

As of October 29, 2019

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This Update: October 29, 2019

*Official detailed Zoning Maps are on file in the Door County Land Use Services Department and on the department website: <http://map.co.door.wi.us/planning/>*

# DOOR COUNTY COMPREHENSIVE ZONING ORDINANCE

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## CHAPTER 1

### TITLE; AUTHORITY; AND GENERAL PROVISIONS

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The County Board of Door County, Wisconsin does ordain as follows:

**1.01 Title.** This Ordinance shall be known as the "Door County Comprehensive Zoning Ordinance", hereinafter referred to as "this Ordinance." (Amended: 20 Sept. 2016; Ord. 2016-14)

**1.02 Authority.** This Ordinance is enacted pursuant to the authority granted by §§ 59.69 and 59.692, Wis. Stats.; additionally, it employs those powers or provisions provided for in § 59.694, Ch. 91, and § 281.31, Wis. Stats. This Ordinance shall constitute a comprehensive revision, as described in § 59.69(5)(d), Wis. Stats., of the 1968 Door County Zoning Ordinance. (Amended: 27 May 2014; Ord. 2014-10) (Amended: 20 Sept. 2016; Ord. 2016-14)

Commentary: (Added: March 1998) (Deleted: 20 Sept. 2016; Ord. 2016-14)

**1.03 Contents.** This Ordinance consists of two distinct but inseparable and integrated parts: written text and zoning maps. The written text and zoning maps taken together constitute this Ordinance and, therefore, shall at all times be considered as interrelated and inseparable parts of a whole. In addition, other maps and materials referenced in the text are used to support this Ordinance.

**1.04 Purpose.** (Deleted and recreated: 20 Sept. 2016; Ord. 2016-14) The purposes of this Ordinance include:

- (1) to promote the public health, safety, convenience, and general welfare;
- (2) to encourage planned and orderly land use development;
- (3) to protect property values and the property tax base;
- (4) to permit the careful planning and efficient maintenance of highway systems;
- (5) to ensure adequate highway, utility, health, educational, and recreational facilities;

- (6) to recognize the needs of agriculture, forestry, industry, and business in future growth;
- (7) to encourage uses of land and other natural resources which are in accordance with their character and adaptability;
- (8) to provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems;
- (9) to encourage the protection of groundwater resources;
- (10) to preserve wetlands;
- (11) to conserve soil, water, and forest resources;
- (12) to protect the beauty and amenities of landscape and man-made developments;
- (13) to provide healthy surroundings for family life; and
- (14) to promote the efficient and economical use of public funds.

To accomplish these, and other purposes, the County Board may plan for the physical development and zoning of territory within Door County.

### **1.05 Compliance.**

- (1) No land or water shall hereafter be used and no structure or part thereof shall hereafter be used, located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without full compliance with the provisions of this Ordinance.
- (2) Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this Ordinance and obtain all necessary permits in areas under the jurisdiction of this Ordinance.

Construction undertaken by the State of Wisconsin (hereafter "state") is, pursuant to § 30.12(4), Wis. Stats., subject to this ordinance. This includes every building, structure, or facility that is constructed for the benefit of or use of the state. (Amended: 20 Sept. 2016; Ord. 2016-14)

### **1.06 Force and effect.**

- (1) Applicability. This Ordinance, unless otherwise provided herein, is applicable to and effective within Door County in areas outside of the limits of incorporated villages and cities. (Amended: 20 Sept. 2016; Ord. 2016-14)
- (2) Full Force and Effect. (Deleted and recreated: 20 Sept. 2016; Ord. 2016-14)
  - (a) This ordinance will, unless otherwise provided herein, be in full force and effect as provided in §§ 59.69(5)(c),(d), & (e), Wis. Stats.

(b) The provisions of this Ordinance apply to, and are in full force and effect:

1. within the shorelands of any unincorporated area within Door County that has approved this ordinance or any amendment hereto per §§ 59.69(5)(c),(d), & (e), Wis. Stats.; and
2. within annexed or incorporated shoreland areas, as provided in §§ 61.353 and 62.233, Wis. Stats., within Door County; and
3. as otherwise authorized by law, including §§ 59.692(1c) & (1d), Wis. Stats., and Ch. V., Door County Shoreland Zoning Ordinance.

