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

CHAPTER 7: ZONING ORDINANCE

Town Board Adoption

DRAFT
February 10, 2025

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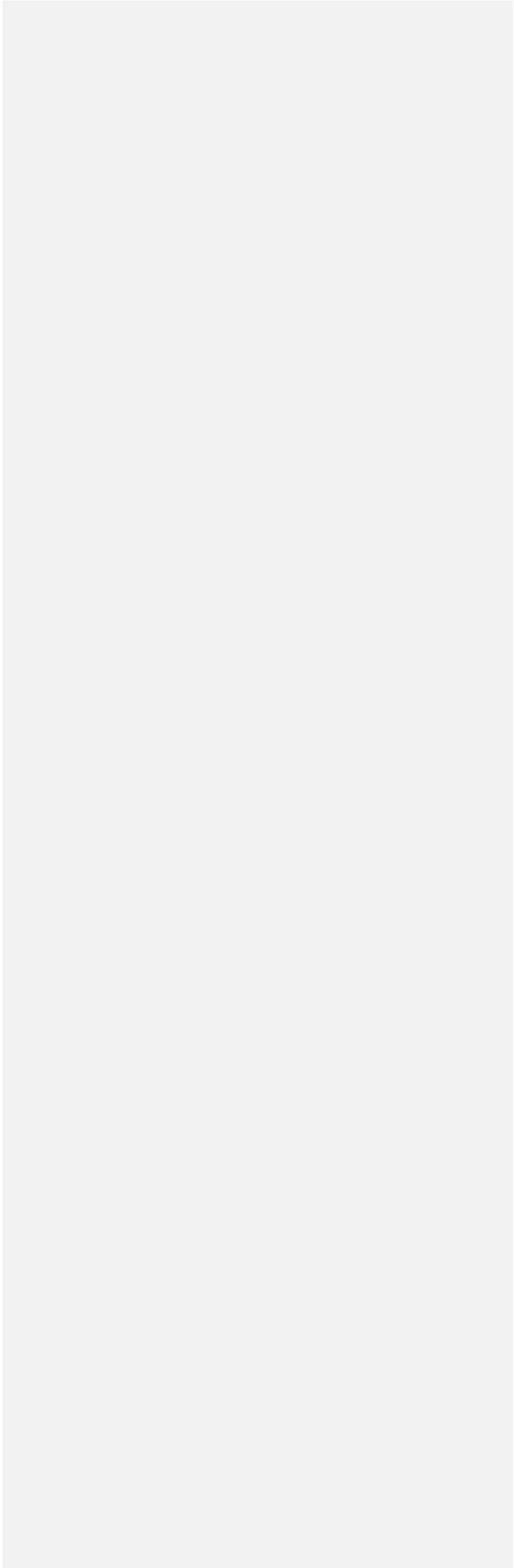
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CHAPTER 7: ZONING ORDINANCE

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162 7.0100

INTRODUCTION

163 7.0101

Title

164

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

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166 7.0102

Authority

167

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:

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172 7.0103

Purpose

173

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:

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176

A. Aid in implementing any comprehensive plan that may be adopted by the Town under Wis. Stats.

178

B. Promote planned and orderly land use development.

179

C. Protect property values and the property tax base.

180

D. Fix reasonable dimensional requirements to which buildings, structures, and lots shall conform.

182

E. Prevent overcrowding of the land.

183

F. Advance uses of land in accordance with its character and suitability.

184

G. Provide property with access to adequate sunlight and clean air.

185

H. Aid in protection of groundwater and surface water.

186

I. Preserve wetlands.

187

J. Protect the beauty of landscapes.

188

K. Conserve flora and fauna habitats.

189

L. Preserve and enhance the town's rural characteristics.

190

M. Protect vegetative shore cover.

191

N. Promote safety and efficiency in the town's road transportation system.

192

O. Define the duties and powers of administrative bodies in administering this Ordinance.

194

P. Prescribe penalties for violation of this Ordinance.

195

196 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.

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209 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.

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215 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.

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220 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.

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224 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.

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227 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.

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233 7.0200 **GENERAL PROVISIONS**

234 7.0201 **Jurisdiction**

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

237 7.0202 **Compliance and Permit**

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

243 7.0203 **General Use Requirements**

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

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

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

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

255 D. Accessory Uses and structures are permitted in any district ([see Section
256 7.0217](#)). ~~One accessory structure is allowed prior to the Principal
257 structure being constructed on the same lot. The accessory structure
258 shall be for private use by the landowner only.~~

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

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

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

- 272 1. -They are of record in at least one of the following forms to establish
- 273 the lot's date of creation:
- 274 (a) A recorded land subdivision or certified survey map on file in the
- 275 County of Door Register of Deeds Office showing the lot in its
- 276 present form.
- 277 (b) A lot of record by means of a deed or land contract on file in the
- 278 County of Door Register Office and which predates the effective
- 279 date of this Ordinance.
- 280 (c) Reserved
- 281 (d) A recorded condominium plat
- 282 2. Minimum lot requirements for lots created prior to the effective date
- 283 of this Ordinance.
- 284 (a) Lots located in the Single Family Residential-20,000 and
- 285 Commercial/Business districts may be used as building sites
- 286 provided that the lot width is at least 50 feet and that the lot area
- 287 is at least 7,500 square feet.
- 288 (b) Lots located in Wetland, Natural Area, General Agricultural,
- 289 Rural Residential districts may be used as building sites provided
- 290 that the lot width is at least 90 feet and that the lot area is at least
- 291 18,000 square feet.
- 292 (c) *Reserved*
- 293 3. *Reserved*

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Commented [BR1]: Removed: *Light Industrial*

H. *Reserved*

7.0204 **Site Requirements**

- 296 A. No lot shall hereafter be created, nor any building placed on a lot which does
- 297 not have an access to a public road or a private road which is described and
- 298 recorded in the Door County Register of Deeds office. The property owner
- 299 shall be responsible for securing such access.
- 300 B. Maximum of two livable spaces shall be permitted on a lot. The 2nd dwelling
- 301 may be allowed provided the minimum lot size, lot width, and yard
- 302 requirements for the applicable district could be met for each such structure.
- 303 C. Lots created prior to the effective date of this Ordinance. Lots which were
- 304 created before the effective date of this Ordinance shall be considered
- 305 building sites provided they meet the criteria established in both pars. 1 and
- 306 2:

Commented [BR2]: Deleted: *Except for multiple occupancy developments, only one single family residence or one duplex shall be permitted on a lot. However, additional single family residences or duplexes shall be permitted provided the minimum lot size, lot width, and yard requirements for the applicable district could be met for each such structure.*

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

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

317 2. Minimum lot requirements for lots created prior to the effective date

318 of this Ordinance.

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319 (a) Lots located in the Single Family Residential-20,000 and

320 Commercial/Business districts may be used as building sites

321 provided that the lot width is at least 50 feet and that the lot area

322 is at least 7,500 square feet.

323 (b) Lots located in Wetland, Natural Area, General Agricultural,

324 Rural Residential, ~~Light Industrial~~ districts may be used as

325 building sites provided that the lot width is at least 90 feet and that

326 the lot area is at least 18,000 square feet.

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327 (c) Reserved

328 3. Reserved

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329 D. In any district where public sanitary sewer is not available, the width and area

330 of all lots shall be sufficient to Permit the use of a private onsite waste

331 treatment system designed in accordance with Chapters SPS 383 and SPS

332 385 of the Wisconsin Administrative Code.

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

334 1. Except for occupancy units within a multiple occupancy development

335 and except as specified in subs.(2) and (3), for dwelling units in all

336 districts the minimum floor area shall be 750 square feet for units with

337 2 bedrooms or less, and 1,000 square feet for units with 3 bedrooms or

338 more.

339 2. One Accessory Dwelling Unit may be allowed on the same lot as the

340 primary residence.

341 ~~1-(a)~~ The accessory dwelling unit's floor area shall be more than 300

342 square feet, up to a maximum of 1,000 square feet, but must have

343 less floor area than the principal residential dwelling unit on the

344 same lot.

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345 2. ~~For accessory residences the minimum floor area shall be 300 square~~

346 ~~feet for efficiency or one bedroom units.~~

Commented [BR3]: Modified requirement from: *For accessory residences the minimum floor area shall be 300 square feet for efficiency or one bedroom units, 400 square feet for two bedroom units, and 550 square feet for units with 3 bedrooms or more.*

347 3. Manufactured homes in manufactured home parks shall be subject to
348 the floor area requirements of s. 7.0408(E.), manufactured home parks.

349 7.0205 **Reserved**

350 7.0206 **Reserved**

351 7.0207 **Reserved**

352 7.0208 **Reserved**

353 7.0209 **Reserved**

354

355 7.0210 **Compliance with the Americans with Disabilities Act**

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

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364 7.0211 **Setback Requirements from State and Federal Highways, County Highways,
365 Town Roads, and Private Roads**

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

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

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

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

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Commented [BR5]: Deleted: 65 feet from the centerline of the road

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

- 387 1. Where each side of the proposed building location is occupied by an
- 388 adjacent principal building located within 200 feet of the proposed
- 389 building footprint, the required setback for the proposed building shall
- 390 be the average of the setbacks of the adjacent principal buildings.

- 391 2. Where one side of the proposed building location is occupied by an
- 392 adjacent principal building located within 200 feet of the proposed
- 393 building footprint, the required setback for the proposed building shall
- 394 be the average of the setback of the adjacent principal building and the
- 395 setback required for that road.

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396 7.0212 **Additional Setbacks from Roads for Large Buildings**

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

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- 402 A. The requirements of this section shall not apply to residential buildings,
- 403 including multiple occupancy developments.

- 404 B. Additional setback schedule. The required additional setback from a road
- 405 shall be determined by a building's total volume according to the following
- 406 schedule:

407 Total Volume (cubic feet)	Additional Setback Required (feet)
408 0 - 50,000	0
409 50,001 - 60,000	25
410 60,001 - 90,000	75
411 90,001 - 120,000	125
412 120,001 - 180,000	175
413 180,001 - 250,000	225
414 250,001 - 400,000	275
415 400,001 - 600,000	325
416 > 600,000	375

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- 417 C. Clusters of buildings. For the purposes of this section, buildings which are
- 418 less than 30 feet apart shall be considered as one building and the total of
- 419 each building's volume shall be used to determine the additional setback of
- 420 each building.

- 421 D. Reduced setback by screening. The required setback may be reduced by
- 422 vegetative screening, as described in s. 7.0216, landscape buffer tree
- 423 requirements. The screening shall be placed to obscure the view of the
- 424 building(s) from the road, except for a not greater than 30-foot-wide opening
- 425 that provides access to the site. This option will reduce the required setback

426 by 50 percent but cannot be used to reduce the total setback beyond the
427 minimum required in s. 7.0211, setback from roads.

428 E. Exemptions. An exemption will be made for newly created buildings or
429 additions that are associated by use with building(s) existing prior to the
430 effective date of this Ordinance. However, to be exempted, the new building
431 must be located within 150 feet of the existing building(s). Road setback
432 requirements for these exemptions will be the minimum setback required in
433 s. 7.0211, setback from roads, or no closer to the road than the closest existing
434 building, whichever is greater.

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435 7.0213 **Visual Clearance Triangle**

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

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

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446 7.0214 **Setback Requirements from Navigable Water (Door County Shoreland
447 Zoning Ordinance)**

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

455 7.0215 **Height Requirements**

- 456 A. Height limitation. Except as provided in subs. B and C, no building, structure,
457 or sign shall exceed 35 feet in height above the finished grade elevation.
- 458 B. Exemptions. The following shall be exempted from the height requirements
459 of this section:
 - 460 1. Architectural projections such as spires, belfries, parapet walls, domes,
461 chimneys, and cupolas, provided that such cupolas do not exceed 64
462 square feet in floor area, including stairwells, are not higher than 8 feet
463 above the adjacent roof ridge, and contain no living quarters.

Commented [BR6]: Deleted: an average
Commented [BR7]: Removed: ... or an average of 37 feet in height above the pre-construction grade elevation, which ever is lower. However, for lots of nonconforming width in SF-20, and RR zoning districts, no building, structure, or sign shall exceed 28 feet in height above the pre-construction grade elevation
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- 464 2. Agricultural structures such as silos, barns, and grain storage
- 465 buildings.
- 466 3. Special structures such as elevator penthouses, grain elevators,
- 467 observation towers in parks, communication towers, electrical poles
- 468 and towers, and smokestacks.
- 469 C. Public or semi-public facilities such as schools, churches, monuments,
- 470 libraries, governmental offices and stations, may be erected to a height of 60
- 471 feet provided that all required setbacks and yards are increased by not less
- 472 than one foot for each foot the structure exceeds 35 feet in height.

Commented [BR8]: Removed #4 Wind generators, provided such structures shall not exceed in height their distance from the nearest lot line

473 7.0216 **Landscape Buffers**

- 474 A. Purpose. These requirements are intended to reduce potential adverse
- 475 impacts that a particular land use might have on occupiers of adjacent
- 476 properties, such as glare of lights, dust, litter, and visual appearance. With
- 477 vegetative screening, such adverse impacts will be lessened.
- 478 B. Applicability. The landscape buffer requirements shall only apply to
- 479 proposed uses and expansions of existing uses which 1) adjoin lots located in
- 480 the districts specified in par. (1.) and which 2) carry a higher use impact rating
- 481 than existing uses on adjoining lots. The absence of either situation shall
- 482 nullify the requirement for a landscape buffer.

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

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487 C. General Requirements

- 488 1. Landscape buffers shall be located in such manner that principal
- 489 buildings and outdoor storage areas associated with the proposed use
- 490 are screened as viewed from the vantage point of the principal
- 491 buildings on affected adjoining lots.
- 492 2. Landscape buffers may be located in an area devoted to meeting
- 493 minimum side or rear yard requirements.
- 494 3. Landscape buffers, when required, shall be established on a lot at the
- 495 time of the lot's development, or at the time the use of the lot is changed
- 496 to a use having a higher use impact rating than the previous use. If the
- 497 new use has an equal or lesser use impact rating than the previous use,
- 498 no landscape buffer shall be required. The landscape buffer shall be
- 499 established prior to operation of the new use or expanded part of the
- 500 use, unless a bond, certificate of deposit, cash, or other form of
- 501 financial assurance acceptable to the Zoning Administrator is
- 502 submitted to the County. Such financial assurance shall cover the
- 503 estimated cost of installing the landscape buffer and shall be returned

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504 to the applicant upon proper installation of the landscape buffer by the
505 applicant. If the landscape buffer materials are not properly installed
506 within 9 months of commencement of operation of the use, the
507 financial assurance shall be used for installation of the landscape
508 buffer by the County. Landscape buffers shall be provided on each lot
509 as required by this section independent of existing landscape buffers
510 on adjoining lots.

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

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

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

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

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

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

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

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

530 E. Mature landscape buffers

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

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

535 7.0217 **Accessory Structures**

536 Accessory structures are permitted subject to the following:

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

539 1. Minor structures such as birdhouses, yard light poles, birdbaths,
 540 doghouses (housing dogs which are licensed as the personal pets of the
 541 residents of the property), treehouses, noncommercial fuel storage
 542 tanks and pumps, clothesline poles, lawn ornaments, flag poles,
 543 mailboxes, garbage containers, ice fishing shanties, school bus waiting
 544 shelters, and farm livestock hutches.

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545 2. Fences
 546 B. Accessory structures shall be located on the same lot as the principal use to
 547 which it is accessory.

Commented [BR9]: Removed: Living quarters prohibited. Accessory structures shall not contain living quarters

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

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

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Commented [BR10]: Replaces: (1) Accessory structures shall not be permitted until its associated principal structure is present or under construction, except that one accessory building may be permitted prior to the erection of a principal structure, provided the following requirements are met:
(a) The floor area of the accessory building shall not exceed 120 square feet.
(b) The total height of the accessory building shall not exceed 8 feet 6 inches as measured from the grade elevation to the highest point on the roof.
(c) Reserved
(d) There shall be no windows, skylights, patio doors, or other glazing in the building.
(e) Not more than one entrance door, not to exceed 6 feet in width, shall be permitted.
(f) The building shall comply with all setback and yard requirements for accessory structures.
(g) There shall be no water service, sanitary waste disposal, or electricity connected to the accessory building.

553 ~~E.D.~~ Items prohibited as accessory structures. Such items as, but not limited to,
 554 boats, truck bodies, manufactured homes, buses, railroad cars, and trailers
 555 shall not be used as accessory structures.

556 ~~F.E.~~ Additional requirements in the SF-20 and ~~CB~~ districts.
 557 Buildings which are accessory to single family residences and duplexes in
 558 the Single Family Residential-20,000, and Commercial/Business districts
 559 shall comply with the following requirements:

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

Commented [BR11]: Replaces: HD and RC

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564 2. No accessory building shall have a height greater than 16 feet above
 565 grade elevation.

566 ~~G.F.~~ Reserved

567 7.0218 **Outdoor Storage of Junk Material**

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

Commented [BR12]: Replaces: High Density Residential, Mixed Use Commercial, and Recreational Commercial districts

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

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573 2. The junk material shall be located such that all setback and yard
 574 requirements for accessory structures for the applicable district are
 575 met.

- 576 3. Such outdoor storage of junk material shall not exceed one inoperable
- 577 vehicle nor 150 square feet of area.
- 578 B. In the Wetland, Natural Area, and General Agricultural districts, junk
- 579 material may be stored outdoors, provided that the storage of junk material
- 580 that exceeds 3 inoperable vehicles or 1,000 square feet of storage area shall
- 581 be located at least 300 feet from a public right-of-way or shall be screened
- 582 from the public right-of-way by a vegetative screening, as described in s.
- 583 7.0216 (D), landscape buffer tree requirements.
- 584 C. The provisions of subs. A and B shall not apply to the storage of idle, but
- 585 operable farm equipment, nor to legally licensed salvage yards, sanitary
- 586 landfills, or other waste disposal or storage activities for which a valid license
- 587 from the State of Wisconsin and/or other municipality is required and has
- 588 been issued.

589 7.0219 **Filling and Grading**

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

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593 A. **Preconstruction Grade Fill**

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

602 B. **Navigable water protection**

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

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

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612 C. **Land disturbance.** A regular zoning permit shall be required for any land
 613 disturbance of a site in excess of 10,000 square feet or in excess of 1,000
 614 cubic yards of earth material by means of filling, grading, or excavating. This
 615 section shall not apply to planting, growing, cultivating and harvesting

616 agricultural crops, nor to installation of public utilities or sanitary waste
617 disposal systems or construction of public roads and walkways.

618 D. Permit. If a regular zoning permit is required by subs. A or B for the filling,
619 grading, lagooning, dredging, ditching, excavating, or land disturbance, the
620 permit shall be granted only upon finding that the proposed activity would
621 not result in detriment to navigable water by reason of erosion, sedimentation,
622 or impairment of fish and aquatic life nor alter any wetland, and would be
623 designed and constructed in accordance with standards contained in the
624 *United States Department of Agriculture/ Soil Conservation Service/
625 Wisconsin Section IV Technical Guide.*

626 7.0220 **Reserved**

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628 7.0300 **ZONING DISTRICTS**

629 7.0301 **Zoning Districts Established**

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

- 632 GA - General Agricultural
- 633 SF20 - Single Family Residential-20,000
- 634 RR - Rural Residential
- 635 CB - Commercial/Business
- 636 MH - Mobile Home/Manufactured Home Park
- 637 NA - Natural Area
- 638 W - Wetland
- 639 HCO - STH 57 Highway Corridor Overlay District
- 640 HPD - Historic Preservation Overlay District.

641 7.0302 **Zoning Map**

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

649 7.0303 **Interpretation of District Boundaries**

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

- 652 A. Boundaries shown as following or approximately following the limits of any
653 municipal corporation shall be construed as following such limits.
- 654 B. Boundaries shown as following or approximately following roads shall be
655 construed as following the centerlines of such roads.
- 656 C. Boundaries shown as following or approximately following platted lot lines
657 or other property lines as shown on the Door County Real Property Listing
658 Tax Maps shall be construed as following such lines.
- 659 D. Boundaries shown as following or approximately following the centerlines
660 of streams, rivers, or other water courses shall be construed as following the
661 centerline of such water courses; in the event of a natural change in the
662 location of such water courses, the zoning district boundary shall be
663 construed as moving with the centerline.

Commented [BR13]: Removed High Density Residential, Mixed Use Commercial, Recreational Commercial, Light Industrial zoning districts for the current ordinance. Added the MH-Mobile Home/Manufactured Home Park District to the new ordinance..
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- 664 E. Boundaries shown as separated from, and parallel or approximately parallel
665 to, any of the features listed in pars. A through D, shall be construed to be
666 parallel to such features and at such distances there from as are shown on the
667 Zoning Maps of Town of Union.
- 668 F. Boundaries below the ordinary high water mark which coincide with riparian
669 rights lines as determined by NR 326.07, Wis. Admin. Code, shall be
670 construed as such riparian rights lines.
- 671 G. Boundaries below the ordinary high water mark which do not coincide with
672 riparian rights lines as determined by NR 326.07, Wis. Admin. Code, shall
673 be construed as running perpendicular to the shoreline where the boundaries
674 intersect with the shoreline.
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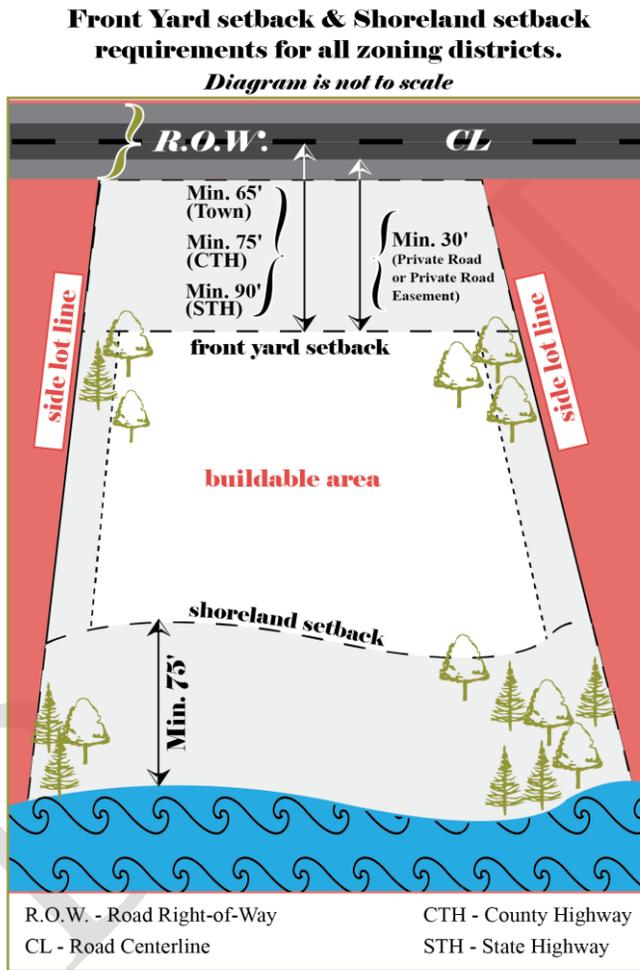
676 7.0304

Yard Setbacks for All Districts

Commented [BR14]: New Front Yard and shoreline setback graphic applies to all districts

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

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704 7.0305 **GA General Agricultural**

705 A. Purpose

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

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721 B. Principal Uses

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

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

Commented [BR15]: Deleted: Boardinghouses, Commercial Fishing Facilities, Home Occupations, Home Office/Studio, Roadside Stands

Commented [BR16]: Replaces: Private

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

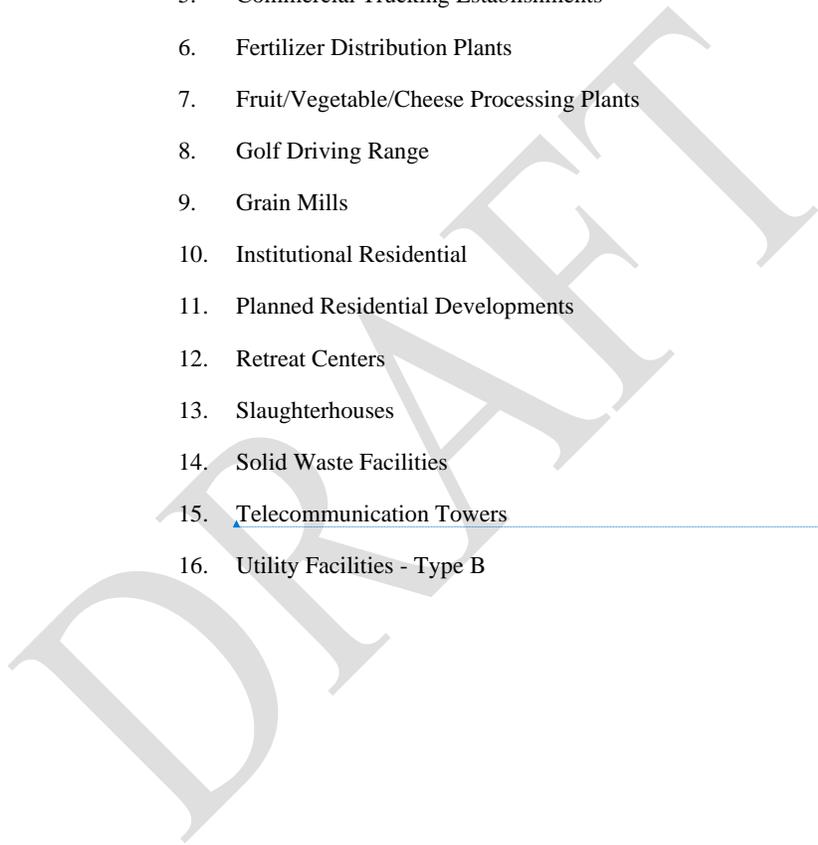
- 764 1. All Communication Towers, Antennas, Transmitters > 200'
- 765 2. Animal Feeding Operation
- 766 3. Animal Shelters/Pounds
- 767 4. Campgrounds/Trailer Camps
- 768 5. Commercial Trucking Establishments
- 769 6. Fertilizer Distribution Plants
- 770 7. Fruit/Vegetable/Cheese Processing Plants
- 771 8. Golf Driving Range
- 772 9. Grain Mills
- 773 10. Institutional Residential
- 774 11. Planned Residential Developments
- 775 12. Retreat Centers
- 776 13. Slaughterhouses
- 777 14. Solid Waste Facilities
- 778 15. Telecommunication Towers
- 779 16. Utility Facilities - Type B
- 780

Commented [BR17]: Deleted: Agricultural Visitation Facilities, Airports, Art Galleries, Nonmetallic Mining, Resource Recovery Facilities, Sewage Disposal/Treatment Plants, Salvage Yards, Temporary Asphalt/Concrete Plants, Temporary Manufactured homes, Trade or Contractor Establishments, Wind generation farms.

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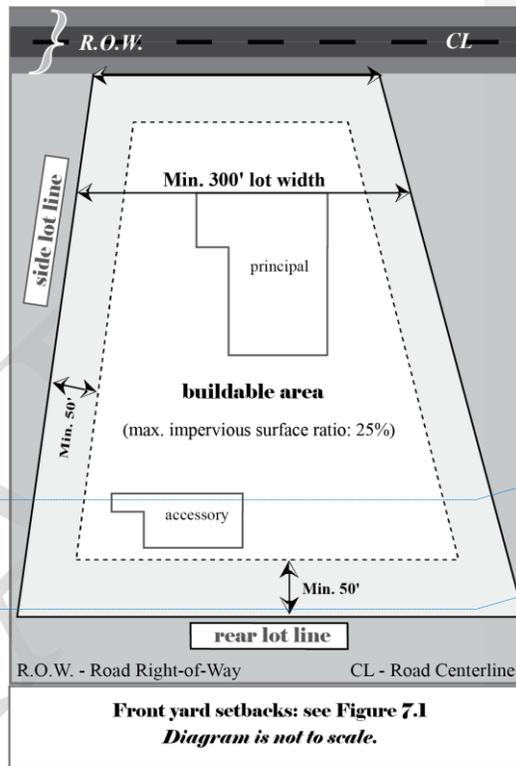
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E. Yard Requirements for Principal and Conditional Uses within the GA District:

General Agricultural (GA) 784	
Lot Size:	
Minimum lot area:	2 acres
Planned residential development	Max. of 8 residents ≥ 2 acres
Minimum lot area width at building line:	300 ft.
Planned residential development	As determined by the Town.
Yard Setbacks:	
Front yard:	See Section 7.0304
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



Commented [BR18]: New Table and Graphic for each zoning district

Commented [BR19]: Replaces 10 ft

Commented [BR20]: Replaces 100 ft

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SF-20 Single Family Residential

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

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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.

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B. Principal Uses

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

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1. Churches.

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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.

