, after the filing of the decision in the office of the Town Clerk, seek court review of the decision as provided in s. 62.23(7)(e)(10) Wis. Stats.

7.1003 **Zoning Administrator**

The Town Board of Union shall appoint a Zoning Administrator. The Town Zoning Administrator is hereby designated as the administrative and enforcement officer for the provisions of this Ordinance. The Town Zoning Administrator shall have the following responsibilities and duties:

- A. Administer and enforce this Ordinance as the authorized representative of the Town Plan Commission.
- B. Provide to the public the necessary permit application forms and variance and appeals forms. Assist the public in preparing permit applications and variance and appeal petitions.
- C. Conduct all necessary on-site inspections and investigations of structures, lands, and waters to certify compliance with this Ordinance.
- D. Issue or deny regular zoning permits and sign permits.
- E. Suspend or revoke zoning permits and sign permits and/or issue cease and desist orders upon noncompliance with the terms of the permit and/or this Ordinance.
- F. Issue, deny, or revoke certificates of compliance.

- G. Investigate alleged zoning violations and give notice of all violations of this Ordinance to the owner, resident, agent, or occupant of the premises.
- H. Report uncorrected violations to the Town Attorney and assist the Town Attorney in initiating enforcement proceedings.
- I. Gain entry to premises, buildings, and structures during reasonable hours for the purpose of investigating applications for permit and for the purpose of determining compliance with this Ordinance or with any issued permit. If entry is refused after presentation of proper identification, a special inspection warrant may be procured in accordance with Wis. Stats.
- J. Record all permits issued, inspections made, work approved, and all other official actions.
- K. Assist in giving all legal notices required by State Statutes or this Ordinance.
- L. Recommend to the Plan Commission any amendments necessary to make the operation of this Ordinance more effective.
- M. When necessary, provide technical and clerical assistance during hearings conducted by the Board of Appeals or the Town Plan Commission.
- N. Make referrals and recommendations to the Plan Commission and the Town Board in accordance with this Ordinance.

7.1100 PROCEDURES

7.1101 Regular zoning permits

A. Applicability

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:

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:
 - (a) Signs.
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*.
 - (b) Structures which are less than six inches in height above preconstruction grade elevation.
 - (c) Stoops which are 18 square feet or less in area.
 - (d) Stairways which extend less than 6 feet away from a building and which do not exceed 4 feet in width.
2. Establishment or expansion of any accessory or principal use, except uses permitted as conditional uses.
3. Filling or grading of land if required by s. 7.0219, filling and grading.

B. Applications

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:
 - (a) Name and address of the property owner.
 - (b) Signature of the property owner or agent.
 - (c) Tax parcel number, deed, legal description or other identifier of the subject property.
 - (d) Statement concerning the proposed structure or use of the site.
 - (e) An accurate site plan, drawn at a scale which produces a clearly legible drawing, showing the following:

- (1) Boundaries, dimensions, and area of the subject site.
 - (2) The spatial relationship of the subject site to abutting public roads and rights-of-way, private roads, easements, and navigable waters.
 - (3) The location and dimensions of any existing or proposed structures or additions and their relationship to abutting public roads and rights-of-way, private roads, property lines, existing and proposed wells and sanitary waste disposal systems, and the ordinary high-water mark of navigable waters.
 - (4) Location of proposed or existing road access points, parking and loading areas, and driveways.
 - (f) Building plans including all floor plans and at least 2 elevation views.
 - (g) Additional information as may be required by the Zoning Administrator in order to determine the full compliance with the requirements of this Ordinance.
 - (h) Water supply and sewage disposal. 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.
2. Fee. All permit applications shall be accompanied by a fee established by the Town of Union Board of Supervisors.
 3. No application shall be accepted by the Zoning Administrator until complete as judged by the Zoning Administrator and until all fees established by Town of Union have been paid in full.

C. Permit issuance or denial

Upon the Zoning Administrator's determination that the proposed use or structure complies with the provisions of this Ordinance, a regular zoning permit shall be issued. The permit shall authorize the applicant to proceed subject to all provisions of this Ordinance and any conditions attached to the permit. An application for a use or structure not in conformity with the provisions of this Ordinance shall be denied a regular zoning permit and the reasons for denial shall be stated. No permit shall be issued for uses or structures involving human occupancy without documentation that provision has been made for safe and adequate water supply and disposal of sewage.

D. Expiration

1. Regular zoning permits to establish a use shall expire 12 months from date of issuance if no action has commenced to establish the use. Any change of land use after the expiration of a zoning permit shall be considered a violation of this Ordinance.
2. Except as sub.E applies, regular zoning permits for construction of a structure shall expire 12 months from the date of issuance. Any exterior construction after the expiration of a zoning permit shall be considered a violation of this Ordinance.

E. Renewal

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

F. Termination

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

7.1102 **Sign permits**

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

7.1103 **Site Plan Review**

A. Applicability

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

B. Purpose and Intent

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

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

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

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

C. Applications

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

D. Principles

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

1. No building shall be permitted the design or exterior appearance of which is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.
2. No building shall be permitted the design or exterior appearance of which is so identical with those adjoining as to create excessive monotony or drabness.
3. No building shall be permitted where any exposed facade is not constructed or faced with a finished material which is aesthetically compatible with the other facades and presents an attractive appearance to the public and to surrounding properties.
4. No building or sign shall be permitted to be sited on the property in a manner which would unnecessarily destroy or substantially damage the natural beauty of the area, particularly insofar as it would adversely affect values incident to ownership of land in that area; or which would unnecessarily have an adverse effect

on the beauty and general enjoyment of existing structures on adjoining properties.