(3) (Deleted: 20 Sept. 2016; Ord. 2016-14)

### **1.07 Abrogation and greater restrictions.**

(1) Except as provided in s. 1.06(3) of this Ordinance, the Door County Zoning Ordinance of 1968, as amended, is hereby repealed.

(2) Except as this Ordinance may conflict with Ch. 91, Wis. Stats., Farmland Preservation, wherever this Ordinance permissibly imposes greater restrictions than other similar regulations, the provisions of this Ordinance shall govern. Wherever the provisions of this Ordinance conflict with the provisions of Ch. 91, Wis. Stats., Farmland Preservation, the provisions of Ch. 91 shall prevail. (Amended: 19 December 1995, Ord. 20-95) (Amended: 20 Sept. 2016; Ord. 2016-14)

(3) It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easement, covenant, deed restriction, or agreement. Door County shall not enforce any easement, covenant, deed restriction, or agreement to which it is not a party.

Enforcement of any such covenant, deed, easement, or restriction via the County's zoning authority would constitute an impermissible delegation of the County's authority and power. [See: "Sills v. Walworth County" (Wis. App., 2002) 254 Wis.2d. 538]. (Added: 20 Sept. 2016; Ord. 2016-14)

(4) It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any permit previously issued pursuant to law.

**1.08 Interpretation and application.**

(1) In its interpretation and application, this ordinance shall be liberally construed in favor of Door County, and shall not be construed to limit or repeal any powers possessed by the County. (Added: 20 Sept. 2016; Ord. 2016-14)

(2) The provisions of this Ordinance shall be construed, if and to the extent permissible, to be minimum requirements. (Amended: 20 Sept. 2016; Ord. 2016-14)

(3) Interpretation and application of the provisions of this Ordinance shall take into account the purposes of this Ordinance and any adverse effects that an interpretation may have upon such purposes. (Amended: 20 Sept. 2016; Ord. 2016-14)

(4) Any reference to the Wisconsin Statutes or Wisconsin Administrative Code herein include the Statutes and Code that were in full force and effect at the time this Ordinance is enacted or as the Statutes or Code are thereafter revised. (Added: 20 Sept. 2016; Ord. 2016-14)

**1.09 Severability.** If any section, paragraph, 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. If any application of this Ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgement shall not be applicable to any other structure, land, or water not specifically included in said judgement.

**1.10 Warning and disclaimer of liability.** This Ordinance shall not create a liability on the part of, or a cause of action against, Door County or any office or employee thereof for any damages that may result from reliance on this Ordinance.

**1.11 Vesting of rights.** No rights to any particular use vest in any property owner simply because the use is permitted by this Ordinance. Such use may be prohibited by future amendment to this Ordinance. However, the approval and issuance of a permit shall vest in the property owner the right to use the property in the manner specifically approved by the permit, unless and until the permit expires. No amendment to this Ordinance which prohibits a particular use shall be applicable to any property developed under a previously issued permit, except to the extent that such use is rendered nonconforming.

A property owner obtains no vested rights in a particular type of zoning solely through reliance on the zoning, but only acquires vested rights after the submission of a complete permit application that conforms to the zoning, building, and other code requirements in effect at the time of the application. (Added: 20 Sept. 2016; Ord. 2016-14).

**1.12 Withdrawal by zoned towns.** Pursuant to s. 59.69(5)(d), Wis. Stats., a town board may withdraw from county zoning jurisdiction within a year of a “comprehensive revision” to this Ordinance. (Amended: 24 March 2015; Ord. 2015-02) (Amended: 20 Sept. 2016; Ord. 2016-14)

**1.13 Commentary.** Throughout this Ordinance, insertions prefaced "Commentary:" are included. They are intended to give information, or to explain certain provisions in this Ordinance. They are not by themselves regulatory provisions and shall not be used thusly.

**1.14 Headings.** Headings are used throughout this Ordinance to assist users of this Ordinance. If a heading should conflict with the text in interpreting this Ordinance, the text shall control.