801

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3. Family Day Care Homes

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4. Home Occupations

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5. Model Homes

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6. Noncommercial Communication Towers, Antennas, Transmitters <= 200'

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7. Parks

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8. Public Boat Launching Facilities

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9. Single Family Residences

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10. Utility Facilities - Type A

Commented [BR21]: Deleted: Camping, cemeteries, home occupation, home office studio, temporary manufactured homes

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C. Permitted Accessory Uses

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

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1. Accessory Dwelling Units

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2. Accessory Structure (See Sec. 7.0217)

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D. Conditional Uses

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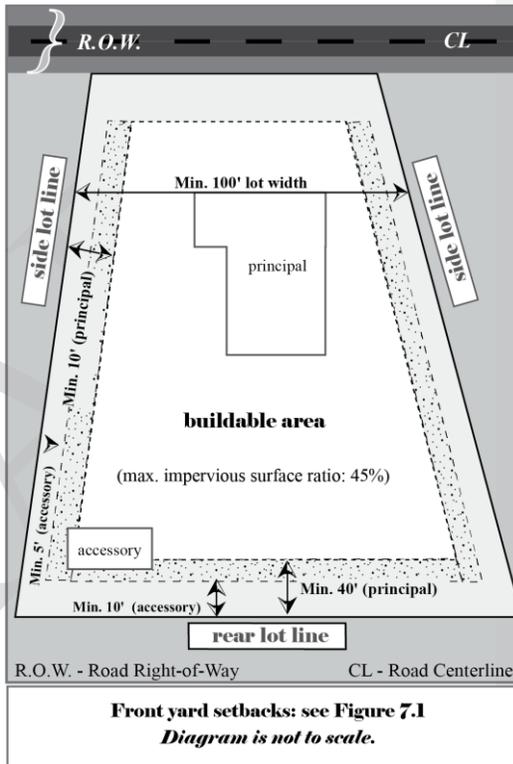
The following Conditional Uses in the SF-20 district are allowed only after a Public Hearing and approval by the Town Board.

817

- 818 1. Bed and Breakfast Establishments
- 819 2. Community living arrangements with a capacity for 9 or more persons
- 820 subject to the limitations set forth in s. 60.63 Wis. Stats.
- 821
- 822 E. Yard Requirements for Principal and Conditional Uses within the SF-20
- 823 District:

Commented [BR22]: Deleted: Telecommunications Tower, temporary asphalt/concrete plants, utility facilities - Type B

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:	See Section 7.0304
Minimum rear:	
Principal use	40 ft.
Accessory use	10 ft.
Minimum side:	
Principal use	10 ft.
Accessory use	5 ft.
Minimum shoreland:	75 ft.
Structure Height: (See Section 7.0215)	
Maximum All Structures :	35 ft.



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RR Rural Residential District

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A. Purpose and Intent of the RR Rural Residential District

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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.

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B. Principal Uses

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

838

- 1. Bed and Breakfast Establishments

Commented [BR23]: Deleted: Boardinghouses, home occupations, home office/studio, temporary manufactured homes

839

- 2. Camping

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- 3. Cemeteries

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- 4. Building of Worship.

Commented [BR24]: Replaces churches, chapels, temples, synagogues, rectories, parsonages, and parish houses,

842

- 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.

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- 6. Two Family Dwellings

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- 7. Fire/Police Stations

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- 8. Home Businesses

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- 9. Institutional Residential

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- 10. Model Homes

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- 11. Noncommercial Communication Towers < 200'

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- 12. Private riding stables

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- 13. Public Boat Launching Facilities

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- 14. Public or Private Schools

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- 15. Public parks, playgrounds, and athletic fields.

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- 16. Single-family residences.

855

- 17. Town Halls/Community Centers

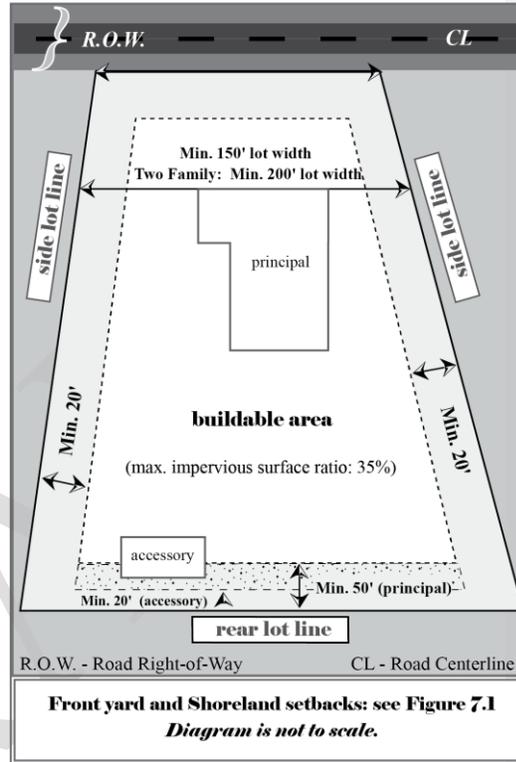
- 856 18. Utility Facilities – Type A
- 857 C. Permitted Accessory Uses
- 858 The following Accessory Uses are permitted in the RR district:
- 859 1. Accessory Dwelling Units
- 860 2. Accessory Structure (See Sec. 7.0217)
- 861 D. Conditional Uses
- 862 The following Conditional Uses in the RR district are allowed only after a
- 863 Public Hearing and approval by the Town Board.
- 864 1. Community living arrangements with a capacity for 9 or more persons
- 865 subject to the limitations set forth in s. 60.63 Wis. Stats.
- 866 2. Utility Facilities – Type B
- 867

Commented [BR25]: Deleted: Telecommunication Towers, public highway garages, and temporary asphalt/concrete plants

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

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



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CB Commercial/Business

Commented [BR26]: New district that combined the uses of Mixed Use Commercial, Recreational Commercial, and Light Industrial

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

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

879 B. Principal Uses

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

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

Commented [BR27]: Deleted Uses: Auto, truck, trailer, and other equipment sales, Boardinghouses, Building, electrical, heating, lumber, and plumbing supply yards, cabinet making and woodworking, commercial fishing facilities, ferry terminals, funeral homes and crematoriums, essential services, gas stations and convenience stores, greenhouses, Home occupations, home office/studio, manufactured home sales and service, marinas/excursion boating/charter fishing, mini warehouses, post offices, public boat launching facilities, recreational fishing equipment, temporary manufactured homes, Trailer and truck rentals, vehicle equipment sales, service, and showroom,

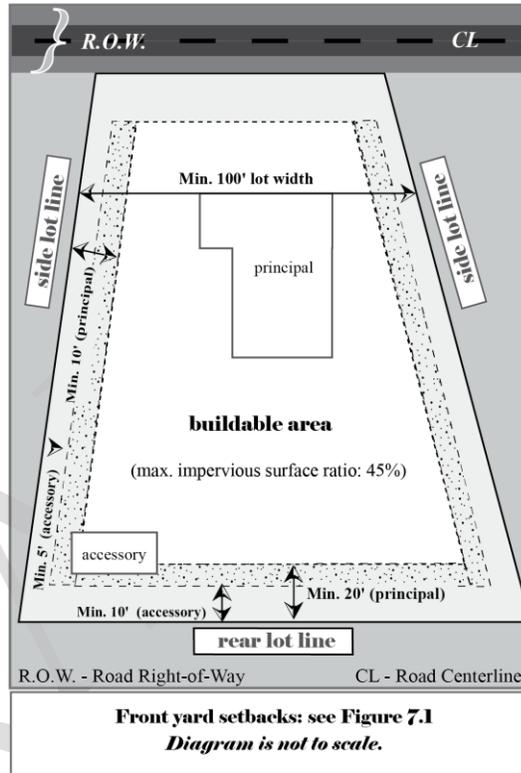
- 901 19. Motels
- 902 20. Parks
- 903 21. Parking areas and ramps
- 904 22. Private clubs and lodges, except adult entertainment establishments
- 905 23. Restaurants
- 906 24. Single Family Residences
- 907 25. Stores for conducting retail, service, or wholesale business
- 908 26. Taverns
- 909 27. Veterinarian Clinics
- 910 28. Wineries/Breweries
- 911 C. Permitted Accessory Uses
- 912 The following Accessory Uses are permitted in the CB district.
- 913 1. Accessory Dwelling
- 914 2. Accessory Structures (See Sec. 7.0217)
- 915 D. Conditional Uses
- 916 The following Conditional Uses in the CB district are allowed only after a
- 917 Public Hearing and approval by the Town Board.
- 918 1. Animal Shelters/Pounds
- 919 2. Riding Stables, Commercial and Private
- 920 3. Golf courses
- 921 4. Outdoor Theater
- 922

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Commented [BR28]: Deleted: Adult Entertainment establishments, amusement parks, auto repair, auto salvage yards, banquet and dance halls, camping, slaughterhouses, telecommunication towers, transportation terminals, two family dwelling units, wineries/breweries

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

Commercial/Business (CB)²⁵	
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.



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MH Mobile Home/Manufactured Home Park District

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

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

936 B. Principal Uses

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

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

940 C. Permitted Accessory Uses

941 The following Accessory Uses are permitted in the MH district.

- 942 1. Accessory Structures (Section 7.0408(E))

943 D. Conditional Uses

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

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

951 E. Standards

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

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Commented [BR29]: New District added.

- 954 7.0310 **LI Light Industrial**
- 955 A. **Purpose and Intent of the LI Light Industrial District.**
- 956 ~~This district is intended to provide for manufacturing, warehousing, and~~
- 957 ~~other light industrial operations. It is also intended that this district be used~~
- 958 ~~for the location of trade or contractor establishments, commercial storage~~
- 959 ~~facilities, and similar businesses. Such uses should not be detrimental to the~~
- 960 ~~surrounding area or to the town by reason of noise, dust, smoke, odor,~~
- 961 ~~traffic, physical appearance, degradation of groundwater, or other nuisance~~
- 962 ~~factors. Such uses may be subject to requirements which will reasonably~~
- 963 ~~ensure compatibility. This district can also be used for industrial or business~~
- 964 ~~parks. Lot sizes of at least 60,000 square feet are required for new lots.~~
- 965 B. **Permitted Uses in the LI District.**
- 966 **The following Principal Uses are permitted uses in the LI district.**
- 967 1. **Agriculture**
- 968 2. **Auto Repair**
- 969 3. **Commercial Fishing Facilities**
- 970 4. **Commercial Storage Facilities**
- 971 5. **Commercial Trucking Establishments**
- 972 6. **Family Day Care Homes**
- 973 7. **Farm Implement Sales/Service**
- 974 8. **Freight Terminals**
- 975 9. **Fruit/Vegetable/Cheese Processing Plants**
- 976 10. **Grain Mills**
- 977 11. **Laundromats and Laundry Service**
- 978 12. **Lumber/Building Supply Yards**
- 979 13. **Municipal/Commercial Parking Lots**
- 980 14. **Noncommercial Communication Towers, Antennas, Transmitters <= 200'**
- 981 15. **Parks**
- 982 16. **Public Highway Garages**
- 983 17. **Sawmills/Planning Mills ***
- 984 18. **Trade or Contractor Establishments**
- 985 19. **Utility Facilities Type A**
- 986 20. **Wholesale Establishments/Distributorships**
- 987 21. **Wineries/Breweries**
- 988 _____

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1015 ~~7.0311~~7.0310 NA Natural Area

1016 A. Purpose

1017 This district is intended to provide areas that conserve existing, mostly
1018 undeveloped natural areas. The district may be used in upland areas adjacent
1019 to, or surrounded by, wetland areas or in other areas where natural features
1020 are considered significant. General agriculture, recreational, institutional, and
1021 very low-density residential uses are allowed, but commercial and industrial
1022 uses are not permitted.

1023 B. Principal Uses

1024 The following Principal Uses are permitted uses in the NA district:

- 1025 1. Agriculture
- 1026 2. Camping
- 1027 3. Home Businesses
- 1028 4. Kennels
- 1029 5. Parks
- 1030 6. Private Riding Stables
- 1031 7. Single Family Residences
- 1032 8. Tree/Shrub Nurseries

Commented [BR30]: Deleted: Community Use, essential services, park trailers, public boat launching facilities.

1033 C. Permitted Accessory Uses in the NA district:

- 1034 1. Accessory Dwelling
- 1035 2. Accessory Structure (See Sec. 7.0217)

1036 D. Conditional Use

1037 The following Conditional Uses in the NA district are allowed only after a
1038 Public Hearing and approval by the Town Board.

- 1039 1. Camps and campgrounds.
- 1040 2. Commercial recreational areas, such as a golf course, nature center, or
1041 other low impact activity
- 1042 3. Gun Clubs/Shooting Ranges
- 1043 4. Home Occupations
- 1044 5. Home Office/Studio

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~~6.4.~~ Institutional Recreation Camps

~~7.5.~~ Retreat Centers

~~8.~~ Riding Stables, public and private

~~9.6.~~ Roadside Stands

~~10.7.~~ Sawmills/Planing Mills

~~11.~~ Single Family Residences

~~12.~~ Single Family Residences Separated From Farm Parcels*

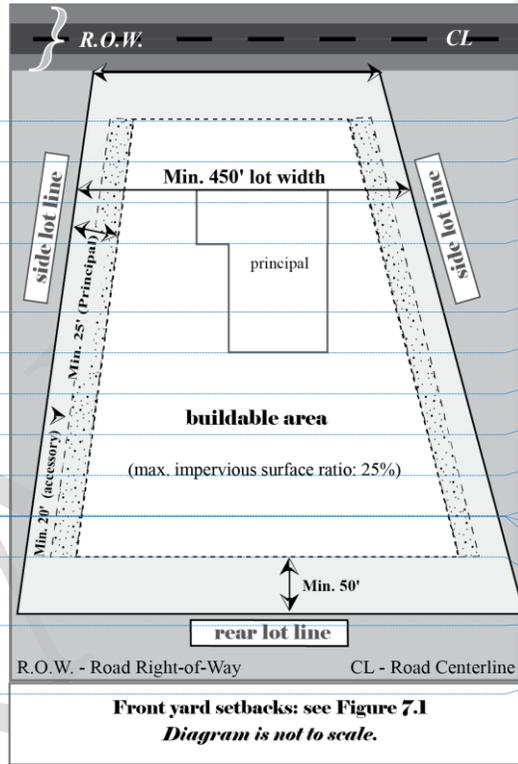
~~13.~~ Telecommunication Towers

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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:	See Section 7.0304
Minimum rear:	50 ft.
Minimum side:	
Principal	25 ft.
Accessory	20 ft.
Minimum shoreland:	75 ft.
Structure Height: (See Section 7.02125)	
Maximum Farm Residence All Structures:	35 ft.
Maximum Farm Residence Accessory:	14 ft.
Maximum Agricultural Structures:	60 ft.



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1059 7.03127.0311 **W Wetland**

1060 A. Purpose

1061 This district is intended to prevent the destruction and depletion of Town of
1062 Union’s wetlands; to protect water courses and navigable waters and the
1063 public rights therein; to maintain the purity of water in lakes and streams and
1064 to prevent pollution thereof; and to protect spawning grounds, fish, and
1065 habitats for wild flora and fauna. Furthermore, this district is intended to
1066 prevent the changing of the natural character of wetlands.

1067 B. Uses pertaining to the Wetland district

1068 1. Uses which do not require the issuance of a zoning permit, but which
1069 must be carried out without any filling, draining, flooding, dredging,
1070 ditching, tiling, or excavating:

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- 1071 (a) Hiking, fishing, trapping, hunting, swimming and boating.
- 1072 (b) The harvesting of wild crops such as marsh hay, ferns, moss, wild
- 1073 rice, berries, tree fruits, and tree seeds in a manner that is not
- 1074 injurious to the natural reproduction of such crops.
- 1075 (c) The pasturing of livestock.
- 1076 (d) The cultivation of agricultural crops.
- 1077 (e) The practice of silviculture, including the planting, thinning and
- 1078 harvesting of timber, subject to the requirements of s. 7.0507,
- 1079 woodlands.
- 1080 (f) The construction or maintenance of duck blinds and deer stands.

1081 2. Uses which do not require the issuance of a zoning permit and which
1082 may include limited filling, flooding, draining, dredging, ditching,
1083 tiling, or excavating, but only to the extent specifically provided
1084 below:

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- 1085 (a) Temporary water and stabilization measures necessary to alleviate
- 1086 abnormally wet or dry conditions that would have an adverse
- 1087 impact on silvicultural activities if not corrected.
- 1088 (b) The cultivation of cranberries including flooding, dike and dam
- 1089 construction, or ditching necessary for the growing and harvesting
- 1090 of cranberries.
- 1091 (c) The maintenance and repair of existing agricultural drainage
- 1092 systems where permissible by s. 30.20, Wis. Stats., including
- 1093 ditching, tiling, dredging, excavating, and filling necessary to
- 1094 maintain the level of drainage required to continue the existing
- 1095 agricultural use. This includes the minimum filling necessary for
- 1096 disposal of dredged spoil adjacent to the drainage system,
- 1097 provided that the filling is permissible by Chapter 30, Wis. Stats.,

- 1098 and that the dredged spoil is placed on existing spoil banks where
- 1099 possible.
- 1100 (d) The construction or maintenance of fences for pasturing livestock,
- 1101 including limited excavating and filling necessary for such
- 1102 construction or maintenance.
- 1103 (e) The construction or maintenance of piers, docks or walkways built
- 1104 on piling, including limited excavating and filling necessary for
- 1105 such construction and maintenance.
- 1106 (f) The maintenance, repair, replacement, or reconstruction of
- 1107 existing town and county highways and bridges, including limited
- 1108 excavating and filling necessary for such maintenance, repair,
- 1109 replacement, or reconstruction.
- 1110 3. Uses which require the issuance of a regular zoning permit and which
- 1111 may include limited filling, flooding, draining, dredging, ditching,
- 1112 tiling, or excavating, but only to the extent specifically provided
- 1113 below:
- 1114 (a) The construction and maintenance of roads which are necessary
- 1115 to conduct silvicultural activities or agricultural cultivation,
- 1116 subject to the following conditions:
- 1117 (1) The road cannot, as a practical matter, be located outside
- 1118 the wetland.
- 1119 (2) The road is designed and constructed to minimize
- 1120 adverse impact upon the natural functions of the wetland.
- 1121 (3) The road is designed and constructed with the minimum
- 1122 cross section to serve the intended use.
- 1123 (4) Road construction activities are carried out in the
- 1124 immediate area of the roadbed only.
- 1125 (b) The construction and maintenance of nonresidential buildings,
- 1126 subject to the following conditions:
- 1127 (1) The building is essential for and used solely in
- 1128 conjunction with the raising of waterfowl, minnows, or
- 1129 other wetland or aquatic animals or some use permitted
- 1130 in the Wetland district.
- 1131 (2) The building cannot, as a practical matter, be located
- 1132 outside the wetland.
- 1133 (3) Such building is not designed for human habitation and
- 1134 does not exceed 500 square feet in floor area.
- 1135 (4) Only limited filling or excavating necessary to provide
- 1136 structural support for the building shall be allowed.

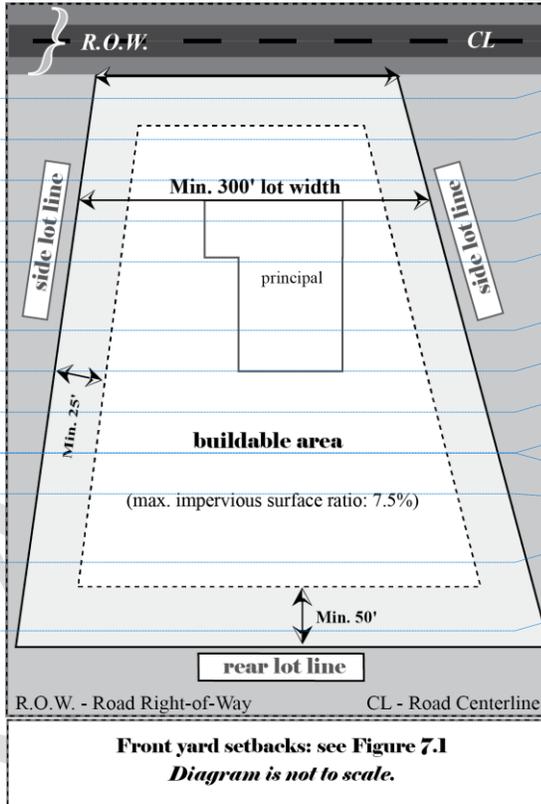
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- 1137 (c) The establishment of public and private parks and recreation
- 1138 areas, natural and outdoor education areas, historic and scientific
- 1139 areas, wildlife refuges, game preserves and private wildlife
- 1140 habitat areas, and public boat launching ramps and attendant
- 1141 access roads, subject to the following:
- 1142 (1) Any private wildlife habitat areas shall be used
- 1143 exclusively for that purpose.
- 1144 (2) Filling or excavating necessary for the construction or
- 1145 maintenance of public boat launching ramps or attendant
- 1146 access roads is allowed only where such construction or
- 1147 maintenance meets the criteria in par.3., subd.(a).
- 1148 (3) Ditching, excavating, dredging, or dike and dam
- 1149 construction in public and private parks and recreation
- 1150 areas, natural and outdoor education areas, historic and
- 1151 scientific areas, wildlife refuges, and game preserves and
- 1152 private wildlife habitat areas is allowed only for the
- 1153 purpose of improving wildlife habitat and to otherwise
- 1154 enhance wetland values.
- 1155 (d) The construction or maintenance of electric, gas, telephone, water
- 1156 and sewer transmission and distribution facilities by public
- 1157 utilities and cooperative associations organized for the purpose of
- 1158 producing or furnishing such services to their members and the
- 1159 construction or maintenance of railroad lines subject to the
- 1160 following standards:
- 1161 (1) The transmission and distribution facilities and railroad
- 1162 lines cannot, as a practical matter, be located outside the
- 1163 wetland.
- 1164 (2) Such construction or maintenance is done in a manner
- 1165 designed to minimize adverse impact upon the natural
- 1166 functions of the wetland.
- 1167 4. Prohibited uses. Any use not listed in section B, subd. 1 - 3 is
- 1168 prohibited, unless the wetland or portion of the wetland has been
- 1169 rezoned by amendment of this Ordinance in accordance with this
- 1170 Ordinance.
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1172 C. Yard Requirements for Principal and Conditional Uses within the W District:
 1173

Wetland (W)	
Lot Size:	
Minimum lot area	10 acres
Minimum lot width	300 ft.
Yard Setbacks:	
Front yard:	See Section 7.0304
Minimum rear:	50 ft.
Minimum side:	25 ft.
Minimum shoreland:	75 ft.
Structure Height: (See Section 7.0225)	
Maximum Farm Residence:	35 ft.
Maximum Farm Residence Accessory:	14 ft.
Maximum Agricultural Structures:	60 ft.



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1176 7.03137.0312 STH 57 Highway Corridor Overlay District

1177 A. Purpose

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1178 The STH 57 Highway Corridor Overlay District is hereby established as a
1179 district which overlaps and overlays existing base zoning districts, the extent
1180 and boundaries of which are as indicated on the official zoning map for the
1181 Town of Union. Overlay district provide for the possibility of superimposing
1182 certain additional requirements upon a basic zoning district without
1183 disturbing the requirements of the basic district. The uses of the underlying
1184 standard zoning district shall remain in force.

1185 B. Overlay Area Defined

1186 The STH 57 Highway Corridor Overlay District encompasses all lands within
1187 1,000-feet of either side of the ~~proposed future~~ STH 57 right-of-way. Persons
1188 with property divided by the defined limits of the STH 57 Highway Corridor
1189 Overlay District are required to comply with the District's standards only for
1190 that segment of the property within the STH 57 Highway Corridor Overlay
1191 District.

1192 C. Permitted Uses

- 1193 1. The overlay district provisions apply to any base district set forth in
1194 this Ordinance that exists within the defined overlay district. In the
1195 instance of conflicting requirements, the more restrictive of the
1196 conflicting requirements shall apply.
- 1197 2. There shall be no alteration of the existing condition of lands, uses, or
1198 structures within *the STH 57 Highway Corridor Overlay District* from
1199 the date of enactment of this Ordinance henceforth, except as provided
1200 for by this Section or by other sections of this Ordinance.
- 1201 3. These regulations are supplementary to the permitted uses and
1202 requirements for the appropriate underlying zoning district as
1203 contained in this Ordinance.
- 1204 4. Uses prohibited in the underlying zoning district are also prohibited in
1205 the STH 57 Highway Corridor Overlay District.
- 1206 5. All uses proposed in the *STH 57 Highway Corridor Overlay District*
1207 shall be subject to site plan review procedures in s. 7.1103 of this
1208 Ordinance. The Site Plan Review function shall be undertaken by the
1209 Plan Commission.

1210 D. Standards

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1211 Unless otherwise noted in this Section, the standards of the underlying base
1212 zoning district shall apply.

1213 E. Building Architecture

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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) Poured in place, tilt-up or pre-cast concrete. Poured in place and tilt-up walls shall have a finish of stone, a texture or a coating.
 - (4) Steel frame structures with architectural flat metal panels or glass curtain walls.

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- 1253 (5) Natural stone
- 1254 (6) Non-decorative exposed concrete block buildings are
- 1255 prohibited, as are pre-engineered metal buildings,
- 1256 corrugated metal-sided buildings, and wood sided
- 1257 buildings unless such metal buildings and wood sided
- 1258 buildings are enhanced on all elevations by the
- 1259 application of brick, decorative masonry, or decorative
- 1260 stucco surfaces in combination with decorative fascia
- 1261 overhangs, trim, as detailed above.

1262 F. Landscaping Plan and Landscape Development

1263 The following regulations apply to all development, except for agricultural
1264 uses and single family residential development of less than four lots or
1265 residences.

- 1266 1. Except for agricultural uses and single family residential development
- 1267 of less than four lots or residences, all proposed development within
- 1268 the STH 57 Highway Corridor Overlay District shall require a
- 1269 landscape development plan that is approved by the Plan Commission
- 1270 as a condition of any permits under this Ordinance.
- 1271 2. Landscape development shall be consistent and blend with the
- 1272 adjoining landscape (i.e. meadow, prairie, windbreak, upland woods
- 1273 (woodlot), hedgerow, lowland woods, wetland, etc.).
- 1274 3. Building sites shall maintain a minimum of 25% of the lot area in open
- 1275 space that will be landscaped subject to s 7.0216 of this Ordinance.
- 1276 Landscape development should reflect the native or agricultural
- 1277 character of the adjoining countryside.
- 1278 4. A 25-foot-wide area adjacent to the public road right-of-way along the
- 1279 entire lot width shall be used for screening and landscaping.
- 1280 5. Complete vegetative clearing shall be allowed only in the areas
- 1281 required for access driveways. For driveways serving as both entrance
- 1282 and exit, a strip a maximum of 40 feet may be cleared. When separate
- 1283 entrance and exit driveways are used, a maximum of 20 feet may be
- 1284 cleared for each driveway.

1285 G. On-Site Utilities

1286 All on-site utilities, including but not limited to electrical, telephone, and
1287 cable, shall be installed as underground facilities. This shall apply to utilities
1288 running from the utility easement or road right-of-way to structures and to
1289 utilities supplying service between structures.

1290 H. Lighting

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1291 All outdoor lighting shall be subject to s. 7.0409(F) of this Ordinance.

1292 I. Drainage

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1293 Storm water drainage should be directed into natural drainage channels and
1294 detention / retention ponds Pond edges and drainage channels shall be
1295 protected from erosion by natural aquatic vegetation whenever possible.
1296 When storm water volumes and/or velocities indicate more substantial
1297 measures than planting are required to control erosion, limestone rip-rap may
1298 be used.

1299 J. Access

1300 1. No direct driveways access shall be permitted to STH 57 other than
1301 WisDOT approved access for county and local road intersections,
1302 agricultural operations and field access.

1303 2. Driveway access to lands adjoining county highways intersecting with
1304 STH 57 shall maintain a minimum separation distance of 1,000-feet
1305 from the nearest STH 57 highway right-of-way line. Driveway access
1306 to lands adjoining all other roads intersecting with STH 57 shall
1307 maintain a minimum separation distance of 500' from the nearest STH
1308 57 highway right-of-way line.

1309 3. All permitted driveway access to STH 57 and county and town roads
1310 intersecting with STH 57 shall be subject to and in accordance with the
1311 requirements of s.7.0706 of this Ordinance.

1312 K. Parking

1313 1. Off street parking and loading areas shall be subject to and in
1314 accordance with s.7.0700 of this Ordinance.

1315 2. Natural drainage systems for parking lots are encouraged. If drainage
1316 detention is required it shall be in a naturally configured pond,
1317 recreated wetland area or dry detention area.

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1318 L. Loading and Unloading

1319 1. Loading and unloading requirements shall be subject to s. 7.0705 of
1320 this Ordinance.

1321 2. Service areas, loading docks, truck parking, outside storage and
1322 dumpster areas shall be screened from all viewing highways located
1323 within the District and any adjacent residential developments.
1324 Screening shall be accomplished with a minimum 8' high opaque
1325 screen. This screening may be accomplished by:

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1326 (a) Freestanding or attached wing walls or fences constructed of
1327 materials complimentary or the same as the primary construction
1328 materials found in the principal buildings.

1329 (b) Earth berms and/or landscaping dense enough to create a
 1330 year-round opaque screen. Plant material used for screening these
 1331 service areas may be considered part of the general Site
 1332 Landscaping & Open Space landscape requirement.

1333 M. Outdoor Display and Storage

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- 1334 1. Reserved
- 1335 2. No outdoor storage shall be allowed between the business location's
 1336 principal or accessory building and all viewing highways. This
 1337 restriction shall not apply to "farmer's markets" and other agricultural
 1338 uses (i.e. livestock, crops, farm implements currently in use for
 1339 agricultural production)

1340 N. Signs in Highway Corridor Overlay District

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- 1341 1. On-premise business identification signs (building mounted & free
 1342 standing) Refer to *Chapter 15: Sign Ordinance of the Municipal Code*
 1343 *of the Town of Union.*
- 1344 2. Except for temporary farm produce signs (see *Chapter 15: Sign*
 1345 *Ordinance of the Municipal Code of the Town of Union*), off premises
 1346 advertising signs (temporary and permanent) shall not be permitted
 1347 within the STH 57 Highway Corridor Overlay District.
- 1348 3. Standard WisDOT tourist information signs and business logo sign
 1349 groupings (Specific Information Signs) as currently used along the
 1350 State highway system shall be allowed within the right of way. Route
 1351 designation signs such as the Lake Michigan Circle Tour, Rustic Road
 1352 and Ethnic Trail signs shall also be allowed within the right of way.