5. No building or use shall be permitted that would have a negative impact on the maintenance of safe and healthful conditions in the town.
6. Buildings and uses shall provide for safe traffic circulation and safe driveway locations.

E. Review and Findings

1. The Plan Commission shall review the referred plans at the first regular Plan Commission meeting following their submittal. The Plan Commission shall render a decision no later than the following regular Plan Commission meeting. The Plan Commission shall not approve any plans unless they find after viewing the application that the structure or use, as planned, will not violate the intent and purpose of this Ordinance. The Plan Commission will approve said plans only after determining the proposed building or buildings will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or traffic congestion, or otherwise endanger the public health or safety.
2. To facilitate making the findings the Plan Commission shall consider the following topics:
 - (a) Will the proposed project manage vehicular traffic in the area in a safe manner?
 - (b) Will the proposed project manage pedestrian traffic in the area in a safe manner?
 - (c) Will the proposed project create an unsightly view?
 - (d) Will the proposed project create a noise nuisance for the neighboring properties?
 - (e) Will the proposed project create objectionable lighting glare or spillover onto the neighboring properties?
 - (f) Will the proposed project create water runoff problems?
 - (g) Will the proposed project create an odor nuisance for the neighboring properties?
 - (h) Will the proposed project obstruct views to historic, scenic, or cultural landmarks, or to features which define the area's character?
 - (i) Will the proposed project negatively impact the natural character of the area due to the removal of natural vegetation or by altering 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.

2. Fee. All conditional use permit applications shall be accompanied by a fee established by the Town Board of Supervisors.
3. No application shall be accepted by the Zoning Administrator until complete as judged by the Zoning Administrator and until all fees established by Town of Union have been paid in full.
4. For each application for a conditional use, the Town Plan Commission shall report to the Town Board its findings and recommendations, including the stipulation of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest.

C. Public hearing

A public hearing shall be held by the Plan Commission after a public notice has been given as provided in s. 7.1111(A), notice for public hearings and after having received recommendations on the conditional use permit from the Plan Commission. At the public hearing, any party may appear in person or by agent or attorney.

1. Statements of personal preferences or speculation not based on substantial evidence must be disregarded by the Plan Commission.
 - (a) *Substantial evidence* means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

D. Determination

Following review, investigation, and public hearing, the Plan Commission shall make written findings of fact on the proposed conditional use. Decisions shall include an accurate and complete description of the approved conditional use, including all applicable conditions, or if disapproved, the reasons for disapproval.

Any condition imposed and any decision to approve or deny a Conditional Use Permit must be based on substantial evidence. The applicant must provide substantial evidence that demonstrates the application and all requirements and conditions established by the Town relating to the conditional use are or shall be satisfied.

E. Basis of approval

1. The Plan Commission shall review each conditional use permit application for compliance with all requirements applicable to that specific use and to all other relevant provisions of this Ordinance. In 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 of the Town. The conditions may include landscaping, architectural design, type of construction, construction commencement and completion date, lighting, fencing, location, size and number of signs, water supply and waste disposal systems, higher performance standards, street dedication, certified survey maps, floodproofing, ground cover, diversions, silting basins, terraces, streambank protection, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or additional conditions may be recommended by the Town Plan Commission and may be required by the Town Board upon its finding that these are necessary to fulfill the purpose and intent of this Ordinance. Such conditions may include financial sureties.

G. Expiration

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

H. Notification.

Reserved

I. Termination

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

J. Resubmission

A conditional use permit application that has been heard and decided shall not be eligible to be resubmitted during the 6 months following the decision. The 6-month period may be waived by the Plan Commission/Town Board, provided that the applicant submits a written report identifying how the new application differs materially from the previous application or identifying substantial new evidence

that will be offered, and provided that the Plan Commission/Town Board votes, by simple majority, that the changes or new evidence would be of such significance that the Commission/Board might consider changing the previous decision.

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

- A. The Zoning Administrator will use a Building Permit that waives specified Zoning Ordinance requirements, if the Zoning Administrator determines that both of the following conditions have been met.
 - 1. The requested accommodation (i.e., the requested waiver of zoning restrictions), or another less-extensive accommodation is:
 - (a) Necessary to afford handicapped or disabled persons equal housing opportunity or equal access to public accommodations, and
 - (b) The minimum accommodations that will give the handicapped or disabled persons adequate relief.
 - 2. The accommodation will not unreasonably undermine the basic purposes the Zoning Ordinance seeks to achieve.
- B. If the Zoning Administrator issues either to a handicapped or disabled person, or to the owner of a place of public accommodation, a Building Permit waiving compliance with specified zoning requirements, the Building Permit must:
 - 1. State that issuance of the Building Permits required by Federal Fair Housing Act, the Wisconsin Open Housing Law, or the Americans with Disabilities Act, or any combination of them; and
 - 2. Include the condition that the building addition or other structure (such as entrance ramps) authorized by the Building Permit must be constructed to make it easily removable when the handicapped or disabled person no longer occupies the property, unless the Town Zoning Administrator specifies in writing, reason for not including the condition. If the Building Permit includes this condition, the property owner must notify the Zoning Administrator not more than 30 days after the handicapped or disabled person vacates the property.
- C. In cases where the Zoning Administrator issues a handicapped or disabled person a Building Permit conditioned on removal of the building addition or other structure when the handicapped or disabled person no longer occupies the property, the Building Permit will not become effective until the property owner:
 - 1. Signs an affidavit that includes the legal description of the property and acknowledges that the building addition or other

structure authorized by the Building Permit t is authorized for only the period a handicapped or disabled person who requires the structure occupies the property, and