**CHAPTER 2**

**ZONING DISTRICTS AND ZONING MAPS; USE REGULATIONS**

- |  |                       |
|--|-----------------------|
| 2.01 Zoning districts.                       | 2.05 Principal uses.  |
| 2.02 Zoning map.                             | 2.06 Accessory uses.  |
| 2.03 Purpose and intent of zoning districts. | 2.07 Temporary uses.  |
| 2.04 Types of uses.                          | 2.08 Uses not listed. |

**2.01 Zoning districts.** For the purpose of this Ordinance, the unincorporated areas of Door County are divided into the following zoning districts (with their respective symbols):

- |   |                               |
|---|-------------------------------|
| Wetland (W)                             | Small Estate Residential (SE) |
| Natural Area (NA)                       | Rural Residential (RR)        |
| Exclusive Agricultural (EA)             | High Density Residential (HD) |
| Prime Agricultural (PA)                 | Commercial Center (CC)        |
| General Agricultural (GA)               | Mixed Use Commercial (MC)     |
| Countryside (CS)                        | Recreational Commercial (RC)  |
| Heartland-3.5 (HL3.5)                   | Light Industrial (LI)         |
| Heartland-5 (HL5)                       | Chambers Island (CI)          |
| Heartland-10 (HL10)                     | Conservation Area (CA)        |
| Estate (ES)                             | Countryside-5 (CS5)           |
| Single Family Residential-10,000 (SF10) | Neighborhood Residential (NR) |
| Single Family Residential-20,000 (SF20) | Village Commercial (VC)       |
| Single Family Residential-30,000 (SF30) | General Commercial (GC)       |

## 2.02 Zoning Maps.

(1) Zoning districts shall be bounded and defined as shown on zoning maps prepared for each town. The zoning maps shall be entitled, *Zoning Maps of Door County*.

(2) Interpretation of Zoning District Boundaries. The following rules shall be used to determine the precise location of zoning district boundaries shown on the *Zoning Maps of Door County*:

(a) Boundaries shown as following or approximately following the limits of any municipal corporation shall be construed as following such limits.

(b) Boundaries shown as following or approximately following roads shall be construed as following the centerlines of such roads.

(c) Boundaries shown as following or approximately following platted lot lines or other property lines as shown on the Door County Real Property Listing Tax Maps shall be construed as following such lines.

(d) Boundaries shown as following or approximately following the centerlines of streams, rivers, or other water courses shall be construed as following the centerline of such water courses; in the event of a natural change in the location of such water courses, the zoning district boundary shall be construed as moving with the centerline.

(e) Boundaries shown as separated from, and parallel or approximately parallel to, any of the features listed in pars. (a) through (d), shall be construed to be parallel to such features and at such distances therefrom as are shown on the *Zoning Maps of Door County*.

(f) Boundaries below the ordinary high water mark which coincide with riparian rights lines as determined by NR 326.07, Wis. Admin. Code, shall be construed as such riparian rights lines.

(g) Boundaries below the ordinary high water mark which do not coincide with riparian rights lines as determined by NR 326.07, Wis. Admin. Code, shall be construed as running perpendicular to the shoreline where the boundaries intersect with the shoreline.

(h) The mapped Wetland zoning district boundaries are based on the wetland boundaries shown on the most recent version of the Wisconsin Wetland Inventory maps for Door County which have been prepared by the Wisconsin Department of Natural Resources. Where an apparent discrepancy exists between a Wetland district boundary as shown on the zoning map and actual field conditions for a project site, the Zoning Administrator shall contact the

appropriate office of the Department of Natural Resources to determine if the boundary as mapped is in error. If the Department of Natural Resources staff concur with the Zoning Administrator that a particular area was incorrectly mapped as a wetland or non-wetland, the Zoning Administrator may immediately grant or deny appropriate permits or approvals in accordance with the regulations applicable to the correct base zoning district. The Zoning Administrator and Resource Planning Committee shall subsequently initiate a zoning map amendment to correct these mapping discrepancies. (Added: 28 July 2009; Ord. 2009-06) (Amended: 20 Sept. 2016; Ord. 2016-14)

**2.03 Purpose and intent of zoning districts.** The following specifies the purpose and intent of each of the zoning districts established by this Ordinance.