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1353 O. Viewsheds

1354 Scenic vistas and sight lines to other special views particularly related to
 1355 creeks, public open space, conservancy areas, and large farms shall be
 1356 maintained through careful building placement and landscape development.

1357 P. Lot requirements

1358 Lot size shall be subject to and in accordance with s. 7.0300 of this Ordinance.

1359 Q. Setbacks from roads

1360 Building setbacks shall be subject to and in accordance with s. 7.0211 of this
 1361 Ordinance.

1362

1363 7.03147.0313 **HPD Historic Preservation Overlay District**

1364 It is hereby declared a matter of public policy that the protection, enhancement,
1365 perpetuation and use of improvements of special character or special historical
1366 interest or value is a public necessity and is required in the interest of health,
1367 prosperity, safety and welfare of the citizens of the Town. The purpose of the HPD
1368 Historic Preservation Overlay District is to effect and accomplish the protection,
1369 enhancement, and perpetuation of such improvements and of districts which
1370 represent or reflect elements of the Town's cultural, social, economic, political, and
1371 architectural history; safeguard the Town's historic and cultural heritage, as
1372 embodied and reflected in such landmarks and historic districts; stabilize and
1373 improve property values; foster civic pride in the beauty and noble
1374 accomplishments of the past; protect and enhance the Town's attractions to
1375 residents, tourists, and visitors for education, pleasure and general welfare; and
1376 serve as a support and stimulus to business and industry; and strengthen the
1377 economy of the Town.

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1378 To further the purposes of this Section, the National Register of Historic Places-
1379 Inventory and Nomination Form for the Namur Belgian-American District shall be
1380 used as guide for implementing the provisions of this District.

1381 Commentary: The Namur Belgian-American District was added to the National
1382 Register of Historic Places in 1989

- 1383 A. Principal Uses
 - 1384 Any principal use permitted in the underlying basic use district.
- 1385 B. Accessory Uses
 - 1386 Any accessory use permitted in the underlying basic use district.
- 1387 C. Conditional Uses
 - 1388 Any conditional use permitted in the underlying basic use district.
- 1389 D. Lot Area and Width
 - 1390 Lot area and width shall conform to the requirements in the underlying basic
1391 use district.
- 1392 E. Building Height and Area
 - 1393 Building height and area shall conform to the requirements in the underlying
1394 basic use district.
- 1395 F. Yards
 - 1396 All buildings shall conform to the setback and yard requirements of the
1397 underlying basic use district.
- 1398 G. Historic Preservation Commission
 - 1399 The Historic Preservation Commission is hereby created and shall be
1400 composed of five (5) members appointed by the Town Board.

Commented [BR31]: Deleted Chairperson. Of the membership, if available in the Town, one member shall be a member of the Town Board; one member shall be a member of the Plan Commission; one member shall be an architect, architectural historian, or a community planner; one member shall be a historian or have a known interest in the Town's history; and one member shall be a licensed real estate broker. Members shall be appointed for a term of three (3) years, except the Town Board and Plan Commission members' term shall expire at the same time as their respective terms of office.

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H. Historic Preservation Commission Review and Recommendation

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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

1441 change the exterior appearance of the structure or site and does
1442 not require the issuance of a building permit.

1443 I. Designation of Landmarks, Landmark Sites, and Historic Districts

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1444 The Town Board, upon referral to and receipt of the recommendations of the
1445 Plan Commission and Historic Preservation Commission, may designate
1446 landmarks, landmark sites, and historic districts within the Town. Appropriate
1447 records, including photographs and plans, shall be kept as a part of the Town's
1448 official zoning file.

1449 J. Limitation on Structural or Appearance Changes

1450 Structural changes shall be regulated in the following manner:

1451 1. Certificate of Appropriateness Required.

1452 There shall be no demolition of all or any part of a structure within the
1453 HPD district without the review and approval of plans for such
1454 demolition by the Plan Commission. In determining whether to grant
1455 approval, the Plan Commission shall take into consideration the
1456 recommendation of the Historic Preservation Commission. The Plan
1457 Commission shall make its determination within 60 days of the filing of
1458 the application for a Certificate of Appropriateness.

1459 2. Basis for Approval

1460 No demolitions shall be permitted in the HPD district that would tend
1461 to destroy or impair the character and quality of the HPD district.

1462 3. Repairs or Destruction

1463 No person in charge of a landmark or development that is an HPD
1464 district and subject to s. 7.0904 of this Ordinance shall be granted a
1465 permit to demolish such property without the review and
1466 recommendation of the Historic Preservation Commission to the Town
1467 Plan Commission.

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1468 7.0400 **PARTICULAR USE REQUIREMENTS**

1469 7.0401 **Purpose**

1470 The purpose of these requirements is to minimize potential negative impacts from
1471 certain uses and to promote compatibility between particular uses and surrounding
1472 uses.

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1473 7.0402 **Applicability**

1474 In addition to complying with other regulations established in this Ordinance, these
1475 requirements must be met for each specific use. These requirements shall override
1476 any requirements which are described elsewhere in this ordinance for the zoning
1477 districts, but only to the extent that they conflict with such requirements.

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1478 7.0403 **Agricultural Use Requirements**

1479 A. Agriculture

1480 1. Any agricultural use involving animals shall provide sufficient shelter
1481 and open space to meet or exceed any standards set by the United
1482 States Department of Agriculture and/or the Wisconsin Department of
1483 Natural Resources. Any use of a property involving horses shall
1484 comply with the requirements of s. 7.0407(D), Commercial and private
1485 riding stables.

1486 2. Barnyards, feed lots, and farm structures housing animals shall be
1487 located at least 100 feet from navigable water and shall be located so
1488 that manure will not drain into navigable water.

1489 3. Except in General Agricultural (GA) district, barnyards, feed lots, and
1490 farm structures housing animals, shall be located at least 200 feet from
1491 any dwelling unit other than that of the animal keeper's dwelling unit.

1492 B. Roadside stands

Commented [BR32]: Deleted: Such use shall only involve the sale of farm products produced on the premises

1493 1. Except for temporary structures not exceeding 160 square feet of floor
1494 area, all structures associated with roadside stands shall meet all
1495 setbacks and other provisions of this Ordinance. Temporary roadside
1496 stands which do not exceed 160 square feet of floor area are exempt
1497 from s. 7.0211, setbacks from roads, but shall not be placed in public
1498 right-of-ways.

1499 2. Only one roadside stand shall be permitted on a lot.

1500 C. Farm markets

1501 1. Such use shall principally involve the sale of farm and garden products,
1502 but other types of merchandise may be sold, provided such
1503 merchandise occupies not more than 30 percent of the indoor and
1504 outdoor display area of the farm market.

1505 2. At least one off-street parking space shall be provided for each 200
1506 square feet of indoor and outdoor display area.

1507 D. Agricultural visitation facilities

1508 1. If the agricultural visitation facility involves animals, the requirements
1509 of s. 7.0403(A)(1) shall be applicable.

1510 2. Off-street parking requirements and standards of section 7.0700 of this
1511 Ordinance shall be applicable.

1512 7.0404 **Commercial Use Requirements**

1513 A. **Kennels**

1514 1. All dogs shall be housed indoors during the hours from 9:00 p.m. to
1515 6:00 a.m.

1516 2. Minimum side and rear yards for all structures associated with kennels
1517 shall be 200 feet.

1518 3. Except as exempted here, all kennels shall be screened from public
1519 roads by vegetative screening as described in s. 7.0216(D), landscape
1520 buffer tree requirements. Structures located at least 200 feet from the
1521 centerline of public roads are exempt from the screening requirement.

1522 4. There shall be no more than 2 adult dogs in any single enclosure unit.

1523 B. Restaurants and taverns.

1524 1. Unenclosed seating areas shall comply with the side yard and rear yard
1525 requirements for principal buildings.

1526 2. Screening. All unenclosed seating areas shall be screened from
1527 adjacent residential properties by a vegetative screening, as described
1528 in s. 7.0216(D), landscape buffer tree requirements.

1529 3. Lighting. Lighting fixtures intended to illuminate unenclosed seating
1530 areas, volleyball courts, or similar uses shall be placed no higher than
1531 14 feet above the ground and shall be directed and/or hooded such that
1532 no light shall cast upon adjacent properties nor upon public roads.

1533 C. Model homes

1534 1. A model home may be used as a sales office, but shall not include a
1535 workshop or construction shop.

1536 2. Outside storage is prohibited.

Commented [BR33]: Deleted: *Radio and television stations
Towers and antennas located on the same lot as radio and television
stations shall meet the requirements in s. 4.09(4), communication
towers, antennas, transmitters.*

- 1537 3. No more than one on-premise sign shall be permitted. Such sign shall
- 1538 not exceed 4 square feet in sign face area and shall not be illuminated.
- 1539 No pennants, banners, flags, or similar devices shall be allowed.

- 1540 4. The regular zoning permit for a model home shall expire after 3 years.
- 1541 Renewals shall only be authorized as conditional uses.

- 1542 D. Auto repair

- 1543 1. The rebuilding or assembly of automobiles, engines, or transmissions
- 1544 on a factory production basis and/or the disassembly of automobiles
- 1545 on a factory production basis shall not be permitted.

- 1546 2. All repair, painting, parts storage, and body work activities shall take
- 1547 place within a building.

- 1548 3. All damaged or non-operable parts shall be stored indoors or in
- 1549 storage containers.

- 1550 E. Lumber and building supply yards

- 1551 Such uses shall be screened from public roads by a vegetative screening, as
- 1552 described in s. 7.0216(D), landscape buffer tree requirements.

- 1553 F. Trade or contractors establishments

- 1554 All outside storage areas and parking of trucks and machinery used in
- 1555 conjunction with the establishment shall be screened from all adjacent
- 1556 properties and public roads by a vegetative screening, as described in s.
- 1557 7.0216(D), landscape buffer tree requirements.

- 1558 G. Commercial storage facilities

- 1559 1. All buildings shall be located a minimum of 50 feet from all lot lines.

- 1560 2. Use. Commercial storage facilities shall not be used as workshops or
- 1561 retail shops.

- 1562 3. Outside storage. Outside storage shall be prohibited.

- 1563 4. Screening. Such facilities shall be screened from public roads by a
- 1564 vegetative screening, as described in s. 7.0216(D), landscape buffer
- 1565 tree requirements.

- 1566 5. Reserved

- 1567 H. Home Businesses

- 1568 The use of a dwelling unit or accessory structure for a home business shall be
- 1569 clearly secondary to the residential use of the property and shall not change
- 1570 the property's residential character. The following shall apply:

Commented [BR34]: Replaces Offices/studios

- 1571 1. Home businesses shall not require a zoning permit.
- 1572 2. A maximum of two home businesses shall be permitted per lot or
- 1573 building site. In no instance shall there be more than two home-based
- 1574 enterprises on a lot or building site.
- 1575 3. The home business shall be conducted by resident(s) of the dwelling
- 1576 unit. Other persons may be employed by the business but shall not
- 1577 work on the premises.
- 1578 4. Home businesses may be conducted in any dwelling unit or accessory
- 1579 building. The total floor area dedicated to home businesses, whether
- 1580 located within the dwelling unit and/or in an accessory building, shall
- 1581 be no more than 25% of the floor area of the dwelling unit.
- 1582 5. Sanitary facilities shall be provided per county and state sanitary code
- 1583 requirements.
- 1584 6. Uses subject to regulations found elsewhere in this ordinance shall also
- 1585 comply with those regulations.
- 1586 7. A maximum of one on-premise advertising sign, not to be illuminated
- 1587 and not to exceed 12 square feet in area, shall be permitted for a home
- 1588 business. Such signs shall be authorized through issuance of a sign
- 1589 permit in compliance with the requirements of this ordinance. No off-
- 1590 premise advertising signs shall be permitted.
- 1591 I. **Bed** and breakfast establishments
- 1592 1. **State license.** Prior to the establishment of a bed and breakfast, the
- 1593 operator shall obtain a license from the state as may be required by
- 1594 state law and maintain such license for the life of the use or until the
- 1595 state no longer requires such license.*
- 1596 2. **Type of dwelling.** A bed and breakfast shall only occur within a single-
- 1597 family dwelling.
- 1598 3. **Number of allowable guest rooms.** No more than 5 guest rooms shall
- 1599 be offered.
- 1600 4. **Residency requirement.** The operator of a bed and breakfast shall
- 1601 reside within the single-family dwelling during the time period when
- 1602 one or more of the rooms are occupied.
- 1603 5. **Exterior character of the dwelling unit.** The exterior appearance of the
- 1604 building shall not be altered from its single-family appearance.
- 1605 6. **Food preparation.** No food preparation or cooking shall be allowed in
- 1606 guest rooms.

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Commented [BR35]: Deleted Home Occupations section

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- 1607 7. Meals. Meals shall only be offered to overnight guests.
- 1608 8. Maximum stay. The maximum stay for any occupant shall be 14
- 1609 consecutive days.
- 1610 9. Record of guests. The operator shall keep a listing showing the names
- 1611 of all guests. This list shall be kept on file for a period of one year.
- 1612 Such list shall be available for inspection by town officials at any time
- 1613 upon request.
- 1614 10. Signage. One exterior advertising sign may be placed on the premises.
- 1615 The sign location, type, and size must be approved as part of the site
- 1616 plan review process

1617 [Commentary: See subch. VII of chapter 254, Wis. Stats., and ch. HFS 197,](#)

1618 [Wis. Admin. Code](#)

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1619 ~~11. Except in the Single Family Residential 20,000, there shall be no~~

1620 ~~more than 4 rooms available for rent to transient guests. In the Single~~

1621 ~~Family Residential 20,000, there shall be no more than 2 such rooms.~~

1622 ~~12. Bed and breakfast establishments shall comply with the parking~~

1623 ~~requirements of s. 7.02, off street parking requirements.~~

1624 ~~13. All bed and breakfast establishments with sleeping rooms above the~~

1625 ~~ground floor shall provide an outside fire escape or escape balcony~~

1626 ~~from an area accessible to the occupants of the upper floor(s) and~~

1627 ~~appropriate exit signs.~~

1628 ~~14. All lot size and other dimensional requirements for single family~~

1629 ~~residences shall be met.~~

1630 ~~15.11.~~ -No more than one on-premise sign shall be permitted. Except in the

1631 Single Family Residential-20,000, such sign shall not exceed 9 square

1632 feet in sign face area. In the Single Family Residential-20,000 Family

1633 Residential-30,000 districts, such sign shall not exceed 4 square feet in

1634 sign face area.

1635 ~~16.12.~~ -In the Single Family Residential-20,000 district, at the time of

1636 zoning permit application, the building proposed to house the bed and

1637 breakfast establishment shall be at least 10 years old, as dated from

1638 original construction.

1639 ~~J. Boardinghouses~~

1640 ~~1. There shall be one off street parking space per sleeping room~~

1641 ~~provided.~~

1642 ~~2. There shall be no more than 4 sleeping rooms provided for boarding.~~

- 1643 ~~3. All boardinghouses with sleeping rooms above the ground floor shall~~
- 1644 ~~provide an outside fire escape or escape balcony from an area~~
- 1645 ~~accessible to the occupants of the upper floor(s) and appropriate exit~~
- 1646 ~~signs.~~
- 1647 ~~4. All lot size and other dimensional requirements for single family~~
- 1648 ~~residences shall be met.~~
- 1649 ~~5. No more than one sign shall be permitted. Such sign shall not exceed~~
- 1650 ~~4 square feet in sign face area.~~

K.J. Family day care homes

- 1652 1. Pick up and drop off areas shall not be located within any public right-
- 1653 of-way.
- 1654 2. Family day care homes shall provide at least 100 square feet of
- 1655 outdoor play area per child.
- 1656 3. Outdoor play areas shall be enclosed by a wall or fence and shall be
- 1657 separated from vehicular circulation and parking areas.
- 1658 4. Family day care homes shall be permitted no more than one sign. Such
- 1659 sign shall not exceed 4 square feet in sign face area and shall not be
- 1660 illuminated.

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L.K. Day care centers

- 1662 1. Pick up and drop off areas shall not be located within any public right-
- 1663 of-way.
- 1664 2. Day care centers shall provide at least 100 square feet of outdoor play
- 1665 area per child.
- 1666 3. Outdoor play areas shall be enclosed by a wall or fence and shall be
- 1667 separated from vehicular circulation and parking areas.

Commented [BR36]: Deleted: Adult Entertainment Business section

M.L. Reserved

7.0405 **Industrial Use Requirements**

A. Sawmills/planing mills

- 1671 1. Such uses shall be located a minimum distance of 500 feet from any
- 1672 dwelling unit other than that of the owner or operator of the
- 1673 establishment.
- 1674 2. No sawmill/planing mill shall produce a sound level at its property
- 1675 boundary that exceeds ~~85~~5 decibels.

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1676 3. Areas used for stockpiling and maneuvering shall be a minimum
1677 distance of 200 feet from any dwelling unit other than that of the owner
1678 or operator of the establishment.

1679 B. Nonmetallic mining

1680 The following requirements shall apply to nonmetallic mining:

1681 1. Application. In addition to the application requirements of s. 7.1104,
1682 conditional use permits, all applications for a proposed nonmetallic
1683 mining operation shall include the following information, except that
1684 the Planning Commission may waive portions of the specified
1685 information upon finding that, because of the nature or method of the
1686 operation, such information is not relevant or is unnecessary to a full
1687 and proper evaluation of the application:

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1688 (a) Site plan. A site plan, drawn at a scale which produces a clearly
1689 legible drawing, which shall include the following:

- 1690 (1) North point, scale, and date.
- 1691 (2) Property boundaries of the operator's owned and/or
1692 leased land.
- 1693 (3) Location and boundaries of the nonmetallic mining site,
1694 including extent of the area to be excavated, related
1695 storage and processing areas, and areas where
1696 nonmetallic mining refuse is to be deposited.
- 1697 (4) Location of all access points, roads, rights-of-way, and
1698 utility easements on or abutting the property.
- 1699 (5) Location of all structures within 300 feet of the mining
1700 site.
- 1701 (6) Location of karst features and location and direction of
1702 flow of all watercourses on or within 300 feet of the
1703 mining site.
- 1704 (7) Bench marks.
- 1705 (8) A topographic map, with a minimum contour interval of
1706 5 feet, of the proposed mining site and the area within
1707 300 feet of the mining site. The contour lines shall be
1708 referenced to one of the bench marks shown on the site
1709 plan.
- 1710 (9) Areas to be used for sedimentation ponds, if any.
- 1711 (10) Proposed parking areas, signs, and fencing, including a
1712 description of the purpose of the fencing.
- 1713 (11) Typical cross section of the site showing the water table.

- 1714 (12) A statement signed by the property owner that the
- 1715 property owner shall assume responsibility for financial
- 1716 assurance as provided in par. (4).

- 1717 (b) Operation plan. An operation plan which shall include description
- 1718 of the proposed nonmetallic mining operation and methods and
- 1719 procedures to be used in mining the site. The operation plan shall
- 1720 also include the following:
 - 1721 (1) The approximate date of commencement of the
 - 1722 operation.
 - 1723 (2) Type of mining, processing, and transportation
 - 1724 equipment to be used.
 - 1725 (3) Estimated type of materials to be extracted.
 - 1726 (4) Primary travel routes to be used to transport material to
 - 1727 processing plants or markets.
 - 1728 (5) Operational measures to be taken to minimize noise,
 - 1729 dust, air contaminants, and vibrations.
 - 1730 (6) Operational measures to be taken to prevent groundwater
 - 1731 and surface water degradation.
 - 1732 (7) If excavations below the water table are to occur,
 - 1733 operational measures to be taken to prevent entry of
 - 1734 contaminants into the groundwater.
 - 1735 (8) Operational measures to be taken to stabilize topsoil and
 - 1736 other material stockpiles.
- 1737 (c) Reclamation plan. A reclamation plan for the nonmetallic mining
- 1738 site as required and approved under the Door County Code.

- 1739 2. Financial assurance
 - 1740 (a) Except for nonmetallic mining by governmental units and except
 - 1741 as provided in subd. (3)., a bond shall be required to ensure
 - 1742 compliance with the approved reclamation plan. The Plan
 - 1743 Commission shall determine the required bonding level of the
 - 1744 project based upon the estimated cost of fulfilling the reclamation
 - 1745 plan. Following approval of the permit and as a condition of the
 - 1746 permit, but prior to commencing the project, the operator shall file
 - 1747 with the town the required bond conditioned on faithful
 - 1748 performance in conformance with the approved reclamation plan.
 - 1749 Upon notification by the Town of bonding approval and
 - 1750 conformance with permit conditions, the operator may commence
 - 1751 project and reclamation operations.
 - 1752 (b) Bond requirements

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- 1753 (1) Bonds shall be issued by a surety company licensed to do
- 1754 business in Wisconsin. At the option of the operator, a
- 1755 performance bond or a forfeiture bond may be filed.
- 1756 Surety companies may have the opportunity to complete
- 1757 the reclamation plan in lieu of a cash payment to the
- 1758 Town.

- 1759 (2) Each bond shall provide that the bond not be canceled by
- 1760 the surety company, except upon not less than 90 days
- 1761 written notice to the Town. Not less than 30 days prior to
- 1762 the expiration of the 90 day notice of cancellation, the
- 1763 operator must deliver to the Town a replacement bond, in
- 1764 the absence of which all nonmetallic mining shall cease.

- 1765 (3) The bond shall be payable to "Town of Union."

- 1766 (4) The estimated cost of reclamation of each project shall be
- 1767 determined by the Plan Commission on the basis of
- 1768 relevant factors including, but not limited to, topography
- 1769 of the site, project methods being employed, depth of
- 1770 project operations, and from data provided in the
- 1771 operation and reclamation plans.

- 1772 (5) If a phased reclamation plan is approved, the required
- 1773 bond in such case may cover progressive phases of the
- 1774 reclamation.

- 1775 (c) Security deposits. In lieu of a bond, and upon written approval of
- 1776 the Plan Commission, an operator may deposit with the Town
- 1777 cash, certificates of deposit, governmental securities or other
- 1778 security acceptable to the Plan Commission.

- 1779 (d) Financial assurance release. The Town shall release the operator's
- 1780 bond or deposit if it finds, after inspection of the project site, that
- 1781 the operator has fully carried out and completed reclamation of
- 1782 the project site in accordance with the operation and reclamation
- 1783 plan and has otherwise complied with permit requirements.

- 1784 3. Permit requirements

- 1785 (a) Renewal of permit. Conditional use permits for nonmetallic
- 1786 mining shall be effective for 2 years, unless a lesser time period is
- 1787 specified by the Plan Commission. Renewals of permits shall be
- 1788 issued as follows:

- 1789 (1) Applications for permit renewal must be submitted at
- 1790 least 60 days prior to the expiration date of the existing
- 1791 permit. Such applications shall comply with the
- 1792 requirements of 7.0405(B)(1), but need not include any
- 1793 items shown on previously submitted applications.
- 1794 Renewal applications may merely indicate no change in

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- 1795 such items. Any changes from prior applications shall be
- 1796 shown on applications for permit renewal.
- 1797 (2) No permit renewal shall be granted unless the project is
- 1798 in compliance with the terms of the existing permit,
- 1799 including the reclamation plan approved by the Plan
- 1800 Commission.
- 1801 (3) Permit renewals may be conditioned upon correction of
- 1802 any unanticipated environmental impacts which occur
- 1803 during the original or renewal permits.
- 1804 (4) No public hearing shall be required to be held with
- 1805 respect to a renewal application, unless the application
- 1806 provides for an enlargement of the previous approved
- 1807 mining site or otherwise provides for an alteration or
- 1808 change in the method of operations or reclamation
- 1809 previously approved which might adversely affect the
- 1810 use or enjoyment of nearby properties.
- 1811 (5) Renewal permits shall be issued for another 5 years.
- 1812 (b) Transfer of permit. When one operator succeeds to the interest of
- 1813 another at an uncompleted site, the first operator shall be released
- 1814 of the responsibilities imposed by the permit, but only if:
- 1815 (1) The operation is in compliance with the requirements of
- 1816 this section and the permit for the operation.
- 1817 (2) The new operator assumes the responsibility of the
- 1818 former operator to complete the reclamation of the entire
- 1819 mining site by a written, signed and notarized document
- 1820 and provides financial assurance for such reclamation.
- 1821 (c) Mining site enlargement. Any proposed mining site enlargement
- 1822 shall be processed as a new application pursuant to this section.
- 1823 All provisions of this section shall apply to the proposed
- 1824 enlargement.
- 1825 (d) Failure to open and operate. Failure of an operator to take
- 1826 substantial steps to open and operate in a mining site within one
- 1827 year of the initial permit issuance shall invalidate the permit. A
- 1828 new permit application shall be required for any future mining
- 1829 activity.
- 1830 (e) Abandonment of nonmetallic mining operations. If abandonment
- 1831 of nonmetallic mining operations occurs, new mining operations
- 1832 shall not be permitted, except upon permit issuance as prescribed
- 1833 by this section.

1834 7.0406

Institutional Use Requirements

A. Public highway garages

Commented [BR37]: Deleted: Salvage Yards, Solid Waste Facilities, Resource Recovery facilities, and Temporary concrete and asphalt batch plant sections.

1836 Public highway garages shall be screened from public roads by means of a
 1837 vegetative screening, as described in s. 7.0216(D), landscape buffer tree
 1838 requirements.

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1839 7.0407 **Outdoor Recreation Uses Requirements**

1840 A. Parks

- 1841 1. Parks owned and/or managed by units of government.
- 1842 2. Facilities for active recreation as defined in Section 7.1400 shall be
 1843 located a minimum of 75 feet from lot lines when the abutting property
 1844 contains a single family residence or, if vacant, is located in a zoning
 1845 district where single family residences are permitted.
- 1846 3. Parks which are privately owned.
 - 1847 (a) Facilities for active recreation shall be on tracts the larger of
 - 1848 either:
 - 1849 (1) 450 feet wide and 4.5 acres in area, or
 - 1850 (2) The minimum lot width and area for new lots in the
 - 1851 zoning district as required by Section 7.0300.
 - 1852 (b) Facilities for active recreation shall be located a minimum of 150
 - 1853 feet from lot lines when the abutting property contains a single
 - 1854 family residence or, if vacant, is located in a zoning district where
 - 1855 single family residences are permitted.

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1856 B. Campgrounds and trailer camps

- 1857 1. Each recreational vehicle, trailer, or camp site shall be plainly marked
 1858 and surfaced with gravel, asphalt, or other material to free the site of
 1859 mud.
- 1860 2. The maximum number of recreational vehicle, trailer, or camp sites
 1861 shall be 15 per acre.
- 1862 3. The minimum size of a recreational vehicle park, trailer park or
 1863 campground shall be 5 acres
- 1864 4. The minimum dimensions of a recreational vehicle, trailer, or camp
 1865 site shall be 25 feet wide by 40 feet long.
- 1866 5. Each recreational vehicle, trailer, or camp site shall be separated from
 1867 other recreational vehicle, trailer, or camp sites by at least 15 feet.
- 1868 6. There shall be 2 off-street parking spaces for each recreational vehicle,
 1869 trailer, or camp site.

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- 1870 7. All recreational vehicle, trailer, or camp sites shall meet the required
1871 setbacks from roads and from the ordinary high water mark and shall
1872 be located at least 50 feet from all exterior lot lines.

- 1873 8. Each recreational vehicle park, trailer park, or campground shall be
1874 screened by means of a vegetative screening, as described in s.
1875 7.0216(D), landscape buffer tree requirements, along all lot lines.
1876 Such requirement may be waived by the Plan Commission, upon
1877 referral and recommendation by the Zoning Administrator, if existing
1878 woody vegetation is such that the screening objective is or will be
1879 achieved.

- 1880 9. Seasonal campsites shall be allowed subject to the following:
 - 1881 (a) No more than one wheeled camping unit or one shelter unit shall
1882 be allowed on any individual campsite. In addition to these
1883 facilities, a tent may be erected to serve as an auxiliary shelter, but
1884 shall not be erected for a period of more than 14 consecutive days.
 - 1885 (b) A seasonal camping unit shall not exceed 400 square feet in floor
1886 area nor 8 feet 6 inches in width when in the in-transit position.
 - 1887 (c) A seasonal camping unit shall not be occupied for more than 4
1888 months in a calendar year, although a camping unit may remain
1889 on an individual campsite for an entire calendar year. The wheels
1890 and tires shall remain in an in-transit position.
 - 1891 (d) No porches, lean-tos, or additions shall be constructed onto or
1892 immediately adjacent to a camping unit. Canvas screen rooms or
1893 awnings shall be allowed.
 - 1894 (e) A wooden deck may be provided adjacent to a camping unit
1895 subject to the following:
 - 1896 (1) The deck shall not exceed 256 square feet in area.
 - 1897 (2) The deck may be enclosed by open railings, but shall not
1898 have built-in benches or tables.
 - 1899 (3) The deck shall not have a permanent foundation in the
1900 ground.
 - 1901 (f) A camping unit and deck may only be skirted with lattice;
1902 however, solid skirting may be installed immediately adjacent to
1903 the tires.
 - 1904 (g) One storage shed shall be allowed per campsite. Said shed shall
1905 not exceed 80 square feet in floor area.

- 1906 10. A shelter unit may be located on an individual campsite provided it is
1907 designed only to protect occupants from the elements and does not
1908 have a permanent water supply, a sewage system, electricity, or
1909 heating and cooking facilities. A shelter unit shall not exceed 300

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1910 square feet in total floor area and shall not be rented to a camping party
1911 for a term exceeding 30 consecutive days.