2. Records the affidavit with the Town Clerk.

7.1106 **Other Permits**

It is the responsibility of the Permit applicant to secure all other necessary Permits required by any state, federal, or county agency. This includes, but is not limited to, building, electrical, plumbing, and HVAC Permits from the Town's building or other applicable inspector to ensure architectural plans and specifications comply with the Wisconsin Uniform Dwelling Code pursuant to Chapters SPS 320 to 325 of the Wisconsin Administrative Code; water use Permits from the Wisconsin Department of Natural Resources (WDNR) pursuant to Chapters 30 and 31 of the Wisconsin Statutes; and a wetland fill Permit from the U.S. Army Corps of Engineers pursuant to Section 404 of the Federal Water Pollution Control Act and/or a Water Quality Certification from the DNR.

7.1107 **Certificate of compliance**

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

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

A. Petition

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

1. Name and address of the property owner and petitioner (if different).
2. Signature of petitioner.
3. Location of property involved in the petition.
4. Proposed use or structure in question, including a site plan showing the preferred arrangement for which the variance is sought.
5. Sections(s) of this Ordinance from which a variance is requested.
6. Details as to the narrowness, shallowness, shape, topography, or other characteristics of the land or the physical conditions applying to the building, structure, use or intended use which make it not merely inconvenient but extremely difficult, if not impossible, to comply with the provisions of this Ordinance.

7. A statement that the conditions detailed above are unique to this property and are not generally existing on other properties in the same zoning district.
8. A statement that the unnecessary hardship was not caused by the applicant nor by any persons still having an interest in the property.
9. A petition for a variance shall be accompanied by a fee established by the Town Board of Supervisors.

B. Processing

1. Public hearing. The Board of Appeals shall hold a public hearing in accordance with s. 62.23(7)(e)6., Wis. Stats., and after a public notice has been given as provided in s. 7.1111(A), notice for public hearings. At the hearing, any party may appear in person or by agent or by attorney.
2. Decision. Within a reasonable time, the Board of Appeals shall render a decision to either grant or deny the request for variance.
 - (a) A variance granted shall be the minimum to permit a use of the property and may contain conditions or guarantees attached thereto by the Board of Appeals.
 - (b) A variance denied shall be accompanied by the reasons for denial.

C. Standards for variance

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

1. Unnecessary hardship. That there are present actual physical conditions applying to the lot, parcel, building, structure, use or intended use on that parcel which are creating the unnecessary hardship in the application of this Ordinance, as distinguished from a mere inconvenience to the owner if the strict letter of the regulations are required, and without a variance there is no reasonable use of the property.
2. Unique condition. That the conditions described in par. (a) are unique, exceptional, extraordinary, or unusual circumstances applying only or primarily to the property under consideration and are not of such a general or recurrent nature elsewhere in the same zoning district as to suggest or establish the basis for Ordinance changes or amendments, or of having that effect if relied upon as the basis for granting a variance.

3. Conditions not self-created. That the condition creating the hardship or difficulty was not caused by the petitioner nor by any person still having an interest in the property.
4. Public interest. That in granting the variance there will not be a substantial detriment to neighboring property and the grant of variance will not be contrary to the purpose of this Ordinance and the public interest.
5. Effect on uses. No variance shall have the effect of allowing in any district a use not permitted in that district.

D. Reserved

E. Resubmission

A variance petition that has been heard and decided shall not be eligible to be resubmitted during the 6 months following the decision. The 6-month period may be waived by the Board of Appeals provided that the petitioner submits a written report identifying how the new petition differs materially from the previous petition or identifying substantial new evidence that will be offered and provided that the Board of Appeals votes by simple majority that the changes or new evidence would be of such significance that the Board might consider changing the previous decision.

F. Road projects

When a structure becomes a nonconforming structure as to setback from a road, because the road was widened or relocated by the county, a town, or the Wisconsin Department of Transportation, such structure shall not require a variance and shall not be considered a nonconforming structure in regards to setback from a road or highway. However, no such structure shall thereafter be enlarged or rebuilt in such a manner that it will be closer to the right-of-way of the road.

G. Repairs and restoration

A structure that was authorized by a variance that is damaged or destroyed by fire, explosion, flooding, storm damage, or similar calamity may be repaired or restored provided either 1) the repair or restoration would bring the structure into compliance with this Ordinance; or 2) the repair or restoration of the structure conforms fully to the structure authorized by the variance.

7.1109 **Appeals**

See 7.1002 E

Amendments**A. Authority**

Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Town Board of Union may, by Ordinance, change the district boundaries or amend, change, or supplement the regulations established by this Ordinance or amendments thereto.

B. Initiation

A change or amendment may be initiated by the Town Board, Town Plan Commission or by a petition of one or more of the owners or lessees of property within the area affected by the change.