(1) Wetland (W). This district is intended to prevent the destruction and depletion of Door County's wetlands; to protect water courses and navigable waters and the public rights therein; to maintain the purity of water in lakes and streams and to prevent pollution thereof; and to protect spawning grounds, fish, and habitats for wild flora and fauna. Furthermore, this district is intended to prevent the changing of the natural character of wetlands. Lot sizes of at least 10 acres are required for new lots. (Amended: 28 July 2009; Ord. No. 2009-06)

(2) Natural Area (NA). This district is intended to conserve the existing, mostly undeveloped natural areas of Door County. The district may be used in upland areas adjacent to, or surrounded by, wetland areas, or in other areas where natural features are considered significant. To conserve these areas, commercial and industrial uses are disallowed, but agriculture, very low density residential, recreational and institutional uses are permitted. Lot sizes of at least 15 acres are required for new lots. (Amended: 17 April 2012; Ord. 2012-14)

(3) Exclusive Agricultural (EA). This district is intended to protect the agricultural industry from scattered nonagricultural development that may displace agricultural uses and is, therefore, not intended to accommodate future nonagricultural growth. This district is intended to help implement recommendations of the *Door County Comprehensive and Farmland Preservation Plan*. Further, it is intended to meet the provisions of the Wisconsin Farmland Preservation Program, as specified in Ch. 91, Wis. Stats., and thereby establish eligibility for tax credits to farm owners as provided in Ch. 71, sub.ch. IX, Wis. Stats. It is intended that this district apply to lands included in productive farm operations and which have historically exhibited good crop yields, or are capable of such yields; have demonstrated productivity for dairying, livestock raising, and grazing; have been used for production of specialty crops such as tree and plant materials, fruits, and vegetables; or have been integral parts of such farm operations. Lot sizes of at least 35 acres are required for new lots. (Amended: 30 September 2010; Ord. 2010-13) (Amended: 20 Sept. 2016; Ord. 2016-14)

(4) Prime Agricultural (PA). This district is intended to maintain and preserve agricultural lands which have historically demonstrated high agricultural productivity. Lands eligible for designation in this district shall generally include those designated

as farmland preservation areas in the *Door County Comprehensive and Farmland Preservation Plan*. This district is also intended to provide farmland owners with additional management options by allowing limited residential development, but with residential density limits and other requirements set so as to maintain the rural characteristics of this district. Lot sizes of at least 20 acres are required for new lots. (Amended: 20 Sept. 2016; Ord. 2016-14)

(5) General Agricultural (GA). This district is intended to maintain agricultural lands which have historically demonstrated high agricultural productivity. It is also intended to accommodate certain nonagricultural uses which require spacious areas to operate or where natural resource exploitation occurs. Lands eligible for designation in this district shall generally include those designated as farmland preservation areas in the *Door County Comprehensive and Farmland Preservation Plan*. This district is also intended to provide farmland owners with additional management options by allowing limited residential development, but with residential density limits and other requirements set so as to maintain the rural characteristics of this district. Lot sizes of at least 20 acres are required for new lots. (Amended: 20 Sept. 2016; Ord. 2016-14)

(6) Countryside (CS). This district is intended for mostly rural areas of the interior of the county where a mixture of low density residential, agricultural, and rural commercial activity exists or is desirable. The district provides for residential development at modest densities consistent with a generally rural environment and allows for nonresidential uses which require relatively large land areas and/or which are compatible with surrounding rural land. The district also accommodates agricultural uses and, hence, can serve as a transitional district between the Exclusive Agricultural, Prime Agricultural, and General Agricultural districts and more intensely developed areas. Lot sizes of at least 10 acres are required for new lots.