1912 11. One dwelling unit to be occupied by the owner and not more than one
1913 additional dwelling unit to be occupied by the manager shall be
1914 allowed in a campground.

1915 C. Camping

1916 1. Camping shall be permitted in approved campgrounds without
1917 issuance of a regular zoning permit.

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1918 2. Camping on a lot by one camping party including the landowner or by
1919 one camping party with the landowner's written permission shall be
1920 allowed without issuance of a regular zoning permit, subject to the
1921 following:

1922 (a) Such camping shall be allowed in all zoning districts, except
1923 Wetland and Commercial/Business districts.

1924 (b) Sanitary waste disposal shall be provided by either:

1925 (1) Connection to approved on-site waste disposal system.

1926 (2) Self-contained holding tank with disposal at an approved
1927 sanitary dump station.

1928 (3) A portable toilet with disposal at an approved sanitary
1929 dump station.

1930 (c) Side and rear yard requirements for the camping unit shall be as
1931 required for principal structures in s. 7.0300, district
1932 requirements.

1933 (d) The camping unit shall meet the setback requirements of s.
1934 7.0300.

1935 (e) Camping shall not exceed 15 consecutive days nor more than 30
1936 days in any calendar year.

1937 (f) Not more than two camping unit shall be permitted on a lot.

1938 (g) Except as provided in subd. h., the camping unit shall be removed
1939 from the property after each camping stay.

1940 (h) Outdoor storage.

1941 (1) If a principal building is located on the lot, one camping
1942 unit may be stored outdoors. The stored camping unit
1943 shall meet all required setbacks and yards for accessory
1944 structures. The stored camping unit shall be in an in-

- 1945 transit position with no utility connections, windows and
 1946 doors closed, and not used for sleeping purposes.
- 1947 (2) The storage of a camping unit on a vacant lot shall be
 1948 prohibited.
- 1949 3. Camping on a lot during construction of a single family dwelling unit
 1950 shall be allowed, subject to the following:
- 1951 (a) A regular zoning permit for a single family residence has been
 1952 secured and a slab, crawlspace, or foundation for the single family
 1953 dwelling unit has been installed. A regular zoning permit which
 1954 authorizes such camping has been secured.
- 1955 (b) An approved on-site waste disposal system, designed to
 1956 accommodate the single family residence, has been installed on
 1957 the property prior to the placement, erection, and/or use of the
 1958 camping unit to serve as a means of sanitary waste disposal for
 1959 the users of the camping unit.
- 1960 (c) The camping activity shall cease upon the completion of the single
 1961 family dwelling unit on the property.
- 1962 (d) Renewal permits shall only be issued when substantial progress
 1963 toward completion of the single family dwelling unit is
 1964 demonstrated during the previous year.
- 1965 D. Commercial and private riding stables
- 1966 Any use of a property involving the keeping of horses shall comply with the
 1967 requirements of this section.
- 1968 1. Minimum lot size for riding stables shall be 5 acres for commercial
 1969 riding stables and 2.5 acres for private riding stables.
- 1970 2. There shall be at least 20,000 square feet of open space provided on
 1971 the lot for each horse kept on the lot.
- 1972 3. All stables shall be located at least 100 feet from the ordinary high
 1973 water mark of navigable water and shall be located such that manure
 1974 will not drain into navigable water.
- 1975 4. All stables shall be located at least 200 feet from a dwelling unit other
 1976 than that of the owner or operator of the establishment.
- 1977 E. Marinas, excursion boating, and charter fishing
- 1978 If boat launching facilities which are available to the public are provided,
 1979 parking spaces for towing vehicles and trailers shall be provided at the rate
 1980 of 15 parking spaces per launching lane. Each parking space shall be at least
 1981 10 feet wide by 40 feet long. Such parking shall be in addition to the parking
 1982 required in s. 7.0700, parking requirements.

- 1983 F. Institutional recreation camps
- 1984 1. Minimum lot size shall be 10 acres.
- 1985 2. Maximum capacity shall be 5 persons per acre or 200 persons,
- 1986 whichever is less. Such capacity shall be determined by the number
- 1987 sleeping spaces, number of dining spaces, and/or other appropriate
- 1988 means of determination.
- 1989 G. Retreat Centers
- 1990 1. Minimum lot size shall be 20 acres.
- 1991 2. Maximum capacity shall be 3 persons per acre or 75 persons,
- 1992 whichever is less. Such capacity shall be determined by the number of
- 1993 sleeping spaces provided, number of dining spaces provided, and/or
- 1994 other appropriate means of determination.
- 1995 7.0408 **Residential Uses Requirements**
- 1996 A. Single family residences separated from farm parcels.
- 1997 Single family residences existing prior to the effective date of this Ordinance
- 1998 may be separated from farm parcels, subject to the following:
- 1999 1. The lot created shall contain at least one acre exclusive of lands within
- 2000 any public right-of-way.
- 2001 2. The lot width of the resultant lot shall be at least 200 feet.
- 2002 3. The lot lines created shall place all existing structures in conformance
- 2003 with applicable setback and yard requirements.
- 2004 4. The creation of the separate lot shall not reduce the remaining tract to
- 2005 a lot area of less than that required for a new lot in the zoning district.
- 2006 B. Farm-related residences
- 2007 Separate lots created for farm-related residences shall comply with the
- 2008 following:
- 2009 1. The lot lines created shall place all existing structures in conformance
- 2010 with applicable setback and yard requirements.
- 2011 2. The lot created shall be at least one acre in area exclusive of lands
- 2012 within any public right-of-way.
- 2013 3. The minimum lot width shall be 200 feet.
- 2014 4. The creation of the separate parcel shall not reduce the remaining tract
- 2015 to a lot area of less than that required for a new lot in the zoning district.

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C. Accessory residences

- 1. There shall be no more than one accessory residence on a lot.
- 2. In all districts, the accessory residence may be an attached or 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. ~~7.044-08(4D)~~, manufactured homes.

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D. Manufactured homes

Manufactured homes are permitted in manufactured home parks, refer to s. ~~7.044-08(4E)~~, manufactured home parks, and as temporary manufactured homes refer to s. ~~7.044-08(4F)~~, 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,

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- 2051 whichever is greater, for all manufactured homes, including all
- 2052 appurtenances, and accessory structures.

- 2053 6. No sales office or other business or commercial use shall be located
- 2054 within a manufactured home park. Laundries, washrooms, recreation
- 2055 rooms, maintenance equipment storage, and one management office
- 2056 are permitted.

- 2057 7. Each manufactured home park shall be screened, except for permitted
- 2058 entrances and exits, by means of a vegetative screen, as described in s.
- 2059 7.0216(D), landscape buffer tree requirements, at the perimeter of the
- 2060 manufactured home park. The requirement may be waived by the Plan
- 2061 Commission, upon referral and recommendation of the Zoning
- 2062 Administrator, if existing woody vegetation is such that the screening
- 2063 objective is or will be achieved. In addition, there shall be a yard with
- 2064 a minimum width of 40 feet around the perimeter of the manufactured
- 2065 home park.

- 2066 8. Manufactured homes in manufactured home parks shall contain at least
- 2067 750 square feet of floor area.

- 2068 9. No manufactured home site shall be rented for a period of less than 30
- 2069 days.

- 2070 10. Deck(s) shall be permitted on each manufactured home site. The total
- 2071 size of the deck(s) shall not exceed 25 percent of the floor area of the
- 2072 manufactured home. Deck(s) shall comply with the setback and yard
- 2073 requirements for manufactured homes in approved manufactured
- 2074 home parks.

- 2075 11. The total floor area of additions such as screen porches, lean-tos, or
- 2076 other extensions attached to a manufactured home shall not exceed 5
- 2077 percent of the floor area of the manufactured home. Any additions
- 2078 constructed in conformance with this provision shall comply with the
- 2079 setback and yard requirements for manufactured homes in an approved
- 2080 manufactured home park.

- 2081 12. One accessory structure shall be permitted for each manufactured
- 2082 home site and shall not exceed 120 square feet in floor area.

- 2083 13. All manufactured homes shall meet the construction standards of the
- 2084 U.S. Department of Housing and Urban Development Manufactured
- 2085 Housing Code.

- 2086 14. No permit shall be required to move a manufactured home onto a
- 2087 manufactured home site or interchange a manufactured home for
- 2088 another manufactured home on a manufactured home site in a
- 2089 manufactured home park that has been approved in accord with all

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2090 applicable provisions of this Ordinance. The number of manufactured
 2091 homes in an approved manufactured home park shall not exceed the
 2092 number of manufactured home sites illustrated on site plans approved
 2093 as part of the approval of the manufactured home park or the approval
 2094 of an expansion of the manufactured home park.

2095 15. All manufactured home sites shall take access only to an internal street.

2096 16. The number of manufactured homes in a nonconforming manufactured
 2097 home park shall not exceed the number of sites existing on the effective
 2098 date of this Ordinance, unless expansion has been authorized through
 2099 a conditional use permit.

2100 F. Temporary manufactured homes

2101 1. Manufactured homes used as residences for farm employees, parents,
 2102 and/or adult children of farm operators shall comply with the
 2103 following:

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2104 (a) Such manufactured home shall provide housing for farm
 2105 employees who assist farm operators engaged in agricultural
 2106 activities, or for parents and/or adult children of farm operators.

2107 (b) The manufactured home shall not be placed on a separate lot.

2108 (c) The manufactured home shall meet the minimum floor area
 2109 requirements and all setback and yard requirements of this
 2110 Ordinance.

2111 (d) When the manufactured home is no longer occupied by said farm
 2112 employees, parents, or adult children, the manufactured home
 2113 shall be removed from the farm operator's property.

2114 (e) The manufactured home shall be connected to a code complying
 2115 wastewater disposal system.

2116 (f) The number of such manufactured homes shall not exceed one
 2117 manufactured home per 80 acres of land owned by said farm
 2118 operator.

2119 (g) All portions of such manufactured home shall be located within
 2120 300 feet of the dwelling unit of said farm operator.

2121 (h) Requires a conditional use permit

2122 2. Manufactured homes used as temporary accessory units shall comply
 2123 with the following:

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2124 (a) Only owner-occupiers of a single family dwelling unit are
 2125 permitted to install a temporary accessory unit. There shall be no
 2126 more than one temporary accessory unit on a lot.

- 2127 (b) The temporary accessory unit shall be removed upon cessation of
- 2128 occupancy of the individual(s) for whom the temporary accessory
- 2129 unit was intended.
- 2130 (c) The temporary accessory unit shall meet all setback and yard
- 2131 requirements for principal structures.
- 2132 (d) Off-street parking for the temporary accessory unit shall be
- 2133 provided.
- 2134 (e) Requires a conditional use permit

2135 G. Seasonal Dwellings for Agricultural Production and Processing Workers

- 2136 1. Such dwellings shall only be occupied by persons who, or a family at
- 2137 least one member of which, is/are actively engaged in agricultural
- 2138 production or processing.
- 2139 2. The required yards and setbacks shall be doubled, unless such
- 2140 dwellings are screened by a vegetative screening as described in s.
- 2141 7.0216(D), landscape buffer tree requirements.
- 2142 3. Such dwellings shall be placed on the same lot and shall be clustered
- 2143 within 50 feet of each other.
- 2144 4. Such dwellings shall be connected to a code complying wastewater
- 2145 disposal system(s).
- 2146 5. Not more than 4 seasonal dwellings shall be permitted, unless a
- 2147 conditional use permit has been authorized by the Plan Commission.

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2148 H. Multiple occupancy development (MOD) requirements

2149 MODs include multi-family dwellings (more than 2 dus) hotels, motels,
2150 condominium developments, time shares, etc. MODS are permitted in the
2151 Commercial/Business (CB) district.

2152 1. Procedures

- 2153 (a) Multiple occupancy developments (MODs) may only be
- 2154 authorized through the conditional use permit procedure.
- 2155 (b) Any room within a MOD occupancy unit that is not a kitchen,
- 2156 living room, dining room, bathroom, or utility room shall be
- 2157 counted as a bedroom. If the site plan for an occupancy unit
- 2158 depicts no bedrooms, the occupancy unit shall be considered to
- 2159 contain one bedroom.

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2160 2. Lot requirements

- 2161 (a) The minimum lot size requirements for MODs shall be one acre
- 2162 and 100' in lot width

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(b) Reserved

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3. Density

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

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

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(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.

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

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4. Impervious surface ratios

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The maximum impervious surface ratio shall be 35%.

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5. Structure height

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(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 sideyard setback is increased over 20 feet.

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

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6. Minimum yards

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(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.

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(b) For all other, side and rear yard setbacks shall be 20 feet, unless:

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(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

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(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.

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2201 (c) Where the requirements outlined in 1., 2., or 3. conflict with s.
 2202 7.0408(5)(b), non-core area MOD building height, the larger
 2203 setback shall be used.

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2204 7. Road setbacks

2205 (a) Minimum road setbacks shall be as required in s. 7.0211, setbacks
 2206 from roads, except that the provisions of s. 7.0212, setback
 2207 reduction, shall not be applicable. In addition, for each foot of
 2208 street-facing building facade in excess of 80 feet in length the
 2209 MOD building shall be set back an additional 6 inches.

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2210 8. Ordinary high water mark setback

2211 (a) The minimum ordinary high water mark setback shall be as
 2212 required in s. 7.0214, setback from navigable water.

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2213 (b) Reserved

2214 9. Off-street parking and related structure requirements

2215 (a) Off-street parking spaces. For each occupancy unit within a
 2216 MOD, one space shall be provided for the first bedroom, .8 spaces
 2217 for any additional bedrooms, and an additional .2 spaces for each
 2218 bedroom within a lockout unit.

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2219 (b) Right-of-way setbacks for off-street parking areas. Off-street
 2220 parking areas must be located a minimum of 25 feet from any road
 2221 rights-of-way.

2222 (c) Side and rear yard setbacks for off-street parking areas,
 2223 driveways, dumpsters, and recycling areas shall be 5 feet, unless:

- 2224 (1) The MOD is adjacent to a single family residence in an
 2225 SF-20, zoning district, in which case minimum side and
 2226 rear yard setbacks shall be 25 feet, or
- 2227 (2) The MOD is adjacent to a single family residence in an
 2228 CB, zoning district, in which case minimum side and rear
 2229 yard setbacks shall be 15 feet.

2230 10. Additional landscaping and screening requirements

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2231 (a) A 25 foot wide area adjacent to public road rights-of-way shall be
 2232 used for screening and landscaping.

- 2233 (1) Complete vegetative clearing shall be allowed only in the
 2234 areas required for access driveways. For driveways
 2235 serving as both entrance and exit, a strip a maximum of
 2236 40 feet may be cleared. When separate entrance and exit
 2237 driveways are used, a maximum of 20 feet may be
 2238 cleared for each driveway.

- 2239 11. Outdoor lighting. All outdoor lighting shall utilize lighting fixtures
2240 whose hood, lens, or combination thereof allow no direct beams of
2241 light from the fixture to be seen from off the property or to be cast
2242 skyward.
- 2243 12. Building spacing. Buildings may be clustered on a lot, but shall be
2244 separated from each other by a distance of at least 20 feet or as required
2245 by the Wisconsin Administrative Code, whichever is greater.
- 2246 13. Mixed uses. Uses other than occupancy units, if permitted in the
2247 district, may be located on the same lot as the MOD.
- 2248 14. Accessory buildings. The total number of accessory buildings shall be
2249 limited to two (2) or the number of MOD principal buildings on the
2250 lot, whichever is greater. The total combined floor area of all accessory
2251 buildings shall not exceed 70 percent of the total building footprint of
2252 all MOD principal buildings.
- 2253 15. Manufactured homes prohibited. Manufactured homes shall not be
2254 used as occupancy units within a MOD.

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2255 7.0409 **Miscellaneous Uses Requirements**

2256 A. Airports, airstrips, and landing fields

- 2257 1. The area proposed for this use shall be sufficient in size, and the site
2258 shall otherwise be adequate, to meet the standards of the Federal
2259 Aviation Administration, Department of Transportation, for the class
2260 of airport proposed.
- 2261 2. One off-street parking space shall be required for every tie-down space
2262 or plane space within hangars.

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2263 B. Utility facilities

- 2264 1. No zoning permit shall be required for any installation that is at or
2265 below grade elevation, nor for electrical poles, towers, and wires.
- 2266 2. Those structures which are 4 feet or less above grade elevation need
2267 not meet setback requirements nor need they be placed on conforming
2268 lots.
- 2269 3. Electrical substations shall be enclosed by a chain link fence at least
2270 10 feet high. Such structures shall additionally be located at least 75
2271 feet from a dwelling unit.

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2272 C. Keeping of chickens

- 2273 1. Purpose. The purpose of this section is to provide standards for the
2274 keeping of domesticated chickens. It is intended to enable residents to

2275 keep a small number of female chickens on a non-commercial basis
 2276 while limiting the potential adverse impacts on the surrounding area.
 2277 This section is intended to create standards and requirements that
 2278 ensure that domesticated chickens do not adversely impact the area
 2279 surrounding the property on which the chickens are kept.

2280 2. Definitions. The following definitions are used in this section:

2281 CHICKEN means a domestic chicken of the sub-species Gallus gallus
 2282 domesticus.

2283 KEEP means either the owning, keeping, possessing or harboring of a
 2284 chicken.

2285 ROOSTER means a male chicken of any age, including a capon or
 2286 otherwise neutered male chicken.

2287 COOP means a new or existing enclosed accessory structure designed
 2288 or modified for the keeping of chickens and meeting the requirements
 2289 of this section.

2290 CHICKEN RUN means a fenced cage attached to a coop at least ten
 2291 (10) square feet in area per chicken and not to exceed one hundred
 2292 twenty (120) square feet in area.

2293 3. Keeping of chickens allowed.

2294 (a) The keeping of domesticated chickens shall be allowed as a
 2295 permitted accessory use in all zoning districts and shall comply
 2296 with the requirements of this section.

2297 Note: The requirements of Section 7.0409 (C) do not apply in
 2298 the General Agricultural (GA) district, however all
 2299 requirements of the GA district must be adhered to.

2300 (b) Up to eight (8) chickens are allowed.

2301 (c) No person shall keep any rooster.

2302 (d) Chickens shall not be allowed to free range and shall not be
 2303 housed in garages or homes.

2304 4. Henhouses.

2305 A henhouse shall be provided and shall be designed to provide safe and
 2306 healthy living conditions for the chickens while minimizing adverse
 2307 impacts to other residents in the area.

2308 (a) The structures shall be enclosed on all sides and shall have a roof,
 2309 structural floor, and doors. Access doors must be able to be shut
 2310 and locked at night. Opening windows and vents must be covered

- 2311 with predator-and bird-proof wire of less than one (1) inch
- 2312 openings.
- 2313 (b) The henhouse must be impermeable to rodents, wild birds, and
- 2314 predators, including dogs and cats.
- 2315 (c) Henhouses shall be constructed in a workmanlike manner, be
- 2316 moisture-resistant and either raised up off the ground or placed on
- 2317 a hard surface such as concrete, patio block or gravel.
- 2318 (d) No henhouse shall be located closer than forty (40) feet to any
- 2319 principal residential structure on an adjacent lot and must meet the
- 2320 setback of the zoning district for an accessory building.
- 2321 (e) All permanent (non-mobile) coops shall comply with all building
- 2322 and zoning requirements of this ordinance.

5. Chicken Coops.

- 2324 (a) An enclosed chicken pen must be provided consisting of sturdy
- 2325 wire fencing. The pen must be covered with wire, aviary netting,
- 2326 or solid roofing.
- 2327 (b) All chicken coops shall be located in the rear yard. No chicken
- 2328 coop shall be located in the front or side yard of a parcel, whether
- 2329 outside the setback or not.
- 2330 (c) Coops that are no longer being utilized to house chickens shall be
- 2331 removed from the property within sixty (60) days.
- 2332 (d) No chicken coop shall be located closer than twenty-five (25) feet
- 2333 to any principal residential structure on an adjacent lot and must
- 2334 be set back a minimum of three (3) feet from adjacent property
- 2335 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.

Commented [BR38]: Added Keeping of chickens

D. Animal shelters and pounds

- 2345 1. All animal shelters and pounds located in the Commercial/Business
- 2346 (CB) district shall house all animals indoors. No outdoor housing shall
- 2347 be permitted.

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2348 2. All structures associated with animal shelters and pounds located in
2349 the Commercial/Business (CB) district shall be at least 50 feet from all
2350 side and rear lot lines.

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2351 3. All structures associated with animal shelters and pounds located in
2352 the General Agricultural (GA) district shall be at least 200 feet from
2353 all side and rear lot lines.

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2354 4. All animal shelters and pounds located in the General Agricultural
2355 (GA) district shall be located on lots containing at least 10 acres.

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2356 5. All animal shelters and pounds with outdoor housing of animals shall
2357 be screened from all adjacent properties and public roads by means of
2358 a vegetative screening, as described in s. 7.0216(D), landscape buffer
2359 tree requirements.

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2360 6. There shall be at least one housing unit for every 2 adult dogs housed
2361 by animal shelters and pounds. Further, there shall be no more than 2
2362 adult dogs housed in any single enclosure unit.

2363 7. The Plan Commission, in granting a conditional use permit, may
2364 impose additional conditions based on Wisconsin Federated Humane
2365 Society standards.

2366 E. Communication towers, antennas, transmitters

2367 1. A conditional use permit shall be required for all commercial
2368 communication towers, antennas, and transmitters exceeding 50 feet
2369 in height .

2370 2. The minimum front yard, side, and rear yard setbacks for all towers
2371 and antennas shall be as distance equal to the height of the tower or
2372 antenna. At a minimum, the required road and navigable water
2373 setbacks shall be met by all towers and antennas.

2374 3. All towers and antennas shall be located such that all yard
2375 requirements for accessory structures for the applicable district shall
2376 be met.

2377 4. Towers and antennas exceeding 200 feet in height shall be subject to
2378 the following:

2379 (a) Lot area. The minimum lot area shall be determined by use of the
2380 guyed tower land requirements chart and diagrams at the end of
2381 this subsection, or the minimum lot area requirement for the
2382 applicable zoning district, whichever is greater.

2383 (b) Security. The base of towers or antennas at the point of entry into
2384 the earth shall be enclosed within security fencing. Any security

2385 lighting shall utilize fixtures whose hood, lens or combination
2386 thereof allows no direct beams of light to spill onto adjoining
2387 properties or to be cast skyward.

2388 (c) Access. The service drive providing access to the facility shall be
2389 the minimum necessary to provide maneuverability for service or
2390 emergency vehicles.

2391 Commentary: The reason for the service drive design limitation
2392 is to discourage trespassing.

2393 (d) Lighting. Standards for lighting structures as set forth in Federal
2394 Aviation Administration Advisory Circular AC70/7460,
2395 *Obstruction Marking and Lighting*, shall be followed, except that
2396 strobe lights shall not be used during hours of darkness.

2397 F. Lighting

2398 Except as may be specified elsewhere in this Ordinance the following
2399 standards shall apply:

2400 1. Fixtures shall be equipped with or be capable of being back-fitted with
2401 light directing devices such as shields, visors or hoods when necessary
2402 to redirect offending light distribution.

2403 2. All outdoor lighting, whether or not required by this ordinance, on
2404 private, residential, commercial, industrial, municipal, recreational or
2405 institutional property, shall be aimed, located, designed, fitted and
2406 maintained so as not to present a hazard to drivers or pedestrians by
2407 impairing their ability to safely traverse, i.e., disabling glare, and so as
2408 not to create a nuisance by projecting or reflecting objectionable light
2409 onto a neighboring use or property, i.e., nuisance glare.

2410 3. Floodlights and spotlights shall be installed or aimed that they do not
2411 project their output into the windows of neighboring residences,
2412 adjacent uses, directly skyward or onto a roadway.

2413 4. Vegetation screens shall not be employed to serve as the primary
2414 means for controlling light distribution.

2415 5. Externally illuminated signs shall be lighted by fixtures mounted at the
2416 top of the sign and aimed downward.

2417 6. Lighting standards in parking areas shall be placed a minimum of five
2418 (5) feet outside paved area, or on concrete pedestals at least thirty (30)
2419 inches above the pavement, or suitably protected by approved means.

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2421 7.0500 **NATURAL FEATURES PROTECTION**
 2422 **REQUIREMENTS**

2423 7.0501 **Purpose**

2424 These requirements are intended to preserve interesting geological features, protect
 2425 against soil erosion and groundwater contamination, preserve the natural beauty of
 2426 Town of Union, and protect wild flora and fauna.

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2427 7.0502 **Applicability**

2428 These requirements shall be in effect in all zoning districts. They shall be applied
 2429 independently of other applicable requirements of this Ordinance. Wherever other
 2430 requirements of this Ordinance conflict with requirements of this chapter, the most
 2431 stringent requirement shall govern.

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2432 Commentary: Certain other natural features, not included in here, are subject to
 2433 regulation. Presence of those natural features on property can significantly affect
 2434 the way that that property may be used or developed. The reader is advised to
 2435 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)

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2441 7.0503 **Escarpments**

2442 A. Purpose

2443 The purposes of these regulations are to:

- 2444 1. Promote safe conditions by preventing placement of roads on highly
 2445 inclined surfaces.
- 2446 2. Preserve escarpments as landmark features that contribute to the
 2447 scenic diversity and attractiveness of the town.
- 2448 3. Preserve flora and fauna habitats.

2449 B. Determination

2450 The location of escarpments subject to the requirements of this section shall
 2451 be determined by reference to a map entitled "*Door County Escarpment*
 2452 *Protection Areas*" on file in the office of the Planning Department; to a map
 2453 entitled Niagara Escarpment Study Area, contained in the WDNR Report
 2454 Publ ER-801 2002, The Niagara Escarpment; and by site visits if required.

2455 Commentary: Generally, the escarpment protection areas include lengthy
2456 slopes of 20% and greater and the areas associated with the crest of the
2457 escarpment.

2458 C. Site Plan

2459 A site plan prepared in accordance with s. 7.1103 of this Ordinance is
2460 required for all uses.

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2461 D. Requirements

2462 1. No roads or driveways shall be placed on slopes of 30-39% unless the
2463 roads or driveways are placed parallel to the escarpment face. No
2464 roads or driveways shall be placed on slopes of 40% or greater.

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2465 2. The clearing of trees located within escarpment protection areas shall
2466 be permitted for:

- 2467 (a) Building footprints
- 2468 (b) Sites for wastewater disposal systems
- 2469 (c) Driveways
- 2470 (d) The area on a lot extending not more than 25 feet from the exterior
2471 walls of principal buildings and 15 feet from accessory buildings.

2472 3. In the area on a lot lying between 25 feet and 100 feet from the exterior
2473 walls of principal buildings, selective clearing is permitted provided
2474 that:

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- 2475 (a) No more than 30 percent of this area on the lot shall be cleared.
- 2476 (b) The clearing of the 30 percent described above shall not result in
2477 strips of cleared openings of more than 30 feet in any 100-foot
2478 wide strip nor create a cleared opening strip greater than 30 feet
2479 wide.
- 2480 (c) In the remaining 70 percent of this area, cutting and pruning shall
2481 leave sufficient cover to screen vehicles, dwellings, and other
2482 structures.

2483 4. In the area on a lot lying more than 100 feet from the exterior walls of
2484 principal buildings, and for lots which contain no principal buildings,
2485 selective clearing shall be permitted provided that within escarpment
2486 protection areas there shall be no cleared area greater than 5,000 square
2487 feet, and provided that the shade of the remaining trees over 15 feet in
2488 height covers at least 70% of the wooded land surface of the lot.

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2489 5. Pruning of trees is permitted, except that trees shall not be pruned
2490 completely clear of branches above a height equal to one half the
2491 height of the trees.

2492 6. In addition, the woodlands located within escarpment protection areas
 2493 shall also be subject to the requirements of s. 7.0507, Woodlands.

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2494 Commentary: Even though vegetation removal is permitted by this
 2495 Ordinance, the Town strongly recommends that the existing vegetation
 2496 be preserved to the greatest extent possible so as to protect the
 2497 ecosystem of the Niagara Escarpment.

2498 7. Setbacks: There shall be a minimum 25 foot setback from the crest of
 2499 the Niagara Escarpment. The crest shall be established by means of a
 2500 site inspection by the Town, the location of which will be plotted by
 2501 the applicant on the site plan.

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2502 7.0504 **Drumlins**

2503 A. Purpose

2504 The purpose of these regulations is to protect the historical value and
 2505 intactness of drumlins as unique landforms directly shaped by glaciers. Their
 2506 existence demonstrates that the Door Peninsula shares continuity with the
 2507 glacial features in the remainder of Wisconsin and they contribute to the
 2508 special aggregate landscape of Town of Union.

2509 B. Applicability

2510 Drumlins which are at least 25 feet in height and at least 150 feet in length
 2511 are subject to the requirements in this section.

2512 C. Determination

2513 The location of drumlins shall be determined by reference to a map entitled
 2514 "Door County Natural Features Map" on file in the office of the Door County
 2515 Planning Department.

2516 D. Requirements

2517 1. Drumlins shall not be mined, or in any other way removed, in part or
 2518 in total, except for customary excavation necessary to construct
 2519 foundations for permitted buildings or for utilities which serve
 2520 permitted buildings.

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2521 2. For any lot, the total area of the building footprints of all buildings
 2522 placed on a drumlin shall not exceed 10% of the surface area of that
 2523 portion of a drumlin located on the lot.