C. Petition

Petition for any change to the district boundaries or amendments to the regulation shall be filed with the Town Clerk, describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use and have attached the following:

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

D. Plan Commission Recommendation

The Plan Commission shall review all proposed changes and amendments within the limits of the Town and shall recommend to the Town Board in writing that the petition be granted as requested,

modified, or denied. Where the purpose and effect of the proposed amendment is to change the zoning classification of a particular property, the Town Plan Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:

1. Existing uses or property within the general area of the property in question.
2. Zoning classification of property within the general area of the property in question.
3. Suitability of the property in question to the uses permitted under the existing zoning classification.
4. Trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification.
5. The Plan Commission may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant.
6. The Plan Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the applicant.
7. That the effective date of the change to district boundary is reasonable given the timing of the proposed use.
8. Consistency with any Town comprehensive plan adopted under Wisconsin Statutes s 66.1001.

E. Rezoning of wetland

A wetland, or a portion of a wetland, in a Wetland district shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:

1. Storm or flood water storage capacity.
2. Maintenance of dry season stream flow, discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland.
3. Filtering or storage of sediments, nutrients, heavy metals, or organic compounds that would otherwise drain into navigable waters.
4. Shoreline protection against soil erosion.
5. Fish spawning, breeding, nursery, or feeding grounds.

6. Wildlife habitat.
7. Areas of special recreational, scenic, or scientific interest, including scarce wetland types.

F. Zoning amendments in the Agricultural District

In order to preserve the rural character of the town, it's the Town of Union's policy that rezoning for residential uses be contiguous with existing residential districts so as not to fragment agricultural and open space lands with residential development.

G. Zoning amendments in the STH 57 Corridor

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

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

H. *Reserved*

I. Resubmission

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

of Union Board of Supervisors might consider changing the previous decision.

J. Public Hearing

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

K. Town Board's Action

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

L. Protest

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

M. County Board Approval

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

N. Effective Date

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

7.1111 Public hearings

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

- A. Notice of any Public Hearing which the Town Board, Town Plan Commission, or Town Board of Appeals is required to hold under the terms of this Ordinance shall be given by publishing in the Town a Class 2 notice in accordance with Chapter 985, Wis. Stats. The notice

shall specify the time and place of such Public Hearing and shall state the matter to be considered at said Public Hearing.

- B. Notice of the Public Hearing requiring a Class 2 Notice shall give due notice to all parties-in-interest at least 10 days before the Public Hearing. Parties-in-interest shall be defined as the applicant, the Clerk of any municipality whose boundaries are within 1,000 feet of any lands included in the petition, and the owners of all lands included in the petition, and the owners within 500 feet of all lands included in the petition.
- C. Failure to give any notice to any property owner shall not invalidate the action taken by the Town Board, Town Plan Commission, or Board of Appeals.

7.1200 **RESERVED**

7.1300 **ENFORCEMENT**

7.1301 **Violations**

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

7.1302 **Prosecution**

- A. Civil proceedings. Pursuant to s. 66.12, Wis. Stats., an action for violation of this Ordinance shall be a civil action.
- B. Notification. The Zoning Administrator shall serve any violators with a notice of violation stating the following:
 - 1. The nature of the violation.
 - 2. Reserved
 - 3. That the violator shall be subject to:
 - (a) Civil action to remove or otherwise eliminate the violation, and/or

(b) Penalties, upon conviction, as set forth in s. 7.1303, penalties.

C. Injunction. Compliance with this Ordinance may also be enforced by an action for injunction at the suit of Town of Union or the owner or owners of real estate within the zoning district affected by such violation.

D. Penalty. Those actions commenced on behalf of Town of Union may, in addition, seek a forfeiture or penalty as outlined herein.

7.1303

Penalties

Any person, firm, association, or corporation or representative agent who fails to comply with the provisions of this Ordinance or any order of the Zoning Administrator issued in accordance with this Ordinance shall, upon conviction thereof, forfeit not less than \$10 nor more than \$500 and the cost of prosecution for each violation including costs, disbursement and attorney fees; and in default of payment of such forfeiture and costs shall be imprisoned until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate violation.

7.1304

Reserved

7.1400 **DEFINITIONS**

7.1401 **Construction of Language**

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

- A. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
 - 1. “And” indicates that all connected words or provisions shall apply.
 - 2. “And/or” indicates that the connected words or provisions may apply singly or in any combination.
 - 3. “Or” indicates that the connected words or provisions may apply singly or in any combination.
 - 4. “Either . . . or” indicates that the connected words or provisions shall apply singly but not in combination.
- B. In case of conflict between the text and a diagram or graphic, the text controls.
- C. All references to departments, committees, commissions, boards, or other public agencies are to those of the Town, unless otherwise indicated.
- D. All references to public officials are to those of the Town, and include designated deputies of such officials, unless otherwise indicated.
- E. The term “building” includes the word “structure.” A “building” or “structure” includes any part thereof.
- F. The term “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- G. The term “dwelling” includes the word “residence” and the word “lot” includes the words “plat” or “parcel.”
- H. All references to “Title”, “Chapter”, or “Section” shall refer to this Zoning Ordinance unless another meaning is clear from the context of the reference.
- I. The words “shall,” “will,” and “must” are always mandatory and not discretionary. The word “should” indicates that which is recommended but not required; and the word “may” is permissive.
- J. The present tense includes the past and future tenses, and the future tense includes the past.
- K. The singular number includes the plural, and the plural number includes the singular.