(7) Heartland-3.5 (HL3.5). This district is intended for mostly rural areas of the interior of Door County where agricultural activity has been declining, or where a mixture of rural residential and agricultural activity is desirable or existing. The district primarily provides for residential development at modest densities consistent with a generally rural environment and also provides for certain nonresidential uses that require relatively large land areas and/or which are compatible with surrounding residential uses. This district secondarily provides for continued agricultural uses of land. Lot sizes of at least 3.5 acres are required for new lots. (Amended: 28 May 1996; Ord. 13-96)

(8) Heartland-5 (HL5). This district is intended for mostly rural areas of the interior of Door County where agricultural activity has been declining, or where a mixture of rural residential and agricultural use is desired or existing. The district provides for residential development at densities slightly less than the Heartland-3.5 district in order to maintain a generally rural environment. The district also provides for agricultural uses and certain other nonresidential uses that require relatively large land areas and/or which are compatible with surrounding residential uses. Lot sizes of at least 5 acres are required for new lots. (Added: 28 May 1996, Ord. 13-96)

(9) Heartland-10 (HL10). This district is intended to help maintain the rural character

of areas of the interior of Door County, particularly cleared and other open areas where agricultural activity has been diminishing. The district provides for residential development at low densities, agricultural uses, and other nonresidential uses that require relatively large land areas and/or which are compatible with the surrounding rural character. Lot sizes of at least 10 acres are required for new lots. (Added: 28 May 1996; Ord. 13-96)

(10) Estate (ES). This district is intended to provide primarily for single family residential development on large lots. Lot sizes of at least 5 acres are required for new lots. The low density requirements are intended to provide for areas where the presence of vegetation and open areas helps create quiet and visually attractive residential areas.(Amended: 4 April 2011; Ord. No. 2011-05)

(11) Single Family Residential-20,000 (SF20). This district is intended to provide primarily for single family residential development at fairly high densities. Lot sizes of at least 20,000 square feet are required for new lots 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. (Amended: 4 April 2011; Ord.2011-05).

(12) Single Family Residential-30,000 (SF30). This district is intended to provide primarily for single family residential development at slightly lower densities than in the Single Family Residential-20,000 district. Lot sizes of at least 30,000 square feet are required for new lots. Generally, this district will be located along the waterfront and in or near existing communities. The permitted uses are the same as those in the Single Family Residential-20,000 district. (Amended 4 April 2011; Ord. 2011-05)

(13) Small Estate Residential (SE). This district is intended to provide primarily for single family residential development on lots smaller than allowed in the Estate and HL3.5 districts but larger than the SF20 and SF30 districts. Lot sizes of at least 1½ acres are required for new lots. This district is intended for residential areas where high density is inappropriate or undesirable and for transitional areas that are beginning to convert from undeveloped land to residential uses. (Amended: 4 April 2011; Ord. 2011-05)

(14) Rural Residential (RR). This district is intended to provide for single family and two family residential development on medium-sized lots. Lot sizes of at least 40,000 square feet are required for new lots. This district also permits manufactured home parks and home businesses. It is intended to provide additional development options to home owners by allowing certain businesses to be established in conjunction with residences. It will generally be located within the interior of the county.

(15) High Density Residential (HD). This district is intended to provide areas for a variety of residential uses, including multiple occupancy developments, manufactured home parks, and single family residential development at fairly high densities. This district is intended to be located in areas with an existing mixture of residential types, certain regions which are served by public sewer, and other locations where high

density residential developments are appropriate. This district is not intended to develop into centers of commercial activity and, thus, most commercial uses are not permitted. Lot sizes of at least 20,000 square feet are required for new lots which are not served by public sewer.

(16) Commercial Center (CC). This district is intended to provide centers for commercial and mixed use development and redevelopment. The district permits a wide variety of retail, service, and office uses and is intended to maintain the vitality of Door County's commercial centers. It should be established for the main business districts of existing communities. Lot sizes of at least 20,000 square feet are required for new lots not served by public sewer.

(17) Mixed Use Commercial (MC). This district permits both residential and commercial uses and is designed to accommodate those areas of Door County with an existing desirable mixture of uses, or where such a mixture of uses is wanted. Typically, this district will be located within or near existing communities, but it is also intended for outlying or smaller nodes of development. In addition, this district can be used as a transition between business centers and strictly residential areas. Lot sizes of at least 20,000 square feet are required for new lots which are not served by public sewer.