2524 7.0505 **Reserved**

2525 7.0506 **Rockholes**

2526 A. Purpose

2527 Rockholes provide easy opportunity for contaminated surface water to enter
 2528 Town of Union's groundwater system. Since Town of Union's people rely on

2529 groundwater for drinking water, human health and public welfare will be
2530 benefited by minimizing opportunity for entry of contaminated surface water
2531 into rockholes. The purpose of these regulations is to reduce entry of
2532 contaminant-bearing surface water into rockholes.

2533 B. Applicability

2534 Each of the following shall be subject to the requirements of sub. D:

- 2535 1. Rockholes where the rockhole opening is one square foot or greater in
2536 size.
- 2537 2. Rockholes where the area bounded by the associated rockhole
2538 depression is 100 square feet or greater in size.
- 2539 3. Rockhole channels where the rockhole channel cross-sectional area is
2540 3 square feet or greater in size.

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2541 C. Determination

2542 Rockholes, particularly rockhole openings, can appear suddenly at the ground
2543 surface or disappear. Because rockholes are not necessarily permanent
2544 features on the ground surface, the location of rockholes on a lot shall be
2545 determined by the lot owner at time of zoning permit application or by a
2546 Zoning Administrator at time of lot inspection while processing the zoning
2547 permit application.

2548 Commentary: Some rockhole openings and rockhole depressions receive
2549 sufficient surface water to cause formation of an eroded channel in the ground
2550 to form. This section places regulations upon those channels of the size
2551 specified in sub. B, par.3.

2552 D. Requirements

2553 The requirements of either par. A or B shall be met.

- 2554 1. The following items shall not be placed within 75 feet of rockhole
2555 openings, rockhole depressions, or rockhole channels:
- 2556 (a) Buildings
- 2557 (b) Surface water discharge pipes or channels that drain into a
2558 rockhole opening, rockhole depression, or rockhole channel
- 2559 (c) Petroleum products storage facilities
- 2560 (d) Wastewater treatment and disposal systems
- 2561 (e) Livestock manure storage facilities
- 2562 (f) Parking lots
- 2563 (g) Livestock barnyards and feedlots
- 2564 (h) Fertilizer distribution plants

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- 2565 (i) Sanitary landfills
- 2566 (j) Animal shelters
- 2567 (k) Kennels
- 2568 (l) Salvage yards
- 2569 2. Alternative protection plan. It is recognized that, in some instances,
- 2570 there may be other methods of groundwater protection regarding
- 2571 rockholes such as drainage diversion, berming, filling the rockhole,
- 2572 etc. A landowner may devise and submit an alternative protection plan
- 2573 for the prevention of groundwater contamination through rockholes.
- 2574 Such plan must be approved by the Town of Union Soil and Water
- 2575 Conservation Department and shall specify the measures to be
- 2576 undertaken. If approved, the applicant shall adhere to the requirements
- 2577 of the alternative protection plan rather than the requirements of par. 1.

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2578 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):

- 2588 1. The woodland area must be 5 acres or more in size, and
- 2589 2. The shade of trees over 15 feet in height must cover at least 70% of the
- 2590 land surface of the woodland area.

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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.

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D. Requirements

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

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

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- 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.

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E. Woodland management

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

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- 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.

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- 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.

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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.

2627 3. Salvage cutting of trees severely damaged by storms, ice, fire, insects,
 2628 fungi, or disease is permitted. An area of salvage cutting may not be
 2629 converted or developed for another use, but shall be allowed to
 2630 regenerate woodland cover naturally or by replanting.

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2631 4. Other woodland management techniques designed to enhance or
 2632 protect the woodlands are permitted upon written approval of a
 2633 qualified forester as a sound forestry practice as defined in NR 46.02
 2634 or NR 46.15, Wis. Admin. Code.

F. Woodlands that are located in escarpment protection areas are also subject to
 2635 provisions contained in s. 7.0503., escarpments; woodlands that are located
 2636 in shorelands are also subject to the shoreland vegetation protection
 2637 provisions listed in s. 7.0509, shoreland vegetation.
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2639 7.0508 **Reserved**

2640 7.0509 **Shoreland vegetation**

2641 Cutting of trees and shrubbery in the Shoreland Area shall comply with the
 2642 provisions of the Door County Zoning Ordinance.

2643 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
 2645 zoning districts per s. 7.0311(B), shall be set back from wetlands, as defined
 2646 in s. 7.1400, a minimum of 35 feet, except for buildings and structures in SF-
 2647 20 zoning district, where the required setback from wetlands shall be 10 feet.
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- C. All wetland boundaries shall be determined by field verification by the Town
 2649 of Union.
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2652 7.0600

PLANNED RESIDENTIAL DEVELOPMENT

2653 7.0601

Purpose

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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.

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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.

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

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1. Coordinated area site planning.

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2. Diversified location of structures.

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3. Safe and efficient pedestrian and vehicular traffic systems.

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4. Attractive recreation and open spaces.

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5. Economical arrangement of public and private utilities and community facilities.

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6. Preservation of natural resources and agricultural land.

2672 7.0602

General requirements

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A. Minimum site

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

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B. Development requirements relaxed

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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:

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1. Minimum lot area, except as provided in sub. G.

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2. Minimum lot width

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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.

- 2686 4. Impervious surface ratio, provided the development as a whole does
- 2687 not exceed the maximum impervious surface ratio for the zoning
- 2688 district in which the development is located.

- 2689 5. Setback from roads, provided that all structures are located at least 15
- 2690 feet from the right-of-way of interior roads, and provided that all
- 2691 structures meet the requirements of s. 7.0211, setbacks from roads, for
- 2692 all perimeter and through roads.

- 2693 6. Woodland clearing provisions, provided the development as a whole
- 2694 meets these provisions.

- 2695 C. Site Area
- 2696 The site area used to calculate the required preserved open space and the
- 2697 maximum residential density of the development shall not include any land
- 2698 used for nonresidential development.

- 2699 D. Water Supply and Sewage Disposal
- 2700 Water supply and sewage disposal shall meet the minimum standards of the
- 2701 Wisconsin Department of Natural Resources, the Wisconsin Department of
- 2702 Industry, Labor and Human Relations, and the Door County Sanitary
- 2703 Ordinance, as appropriate.

- 2704 E. Residential Density
- 2705 Residential density shall not exceed the maximum allowed for planned
- 2706 residential development in the zoning district in which the development is
- 2707 located. For planned residential developments that cross zoning district
- 2708 boundaries, maximum density for the development shall be determined by
- 2709 prorating the maximum density of each applicable zoning district.

- 2710 F. The minimum lot size
- 2711 Minimum lot size for planned residential developments shall be 2 acres or
- 2712 not less than that allowed by SPS 385, Wis. Admin. Code, whichever is
- 2713 greater.

- 2714 G. Land located within the Wetland district:
- 2715 1. Shall not be included in determining the maximum residential density
- 2716 of the planned residential development.

- 2717 2. May be included in meeting the minimum site area requirement.

- 2718 3. May be included in meeting the minimum preserved open space
- 2719 requirement.

- 2720 H. Site Plan

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2721 All development within a planned residential development shall conform
 2722 with a submitted site plan which meets the requirements of this section.

2723 I. Nonresidential use restricted

2724 Except for home occupations, individual lots or dwelling units within a
 2725 planned residential development shall not be converted to or used for
 2726 nonresidential use, except for home offices/studios and home occupations.

2727 J. Access restricted

2728 Not more than 2 lots per planned residential development shall have direct
 2729 access to an existing state or county road. All additional lots shall have access
 2730 by an internal subdivision road.

2731 7.0603 **~~Preserved open space~~**

2732 A. The size and shape of areas established as preserved open space shall be
 2733 sufficient and suitable for agricultural, recreational, or other permitted uses
 2734 in preserved open space. Except for open space used for walkways or
 2735 subsurface sanitary facilities, the minimum size of a preserved open space
 2736 area shall be 2 acres and 200 feet of width for developments with a total site
 2737 area of 20 acres or more, and 20,000 square feet and 100 feet of width for
 2738 developments with a total site area of less than 20 acres.

2739 B. There shall be adequate guarantees for retention of preserved open space in
 2740 perpetuity through the use of a reservation of development rights agreement,
 2741 as provided in s. 7.0604.

2742 C. Ownership, tax liability, and maintenance of private open space shall be
 2743 established in a manner acceptable to the county.

2744 D. Permitted uses. The following uses are permitted in preserved open space
 2745 provided they are allowed by the underlying zoning district and provided they
 2746 meet all other requirements of this Ordinance:

2747 1. The maintenance and protection of natural resources in the manner and
 2748 to the extent required by section 7.0500, natural features protection
 2749 requirements.

2750 2. Passive recreational uses which involve the creation and/or
 2751 maintenance of very negligible impervious surfaces, such uses
 2752 including arboretums, hiking, nature areas, wildlife sanctuaries, picnic
 2753 areas, public and private parks, garden plots and beaches.

2754 3. General agricultural and tree/shrub nursery uses, including the sale of
 2755 produce or plants grown on the premises.

2756 E. The area, or portions thereof, of building sites shall not be counted toward
 2757 the minimum preserved open space requirement.

2758 7.0604 **~~Reservation of development rights agreement~~**

- 2759 A. Reservation of development rights agreements shall:
- 2760 1. Be required for the minimum preserved open space area of a planned
- 2761 residential development.
- 2762 2. Restrict future development of any residential, commercial or
- 2763 industrial structures and uses.
- 2764 3. Not restrict future development of any structures used for agricultural
- 2765 or tree/shrub nursery uses.
- 2766 4. Not restrict future use of the property for public purposes.
- 2767 B. The reservation of development rights shall be granted to the County and
- 2768 shall run with and bind the land.
- 2769 C. The grantor shall retain the right to petition the Town Board of Supervisors
- 2770 for release (partial or entire) of the reservation of development rights in the
- 2771 event the zoning district classification of the property is changed.

2772 7.0605 **Application**

2773 In addition to the information required in s. 7.1104(B), application, the application
 2774 for a planned residential development shall contain the following:

- 2775 A. Information on the total area of the site, area of preserved open space,
- 2776 residential density, number of dwelling units, and other data necessary to
- 2777 fully describe the project.
- 2778 B. Information regarding any intended deed restrictions and establishment of
- 2779 any property owners associations.
- 2780 C. Accurate map(s) and site plan of the project site showing the following:
- 2781 1. Location of the project site and abutting properties.
- 2782 2. The location of public and private roads, driveways, and parking
- 2783 areas.
- 2784 3. The location, size, and arrangement of proposed lots.
- 2785 4. The proposed location of structures.
- 2786 5. The location of preserved open space areas and areas reserved or
- 2787 dedicated for public uses such as parks or schools.
- 2788 6. Location of present or proposed wastewater disposal system.
- 2789 7. Existing topography and proposed topography changes.
- 2790 8. Existing surface water drainage pattern and proposed surface water
- 2791 drainage system.

2792 D. Upon written request, other information required by the Zoning
2793 Administrator or Plan Commission to determine compliance with the
2794 requirements of this ordinance.

2795 7.0606 **Specific requirements in shorelands and escarpment protection areas**

2796 A. For planned residential developments which front on navigable water, a
2797 portion of the area between the ordinary high water mark and 200 feet inland
2798 from all points along the ordinary high water mark shall be dedicated as
2799 preserved open space, as provided in s. 7.0603. The portion shall be equal to
2800 at least the percentage listed as minimum preserved open space in s. 7.0300,
2801 for each applicable zoning district.

2802 Commentary: Thus, for a planned residential development in an SF-20
2803 district, the percentage of the subject area to be left in open space would be
2804 at least 25%.

2805 B. For planned residential developments located within an escarpment
2806 protection area, a portion of the escarpment protection area shall be dedicated
2807 as preserved open space as provided in s. 7.0603. The portion shall, at a
2808 minimum, equal the percentage listed as minimum required preserved open
2809 space in s. 7.0300, for the applicable zoning district. The location of this
2810 preserved open space on the escarpment shall be subject to approval by the
2811 Plan Commission during the conditional use procedure.

2812 7.0607 **Permit requirements**

2813 A. A conditional use permit for a planned residential development use shall
2814 establish the right to develop the dwelling units and structures that are
2815 described in the approved site plan. However, a regular zoning permit shall
2816 be required for the construction of each individual structure.

2817 B. A conditional use permit to establish a planned residential use shall expire
2818 12 months from the date of issuance unless both the reservation of
2819 development rights agreement for the preserved open space and the proposed
2820 lots within the development have been recorded in the Door County Register
2821 of Deeds office.

2822 C. No construction activities shall be commenced prior to the recordation of the
2823 reservation of development rights agreement.

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2825 7.0700

**PARKING, LOADING, AND ACCESS
REQUIREMENTS**

Commented [BR39]: Parking section rewritten per Town

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2827 7.0701

Parking Standards

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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- 2861 7.0702 **Restrictions on Parking of Equipment**
- 2862 Parking of farm, construction, or building equipment and parking of trucks, tractors,
2863 and semi-trailers shall be restricted as follows:
- 2864 A. Parking in all zoning districts. Vehicles and machinery used on an operating
2865 farm or used in conjunction with a business may be stored, inside or outside,
2866 on the premises provided that when stored outside, they do not block a public
2867 right-of-way or obscure clear vision on roadways.
- 2868 B. Storage of junked vehicles. No more than one (1) disassembled, dismantled,
2869 junked, wrecked, inoperable, or unlicensed vehicles shall be stored or
2870 allowed to remain in the open upon private property in the Town of Union.
2871 Additional vehicles stored in the open must be removed within 10 days after
2872 receiving written notice from the Zoning Administrator to remove or enclose
2873 such vehicles unless:
- 2874 1. The vehicle is being held as a part of an automotive sales or repair
2875 business enterprise located within a district zoned for that purpose; or
- 2876 2. The vehicle is in use on the premises as a lawful, unlicensed use; or
- 2877 3. Due to individual hardship, a variance has been granted by the Zoning
2878 Board of Appeals to store such vehicle. The Zoning Board of Appeals
2879 shall not grant such variances for a period of more than one (1) year.
- 2880 7.0703 **Parking of Recreational Vehicles**
- 2881 No motorhome, travel trailer, recreational vehicle, boat, snowmobile, or other
2882 recreational type vehicle shall be stored on any property in any residential district
2883 except as provided herein:
- 2884 A. Storage of recreational vehicles shall be limited to recreational vehicles
2885 owned and used by the property owner.
- 2886 B. Any number of personal recreational vehicles may be stored within the lot
2887 within a fully enclosed structure.
- 2888 7.0704 **Traffic Visibility**
- 2889 Intersections of two town roads: No obstructions, such as structures, parking, or
2890 vegetation, shall be permitted in any district between the heights of 2.5 feet and 10
2891 feet above the plane through the mean centerline street grade within the triangular
2892 space formed by a line joining points on the right-of-way of two intersecting town
2893 roads at a point located 75 feet from their intersection.
- 2894 In the Case of County Highways, the corner cutoff distances establishing the
2895 triangular vision clearance space shall be increased to 200 feet.
- 2896 In the Case of State or Federal Highways, the corner cutoff distances establishing
2897 the triangular vision clearance space shall be increased in 300 feet.

2898 7.0705 **Loading Requirements**

2899 In all districts, adequate loading areas shall be provided so that all vehicles loading,
2900 maneuvering, or unloading are completely off the public ways and so that all
2901 vehicles need not back onto any public way.

2902 7.0706 **Driveway Requirements**

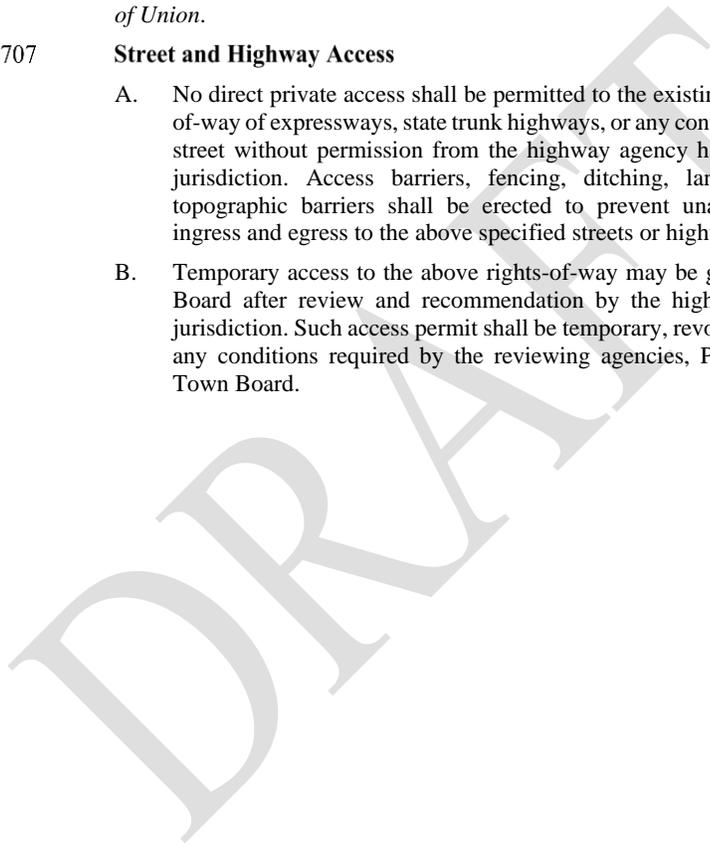
2903 Refer to *Chapter 4: Driveways and Roadways of the Municipal Code of the Town*
2904 *of Union.*

2905 7.0707 **Street and Highway Access**

2906 A. No direct private access shall be permitted to the existing or proposed right-
2907 of-way of expressways, state trunk highways, or any controlled access arterial
2908 street without permission from the highway agency having access control
2909 jurisdiction. Access barriers, fencing, ditching, landscaping, or other
2910 topographic barriers shall be erected to prevent unauthorized vehicular
2911 ingress and egress to the above specified streets or highways.

2912 B. Temporary access to the above rights-of-way may be granted by the Town
2913 Board after review and recommendation by the highway agency having
2914 jurisdiction. Such access permit shall be temporary, revocable, and subject to
2915 any conditions required by the reviewing agencies, Plan Commission, or
2916 Town Board.

2917



2918 7.0800
2919

RESERVED

Commented [BR40]: Signs section of the zoning ordinance removed and will become a standalone chapter as part of the Town's Code of Ordinances.

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2920 7.0900 **NONCONFORMING USES AND STRUCTURES**

2921 7.0901 Purpose and Intent

2922 The purpose and intent of this Section is to provide for the regulation of non-
2923 conforming buildings, structures, land and other uses and to specify those
2924 circumstances and conditions under which such non-conforming buildings,
2925 structures, land and uses shall be permitted to continue. Any non-conforming
2926 building, structure, lot, land or other use which existed lawfully in A-1 Exclusive
2927 Agriculture at the time of the original adoption of the Town of Union Zoning
2928 Ordinance, and any non-conforming building, structure, land or other use which
2929 existed lawfully at the time of the adoption of this Ordinance, is subject to the
2930 regulations which follow.

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2931 7.0902 Buildings under Construction

2932 Buildings or structures on which construction was started before the effective date
2933 of this Ordinance may be constructed notwithstanding this ordinance, provided that
2934 the construction was legal and had received any necessary permits under the
2935 Ordinance in effect on the date the construction project commenced.

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2936 7.0903 Existing Structures: Dimensional Nonconformance

2937 Buildings which were constructed prior to the effective date of this Ordinance
2938 which are conforming to the Ordinance as to use, but do not conform as to
2939 dimensional rules (setbacks, height, yard spaces, separations, etc.) are subject to the
2940 following requirements.

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- 2941 A. Repairs and improvements of a maintenance nature are allowed.
- 2942 B. Alterations, additions and expansion which change the exterior dimensions
2943 of the structure or building and which conform to the dimensional rules of
2944 this Ordinance are allowed.
- 2945 C. No alterations, additions or expansions may occur which will increase the
2946 dimensional nonconformity.

2947 7.0904 Existing Uses and Structures: Use Nonconformance

2948 Land uses or uses of structures which were established prior to the effective date of
2949 this Ordinance, which are nonconforming as to use may be continued provided that:

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- 2950 A. If a nonconforming use is discontinued or terminated for a period of 12
2951 months, any future use of that use or structure shall conform to this
2952 Ordinance.
- 2953 B. A nonconforming use which is changed to a conforming use shall not revert
2954 back to a nonconforming use or structure.

2956 7.0905 Existing Structures and Uses: Other Standards and Requirements

2957 7.0901—Restoration of Certain Nonconforming Structures. In accordance with
2958 Wis. Stat. § 60.61(5m), a nonconforming structure that is damaged or destroyed by
2959 fire, flood, ice, infestation, mold, snow, vandalism, or violent wind may be restored
2960 to the size, location, and use that it had immediately before the damage or
2961 destruction occurred. The size of the nonconforming structure may be enlarged, but
2962 only to the extent necessary for the structure to comply with applicable state and
2963 federal requirements. Existing nonconforming uses

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2964 ~~The lawful nonconforming use of land or water; or a lawful nonconforming use in~~
2965 ~~a conforming or nonconforming structure; or a lawful nonconforming use on a~~
2966 ~~conforming or nonconforming lot that existed at the time of the adoption or~~
2967 ~~amendment of this Ordinance may be continued although the use does not conform~~
2968 ~~with the provisions of this Ordinance; however:~~

2969 ~~A. Only That Portion of the structure, fixture, land, or water in actual use may be~~
2970 ~~so continued and the nonconforming use may not be extended, enlarged,~~
2971 ~~reconstructed, substituted, or moved except when required to do so by law or order~~
2972 ~~or so as to comply with the provisions of this Ordinance.~~

2973 ~~B. Discontinuance. If such nonconforming use is discontinued or terminated for a~~
2974 ~~period of 12 months, any future use of the structure, fixture, or premises shall~~
2975 ~~conform to the provisions of this Ordinance.~~

2976 ~~C. Abolishment or Destruction. When a nonconforming use or a structure with a~~
2977 ~~nonconforming use is damaged by violent wind, vandalism, fire, flood, ice, snow,~~
2978 ~~mold, infestation, or other calamity to the extent of more than 50 percent of its~~
2979 ~~equalized assessed value, it shall not be restored except so as to comply with the~~
2980 ~~use provisions of this Ordinance.~~

2981 ~~D. Total Lifetime Structural Repair or alternations to a structure, fixture, or~~
2982 ~~premise containing a nonconforming use shall not exceed 50 percent of the~~
2983 ~~equalized assessed value of the structure, fixture, or premise at the time its use~~
2984 ~~become nonconforming unless it is permanently changed to a conforming use in~~
2985 ~~accordance with the use provisions of this Ordinance. Ordinary maintenance repairs~~
2986 ~~are not considered structural repairs, modifications, or additions. Some examples~~
2987 ~~of such repairs include painting, caulking, decorating, paneling, and other~~
2988 ~~nonstructural components; and the repair or replacement of doors, windows,~~
2989 ~~utilities, and sewage treatment and water supply systems.~~

2990 ~~E. Substitution of New Equipment may be permitted by the Zoning Board of~~
2991 ~~Appeals if such equipment will reduce the incompatibility of the nonconforming~~
2992 ~~use with neighboring uses.~~

2993 7.0902—Conforming structures on nonconforming lots

2994 ~~A. A Nonconforming Structure with a conforming use lawfully existing at the time~~
 2995 ~~of the adoption or amendment of this Ordinance may be continued although the~~
 2996 ~~structure's size or location does not conform to the development regulations of this~~
 2997 ~~Ordinance.~~

2998 ~~B. Nonconforming Structures with a conforming use may be repaired, maintained,~~
 2999 ~~renovated, rebuilt, or remodeled, subject to building code and other applicable~~
 3000 ~~requirements. No prohibition or limits based on cost may be imposed on the repair,~~
 3001 ~~maintenance, renovation, or remodeling of such structures.~~

3002 ~~C. Additions and Enlargements to existing nonconforming structures with a~~
 3003 ~~conforming use are permitted and shall conform to the established yard/setback,~~
 3004 ~~height, parking, loading, and access provisions of this Ordinance. Existing~~
 3005 ~~buildings and their additions shall not be permitted to encroach further upon~~
 3006 ~~established yard/setback and height requirements than the existing encroachment.~~
 3007 ~~The provisions of this subsection with respect to additions or enlargements are~~
 3008 ~~applicable only if the lot is served by public sanitary sewer or conforms with~~
 3009 ~~existing sanitary code requirements for private onsite sewage treatment systems~~
 3010 ~~(POWTS).~~

3011 ~~D. Existing Nonconforming Structures may be moved and shall conform to the~~
 3012 ~~established yard/setback, height, parking, loading, and access provisions of this~~
 3013 ~~Ordinance.~~

3014 ~~E. A Nonconforming Structure with a Conforming Use that is damaged or~~
 3015 ~~destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, infestation, or~~
 3016 ~~other calamity may be restored or replaced to the size, location, and use that it had~~
 3017 ~~immediately before the damage or destruction occurred, subject to building code~~
 3018 ~~and other applicable requirements. No limits may be imposed on the costs of the~~
 3019 ~~repair, reconstruction, or improvement of said structure. The size of the structure~~
 3020 ~~may be larger than the size immediately before the damage or destruction occurred~~
 3021 ~~if necessary for the structure to comply with applicable State or Federal~~
 3022 ~~requirements. Any reconstruction shall conform to the development regulations of~~
 3023 ~~this Ordinance, to the extent practicable, and existing sanitary code requirements,~~
 3024 ~~and shall commence within 24 months of the date of damage or destruction, unless~~
 3025 ~~an extension is granted by the government agency having authority.~~

3026 ~~7.0903 — Vacant Nonconforming Lots~~

3027 ~~A. Development. The Zoning Administrator may issue a building permit for~~
 3028 ~~development of a vacant lot which does not contain sufficient area to conform to~~
 3029 ~~the lot dimensional requirements of this Ordinance to be used as a building site~~
 3030 ~~provided that the use is allowed in the zoning district in which it is located; the lot~~
 3031 ~~is of record in the Door County Register of Deeds Office prior to the effective date~~
 3032 ~~of this Ordinance or amendment thereof; and development is compatible with the~~
 3033 ~~character of the surrounding area. Nonconforming (substandard) lots to be served~~
 3034 ~~by public sanitary sewer shall be at least 50 feet wide and 7,200 square feet in area.~~

3035 ~~Noneonforming lots to be served by POWTS shall be at least 100 feet wide and~~
3036 ~~40,000 square feet in area. Lots with smaller dimensions than mentioned above~~
3037 ~~shall not be developed unless a variance is granted by the Zoning Board of Appeals.~~

3038 ~~Development of vacant nonconforming lots granted permits under this Section shall~~
3039 ~~be required to meet the yard/setback, height, parking, loading, access provisions,~~
3040 ~~and other development regulations, except lot size requirements unless otherwise~~
3041 ~~specified, of this Ordinance. A building permit for the improvement of a lot with~~
3042 ~~lesser dimensions and requisites than those stated above may be issued only after a~~
3043 ~~variance is granted by the Zoning Board of Appeals.~~

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3044 ~~B. Statutory Provisions. In accordance with Section 66.10015(2)(e) of the~~
3045 ~~Wisconsin Statutes, a property owner of a legal nonconforming (substandard) lot~~
3046 ~~may:~~

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- 3047 ~~1. Convey an ownership interest in a substandard lot.~~
- 3048 ~~2. Use the substandard lot as a building site if all of the following apply:~~

3049 ~~(a) The substandard lot or parcel has never been developed with one or more of its~~
3050 ~~structures placed partly upon an adjacent lot or parcel.~~

3051 ~~(b) The substandard lot or parcel is developed to comply with all other~~
3052 ~~requirements of this Ordinance, except the minimum lot dimensional requirement~~
3053 ~~unless otherwise specified.~~

3054 ~~C. Merging. In accordance with Section 66.10015(4) of the Statutes, the Town~~
3055 ~~may not require one or more lots to be merged with another lot, for any purpose,~~
3056 ~~without the consent of the owners of the lots that are to be merged.~~

3057 ~~7.0904 — Changes and substitutions~~

3058 ~~Once a nonconforming use or structure has been changed to conform to the~~
3059 ~~requirements of this Ordinance, it shall not revert back to a nonconforming use or~~
3060 ~~structure. The Zoning Board of Appeals may permit the substitution of a more~~
3061 ~~restrictive nonconforming use for an existing nonconforming use. Once the Zoning~~
3062 ~~Board of Appeals has permitted the substitution of a more restrictive~~
3063 ~~nonconforming use, the prior existing use shall lose its status as a legal~~
3064 ~~nonconforming use and the substituted more restrictive nonconforming use shall be~~
3065 ~~subject to all the conditions required by the Zoning Board of Appeals.~~

3066

3067 7.1000

ADMINISTRATION

3068 7.1001

Town Plan Commission

3069 In general, the Town Plan Commission shall have such authority as may be
3070 necessary to enable it to perform its function, promote community planning, and
3071 implement the purposes of this Ordinance. The Town Plan Commission shall have
3072 the power to carry out the following duties under this Ordinance.

- 3073 A. Supervise the administration of this Ordinance.
- 3074 B. Exercise those duties and powers specified in s. 62.23, Wis. Stats.
- 3075 C. Hold public hearings as required by this Ordinance, by Wisconsin Statutes,
3076 or by its own motions.
- 3077 D. Submit recommendations to the Town Board of Supervisors for or against
3078 proposed zoning text and map amendments.
- 3079 E. Review and make recommendations on applications for conditional use
3080 permits, and recommend any conditions for such permits to the Town Board.
- 3081 F. Financial sureties

- 3082 1. The Town Plan Commission may require that a performance bond or
3083 letter of credit be provided for the benefit of the Town and filed with
3084 the Town so as to ensure compliance with the terms of this Ordinance
3085 or required permit.