- L. Sections and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any section.
- M. Any words not herein defined shall be presumed to have their customary dictionary definitions.

7.1402

Words Defined

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

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

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

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

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

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

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

- A. A building, structure, or improvement that is an integral part of, or is incidental to, an Agricultural Use. This may include, for example:
 - 1. A facility used to store or process raw agricultural commodities, all of which are produced on the farm.
 - 2. A facility used to keep livestock on the farm.
 - 3. A facility used to store or process inputs primarily for Agricultural Uses on the farm.
 - 4. A facility used to keep or service vehicles or equipment primarily employed in Agricultural Uses on the farm.
 - 5. A wind turbine or solar energy facility that collects wind or solar energy on the farm, and uses or transforms it to provide energy primarily for use on the farm.

6. A manure digester, biofuel facility, or other facility that produces energy primarily for use on the farm and that primarily uses materials grown or produced on the farm.
 7. A waste storage or processing facility used to store or process animal waste produced solely from livestock kept on the farm.
- B. An activity or business operation that is an integral part of, or incidental to, an Agricultural Use.

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

- A. Aquaculture.
- B. Beekeeping.
- C. Crop or forage production.
- D. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
- E. Floriculture.
- F. Forest management.
- G. Fur farming.
- H. Keeping livestock.
- I. Nursery, sod, or Christmas tree production.

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

- A. Providing agricultural supplies, agricultural equipment, agricultural inputs or agricultural services (e.g., seed, fertilizer, and farm chemical sales) directly to farms.
- B. Storing, processing or handling raw agricultural commodities obtained directly from farms. Examples include feed mills and grain elevators.
- C. Slaughtering livestock.
- D. Marketing livestock to or from farms.
- E. Processing agricultural by-products or waste received directly from farms.

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

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

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

Animal Unit - the value used to establish the maximum number of animals permitted on a tract of land in the GA zoning district. Animal units are calculated by multiplying the number of animals of a particular type by the appropriate Animal Unit Factor for that type of animal. The Animal Unit Factor for each type of livestock is set by the Wisconsin Department of Agriculture, Trade and Consumer Protection and published at Wis. Admin. Code ch. NR 243.05.

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

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

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

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

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

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

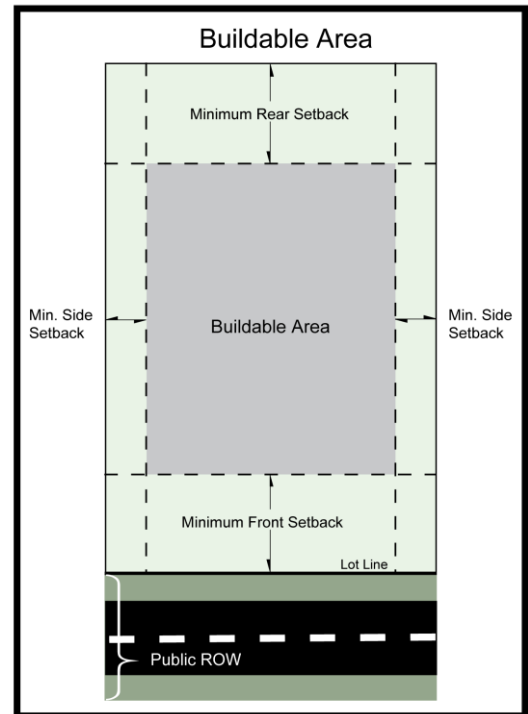
Clinic, Veterinary - an establishment for the examination and treatment of animals, which may or may not have provision for keeping such animals overnight on the premises. A veterinarian's office, whether or not a part of his home, shall be considered a veterinary clinic.

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, adult family homes, and Community



Based Residential Facilities, but not including nursing homes or day care facilities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Effective Date: the date on which provisions of an agreement, contract, policy, ordinance, etc. take effect, which may be a past, present or future date. This may be different from the date upon which the event actually occurs or is recorded. All references to *Effective Date* for the Town of Union Zoning Ordinance shall be immediately after adoption by the Town Board, approval by the Door County Board of Supervisors, and publication or posting as provided by law, unless specified otherwise within this ordinance.

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

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

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

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

Essential Services - electric, telephone, gas, or water service, including the overhead, surface, or underground distribution or transmission systems necessary to supply the service. It includes the conduits, pipes, poles,

towers, wires, and similar devices necessary to supply these services, but does not include any buildings necessary to supply these services. It does not include wind energy systems, communications facilities, or any structure or use listed as a permitted, accessory, or conditional structure or use in any other district.

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

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

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

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

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

- A. A single-family or two-family dwelling residence that is occupied by any of the following:
 - 1. An owner or operator of the farm.
 - 2. A parent or child of an owner or operator of the farm.
 - 3. An individual who earns more than 50 percent of his or her gross income from the farm.

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

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

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

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

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

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

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

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

Home Occupation – A gainful occupation conducted by members of the family within his or her place of residence, where the space used is incidental to residential use. A household occupation includes such things as babysitting, dressmaking, canning, laundering and crafts, offices for commercial loggers, offices for building tradesmen, accountants, home beauty shops, lawyers, real estate agents and insurance agents. Includes home based, off-site sales (e.g., candles, cosmetics, cookware, etc.)

Hotel – A building in which lodging, with or without a meal, is offered transient guests for compensation and in which there are more than five (5) sleeping rooms with or without cooking facilities in any individual room or apartment.