(18) Recreational Commercial (RC). This district is intended for Door County's resort areas, particularly areas where high concentrations of recreational uses are located or are appropriate. These areas are not intended to develop into business districts and, thus, many retail, office, and service uses are restricted or prohibited in favor of recreational uses such as golf courses, ski resorts, multiple occupancy developments, marinas, and restaurants. Lot sizes of at least 20,000 square feet are required for new lots.

(19) Light Industrial (LI). This district is intended to provide for manufacturing, warehousing, and other light industrial operations. It is also intended that this district be used for the location of trade or contractor establishments, commercial storage facilities, and similar businesses. Such uses should not be detrimental to the surrounding area or to the county as a whole by reason of noise, dust, smoke, odor, traffic, physical appearance, degradation of groundwater, or other nuisance factors. Such uses may be subject to requirements which will reasonably ensure compatibility. This district can also be used for industrial or business parks. Lot sizes of at least 60,000 square feet are required for new lots.

(20) Chambers Island (CI). This district is intended to provide for single-family residential development at low densities along the waterfront on Chambers Island and at very low densities in the mostly undeveloped interior of the island. Lot sizes of three (3) acres are required for new lots fronting navigable water, while lot sizes of ten (10) acres are required for non-waterfront lots. These larger lot size requirements shall also help preserve the natural beauty of Chambers Island. (Added: 25 March 2014; Ord. 2014-03)

(21) (Deleted: 25 March 2014; Ord. 2014-03)

(22) Conservation Area (CA). This district is intended to conserve existing, mostly undeveloped environmentally significant areas, including large wooded tracts, islands, isolated uplands surrounded by wetlands, and areas adjacent to large wetlands. These areas are important because they provide wildlife habitat, contribute to maintaining rural character, and aid in improving surface water quality. Uses in these districts are limited to mostly very low density residential and low intensity recreational uses. Lot sizes of at least 15 acres are required for new lots.

(23) Countryside-5 (CS5). This district is intended for mostly rural areas of the interior of the county where a mixture of low density residential, agricultural, and very limited rural commercial activity exists or is desirable. The district provides for residential development at modest densities consistent with a generally rural environment and allows for nonresidential uses that require relatively large land areas and/or are compatible with surrounding rural land. Because the district accommodates agricultural uses, it can serve as a transitional district between areas where agricultural uses are prominent and more intensely developed areas. Lot sizes of at least 5 acres are required for new lots.

(24) Neighborhood Residential (NR). This district is intended to provide for both single family residential developments and multiple occupancy developments. Lot sizes of at least 20,000 square feet are required for new single family residential lots. A maximum density of 9 bedrooms per acre of net lot area is required for new multiple occupancy developments.

(25) Village Commercial (VC). This district is intended for the primary centers of community development, permitting commercial and mixed use development and redevelopment, as well as residential usage. The district permits a wide variety of retail, service, and office uses and is intended to maintain the vitality of existing commercial centers. It should be established for the main business districts of existing communities. Lot sizes of at 20,000 square feet are required for new lots that are not served by public sewer.

(26) General Commercial (GC). This district is intended to provide for limited areas of residential and commercial uses. This district is the result of a need to recognize existing local and neighborhood businesses. Typically, this district will be located within or near existing communities, but it is also intended for outlying or smaller nodes of development. In addition, this district can be used as a transition between business centers and strictly residential areas. Lot sizes of at least 20,000 square feet are required for new lots that are not served by public sewer.  
(Amended: 22 August 2006, Ord. No. 2006-16; Effective: 12 September 2006)

(27) Single Family Residential-10,000 (SF10). This district is intended to provide single family residential housing at high densities and shall only be located on lots served by public sewer. Lot sizes of at least 10,000 square feet are required. The permitted uses are restricted in order to maintain the strictly residential character of

these areas. (Added: 22 February 2011, Ord. No. 2011-03).