- 3086 2. Failure to provide or maintain such bond or letter of credit shall
3087 invalidate any permit.

3088 7.1002

Zoning Board of Appeals

3089 A. Establishment

3090 There is hereby established, in accordance with Wis. Stats. s. 62.23 7 (e), a
3091 Board of Appeals for the Town of Union for the purpose of hearing appeals
3092 and making determinations regarding the issuance of variances to the
3093 provisions of this Zoning ordinance.

3094 B. Membership

- 3095 1. The Board of Appeals shall consist of five (5) members appointed by
3096 the Town Chairperson and confirmed by the Town Board.

- 3097 (a) Terms shall be for staggered three-year periods, except that of
3098 those first appointed, one (1) shall for one (1) year, two (2) for
3099 two (2) years and two (2) for three (3) years.

- 3100 (b) Chairperson shall be designated by the Town Chairperson.

- 3101 (c) Conflict of interest. Any member who has any interest in a matter
3102 before the Board shall not vote thereon and shall remove

3103 himself/herself from any meeting or hearing at which said matter
3104 is under consideration.

3105 (d) Alternate Members. The Town Chairperson shall appoint, for
3106 staggered terms, two (2) alternative members. Annually the Town
3107 Chairperson shall designate one alternate members as 1st alternate
3108 and the other the 2nd alternate. The 1st alternate shall act, with
3109 full power, only when a member of the board refuses to vote
3110 because of interest or when the member is absent. The 2nd
3111 alternate shall so act only when the 1st alternate so refuses or is
3112 absent or when more member of the board.

3113 (e) No more than one town board supervisor member may be a
3114 member of the Board of Appeals.

3115 (f) Secretary shall be appointed by the Board of Appeals.

3116 (g) Zoning Administrator shall attend all meetings for the purpose of
3117 providing technical assistance.

3118 (h) Vacancies shall be filled for the unexpired term in the same
3119 manner as appointments for a full term.

3120 C. Organization

3121 1. The Board of Appeals shall organize and adopt rules of procedure for
3122 its own government in accordance with the provisions of this
3123 Ordinance.

3124 (a) Meetings shall be held at the call of the Chairperson and at such
3125 times as the board may determine and shall be open to the public.

3126 (b) Minutes of the proceedings and a record of all actions shall be
3127 kept by the Secretary, showing the vote of each member upon
3128 each question, or if absent, or failing to vote indicating such fact,
3129 the reasons for the Board's determination, and its findings of facts.
3130 The Secretary shall keep records of the Board's examinations and
3131 other official actions, all of which shall be immediately filed with
3132 the Town Clerk and shall be a public record.

3133 (c) The concurring vote of four (4) members of the Board shall be
3134 necessary to correct an error; grant a variance; or make an
3135 interpretation;

3136 (d) In any action involving a historic property, as defined in
3137 Wisconsin Statutes s.44.31(3), the Board shall consider any
3138 suggested alternatives or recommended decision submitted by the
3139 Town Plan Commission.

3140 D. Powers

3141 1. The Board of Appeals shall have the following powers:

- 3142 (a) Errors. To hear and decide appeals where it is alleged there is
 3143 error in any order, requirements, decision, or determination made
 3144 by the Plan Commission or Building/Zoning Administrator in the
 3145 enforcement of codes, regulations or ordinances under their
 3146 jurisdiction.
- 3147 (b) Variances. To hear and grant appeals for variances as will not be
 3148 contrary to the public interest, where owing to special conditions,
 3149 a literal enforcement will result in practical difficulty or
 3150 unnecessary hardship, so that the spirit and purposes of this
 3151 Ordinance shall be observed and the public safety, welfare, and
 3152 justice secured. An unnecessary hardship does not include a self-
 3153 imposed hardship. Use variances shall not be granted, the intent
 3154 being that such variances shall not have the effect of permitting in
 3155 any district a use that is prohibited in that district.
- 3156 (c) Interpretations. To hear and decide application for interpretations
 3157 of the codes, regulations, ordinances and the boundaries of the
 3158 zoning districts after the Plan Commission has made a review and
 3159 recommendations.
- 3160 (d) Decisions. The Board may reverse, affirm wholly or partly,
 3161 modify the requirement, decision or determinations appealed
 3162 from, and may direct the issuance of a permit.
- 3163 (e) Assistance. The Board may request assistance from other town
 3164 and county officials, departments, commissions and boards.
- 3165 (f) Oaths. The Chairperson may administer oaths and may compel
 3166 the attendance of witnesses.

3167 E. Appeals and Applications

3168 Appeals to the Board of Appeals may be made by any person aggrieved or by
 3169 any officer, department, or board of the Town affected by any decision of the
 3170 Zoning Administrator concerning the literal enforcement of this Ordinance.
 3171 Such appeals shall be filed with the Secretary within sixty (60) days after the
 3172 date of written notice of the decision or order of the Zoning Administrator.
 3173 Applications may be made by the owner or lessee of the structure, land, or
 3174 water to be affected at any time and shall be filed with the Secretary. Such
 3175 appeals and application shall include the following:

- 3176 1. Name and Address of the appellant or applicant, all abutting property
 3177 owners, all property owners of record within 500 feet, and all property
 3178 owners immediately adjacent to the site such as across waterways and
 3179 rights-of-way utilities, roads, and highways.
- 3180 2. Plat of Survey prepared by a registered land surveyor showing all of
 3181 the information required for a Building Permit under Section 7.0208
 3182 of this Ordinance.

3183 3. Additional Information required by the Board of Appeals or Zoning
 3184 Administrator.

3185 4. A fee receipt from the Town Clerk.

3186 F. Public Hearings

3187 The Board of Appeals shall fix a reasonable time and place for the required
 3188 Public Hearing within 45 days of receiving written application for the Public
 3189 Hearing, and shall give notice as specified in Section 7.1400 of this
 3190 Ordinance, and shall give due notice to the parties in interest, the Zoning
 3191 Administrator, and the Town Plan Commission. At the Public Hearing, the
 3192 appellant or applicant may appear in person, by agent, or by attorney. The
 3193 Board of Appeals may postpone a Public Hearing if it determines that it needs
 3194 additional information.

3195 G. Findings

3196 No Variance to the provisions of this Ordinance shall be granted by the Board
 3197 of Appeals unless it finds beyond a reasonable doubt that all of the following
 3198 facts and conditions exist and so indicates in the minutes of its proceedings:

3199 1. Preservation of Intent: No Variance shall be granted that is not
 3200 consistent with the purpose and intent of the regulations for the district
 3201 in which the development is located. No Variance shall have the effect
 3202 of permitting a use in any district that is not a stated Permitted Use,
 3203 Accessory Use, or Conditional Use in that particular district.

3204 2. Exceptional Circumstances: There must be exceptional, extraordinary,
 3205 or unusual circumstances or conditions applying to the Lot or parcel,
 3206 structure, use or intended use that do not apply generally to other
 3207 properties of uses in the same district, and the granting of the Variance
 3208 should not be of so general or recurrent nature as to suggest that this
 3209 Ordinance should be changed.

3210 3. Economic Hardship and Self-Created Hardship Not Grounds for
 3211 Variance: No Variance shall be granted solely on the basis of economic
 3212 gain or loss. Self-created hardships shall not be considered as grounds
 3213 for the granting of a Variance.

3214 4. Preservation of Property Rights: The Variance must be necessary for
 3215 the preservation and enjoyment of substantial property rights
 3216 possessed by other properties in the same district and same vicinity.

3217 5. Absence of Detriment: No Variance shall be granted that will create
 3218 substantial detriment to adjacent property or that will materially impair
 3219 or be contrary to the purpose and spirit of this Ordinance or the public
 3220 interest.

- 3221 H. Decision
- 3222 1. The Board of Appeals shall decide all appeals and applications within
- 3223 30 days after the Public Hearing and shall transmit a signed copy of
- 3224 the Board of Appeal’s decision to the appellant or applicant, Zoning
- 3225 Administrator, and Town Plan Commission.
- 3226 2. Conditions may be placed upon any permit ordered or authorized by
- 3227 the Board of Appeals.
- 3228 3. Variances or Substitutions granted by the Board of Appeals shall
- 3229 expire within six (6) months unless substantial work has commenced
- 3230 pursuant to such grant.

3231 I. Review by Court Of Record

3232 Any person or persons aggrieved by any decision of the Board of Appeals

3233 may, within 30 days, after the filing of the decision in the office of the Town

3234 Clerk, seek court review of the decision as provided in s. 62.23(7)(e)(10) Wis.

3235 Stats.

3236 7.1003 **Zoning Administrator**

3237 The Town Board of Union shall appoint a Zoning Administrator. The Town Zoning

3238 Administrator is hereby designated as the administrative and enforcement officer

3239 for the provisions of this Ordinance. The Town Zoning Administrator shall have

3240 the following responsibilities and duties:

- 3241 A. Administer and enforce this Ordinance as the authorized representative of the
- 3242 Town Plan Commission.
- 3243 B. Provide to the public the necessary permit application forms and variance and
- 3244 appeals forms. Assist the public in preparing permit applications and variance
- 3245 and appeal petitions.
- 3246 C. Conduct all necessary on-site inspections and investigations of structures,
- 3247 lands, and waters to certify compliance with this Ordinance.
- 3248 D. Issue or deny regular zoning permits and sign permits.
- 3249 E. Suspend or revoke zoning permits and sign permits and/or issue cease and
- 3250 desist orders upon noncompliance with the terms of the permit and/or this
- 3251 Ordinance.
- 3252 F. Issue, deny, or revoke certificates of compliance.
- 3253 G. Investigate alleged zoning violations and give notice of all violations of this
- 3254 Ordinance to the owner, resident, agent, or occupant of the premises.
- 3255 H. Report uncorrected violations to the Town Attorney and assist the Town
- 3256 Attorney in initiating enforcement proceedings.
- 3257 I. Gain entry to premises, buildings, and structures during reasonable hours for
- 3258 the purpose of investigating applications for permit and for the purpose of

- 3259 determining compliance with this Ordinance or with any issued permit. If
3260 entry is refused after presentation of proper identification, a special
3261 inspection warrant may be procured in accordance with Wis. Stats.
- 3262 J. Record all permits issued, inspections made, work approved, and all other
3263 official actions.
- 3264 K. Assist in giving all legal notices required by State Statutes or this Ordinance.
- 3265 L. Recommend to the Plan Commission any amendments necessary to make the
3266 operation of this Ordinance more effective.
- 3267 M. When necessary, provide technical and clerical assistance during hearings
3268 conducted by the Board of Appeals or the Town Plan Commission.
- 3269 N. Make referrals and recommendations to the Plan Commission and the Town
3270 Board in accordance with this Ordinance.
- 3271

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3272 7.1100

PROCEDURES

3273 7.1101

Regular zoning permits

3274

A. Applicability

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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:

3276

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

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- (a) Signs.

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

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

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

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

3291

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

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3293

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

3294

B. Applications

3295

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

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3298

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

3299

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

3300

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

3301

3302

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

3303

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

3304

- 3305 (1) Boundaries, dimensions, and area of the subject site.
- 3306 (2) The spatial relationship of the subject site to abutting
- 3307 public roads and rights-of-way, private roads, easements,
- 3308 and navigable waters.
- 3309 (3) The location and dimensions of any existing or proposed
- 3310 structures or additions and their relationship to abutting
- 3311 public roads and rights-of-way, private roads, property
- 3312 lines, existing and proposed wells and sanitary waste
- 3313 disposal systems, and the ordinary high water mark of
- 3314 navigable waters.
- 3315 (4) Location of proposed or existing road access points,
- 3316 parking and loading areas, and driveways.
- 3317 (f) Building plans including all floor plans and at least 2 elevation
- 3318 views.
- 3319 (g) Additional information as may be required by the Zoning
- 3320 Administrator in order to determine the full compliance with the
- 3321 requirements of this Ordinance.
- 3322 (h) Water supply and sewage disposal. Satisfactory evidence that a
- 3323 safe and adequate supply of water and approved sewage disposal
- 3324 facilities will be provided, in accordance with the requirements of
- 3325 the Door County Sanitary Ordinance, shall be submitted.
- 3326 2. Fee. All permit applications shall be accompanied by a fee established
- 3327 by the Town of Union Board of Supervisors.
- 3328 3. No application shall be accepted by the Zoning Administrator until
- 3329 complete as judged by the Zoning Administrator and until all fees
- 3330 established by Town of Union have been paid in full.
- 3331 C. Permit issuance or denial
- 3332 Upon the Zoning Administrator's determination that the proposed use or
- 3333 structure complies with the provisions of this Ordinance, a regular zoning
- 3334 permit shall be issued. The permit shall authorize the applicant to proceed
- 3335 subject to all provisions of this Ordinance and any conditions attached to the
- 3336 permit. An application for a use or structure not in conformity with the
- 3337 provisions of this Ordinance shall be denied a regular zoning permit and the
- 3338 reasons for denial shall be stated. No permit shall be issued for uses or
- 3339 structures involving human occupancy without documentation that provision
- 3340 has been made for safe and adequate water supply and disposal of sewage.
- 3341 D. Expiration
- 3342 1. Regular zoning permits to establish a use shall expire 12 months from
- 3343 date of issuance if no action has commenced to establish the use. Any

3344 change of land use after the expiration of a zoning permit shall be
3345 considered a violation of this Ordinance.

3346 2. Except as sub.E applies, regular zoning permits for construction of a
3347 structure shall expire 12 months from the date of issuance. Any
3348 exterior construction after the expiration of a zoning permit shall be
3349 considered a violation of this Ordinance.

3350 E. Renewal

3351 If construction has commenced prior to the expiration of a regular zoning
3352 permit, but is not completed prior to such expiration, a 12-month renewal
3353 regular zoning permit shall be issued by the Zoning Administrator upon
3354 submittal of a renewal application and fee. Additional renewals shall be
3355 granted by the Zoning Administrator upon a finding that progress had been
3356 made during the previous year toward completion of the structure. If a 12
3357 month period passes without evidence of progress towards completion, the
3358 Zoning Administrator shall advise the Town Plan Commission of same and
3359 the Town Plan Commission may call a public hearing on the matter and may
3360 impose a completion schedule. For purposes of this Ordinance, a structure
3361 shall be deemed completed when the roof, exterior walls, doors, windows,
3362 and subfloors are in place and finished and the sanitary waste disposal system
3363 has been installed.

3364 F. Termination

3365 If a use or structure does not comply with the issued regular zoning permit or
3366 this Ordinance, the permit shall be terminated by the Zoning Administrator.
3367 If a use permitted by a regular zoning permit ceases for a period of more than
3368 18 months, the regular zoning permit shall terminate, and all future activity
3369 shall require a new zoning permit.

3370 7.1102 **Sign permits**

3371 Refer to *Chapter 15: Sign Ordinance of the Municipal Code of the Town of Union.*

3372 7.1103 **Site Plan Review**

3373 A. Applicability

3374 This section applies to all uses which are subject to the site plan review
3375 procedure per s. 7.0300.

3376 B. Purpose and Intent

3377 For the purpose of promoting compatible development, stability of property
3378 values, and to prevent impairment or depreciation of property values, no
3379 person shall be issued a zoning permit for uses subject to the site plan review

3380 procedure without first obtaining the approval of the Plan Commission of a
3381 site plan as set forth in this section.

3382 The Town Plan Commission shall insure that such construction is in accord
3383 with the official map, any applicable subdivision ordinance and applicable
3384 comprehensive plan of the Town of Union and other applicable codes and
3385 ordinances of the Town of Union.

3386 The Plan Commission shall review the site, existing and proposed structures,
3387 architectural plans, neighboring uses, utilization of landscaping and open
3388 space, parking areas, driveway locations, loading and unloading in the case
3389 of commercial and industrial uses, highway access, traffic generation and
3390 circulation, drainage, sewerage and water systems and the proposed
3391 operation.

3392 C. Applications

3393 Applications to establish a use or to increase the scale or intensity of an
3394 existing use requiring a site plan review shall follow the application
3395 procedures for a regular zoning permit, as provided in s. 7.1101(B), and shall
3396 be accompanied by a fee established by the Town Board of Supervisors. If
3397 the application complies with the provisions of this Ordinance, the Zoning
3398 Administrator shall refer the application to the Plan Commission to initiate
3399 the site plan review process.

3400 D. Principles

3401 To implement and define criteria for the purposes set forth in s. 7.1103 (B),
3402 the following principles are established to apply to all new structures and uses
3403 and to changes or additions to existing structures and uses.

3404 1. No building shall be permitted the design or exterior appearance of
3405 which is of such unorthodox or abnormal character in relation to its
3406 surroundings as to be unsightly or offensive to generally accepted taste
3407 and community standards.

3408 2. No building shall be permitted the design or exterior appearance of
3409 which is so identical with those adjoining as to create excessive
3410 monotony or drabness.

3411 3. No building shall be permitted where any exposed facade is not
3412 constructed or faced with a finished material which is aesthetically
3413 compatible with the other facades and presents an attractive
3414 appearance to the public and to surrounding properties.

3415 4. No building or sign shall be permitted to be sited on the property in a
3416 manner which would unnecessarily destroy or substantially damage
3417 the natural beauty of the area, particularly insofar as it would adversely
3418 affect values incident to ownership of land in that area; or which would

3419 unnecessarily have an adverse effect on the beauty and general
 3420 enjoyment of existing structures on adjoining properties.

3421 5. No building or use shall be permitted that would have a negative
 3422 impact on the maintenance of safe and healthful conditions in the town.

3423 6. Buildings and uses shall provide for safe traffic circulation and safe
 3424 driveway locations.

3425 E. Review and Findings

3426 1. The Plan Commission shall review the referred plans at the first regular
 3427 Plan Commission meeting following their submittal. The Plan
 3428 Commission shall render a decision no later than the following regular
 3429 Plan Commission meeting. The Plan Commission shall not approve
 3430 any plans unless they find after viewing the application that the
 3431 structure or use, as planned, will not violate the intent and purpose of
 3432 this Ordinance. The Plan Commission will approve said plans only
 3433 after determining the proposed building or buildings will not impair an
 3434 adequate supply of light and air to adjacent property, or substantially
 3435 increase the danger of fire, or traffic congestion, or otherwise endanger
 3436 the public health or safety.

3437 2. To facilitate making the findings the Plan Commission shall consider
 3438 the following topics:

3439 (a) Will the proposed project manage vehicular traffic in the area in
 3440 a safe manner?

3441 (b) Will the proposed project manage pedestrian traffic in the area in
 3442 a safe manner?

3443 (c) Will the proposed project create an unsightly view?

3444 (d) Will the proposed project create a noise nuisance for the
 3445 neighboring properties?

3446 (e) Will the proposed project create objectionable lighting glare or
 3447 spillover onto the neighboring properties?

3448 (f) Will the proposed project create water runoff problems?

3449 (g) Will the proposed project create an odor nuisance for the
 3450 neighboring properties?

3451 (h) Will the proposed project obstruct views to historic, scenic, or
 3452 cultural landmarks, or to features which define the area's
 3453 character?

3454 (i) Will the proposed project negatively impact the natural character
 3455 of the area due to the removal of natural vegetation or by altering
 3456 the topography?

3457 (j) Will the proposed project contribute to visual harmony with
 3458 buildings and structures in the area, particularly as related to scale
 3459 and design?

3460 F. Sureties

3461 The Plan Commission may impose time schedules for the completion of
 3462 buildings, parking areas, open space utilization, and landscaping. The Plan
 3463 Commission shall require appropriate sureties to guarantee that requirements
 3464 will be completed on schedule. Failure to complete required improvements
 3465 within specified time limits shall constitute a zoning violation, and the Zoning
 3466 Administrator shall initiate the appropriate action to correct the violation
 3467 pursuant to s. 7.1300 of this Ordinance.

3468 7.1104 **Conditional use permits**

3469 A. Applicability

3470 A conditional use permit shall be required for the establishment of each use
 3471 permitted as a conditional use and for an addition to, or the expansion or
 3472 intensification of, a nonconforming use. Expansion of a use permitted as a
 3473 conditional use shall also require a conditional use permit, except that the
 3474 minor expansion of a building housing a use permitted as a conditional use
 3475 which would not increase the scale or intensity of that use shall only require
 3476 a regular zoning permit.

3477 B. Application

3478 1. An application for a conditional use permit shall be submitted to the
 3479 Zoning Administrator upon forms furnished by the Town of Union
 3480 Plan Commission. The application shall contain the following
 3481 information:

3482 (a) All the information required for a regular zoning permit listed in
 3483 s. 7.1101(B)(1), and a completed conditional use permit form
 3484 addendum. Upon written request by the Zoning Administrator,
 3485 such additional information as may be required by the Zoning
 3486 Administrator so that the Town Plan Commission can determine
 3487 whether or not the proposed use at the proposed location will not
 3488 be contrary to the public interest and will not be detrimental or
 3489 injurious to public health, public safety, or the character of the
 3490 surrounding area. The written request shall contain an explanation
 3491 of why the additional information is needed.

3492 (c) Water supply and sewage disposal. Where the proposed use
 3493 involves human occupancy, satisfactory evidence that a safe and
 3494 adequate supply of water and approved sewage disposal facilities
 3495 will be provided, in accordance with the requirements of the Door
 3496 County Sanitary Ordinance, shall be submitted.

3497 2. Fee. All conditional use permit applications shall be accompanied by
3498 a fee established by the Town Board of Supervisors.

3499 3. No application shall be accepted by the Zoning Administrator until
3500 complete as judged by the Zoning Administrator and until all fees
3501 established by Town of Union have been paid in full.

3502 4. For each application for a conditional use, the Town Plan Commission
3503 shall report to the Town Board its findings and recommendations,
3504 including the stipulation of additional conditions and guarantees that
3505 such conditions will be complied with when they are deemed
3506 necessary for the protection of the public interest.

C. Public hearing

3508 A public hearing shall be held by the Plan Commission after a public notice
3509 has been given as provided in s. 7.1111(A), notice for public hearings and
3510 after having received recommendations on the conditional use permit from
3511 the Plan Commission. At the public hearing, any party may appear in person
3512 or by agent or attorney.

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3513 1. Statements of personal preferences or speculation not based on
3514 substantial evidence must be disregarded by the Plan Commission.

3515 (a) *Substantial evidence* means facts and information, other than
3516 merely personal preferences or speculation, directly pertaining to
3517 the requirements and conditions an applicant must meet to obtain
3518 a conditional use permit and that reasonable persons would accept
3519 in support of a conclusion.

D. Determination

3521 Following review, investigation, and public hearing, the Plan Commission
3522 shall make written findings of fact on the proposed conditional use. Decisions
3523 shall include an accurate and complete description of the approved
3524 conditional use, including all applicable conditions, or if disapproved, the
3525 reasons for disapproval.

3526 Any condition imposed and any decision to approve or deny a Conditional
3527 Use Permit must be based on substantial evidence. The applicant must
3528 provide substantial evidence that demonstrates the application and all
3529 requirements and conditions established by the Town relating to the
3530 conditional use are or shall be satisfied.

E. Basis of approval

3532 1. The Plan Commission shall review each conditional use permit
3533 application for compliance with all requirements applicable to that
3534 specific use and to all other relevant provisions of this Ordinance. In
3535 approving conditional uses, the Plan Commission also shall determine

3536 that the proposed use at the proposed location will not be contrary to
 3537 the public interest and will not be detrimental or injurious to the public
 3538 health, public safety, or character of the surrounding area.

3539 2. To aid in the review of the proposed project against the above criteria,
 3540 the Plan Commission shall evaluate the following specific criteria as
 3541 applicable, but shall not be limited thereto:

3542 (a) Whether the proposed project will adversely affect property
 3543 values in the area.

3544 (b) Whether the proposed use is similar to other uses in the area.

3545 (c) Whether the proposed project is consistent with the Door County
 3546 Development Plan or any officially adopted Town plan.

3547 (d) Provision of an approved sanitary waste disposal system.

3548 (e) Provision for a potable water supply.

3549 (f) Provisions for solid waste disposal.

3550 (g) Whether the proposed use creates noise, odor, or dust.

3551 (h) Provision of safe vehicular and pedestrian access.

3552 (i) Whether the proposed project adversely impacts area traffic flow
 3553 and congestion.

3554 (j) Adequacy of emergency services and their ability to service the
 3555 site.

3556 (k) Provision for proper surface water drainage.

3557 (l) Whether proposed buildings contribute to visual harmony with
 3558 existing buildings in the area, particularly as related to scale and
 3559 design.

3560 (m) Whether the proposed project creates excessive exterior lighting
 3561 glare or spillover onto neighboring properties.

3562 (n) Whether the proposed project leads to a major change in the
 3563 natural character of the area through the removal of natural
 3564 vegetation or altering of the topography.

3565 3. The applicant's failure to satisfy the criteria listed in par. 2 or any other
 3566 applicable requirement in this Ordinance may be deemed grounds to
 3567 deny the conditional use permit. At all times the burden of proof to
 3568 demonstrate satisfaction of these criteria remains with the applicant.

3569 F. Conditions and restrictions

3570 The Plan Commission may, in approving an application for a conditional use
 3571 permit, impose such restrictions and conditions that it determines are required
 3572 to prevent or minimize adverse effects from the proposed use or development
 3573 on other properties in the area and on the general health, safety, and welfare

3574 of the Town. The conditions may include landscaping, architectural design,
 3575 type of construction, construction commencement and completion date,
 3576 lighting, fencing, location, size and number of signs, water supply and waste
 3577 disposal systems, higher performance standards, street dedication, certified
 3578 survey maps, floodproofing, ground cover, diversions, silting basins,
 3579 terraces, streambank protection, planting screens, operational control, hours
 3580 of operation, improved traffic circulation, deed restrictions, highway access
 3581 restrictions, increased yards, or additional conditions may be recommended
 3582 by the Town Plan Commission and may be required by the Town Board upon
 3583 its finding that these are necessary to fulfill the purpose and intent of this
 3584 Ordinance. Such conditions may include financial sureties.

3585 G. Expiration

3586 All conditional use permits shall expire 12 months from the date of issuance
 3587 where no action has commenced to establish the authorized use. If a time
 3588 limit has been imposed as a condition for the permit, the permit shall expire
 3589 at the end of the time limit.

3590 H. Notification.

3591 Reserved

3592 I. Termination

3593 If an established conditional use does not continue in conformity with the
 3594 permit or this Ordinance, the conditional use permit shall be terminated by
 3595 action of the Town Plan Commission. If an established use permitted as a
 3596 conditional use ceases for a period of more than 18 months, the conditional
 3597 use permit shall terminate, and all future activity shall require a new
 3598 conditional use permit.

3599 J. Resubmission

3600 A conditional use permit application that has been heard and decided shall
 3601 not be eligible to be resubmitted during the 6 months following the decision.
 3602 The 6 month period may be waived by the Plan Commission/Town Board,
 3603 provided that the applicant submits a written report identifying how the new
 3604 application differs materially from the previous application or identifying
 3605 substantial new evidence that will be offered, and provided that the Plan
 3606 Commission/Town Board votes, by simple majority, that the changes or new
 3607 evidence would be of such significance that the Commission/Board might
 3608 consider changing the previous decision.

3609 7.1105 **Permits that Authorize "Reasonable Accommodations": for a Disabled**
 3610 **Person(s).**

3611 A. The Zoning Administrator will use a Building Permit that waives specified
 3612 Zoning Ordinance requirements, if the Zoning Administrator determines that
 3613 both of the following conditions have been met.

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- 3614 1. The requested accommodation (i.e., the requested waiver of zoning
- 3615 restrictions), or another less-extensive accommodation is:
- 3616 (a) Necessary to afford handicapped or disabled persons equal
- 3617 housing opportunity or equal access to public accommodations,
- 3618 and
- 3619 (b) The minimum accommodations that will give the handicapped or
- 3620 disabled persons adequate relief.

- 3621 2. The accommodation will not unreasonably undermine the basic
- 3622 purposes the Zoning Ordinance seeks to achieve.

- 3623 B. If the Zoning Administrator issues either to a handicapped or disabled person,
- 3624 or to the owner of a place of public accommodation, a Building Permit
- 3625 waiving compliance with specified zoning requirements, the Building Permit
- 3626 must:
- 3627 1. State that issuance of the Building Permits required by Federal Fair
- 3628 Housing Act, the Wisconsin Open Housing Law, or the Americans
- 3629 with Disabilities Act, or any combination of them; and

- 3630 2. Include the condition that the building addition or other structure (such
- 3631 as entrance ramps) authorized by the Building Permit must be
- 3632 constructed to make it easily removable when the handicapped or
- 3633 disabled person no longer occupies the property, unless the Town
- 3634 Zoning Administrator specifies in writing, reason for not including the
- 3635 condition. If the Building Permit includes this condition, the property
- 3636 owner must notify the Zoning Administrator not more than 30 days
- 3637 after the handicapped or disabled person vacates the property.

- 3638 C. In cases where the Zoning Administrator issues a handicapped or disabled
- 3639 person a Building Permit conditioned on removal of the building addition or
- 3640 other structure when the handicapped or disabled person no longer occupies
- 3641 the property, the Building Permit will not become effective until the property
- 3642 owner:
- 3643 1. Signs an affidavit that includes the legal description of the property
- 3644 and acknowledges that the building addition or other structure
- 3645 authorized by the Building Permit t is authorized for only the period a
- 3646 handicapped or disabled person who requires the structure occupies
- 3647 the property, and

- 3648 2. Records the affidavit with the Town Clerk.