Hunting and Fishing Cabins - buildings used only during hunting and fishing seasons as a base for hunting, fishing, and outdoor recreation and not permanently occupied for residential use.

Impervious Surface - Surfaces which do not absorb precipitation including buildings, structures, parking areas, driveways, roads, sidewalks, and any areas in concrete, asphalt, or packed stone.

Impervious Surface Ratio - A measure of the intensity of use of a parcel of land determined by dividing the total area of all impervious surfaces within the site by the total area of the site.

Junk Yard or Salvage Yard – An area where junk, waste, or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, bottles, used automobiles, used machinery, used building material and similar materials. A salvage dealer license is required under Wis. Stat. § 218.205.

Kennel - any lot or premises on which household animals are boarded, bred, groomed, sold, or trained on a regular basis for commercial purposes.

Land Disturbing Activity - Any disturbance to the ground surface that may result in soil erosion through the action of wind or water.

Land Fill Operation – A solid waste disposal operation where solid waste is deposited on land by utilizing the principles of engineering to confine the waste to the smallest practical area, to reduce it to the smallest practical volume, per Wis. Stat. Ch. 289.

Livestock - means bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids (e.g., llamas, alpacas), ratites (e.g., ostrich, emu), and farm-raised fish.

Livestock Facility - A feedlot or facility, other than a pasture or winter grazing area, where animals used in the production of food, fiber, or other animal products are or will be fed, confined, maintained, or stabled for a total of 45 days or more in any 12-month period. "Livestock facility" does not include an aquaculture facility. A livestock facility includes all of the tax parcels of land on which the facility is located.

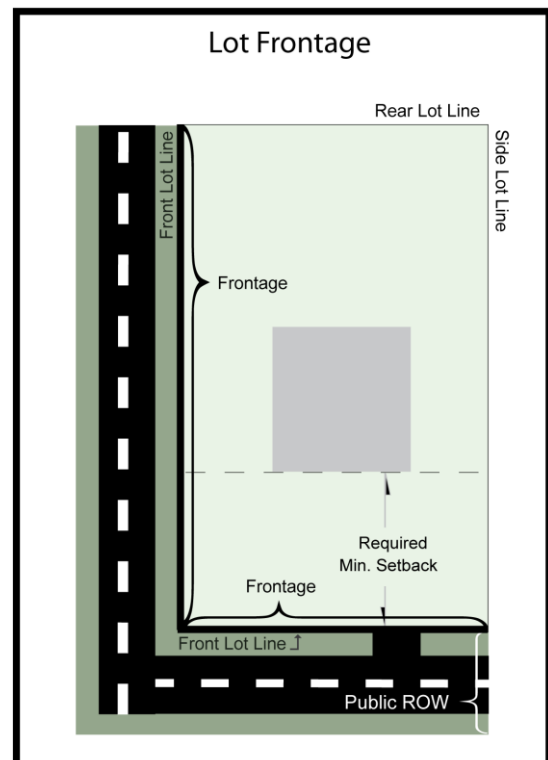
Lot – a parcel of land abutting on a public road or other officially approved means of access, having a width and depth sufficient to provide the space necessary for one (1) principal building and its accessory buildings together with the open spaces required by this ordinance.

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.