#### **2.04 Types of uses.**

(1) Principal uses. These uses are sorted and assigned to specific zoning districts. (See s. 2.05, principal uses.) Such uses shall be established only if they are located in the zoning district to which they are assigned. These uses are further divided into the following two categories: (Amended: 27 May 2008; Ord. 2008-04) .

(a) Permitted uses. These uses are permitted by right, provided all requirements of this Ordinance are met.

(b) Deleted. (27 May 2008; Ord. 2008-04)

(c) Uses permitted as conditional uses. These uses will be allowed, and a conditional use permit will be granted, if the applicant demonstrates, by substantial evidence, that the application and all requirements and conditions established by the county as specified in the ordinance or imposed by the Resource Planning Committee are or will be satisfied. See also s. 11.04, conditional use permits. (Amended: 27 March 2018; Ord. 2018-07)

(Term “special exception” replaced with “conditional use” throughout ordinance. Amended: 24 November 1998; Ord. 33-98)

(2) Accessory uses. (See s. 2.06, accessory uses.)

(3) Temporary uses. (See s. 2.07, temporary uses.)

(4) Uses not listed. (See s. 2.08, uses not listed.)

#### **2.05 Principal uses.**

(1) Except as pertains to the Wetland district, the principal uses allowed in each zoning district shall be as shown in sub.(3), tables of principal uses. (Amended: 22 August 2006, Ord. 2006-16; Effective: 12 September 2006)

Commentary: (Deleted: 20 Sept. 2016; Ord. 2016-14)

ZONING DISTRICTS; USE REGULATIONS 2.05(2)

(2) How to use the table of principal uses.

Table of principal uses (portion)

TYPE OF USE	ZONING DISTRICTS								
	W	NA	EA	GA	PA	CS	HL	ES	SF20
AGRICULTURAL USES									
Farm Markets (s. 4.03(3))			C	C		C	C		
General Agriculture (s. 4.03(1))		P	P	P	P	P	P	P	
Greenhouses			P	P	P <sup>1</sup>	P	P	P <sup>1</sup>	

Refer to listed section for requirements applicable to specified use.

The listing of principal uses for the Wetland district does not fit a table format. Refer to sub.(4).

Refer to footnote at end of table for special provision.

Space without symbol means the use is not allowed.

KEY:

P = Permitted uses.

S = (Deleted: 27 May 2008, Ord. 2008-04)

C = Uses permitted as conditional uses.

(Added: 24 Nov. 1998, Ord. 33-98)

(3)(a) Table of principal uses – General. This table shall apply as appropriate wherever this Ordinance is applicable.

Type of Use	Zoning Districts																	
	W	NA	EA	GA	PA	CS	HL <sup>8</sup>	ES	SF10	SF20	SF30	SE	RR	HD	CC	MC	RC	LI
<b>AGRICULTURAL USES</b>																		
Agricultural Visitation Facility (s. 4.03(4)) (Added: 26 Aug 1997; Ord. 21-97)				C	C													
Agriculture (s. 4.03(1)) (Amended: 26 Aug 1997; Ord. 21-97)		P	P	P	P	P	P	P										P
Greenhouses (Amended: 30 Sept 2010; Ord. 2010-13)			P <sup>17</sup>	P	P <sup>1</sup>	P	P	P <sup>1</sup>							C	C		
Roadside Stands (s. 4.03(2)) (Amended: 30 Sept 2010; Ord. 2010-13)		P	P <sup>17</sup>	P	P	P	P	P										
Tree/Shrub Nurseries		P <sup>1</sup>	P	P	P <sup>1</sup>	P	P	P <sup>1</sup>										
<b>COMMERCIAL USES</b>																		
Art Galleries (Amended: 9 May 2008; Ord. 2008-01)				C	C	C	C <sup>10</sup>								P	P	P	
Assembly Hall (s. 4.04(17)) (Added: 5 Aug. 2013; Ord. 2013-13)				C <sup>14</sup>	C	C	C <sup>14</sup>	C							C	C	C <sup>14</sup>	
Auto Repair (s. 4.04(5))				C		C									C	C		P
Auto/Recr. Vehicle Sales, Rental, and Service Lot (Amended: 20 Sept. 2016; Ord. 2016-14)															C	C		
Banks															P <sup>2</sup>	P <sup>2</sup>		
Carwash (Added: 27 August 2002; Ord. 12-02)															C	C	C	C
Commercial Fishing Facilities				P		P									C	C	C	P
Commercial Trucking Establishments (Amended: 30 Sept 2010; Ord. 2010-13)			C <sup>3,17</sup>	C <sup>3</sup>														P
Commercial Storage Facilities (s. 4.04(8))															C	C	C	P
Community Commercial Kitchen (s. 4.04(16)) (Added: 28 May 2012; Ord. 2012-13)															P	P		P
Conference Facilities															C	C	C	
Day Care Centers (s. 4.04(14))															C	C	C	