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7.1106 **Other Permits**

3650 It is the responsibility of the Permit applicant to secure all other necessary Permits
3651 required by any state, federal, or county agency. This includes, but is not limited
3652 to, building, electrical, plumbing, and HVAC Permits from the Town's building or
3653 other applicable inspector to ensure architectural plans and specifications comply

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3654 with the Wisconsin Uniform Dwelling Code pursuant to Chapters SPS 320 to 325
 3655 of the Wisconsin Administrative Code; water use Permits from the Wisconsin
 3656 Department of Natural Resources (WDNR) pursuant to Chapters 30 and 31 of the
 3657 Wisconsin Statutes; and a wetland fill Permit from the U.S. Army Corps of
 3658 Engineers pursuant to Section 404 of the Federal Water Pollution Control Act
 3659 and/or a Water Quality Certification from the DNR.

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3660 7.1107 **Certificate of compliance**

3661 No land shall be occupied or used and no building or structure hereafter erected,
 3662 altered or moved shall be occupied until a certificate of compliance is issued by the
 3663 Zoning Administrator documenting that the use, building or structure conforms
 3664 with the provisions of this Ordinance.

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3665 7.1108 **Variance from the requirements of this Ordinance**

3666 A. Petition

3667 A petition for a variance shall be filed by the property owner, or the owner's
 3668 agent, using forms furnished by the Town of Union Plan Commission. Such
 3669 petition shall include the following:

- 3670 1. Name and address of the property owner and petitioner (if different).
- 3671 2. Signature of petitioner.
- 3672 3. Location of property involved in the petition.
- 3673 4. Proposed use or structure in question, including a site plan showing the
 3674 preferred arrangement for which the variance is sought.
- 3675 5. Sections(s) of this Ordinance from which a variance is requested.
- 3676 6. Details as to the narrowness, shallowness, shape, topography, or other
 3677 characteristics of the land or the physical conditions applying to the
 3678 building, structure, use or intended use which make it not merely
 3679 inconvenient but extremely difficult, if not impossible, to comply with
 3680 the provisions of this Ordinance.
- 3681 7. A statement that the conditions detailed above are unique to this
 3682 property and are not generally existing on other properties in the same
 3683 zoning district.
- 3684 8. A statement that the unnecessary hardship was not caused by the
 3685 applicant nor by any persons still having an interest in the property.
- 3686 9. A petition for a variance shall be accompanied by a fee established by
 3687 the Town Board of Supervisors.

3688 B. Processing

3689 1. Public hearing. The Board of Appeals shall hold a public hearing in
 3690 accordance with s. 62.23(7)(e)6., Wis. Stats., and after a public notice
 3691 has been given as provided in s. 7.1111(A), notice for public hearings.
 3692 At the hearing, any party may appear in person or by agent or by
 3693 attorney.

3694 2. Decision. Within a reasonable time, the Board of Appeals shall render
 3695 a decision to either grant or deny the request for variance.

3696 (a) A variance granted shall be the minimum to permit a use of the
 3697 property and may contain conditions or guarantees attached
 3698 thereto by the Board of Appeals.

3699 (b) A variance denied shall be accompanied by the reasons for denial.

3700 C. Standards for variance

3701 The Board of Appeals shall consider the following standards for granting a
 3702 variance. The burden of proof at all times remains with the applicant to
 3703 establish that the proposed variance meets the following standards:

3704 1. Unnecessary hardship. That there are present actual physical
 3705 conditions applying to the lot, parcel, building, structure, use or
 3706 intended use on that parcel which are creating the unnecessary
 3707 hardship in the application of this Ordinance, as distinguished from a
 3708 mere inconvenience to the owner if the strict letter of the regulations
 3709 are required, and without a variance there is no reasonable use of the
 3710 property.

3711 2. Unique condition. That the conditions described in par. (a) are unique,
 3712 exceptional, extraordinary, or unusual circumstances applying only or
 3713 primarily to the property under consideration and are not of such a
 3714 general or recurrent nature elsewhere in the same zoning district as to
 3715 suggest or establish the basis for Ordinance changes or amendments,
 3716 or of having that effect if relied upon as the basis for granting a
 3717 variance.

3718 3. Conditions not self-created. That the condition creating the hardship
 3719 or difficulty was not caused by the petitioner nor by any person still
 3720 having an interest in the property.

3721 4. Public interest. That in granting the variance there will not be a
 3722 substantial detriment to neighboring property and the grant of variance
 3723 will not be contrary to the purpose of this Ordinance and the public
 3724 interest.

3725 5. Effect on uses. No variance shall have the effect of allowing in any
 3726 district a use not permitted in that district.

3727 D. Reserved

- 3728 E. Resubmission
 - 3729 A variance petition that has been heard and decided shall not be eligible to be
 - 3730 resubmitted during the 6 months following the decision. The 6 month period
 - 3731 may be waived by the Board of Appeals provided that the petitioner submits
 - 3732 a written report identifying how the new petition differs materially from the
 - 3733 previous petition or identifying substantial new evidence that will be offered
 - 3734 and provided that the Board of Appeals votes by simple majority that the
 - 3735 changes or new evidence would be of such significance that the Board might
 - 3736 consider changing the previous decision.
- 3737 F. Road projects
 - 3738 When a structure becomes a nonconforming structure as to setback from a
 - 3739 road, because the road was widened or relocated by the county, a town, or the
 - 3740 Wisconsin Department of Transportation, such structure shall not require a
 - 3741 variance and shall not be considered a nonconforming structure in regards to
 - 3742 setback from a road or highway. However, no such structure shall thereafter
 - 3743 be enlarged or rebuilt in such a manner that it will be closer to the right-of-
 - 3744 way of the road.
- 3745 G. Repairs and restoration
 - 3746 A structure that was authorized by a variance that is damaged or destroyed
 - 3747 by fire, explosion, flooding, storm damage, or similar calamity may be
 - 3748 repaired or restored provided either 1) the repair or restoration would bring
 - 3749 the structure into compliance with this Ordinance; or 2) the repair or
 - 3750 restoration of the structure conforms fully to the structure authorized by the
 - 3751 variance.
- 3752 7.1109 **Appeals**
 - 3753 See 7.1002 E
- 3754 7.1110 **Amendments**
 - 3755 A. Authority
 - 3756 Whenever the public necessity, convenience, general welfare, or good zoning
 - 3757 practice require, the Town Board of Union may, by Ordinance, change the
 - 3758 district boundaries or amend, change, or supplement the regulations
 - 3759 established by this Ordinance or amendments thereto.
 - 3760 B. Initiation
 - 3761 A change or amendment may be initiated by the Town Board, Town Plan
 - 3762 Commission or by a petition of one or more of the owners or lessees of
 - 3763 property within the area affected by the change.
 - 3764 C. Petition
 - 3765 Petition for any change to the district boundaries or amendments to the
 - 3766 regulation shall be filed with the Town Clerk, describe the premises to be

3767 rezoned or the regulations to be amended, list the reasons justifying the
3768 petition, specify the proposed use and have attached the following:

- 3769 1. Petitioners name, address, phone number, and interest in property
3770 (owner, broker, etc.).
- 3771 2. Existing and proposed zoning district or text amendment.
- 3772 3. Proposed use (a statement of the type, extent, area, etc., of any
3773 development project).
- 3774 4. Owners' names and addresses of all properties lying within two
3775 hundred (200) feet of the area proposed to be rezoned.
- 3776 5. Compatibility with adjacent lands (a statement of land uses and impact
3777 of zoning change).
- 3778 6. Legal description of property to be rezoned.
- 3779 7. Plot plan or survey plat drawn to scale of 1 inch equals 100 feet
3780 showing the area proposed to be rezoned, its location, its dimension,
3781 the location and classification of adjacent zoning districts, and the
3782 location and existing uses and buildings of all properties within two
3783 hundred (200) feet of the area proposed to be rezoned.
- 3784 8. Additional information as may be requested by the Union Plan
3785 Commission.
- 3786 9. Fee receipt in the amount established by the Town Board.

3787 D. Plan Commission Recommendation

3788 The Plan Commission shall review all proposed changes and amendments
3789 within the limits of the Town and shall recommend to the Town Board in
3790 writing that the petition be granted as requested, modified, or denied. Where
3791 the purpose and effect of the proposed amendment is to change the zoning
3792 classification of a particular property, the Town Plan Commission shall make
3793 findings based upon the evidence presented to it in each specific case with
3794 respect to the following matters:

- 3795 1. Existing uses or property within the general area of the property in
3796 question.
- 3797 2. Zoning classification of property within the general area of the
3798 property in question.
- 3799 3. Suitability of the property in question to the uses permitted under the
3800 existing zoning classification.

- 3801 4. Trend of development, if any, in the general area of the property in
- 3802 question, including changes, if any, which have taken place in its
- 3803 present zoning classification.

- 3804 5. The Plan Commission may recommend the adoption of an amendment
- 3805 changing the zoning classification of the property in question to any
- 3806 higher classification than that requested by the applicant.

- 3807 6. The Plan Commission shall not recommend the adoption of a
- 3808 proposed amendment unless it finds that the adoption of such
- 3809 amendment is in the public interest and is not solely for the interest of
- 3810 the applicant.

- 3811 7. That the effective date of the change to district boundary is reasonable
- 3812 given the timing of the proposed use.

- 3813 8. Consistency with any Town comprehensive plan adopted under
- 3814 Wisconsin Statutes s 66.1001.

- 3815 E. Rezoning of wetland
- 3816 A wetland, or a portion of a wetland, in a Wetland district shall not be rezoned
- 3817 if the proposed rezoning may result in a significant adverse impact upon any
- 3818 of the following:

- 3819 1. Storm or flood water storage capacity.

- 3820 2. Maintenance of dry season stream flow, discharge of groundwater to
- 3821 a wetland, the recharge of groundwater from a wetland to another area,
- 3822 or the flow of groundwater through a wetland.

- 3823 3. Filtering or storage of sediments, nutrients, heavy metals, or organic
- 3824 compounds that would otherwise drain into navigable waters.

- 3825 4. Shoreline protection against soil erosion.

- 3826 5. Fish spawning, breeding, nursery, or feeding grounds.

- 3827 6. Wildlife habitat.

- 3828 7. Areas of special recreational, scenic, or scientific interest, including
- 3829 scarce wetland types.

- 3830 F. Zoning amendments in the Agricultural District
- 3831 In order to preserve the rural character of the town, it's the Town of Union's
- 3832 policy that rezoning for residential uses be contiguous with existing

3833 residential districts so as not to fragment agricultural and open space lands
3834 with residential development.

3835 G. Zoning amendments in the STH 57 Corridor

3836 In order to preserve the rural character of the town, it's the Town of Union's
3837 policy to preserve the open space characteristics of the STH 57 Corridor.
3838 Preservation of this area is considered important to the overall image and
3839 quality of life as well as retaining the character and charm of the town of
3840 Union. The town encourages commercial development along STH 57 to take
3841 place only in areas that have existing public infrastructure, in areas that are
3842 contiguous to existing commercial development, such as in the
3843 unincorporated villages of Brussels and Dyckesville, and that in areas that are
3844 served by grade separated interchanges. It is not the intent of the town to
3845 encourage "strip commercial development" in the STH 57 Corridor. Any
3846 rezoning shall require a site plan per s. 7.1103. The town shall consider the
3847 following standards for zoning of lands within the STH 57 Corridor in
3848 addition to those in s. 7.1110 (D).

3849 1. Availability of alternate sites

3850 2. There should be no direct access of commercial uses to STH 57

3851 3. All commercial uses access to STH 57 should be from arterial or major
3852 collectors intersecting with STH 57.

3853 4. Preservation of scenic views

3854 5. Fragmentation of agricultural lands

3855 H. *Reserved*

3856 I. Resubmission

3857 A petition for zoning amendment that has been heard and decided shall not
3858 be eligible to be resubmitted during the 6 months following final action by
3859 the Town of Union Board of Supervisors. The 6 month period may be waived
3860 by the Town Plan Commission provided that the petitioner submits a written
3861 report identifying how the new zoning amendment petition differs
3862 substantially from the previous petition or identifying substantial new
3863 evidence that will be offered and provided that the Town Plan Commission
3864 votes by simple majority that the changes or new evidence would be of such
3865 significance that the Town of Union Board of Supervisors might
3866 consider changing the previous decision.

3867 J. Public Hearing

3868 The Town Plan Commission shall hold a public hearing upon each proposed
3869 amendment after public notice has been given as provided for in s. 7.1111.

3870 K. Town Board's Action

3871 Following such hearing and after careful consideration of the Town Plan
 3872 Commission's written report and recommendations, the Town Board shall
 3873 vote on the passage of the proposed changes or amendments. The Town Plan
 3874 Commission's recommendations may be only overruled by a unanimous vote
 3875 of the full Town Board membership.

3876 L. Protest

3877 In the event of a protest against such change or amendment, duly signed and
 3878 acknowledged by the owners of 20 percent or more either of the areas of the
 3879 land included in such proposed change or by the owners of 20 percent or more
 3880 of the land immediately adjacent extending 100 feet therefrom, or by the
 3881 owners of 20 percent or more of the land directly opposite thereto extending
 3882 100 feet from the street frontage of such opposite land, such changes or
 3883 amendments shall not become effective except by the favorable vote of the
 3884 full Town Board membership.

3885 M. County Board Approval

3886 Per Wis Stats. s 60.62, no amendment may be adopted unless approved by
 3887 the Door County Board. Therefore, the adoption of any amendment to this
 3888 ordinance shall be conditioned on the approval of the amendment by the
 3889 County Board.

3890 N. Effective Date

3891 The amending ordinance shall become effective immediately after adoption
 3892 by the Town Board, approval by the Door County Board of Supervisors, and
 3893 publication or posting as provided by law.

3894 7.1111 **Public hearings**

3895 When Public Hearings are required by this Ordinance (e.g., Amendments,
 3896 appeals, Variances, Conditional Uses, etc.) or by Wisconsin Statutes, the
 3897 following shall apply:

3898 A. Notice of any Public Hearing which the Town Board, Town Plan
 3899 Commission, or Town Board of Appeals is required to hold under the terms
 3900 of this Ordinance shall be given by publishing in the Town a Class 2 notice
 3901 in accordance with Chapter 985, Wis. Stats. The notice shall specify the time
 3902 and place of such Public Hearing and shall state the matter to be considered
 3903 at said Public Hearing.

3904 B. Notice of the Public Hearing requiring a Class 2 Notice shall give due notice
 3905 to all parties-in-interest at least 10 days before the Public Hearing. Parties-in-
 3906 interest shall be defined as the applicant, the Clerk of any municipality whose
 3907 boundaries are within 1,000 feet of any lands included in the petition, and the
 3908 owners of all lands included in the petition, and the owners within 500 feet
 3909 of all lands included in the petition.

3910 C. Failure to give any notice to any property owner shall not invalidate the action
 3911 taken by the Town Board, Town Plan Commission, or Board of Appeals.

3912 7.1200 **RESERVED**

3913 7.1300 **ENFORCEMENT**

3914 7.1301 **Violations**

3915 A. It shall be unlawful to locate, erect, construct, reconstruct, alter, enlarge,
3916 extend, convert, or relocate any building, structure, or sign or use any
3917 building, structure, land, or sign in violation of the provisions of this
3918 Ordinance, or amendments or supplements thereto, lawfully adopted by the
3919 Town Board of Supervisors. It shall also be unlawful to fail to obtain permits
3920 as required by this Ordinance or to fail to comply with any requirement or
3921 condition imposed by the Board of Appeals or Town Plan Commission.

3922 B. Each and every day of violation as described in sub. A may be deemed a
3923 separate offense and violation.

3924 C. Any person, firm, association, or corporation or representative agent failing
3925 to comply with the provisions of this Ordinance may be subject to prosecution
3926 under the terms of this Ordinance and the penalties set forth in Section 7.1303
3927 of this ordinance.

3928 7.1302 **Prosecution**

3929 A. Civil proceedings. Pursuant to s. 66.12, Wis. Stats., an action for violation
3930 of this Ordinance shall be a civil action.

3931 B. Notification. The Zoning Administrator shall serve any violators with a
3932 notice of violation stating the following:

3933 1. The nature of the violation.

3934 2. Reserved

3935 3. That the violator shall be subject to:
3936 (a) Civil action to remove or otherwise eliminate the violation, and/or
3937 (b) Penalties, upon conviction, as set forth in s. 7.1303, penalties.

3938 C. Injunction. Compliance with this Ordinance may also be enforced by an
3939 action for injunction at the suit of Town of Union or the owner or owners of
3940 real estate within the zoning district affected by such violation.

3941 D. Penalty. Those actions commenced on behalf of Town of Union may, in
3942 addition, seek a forfeiture or penalty as outlined herein.

3943 7.1303 **Penalties**

3944 Any person, firm, association, or corporation or representative agent who fails to
3945 comply with the provisions of this Ordinance or any order of the Zoning
3946 Administrator issued in accordance with this Ordinance shall, upon conviction
3947 thereof, forfeit not less than \$10 nor more than \$500 and the cost of prosecution for

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3948 each violation including costs, disbursement and attorney fees; and in default of
3949 payment of such forfeiture and costs shall be imprisoned until payment thereof, but
3950 not exceeding 30 days. Each day a violation exists or continues shall constitute a
3951 separate violation.

3952 7.1304 **Reserved**

3953

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DRAFT

3954 7.1400

DEFINITIONS

3955 7.1401

Construction of Language

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

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3958 A. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:

3960 1. "And" indicates that all connected words or provisions shall apply.

3961 2. "And/or" indicates that the connected words or provisions may apply singly or in any combination.

3963 3. "Or" indicates that the connected words or provisions may apply singly or in any combination.

3965 4. "Either . . . or" indicates that the connected words or provisions shall apply singly but not in combination.

3967 B. In case of conflict between the text and a diagram or graphic, the text controls.

3968 C. All references to departments, committees, commissions, boards, or other public agencies are to those of the Town, unless otherwise indicated.

3970 D. All references to public officials are to those of the Town, and include designated deputies of such officials, unless otherwise indicated.

3972 E. The term "building" includes the word "structure." A "building" or "structure" includes any part thereof.

3974 F. The term "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.

3976 G. The term "dwelling" includes the word "residence" and the word "lot" includes the words "plat" or "parcel."

3978 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.

3980 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.

3983 J. The present tense includes the past and future tenses, and the future tense includes the past.

3985 K. The singular number includes the plural, and the plural number includes the singular.

3987 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.

3990 M. Any words not herein defined shall be presumed to have their customary
3991 dictionary definitions.

3992 7.1402 **Words Defined**

3993 The following words, terms, and phrases, when used in this chapter, shall have the
3994 meanings ascribed to them in this Section, except where the context clearly
3995 indicates a different meaning.

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3996 **Accessory Building** - a building, or any portion of a building, that is subordinate to the principal
3997 building and that is used for a purpose incidental to the permitted use of the principal building
3998 or the premises.

3999 **Temporary Building** – structures that have a fabric or plastic type of material, but not
4000 limited to, for the sidewalls and or roof. That may or may not be secured to the ground.

4001 **Portable Building** – structures that have fabric, plastic, wooden or metal materials, but
4002 not limited to, for the sidewalls and or roof, that is not secured to the ground.

4003 **Permanent Building** – structures that have wooden or metal materials, but not limited
4004 to, for the sidewalls and or roof, that may or may not be secured to the ground.

4005 **Accessory Use** – any use that is subordinate to the Principal Use and that is incidental to the
4006 Principal Use.

4007 **Agricultural Accessory Use** – means any of the following land uses on a Farm:

4008 A. A building, structure, or improvement that is an integral part of, or is incidental to,
4009 an Agricultural Use. This may include, for example:

4010 1. A facility used to store or process raw agricultural commodities, all of
4011 which are produced on the farm.

4012 2. A facility used to keep livestock on the farm.

4013 3. A facility used to store or process inputs primarily for Agricultural
4014 Uses on the farm.

4015 4. A facility used to keep or service vehicles or equipment primarily
4016 employed in Agricultural Uses on the farm.

4017 5. A wind turbine or solar energy facility that collects wind or solar
4018 energy on the farm, and uses or transforms it to provide energy
4019 primarily for use on the farm.

4020 6. A manure digester, biofuel facility, or other facility that produces
4021 energy primarily for use on the farm and that primarily uses materials
4022 grown or produced on the farm.

4023 7. A waste storage or processing facility used to store or process animal
4024 waste produced solely from livestock kept on the farm.

4025 B. An activity or business operation that is an integral part of, or incidental to, an
4026 Agricultural Use.

4027 **Agricultural Uses** - any of the following activities conducted for the purpose of producing an
4028 income or livelihood:

- 4029 A. Aquaculture.
- 4030 B. Beekeeping.
- 4031 C. Crop or forage production.
- 4032 D. Enrolling land in a federal agricultural commodity payment program or a federal or
4033 state agricultural land conservation payment program.
- 4034 E. Floriculture.
- 4035 F. Forest management.
- 4036 G. Fur farming.
- 4037 H. Keeping livestock.
- 4038 I. Nursery, sod, or Christmas tree production.

4039 **Agriculture-Related Uses** - a facility, whether or not located on a farm, that has at least one of
4040 the following as a primary and not merely incidental purpose:

- 4041 A. Providing agricultural supplies, agricultural equipment, agricultural inputs or
4042 agricultural services (e.g., seed, fertilizer, and farm chemical sales) directly to
4043 farms.
- 4044 B. Storing, processing or handling raw agricultural commodities obtained directly
4045 from farms. Examples include feed mills and grain elevators.
- 4046 C. Slaughtering livestock.
- 4047 D. Marketing livestock to or from farms.
- 4048 E. Processing agricultural by-products or waste received directly from farms.

4049 **Airport** - any area of land or water which is used or intended for use for the landing and taking
4050 off of aircraft, and any appurtenant areas which are used or intended for use for airport
4051 buildings, or other airport facilities or rights-of-way, including all necessary taxiways, aircraft
4052 storage and tie-down areas, hangars and other necessary buildings and open spaces.

4053 **Alley** - a public or private right-of-way primarily designed to serve as secondary access to
4054 abutting properties.

4055 **Amendment** - a change made by correction, addition, or deletion to a contract, policy, or
4056 ordinance.

4057 **Animal Unit** - the value used to establish the maximum number of animals permitted on a tract
4058 of land in the GA zoning district. Animal units are calculated by multiplying the number of
4059 animals of a particular type by the appropriate Animal Unit Factor for that type of animal. The
4060 Animal Unit Factor for each type of livestock is set by the Wisconsin Department of

4061 Agriculture, Trade and Consumer Protection and published at Wis. Admin. Code ch. NR
4062 243.05.

4063 **Assisted Living Facilities** - facilities for persons who need some level of care monitoring
4064 services but choose to live in a setting without 24-hour access to nursing services. Assisted
4065 living facilities (i.e., Community Based Residential Facilities, Residential Care Apartment
4066 Complex, and Adult Family Homes) are regulated by the Wisconsin Department of Health and
4067 Family Services.

4068 **Adult Family Home** - a place where 3 or 4 adults who are not related to the operator
4069 reside and receive care, treatment or services that are above the level of room and board
4070 and that may include up to 7 hours per week of nursing care per resident.

4071 **Community Based Residential Facility** - a place where 5 or more unrelated people live
4072 together in a community setting. Services provided include room and board, supervision,
4073 support services, and may include up to 3 hours of nursing care per week.

4074 **Residential Care Apartment Complex** - a place where 5 or more adults reside that
4075 consists of independent apartments, each of which has: an individual lockable entrance
4076 and exit, a kitchen, including a stove, individual bathroom, sleeping and living areas, and
4077 that provides, to a person who resides in the place, not more than 28 hours per week of
4078 services that are supportive, personal and nursing services. Residential care apartment
4079 complex does not include a nursing home or a community-based residential facility.

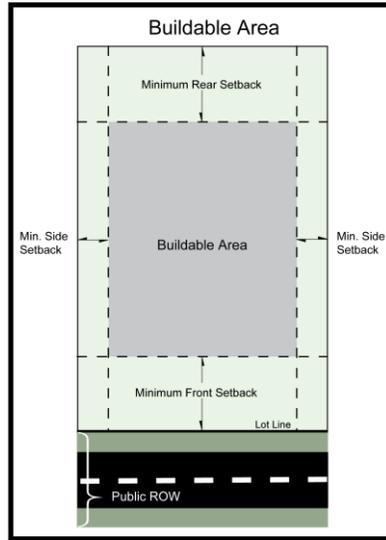
4080 **Automobile Wrecking Yard** - Any premises on which more than three automotive vehicles,
4081 not in operating condition, are stored in the open.

4082 **Banquet Hall / Dance Hall** - a facility/room used for hosting a party, reception, or other social
4083 event.

4084 **Basement** - that portion of any structure located partly underground and having more than one-
 4085 half (1/2) of its height below the finished lot
 4086 grade.

4087 **Bed and Breakfast** - any place of lodging that
 4088 provides eight or fewer rooms for rent to no
 4089 more than a total of 20 tourists for more than 10
 4090 nights in a 12-month period, is the owner's
 4091 personal residence, is occupied by the owner at
 4092 the time of rental, and in which the only meal
 4093 served to guests is breakfast.
~~4094 any place of lodging that provides four or fewer rooms for
 4095 rent, is the owner's personal residence, is
 4096 occupied by the owner at the time of rental and
 4097 in which the only meal served to guests is
 4098 breakfast.~~

4099 **Buildable Area** - the ground area of a lot which
 4100 is defined by the minimum setback and spacing
 4101 requirements within which construction of a
 4102 permitted building and any attached accessory
 4103 buildings is permitted by this ordinance.



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4104 **Building** - any structure built, used, designed or
 4105 intended for the support, shelter, protection, or enclosure of persons, animals, or property of
 4106 any kind, and which is permanently affixed to the land.

4107 **Building Line** - a line measured across the width of the lot at that point where the main
 4108 structure, including any overhang, is in accordance with setback provisions.

4109 **Clinic, Medical or Dental** - an organization of specializing physicians or dentist, or both, who
 4110 have their offices in a common building. A clinic shall not include in-patient care.

4111 **Clinic, Veterinary** - an establishment for the examination and treatment of animals, which may
 4112 or may not have provision for keeping such animals overnight on the premises. A veterinarian's
 4113 office, whether or not a part of his home, shall be considered a veterinary clinic.

4114 **Commercial** - the offering or purchase of goods and services with the intention of making a
 4115 profit.

4116 **Commercial Storage** - storage facilities that are rented or sometimes leased to individuals,
 4117 usually storing household goods; or to small businesses, usually storing equipment, excess
 4118 inventory, or archived records.

4119 **Common Ownership** - means ownership by the same person or persons or by a legal entity
 4120 that is owned, in whole or in part, by the same person or persons. For the purposes of this
 4121 ordinance, ownership by one member of a married couple is deemed to be common ownership
 4122 by the married couple.

4|23 **Community Living Arrangement** - a facility licensed and operated under the authority of the
 4|24 State of Wisconsin including group homes for children, foster homes, treatment foster homes,
 4|25 adult family homes, and Community Based Residential Facilities, but not including nursing
 4|26 homes or day care facilities.

4|27 **Community Use** - means a structure and related premises used to provide athletic, civic,
 4|28 cultural, educational, medical, recreational, religious, or social programs and services to the
 4|29 community. Community uses include, but are not limited to such things as a church, clinic,
 4|30 community center, fire station, hospital, library, mausoleum, municipal hall, museum, park,
 4|31 playground, police station, or school.

4|32 **Conditional Use** - means a use that is not permitted by right. Rather, its allowance is subject
 4|33 to the discretionary judgment of the Town Plan Commission, as described in Section 7._____,
 4|34 Conditional Use Permits.

4|35 **Condominium Declaration** - a legal document filed in the county or state in which a
 4|36 condominium will be located. The declaration establishes the existence of and further governs
 4|37 the use and maintenance of a condominium property including legal descriptions of the
 4|38 condominium and of each individual unit, the nature and scope of the development project
 4|39 (when applicable), and several provisions regarding the use of the condominium units and
 4|40 common areas.

4|41 **Contiguous** - means adjacent to or sharing a common boundary. A lot, parcel, or tract is
 4|42 contiguous with another lot, parcel, or tract if they have all, part, or any point of any boundary
 4|43 line in common. Lots, parcels, or tracts that are separated by a pipeline, private road, public
 4|44 road, railroad, right-of-way, river, section line, stream, transportation easement, transmission
 4|45 line, or transmission right-of-way are contiguous.

4|46 **Day Care Home, Family** - a dwelling licensed as a day care center by the State of Wisconsin
 4|47 pursuant to s. 48.65 Wis. Stats.

4|48 **Day Care Center** - an establishment providing care and supervision for 4 or more persons
 4|49 under the age of 7 and licensed by the State of Wisconsin pursuant to s. 48.65 Wis. Stats.

4|50 **Deer/Game Farm** - An area of land devoted to the production of deer, game animals, game
 4|51 birds, and fur animals licensed by the Wisconsin Conservation Department under Wis. Stat. §
 4|52 29.573 to Wis. Stat. § 29.578, in which the animals are housed and fed under artificial
 4|53 conditions.

4|54 **District, Zoning** - divisions of the town, each area being accurately defined to boundaries and
 4|55 locations on the official zoning map and in the zoning ordinance, for which the regulations and
 4|56 requirements governing use, lot, and bulk of buildings and premises are uniform.

4|57 **District, Overlay** - provide for the possibility of superimposing certain additional requirements
 4|58 upon a basic zoning district without disturbing the requirements of the basic district. In the
 4|59 instance of conflicting requirements, the stricter of the conflicting requirements shall apply.

4|60 **Dwelling** - a building, or portion thereof, including a mobile home, designed or used
 4|61 exclusively for residential occupancy, including single-family dwellings, two-family
 4|62 dwellings, and multiple-family dwellings, but not including hotels and motels.

4|63 **Dwelling Unit** - one (1) or more rooms which are arranged, designed for use as living quarters.