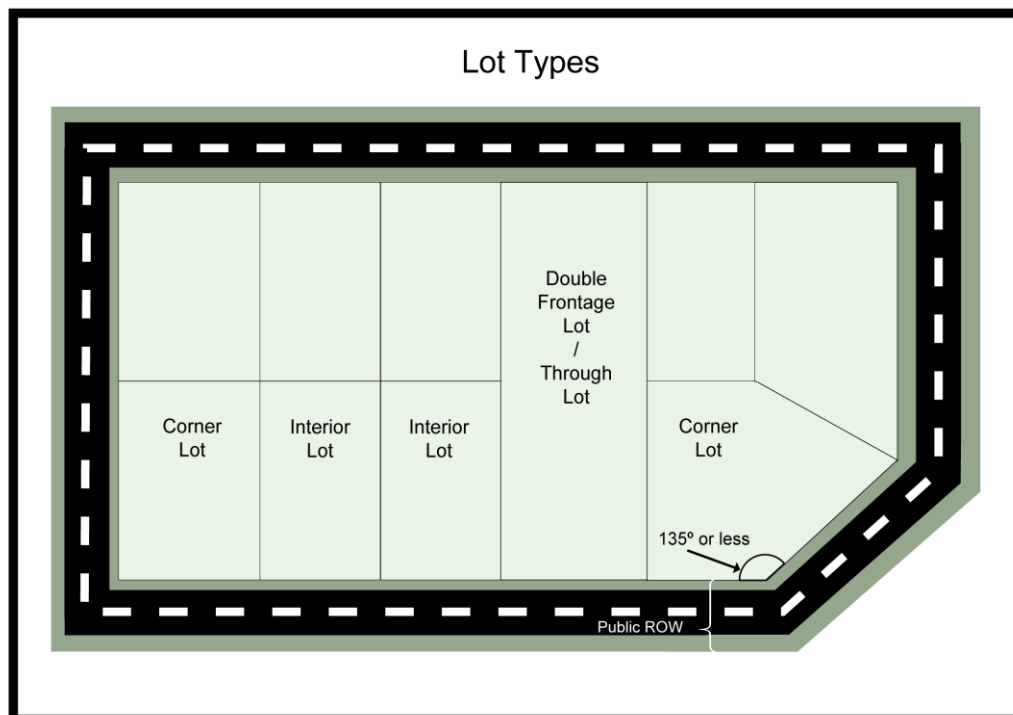
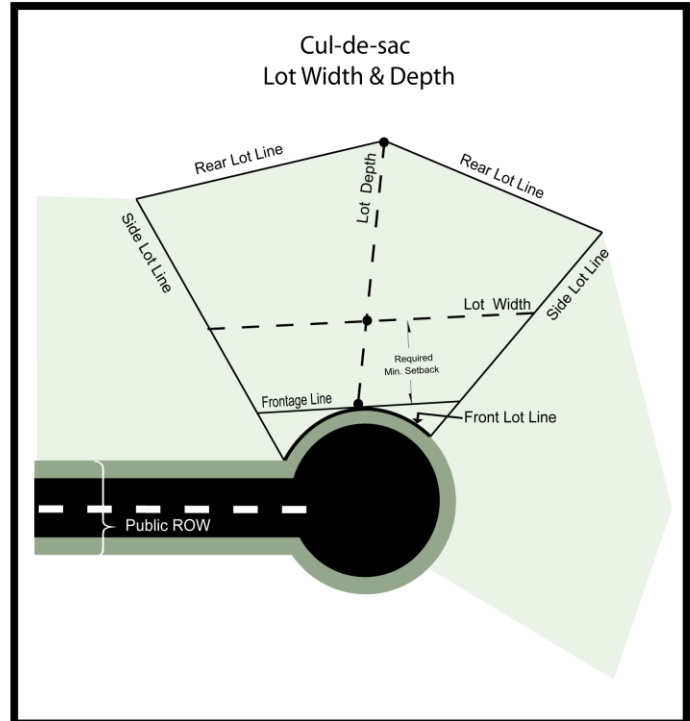
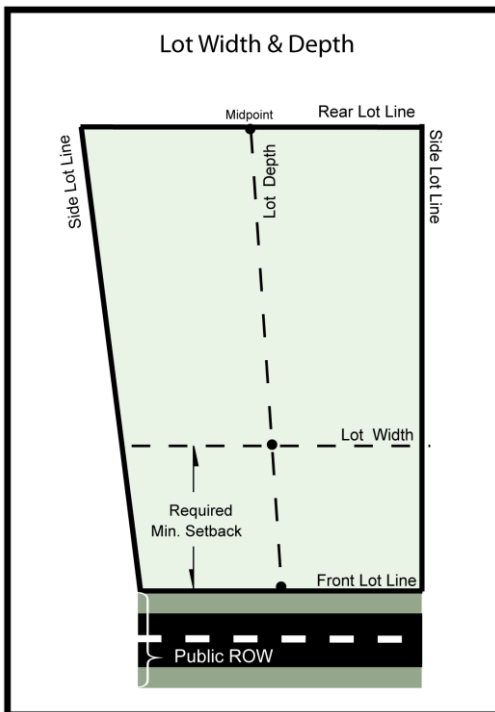
Lot, Corner – a lot abutting on two or more roads at their intersection.

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 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 7.0304).

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.

Mobile Home – means a structure, transportable in one or more sections built on a 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 built prior to the enactment of the Federal Manufactured Construction and Safety Standards Act of 1974, which became effective July 15, 1976.

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

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

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

Nursing Home – a place which provides 24-hour services including board and room to three (3) or more unrelated residents who because of their mental or physical condition require nursing care or personal care in excess

of seven (7) hours a week, unless the facility has been designated as a community based residential facility. Nursing homes shall be licensed under Chapter 50 of the Wisconsin State Statutes.

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

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

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

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

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

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

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

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

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

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

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

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

1. Located in the A-1 zoning district certified under ch. 91, Wis. Stats.
2. Covered by a farmland preservation agreement under ch. 91, Wis. Stats.
3. Covered by an agricultural conservation easement under Wis. Stat. § 93.73.
4. Otherwise legally protected from nonagricultural development.

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

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

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

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

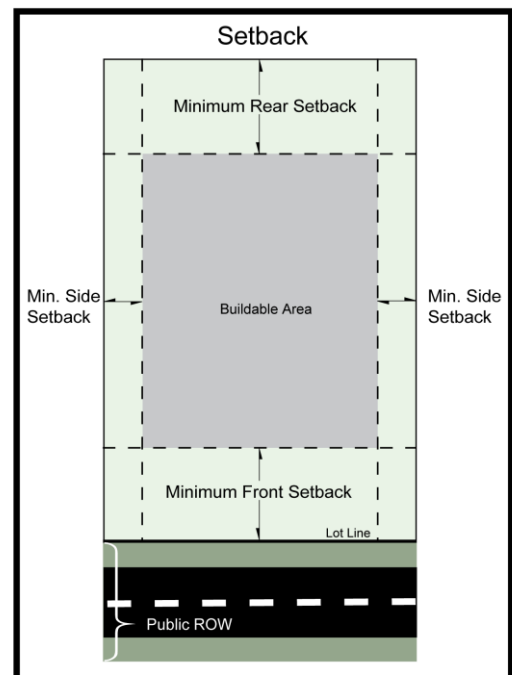
Roadside Stand – a structure not permanently fixed to the ground that is readily removable in its entirety; covered or uncovered and not wholly enclosed, and used solely for the sale of products. No such roadside stand shall be more than three hundred (300) square feet in ground area and limited to a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