4|64 **Dwelling Unit, Accessory** - is a small (floor area maximum is 1,000 square feet but must
 4|65 contain less floor area than the principal dwelling unit) second residence on the same lot as an
 4|66 existing principal residence. Accessory dwelling units cannot have more than two bedrooms.
 4|67 The owner of the lot must reside either in the principal residence or in the accessory dwelling
 4|68 unit.

4|69 **Dwelling Unit, Single Family** – a building designed to be occupied exclusively by one (1)
 4|70 family.

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4|71 **Dwelling Unit, Two Family** – a building designed to be occupied exclusively by two (2)
 4|72 families.

4|73 **Dwelling Unit, Multi-Family** – a building used and designed as a residence for three (3) or
 4|74 more families.

4|75 **Effective Date:** the date on which provisions of an agreement, contract, policy, ordinance, etc.
 4|76 take effect, which may be a past, present or future date. This may be different from the date
 4|77 upon which the event actually occurs or is recorded. All references to *Effective Date* for the
 4|78 Town of Union Zoning Ordinance shall be _____, unless specified otherwise
 4|79 within this ordinance.

4|80 **Escarpment** - a steep slope, or series of cliffs or steep slopes, which faces in one general direction,
 4|81 breaks the continuity of the land by separating two comparatively level or more gently sloping
 4|82 surfaces, and is produced by erosion or by faulting.

4|83 **Escarpment Crest** - the uppermost point of the Escarpment slope or face. It may be the top of a
 4|84 rock cliff, or where the bedrock is buried, the most obvious break in slope associated with the
 4|85 underlying bedrock.

4|86 **Escarpment Face (Slope)** - the area between the crest of the Escarpment and usually
 4|87 characterized by a steep gradient. Where the rise occurs in the form of a series of steps, the slope
 4|88 also includes the terraces between the steps.

4|89 **Escarpment Toe (Base)** - the lowest point on the Escarpment slope or face determined by the
 4|90 most obvious break in slope associated with the bedrock or landforms overlying the bedrock.

4|91 **Essential Services** - electric, telephone, gas, or water service, including the overhead, surface,
 4|92 or underground distribution or transmission systems necessary to supply the service. It includes
 4|93 the conduits, pipes, poles, towers, wires, and similar devices necessary to supply these services,
 4|94 but does not include any buildings necessary to supply these services. It does not include wind
 4|95 energy systems, communications facilities, or any structure or use listed as a permitted,
 4|96 accessory, or conditional structure or use in any other district.

4|97 **Farm** - all land under common ownership that is primarily devoted to agricultural use. For
 4|98 purposes of this ordinance, land is deemed to be primarily devoted to agricultural use if:

- 4|99 A. A majority of the land area is in agricultural use, or
 4|200 B. The land produces at least \$6,000 in annual gross farm revenues to its owner or
 4|201 renter, regardless of whether a majority of the land area is in agricultural use. (s.
 4|202 71.613(1)(d) Wis. Stats.)

4203 **Farm Consolidation** - means the joining together of all or part of 2 or more farm operations,
 4204 which were in existence before the Effective Date or subsequent Amendment of this ordinance,
 4205 into a single farm operation.

4206 **Farm Operation** - means an activity conducted primarily for the production of one or more
 4207 agricultural products or commodities, for home use or for sale, in a quantity sufficient to
 4208 contribute to the operator's support.

4209 **Farm Residence** - meaning any of the following structures that is located on a farm:

4210 A. A single-family or two-family dwelling residence that is occupied by any of the
 4211 following:

- 4212 1. An owner or operator of the farm.
 4213 2. A parent or child of an owner or operator of the farm.
 4214 3. An individual who earns more than 50 percent of his or her gross
 4215 income from the farm.

4216 **Feedlot** - An animal confinement facility or dairy farm used or designed for the feeding or
 4217 holding animals.

4218 **Fish Hatcheries** - Establishments devoted to hatching, raising or rearing fish.

4219 **Garage, Private** - An accessory building to the principal building which provides for the
 4220 storage.

4221 **Garage, Public and Storage** - any building or premises, other than a private garage, where
 4222 motor driven vehicles are equipped, repaired, serviced, hired, sold, or stored.

4223 **Gross Farm Revenue** - means the gross receipts from all Agricultural Uses, less the cost or
 4224 other basis of livestock and other agricultural items purchased for resale which are sold or
 4225 otherwise disposed of during the taxable year. Gross farm revenue includes receipts accruing
 4226 to a renter, but does not include rent paid to the land owner.

4227 **Group Home** - any facility operated by a person required to be licensed by the State of
 4228 Wisconsin under § 48.625, Wis. Stats., for the care and maintenance of 5 to 8 residents under
 4229 18 years of age.

4230 **Guest House** - an accessory building or portion of a main building used to house guests of the
 4231 occupants of the main building. The square footage shall be no greater than one-half the square
 4232 footage of the principal building. The guest house shall not be rented or offered for rent
 4233 independent of the main building.

4234 **Home Business** - a business, profession, occupation, or trade conducted for gain or support in
 4235 conjunction with a residence. Examples of businesses that may be permitted as home
 4236 businesses include trade or contractors establishments (such as plumbing, heating and air
 4237 conditioning, excavating, carpentry and woodworking, painting, and electrical), veterinary
 4238 offices, kennels, and automotive and farm implement repair shops.

4239 **Home Occupation** – A gainful occupation conducted by members of the family within his or
4240 her place of residence, where the space used is incidental to residential use. A household
4241 occupation includes such things as babysitting, dressmaking, canning, laundering and crafts,
4242 offices for commercial loggers, offices for building tradesmen, accountants, home beauty
4243 shops, lawyers, real estate agents and insurance agents. Includes home based, off-site sales
4244 (e.g., candles, cosmetics, cookware, etc.)

4245 **Hotel** – A building in which lodging, with or without a meal, is offered transient guests for
4246 compensation and in which there are more than five (5) sleeping rooms with or without cooking
4247 facilities in any individual room or apartment.

4248 **Hunting and Fishing Cabins** - buildings used only during hunting and fishing seasons as a
4249 base for hunting, fishing, and outdoor recreation and not permanently occupied for residential
4250 use.

4251 **Junk Yard or Salvage Yard** – An area where junk, waste, or scrap materials are bought, sold,
4252 exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to,
4253 scrap iron and other metals, paper, rags, rubber tires, bottles, used automobiles, used
4254 machinery, used building material and similar materials. A salvage dealer license is required
4255 under Wis. Stat. § 218.205.

4256 **Kennel** - any lot or premises on which household animals are boarded, bred, groomed, sold,
4257 or trained on a regular basis for commercial purposes.

4258 **Land Disturbing Activity** - Any disturbance to the ground surface that may result in soil
4259 erosion through the action of wind or water.

4260 **Land Fill Operation** – A solid waste disposal operation where solid waste is deposited on land
4261 by utilizing the principles of engineering to confine the waste to the smallest practical area, to
4262 reduce it to the smallest practical volume, per Wis. Stat. Ch. 289.

4263 **Livestock** - means bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised
4264 deer, farm-raised game birds, camelids (e.g., llamas, alpacas), ratites (e.g., ostrich, emu), and
4265 farm-raised fish.

4266 **Livestock Facility** - A feedlot or facility, other than a pasture or winter grazing area, where
4267 animals used in the production of food, fiber, or other animal products are or will be fed,
4268 confined, maintained, or stabled for a total of 45 days or more in any 12-month period.
4269 "Livestock facility" does not include an aquaculture facility. A livestock facility includes all
4270 of the tax parcels of land on which the facility is located.

4271 **Lot** – a parcel of land abutting on a public road
4272 or other officially approved means of access,
4273 having a width and depth sufficient to provide
4274 the space necessary for one (1) principal
4275 building and its accessory buildings together
4276 with the open spaces required by this ordinance.

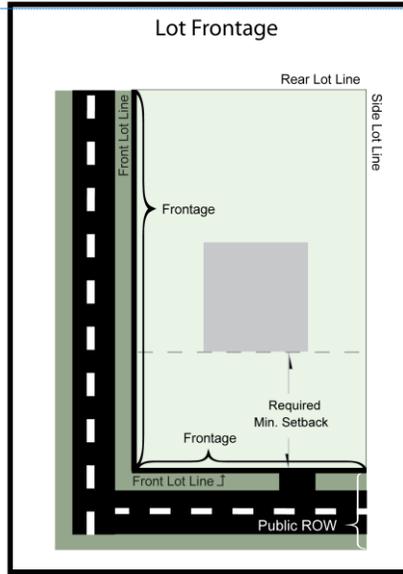
4277 **Lot, Frontage** – The side of a lot abutting on a
4278 road or way, and ordinarily regarded as the front
4279 of the lot, but it shall not be considered as the
4280 ordinary side of a corner lot.

4281 **Lot, Corner** – a lot abutting on two or more
4282 roads at their intersection.

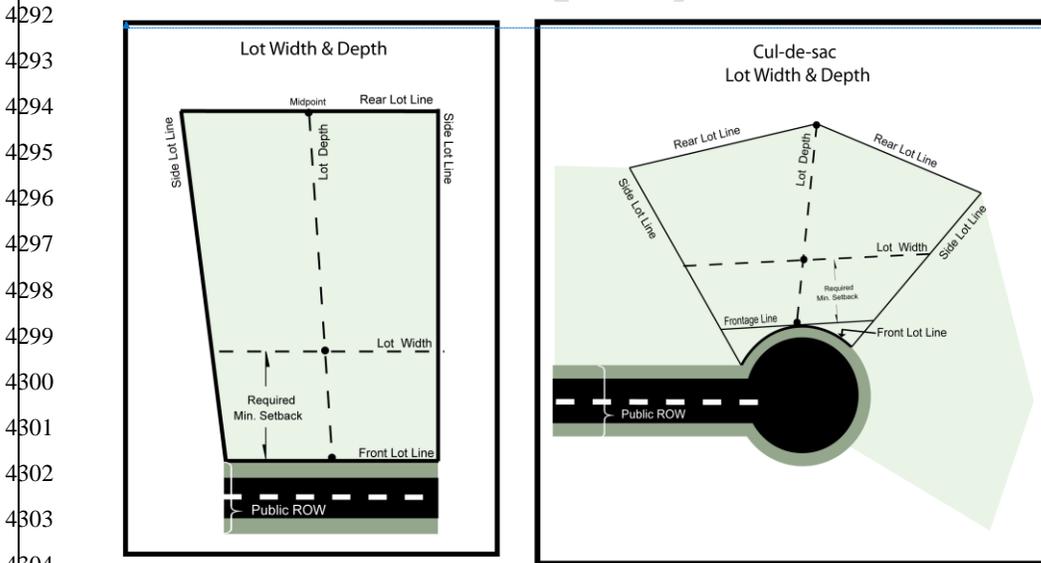
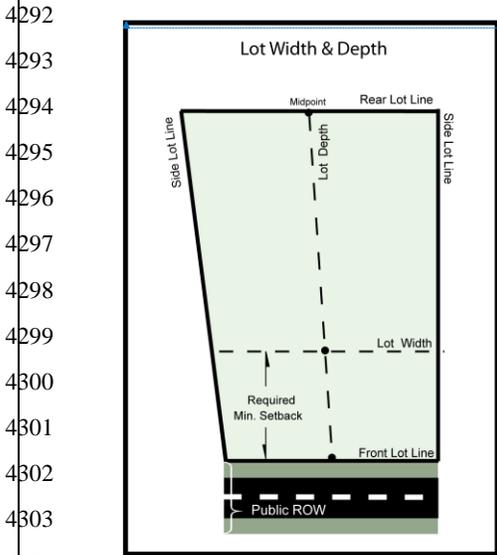
4283 **Lot, Depth of** – the mean horizontal distance
4284 between the front lot line and the rear lot line of
4285 a lot, measured within the lot boundaries.

4286 **Lot Lines and Area** – the peripheral boundaries
4287 of a parcel of land including the road right-of-
4288 way lines and the total area lying within such
4289 boundaries.

4290 **Lot, Width of** – the horizontal distance between
4291 the side lot lines.

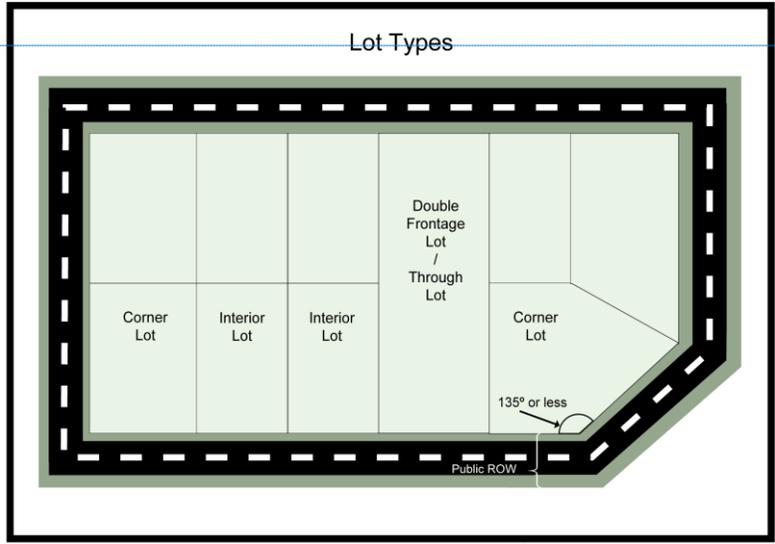


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Lot of Record – a lot which is part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds of Door County; or a parcel of land, the deed to which was recorded in the office of said Register of Deeds prior to the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

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

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

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

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

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4339 **Mobile Home** – means a structure, transportable in one or more sections built on a chassis and
 4340 designed to be used as a dwelling unit, with or without permanent foundation, when connected
 4341 to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical
 4342 systems contained in it, and built prior to the enactment of the Federal Manufactured
 4343 Construction and Safety Standards Act of 1974, which became effective July 15, 1976.

4344 **Motel** - establishment consisting of a group of attached or detached living or sleeping
 4345 accommodations with bathroom and closet space, located on a single zoning lot and designed
 4346 for use by transient guests; and where there is no permanent occupancy of any unit except by
 4347 the owner, his agent or his employees.

4348 **Motor Home** – a motor vehicle designed to be operated upon a highway for use as a temporary
 4349 or recreational dwelling and having the same internal characteristics and equipment as a mobile
 4350 home.

4351 **Nonconforming Use** - means a land use that does not comply with this Zoning Ordinance, but
 4352 which lawfully existed prior to the Effective Date of adoption or subsequent Amendment of
 4353 this ordinance.

4354 **Nursing Home** – a place which provides 24-hour services including board and room to three
 4355 (3) or more unrelated residents who because of their mental or physical condition require
 4356 nursing care or personal care in excess of seven (7) hours a week, unless the facility has been
 4357 designated as a community based residential facility. Nursing homes shall be licensed under
 4358 Chapter 50 of the Wisconsin State Statutes.

4359 **Parking Space, Off-Street** - for the purposes of this Ordinance, an off-street parking space
 4360 shall consist of a space adequate for parking an automobile with room for opening doors on
 4361 both sides, together with properly related access to a public street or alley and maneuvering
 4362 room. Required off-street parking area for three or more automobiles shall have individual
 4363 spaces marked, and shall be so designed, maintained, and regulated that no parking or
 4364 maneuvering incidental to parking shall be on any public street, highway, walk, or alley, and
 4365 so that any automobile may be parked and unparked without moving another.

4366 For the purpose of rough computation, an off-street parking space and necessary access and
 4367 maneuvering room may be estimated at 300 square feet, but off-street, parking requirements
 4368 will be considered to be met only when actual spaces meeting the requirements above are
 4369 provided and maintained, improved in a manner appropriate to the circumstances of the case,
 4370 and in accordance with all ordinances and regulations of the Town.

4371 **Open Space Area or Open Space Parcel** - means a tract of land on which no structures, other
 4372 than hunting blinds or small sheds, have been constructed or may be approved for
 4373 construction.

4374 **Ordinary High Water Mark (OHWM)** - the point on the bank or shore up to which the
 4375 presence and action of the water is so continuous as to leave a distinct mark either by erosion,
 4376 destruction of terrestrial vegetation or other easily recognized characteristic. Source: WDNR.

4377 **Permit** - means a written authorization made by the Town Zoning Administrator or Town Plan
 4378 Commission to the applicant to conduct land disturbing construction activity or to discharge
 4379 post-construction runoff to waters of the state.

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4380 **Permitted Use** – means a use permitted by right, provided all requirements of this Ordinance
 4381 are met.

4382 **Preliminary Plat** - A map indicating the proposed layout of a development and related
 4383 information that is submitted for preliminary review.

4384 **Principal Building** – the building of primary importance or permitted use on a parcel of land,
 4385 in contrast to those which are accessory or of secondary importance. On agricultural zoned
 4386 property the principal building may include barns and structures essential to the operation of a
 4387 farm.

4388 **Professional Office** – means the office of an architect, author, dentist, doctor, lawyer, minister,
 4389 musician, professional engineer, or other recognized professional practitioner.

4390 **Property Enhancement** – means an increase in the market value of property that is the result
 4391 of an improvement.

4392 **Property Maintenance** - the preservation of an asset, or of a condition of property, by upkeep
 4393 and necessary repairs.

4394 **Protected Farmland** - means land that is any of the following:

- 4395 1. Located in the A-1 zoning district certified under ch. 91, Wis. Stats.
- 4396 2. Covered by a farmland preservation agreement under ch. 91, Wis. Stats.
- 4397 3. Covered by an agricultural conservation easement under Wis. Stat. § 93.73.
- 4398 4. Otherwise legally protected from nonagricultural development.

4399 **Public Hearing (“Hearing”)** - A legal requirement giving citizens an opportunity to listen and
 4400 comment on issues regarding planning, zoning, etc.

4401 **Public Hunting & Fishing Grounds** - land purchased or held in compliance with applicable
 4402 state and federal government statutes and regulations for preservation or development of
 4403 wildlife and/or wildlife habitat, and open to the public for hunting and fishing pursuant to such
 4404 statutes and regulations.

4405 **Reasonable Accommodation** - a deviation from the strict requirements of this ordinance which
 4406 is necessary to provide equal housing opportunity for a disabled person or persons. An
 4407 accommodation is reasonable if it does not cause an administrative burden, fiscal burden, or
 4408 undue hardship on the town and does not undermine the basic purpose of this ordinance.

4409 **Recreation Camps and Resorts** – means an area, premises, or parcel of land on which is
 4410 provided facilities for overnight or short term camping in tents, bedrolls, travel trailers, pick
 4411 up coaches, motor homes, or camping trailers, as defined in Chapter DHS 178 of the Wisconsin
 4412 Administrative Code. Recreational camps include accessory buildings and service facilities
 4413 required by the State Board of Health together with a residence or living quarters for the owner
 4414 or caretaker on the premises. Recreational camps shall mean and be synonymous with camps
 4415 and campgrounds for the purposes of this Ordinance.

4416 **Recreation Vehicle** - any unit other than a mobile or manufactured home, whether self-
 4417 propelled, mounted on, or towed by another vehicle, that is used for recreational purposes. It
 4418 includes, but is not limited to, an all-terrain vehicle, boat, camper, folding tent trailer, motor
 4419 home, park trailer, snowmobile, travel trailer, or truck camper.

4420 **Rental Cabins or Cottages** – buildings designed for seasonal uses and occupancy by persons
 4421 other than the owner upon periodical payment.

4422 **Retail, Service, and Wholesale Businesses** – For the purposes of this ordinance, stores for
 4423 conducting retail, service, and wholesale business include auto, truck, trailer and other
 4424 equipment sales, rentals, and service; building, electrical, heating, lumber, and plumbing
 4425 supply yards; cabinet making and woodworking; gas stations and convenience stores;
 4426 greenhouses; recreational/fishing equipment sales; or other uses not specifically listed, but
 4427 which are deemed by the Town Plan Commission to be similar to the uses listed above,
 4428 provided that these uses are not specified elsewhere as a Conditional Use.

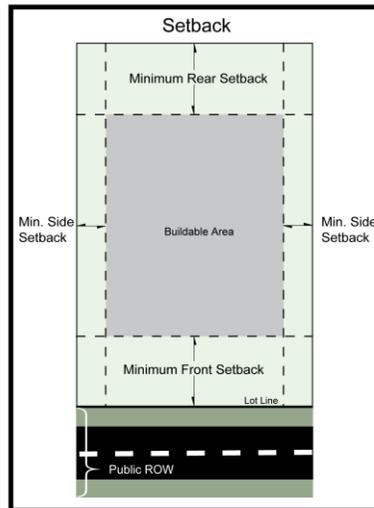
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4429 **Road** - a right-of-way that is dedicated to, intended to, subject to a public easement for, or that
 4430 provides a roadway for general vehicular circulation and is the principal means of vehicular
 4431 access to abutting properties, regardless of whether it has been developed. A road may include
 4432 space for drainage, pedestrian walkways, sidewalks, and utilities.

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 4434 **Roadside Stand** – a structure not permanently fixed
 4435 to the ground that is readily removable in its entirety;
 4436 covered or uncovered and not wholly enclosed, and
 4437 used solely for the sale of products. No such roadside
 4438 stand shall be more than three hundred (300) square
 4439 feet in ground area and limited to a maximum height
 4440 of ten (10) feet.

4441 **Salvage Yard** - see *Junkyard*

4442 **Setback** – the distance from a lot line or other
 4443 specified line to a structure or other specified point
 4444 on a lot as measured perpendicularly to the lot line
 4445 or other specified line.



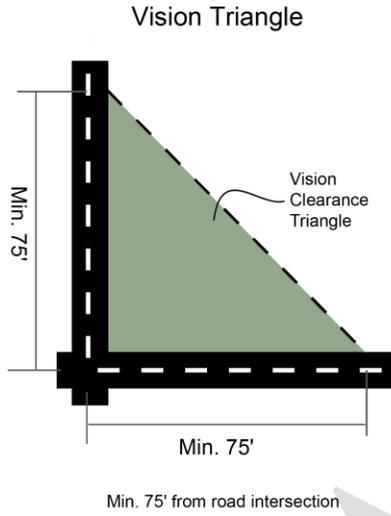
4446 **Shooting Preserve** - Land developed for wildlife
 4447 and stocked with game with the intention of
 4448 charging a fee for hunting and complying with state
 4449 or other governmental regulations.

4450 **Shoreland Zoning** - under an ordinance enacted by
 4451 Door County under Wis. Stat. § 59.692, shoreland zoning limits or prohibits the construction
 4452 or placement of buildings or structures.

4453 **Sign** – means any device, fixture, placard, or structure that uses any color, form, graphic,
 4454 illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose
 4455 of a person or entity, or to communicate information of any kind to the public.

- 4456 **Sign Types** - (Refer to *Chapter 15: Sign Ordinance of the Municipal Code of the Town of*
4457 *Union*)
- 4458 **Solar Energy System** - means equipment which directly converts and then transfers or stores
4459 solar energy into usable forms of thermal or electrical energy.
- 4460 **Story** – that part of a building between any floor and the floor next above, and if there is no
4461 floor above, then the ceiling above. A basement is a story if its ceiling is five (5) feet or more
4462 above the level from which the height of the building is measured.
- 4463 **Structural Alteration** - means any change in the supporting members of a building or any
4464 substantial change in the roof structure or in the exterior walls.
- 4465 **Structure** - means anything constructed or erected, the use of which requires a permanent
4466 location on the ground or attached to something having permanent location on the ground.
- 4467 **Sub-Standard Lot** - means a lot which is recorded with the Register of Deeds prior to the
4468 Effective Date of adoption or subsequent Amendment of this Ordinance, and is located in a
4469 zone requiring greater area, width, or other characteristics.
- 4470 **Surveys and Plans** - means surveys and plans as referred to in this ordinance and as relating
4471 to the construction of highways, shall be considered as accepted by the County or Town Board
4472 if County or Town funds have been used in the improvement carried out according to such
4473 plans.
- 4474 **Temporary Use** - A use established for a limited duration with the intent to discontinue such
4475 use upon the expiration of the time period.
- 4476 **Traffic Lane** - means a strip of roadway intended to accommodate a single lane of moving
4477 vehicles.
- 4478 **Unnecessary Hardship** - That circumstance where special conditions, which are not self-
4479 created, affect a particular property and make strict conformity with the restrictions governing
4480 dimensional standards (such as lot area, lot width, setbacks, yard requirements, or building
4481 height) unnecessarily burdensome or unreasonable in light of the purpose of the Ordinance.
4482 Unnecessary hardship is present only where, in the absence of a variance, no feasible use can
4483 be made of the property.
- 4484 **Variance** – An authorization granted by the Board of Appeals for the construction or
4485 maintenance of a building or structure in a manner which is inconsistent with or contrary to
4486 the dimensional standards contained in this Ordinance.
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4488 *Visual Clearance Triangle*

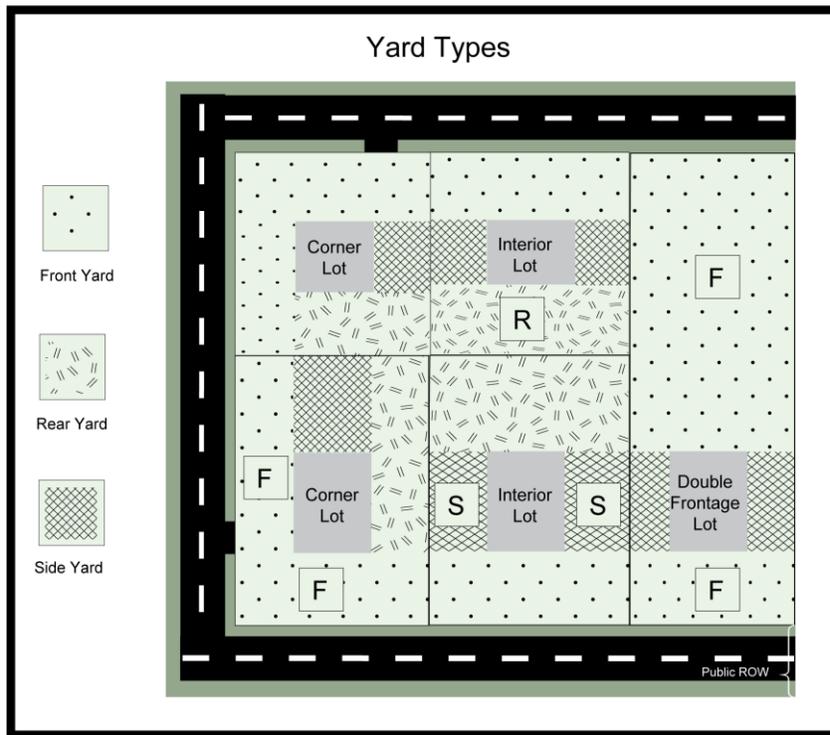


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4490 **Wind Generating Equipment** - is the conversion of wind energy into a useful form of energy,
4491 such as using wind turbines to make electricity, windmills for mechanical power, wind pumps
4492 for water pumping or drainage.
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Yard-related definitions:

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

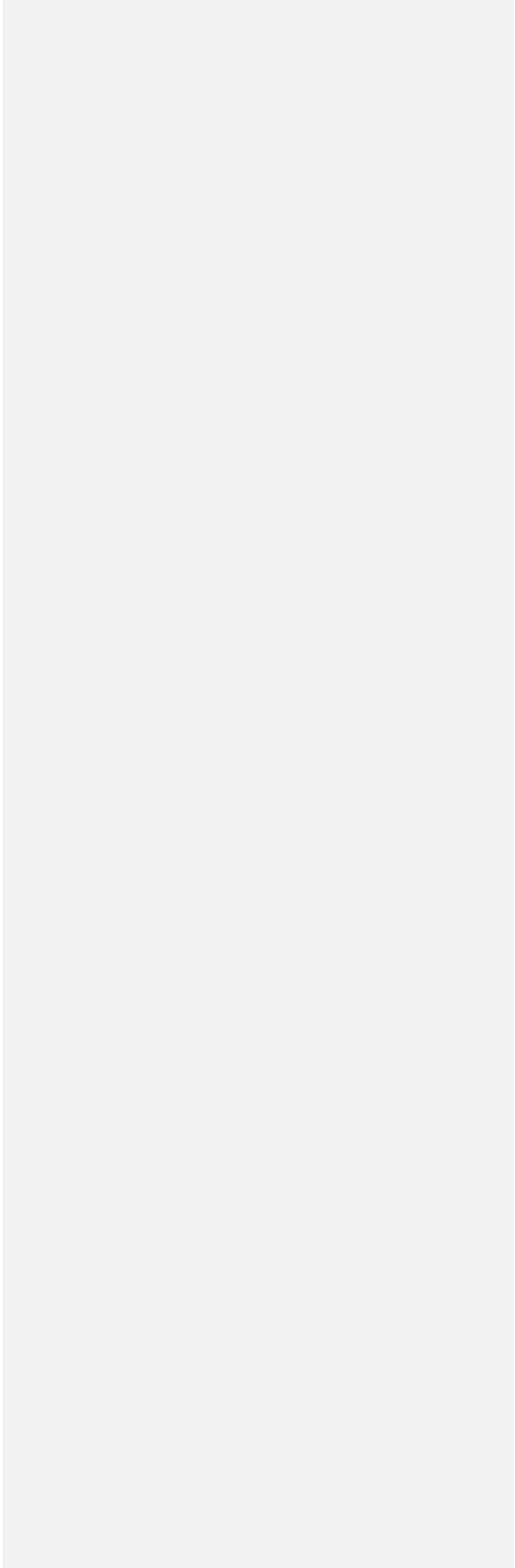


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Prepared by:



Bay-Lake Regional Planning Commission

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

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