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

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

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

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

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

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

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

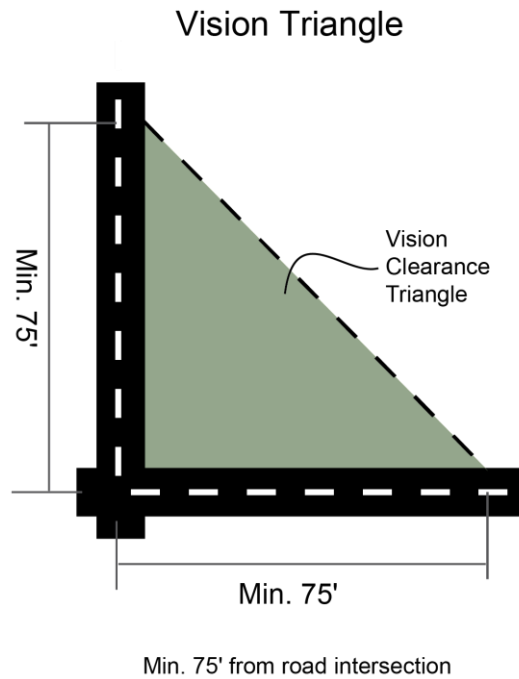
Temporary Use - A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

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

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

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

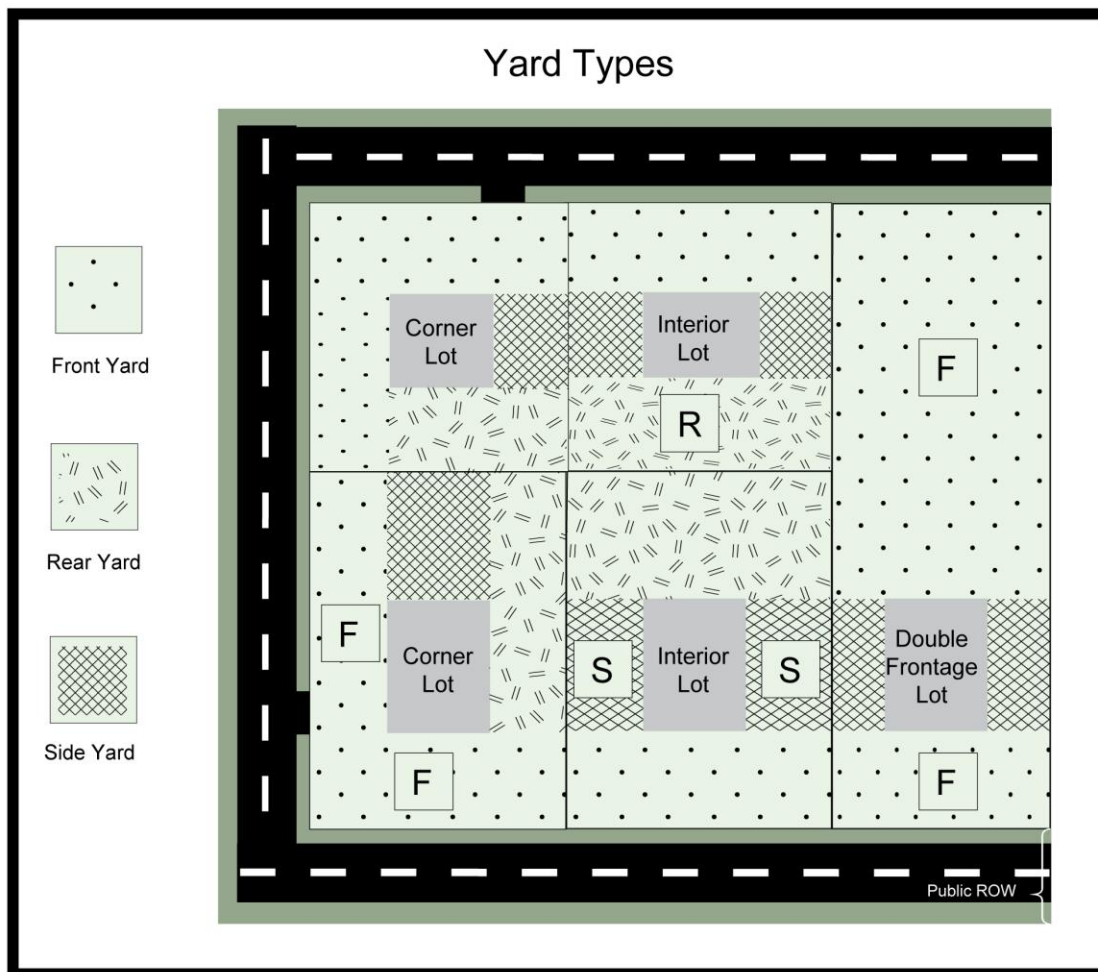
Visual Clearance Triangle



Wind Generating Equipment - is the conversion of wind energy into a useful form of energy, such as using wind turbines to make electricity, windmills for mechanical power, wind pumps for water pumping or drainage.

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.



This Page Intentionally Left Blank

Prepared by:



Bay-Lake Regional Planning Commission

1861 Nimitz Drive
De Pere, WI 54115
920 448 2820
www.baylakerpc.org