(3)(a) Table of principal uses – General. This table shall apply as appropriate wherever this Ordinance is applicable (continued).

Type of Use	Zoning Districts																	
	W	NA	EA	GA	PA	CS	HL <sup>8</sup>	ES	SF10	SF20	SF30	SE	RR	HD	CC	MC	RC	LI
COMMERCIAL USES (Continued)																		
Family Day Care Homes (s. 4.04(13)) (Amended: 16 April 1996; Ord. 9-96) (Amended: 30 September 2010; Ord. 2010-13)		P	P <sup>17</sup>	P	P	P	P	P	C	C	C	P	P	C	P	P	P	P
Farm Implement Sales/Service (Amended: 30 September 2010; Ord. 2010-13)			C <sup>22</sup>	C	C	C									C	C		P
Ferry Terminals															P	P	C	
Fertilizer Distribution Plants (Amended: 30 Sept., 2010, Ord. 2010-13)			C <sup>22</sup>	C	C	C												C
Fitness Centers, Tanning Salons & Spas (Added: 30 January 2003; Ord. 01-03)															C	C	C	
Funeral Homes															C	C		
Gas Stations															C	C	C	C
Grain Mills (Amended: 30 September 2010; Ord. 2010-13)			C <sup>22</sup>	C	C	C									C	C		P
Home Businesses (s. 4.04(10)) (Amended: 20 April 2010, Ord. 2010-03) (Amended: 27 September 2012; Ord. 2012-21)				C	C	C	C	C					C			P		
Home Occupations (s. 4.04(9a)) (Amended: 8 August 2000; Ord. 12-00) (Amended: 30 Sept 2010; Ord. 2010-13)		P	P <sup>17</sup>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Home Office/Studio (s. 4.04(9)) ( Added: 8 August 2000; Ord. 12-00) (Amended: 30 Sept 2010; Ord. 2010-13)		P	P <sup>17</sup>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Indoor Recreation															P	C	P	
Kennels (s. 4.04(2))				P	P	P												
Laundromats and Laundry Service															P	P	C	P
Lumber/Building Supply Yards(s. 4.04(6))															C	C		P
Medical/Dental Clinics															P	P		
Model Homes (s. 4.04(4))							C	C	C	C	C	C	P	P	P	P	P	

(3)(a) Table of principal uses – General. This table shall apply as appropriate wherever this Ordinance is applicable (continued).

Type of Use	Zoning Districts																	
	W	NA	EA	GA	PA	CS	HL <sup>8</sup>	ES	SF10	SF20	SF30	SE	RR	HD	CC	MC	RC	LI
<b>COMMERCIAL USES (Continued)</b>																		
Passenger Bus Terminals															C	C		
Personal Service Establishments															P	P		
Professional Offices/Studios															P	P	C	
Radio/TV Stations (Amended: 29 Sept. 2015; Ord. 2015-09; Effective 9 Nov. 2015)															P	P		
Non-Motorized Recreational Equipment Sales/Service/Rentals (Amended: 26 Feb. 2013; Ord. 2013-07) (Amended: 20 Sept. 2016; Ord. 2016-14)															P	P	P	
Motorized Recreational Equipment Sales/Service/Rentals (Amended: 26 Feb. 2013; 2013-07) (Amended: 20 Sept. 2016; Ord. 2016-14)															C	C	C	
Restaurants or Taverns (s. 4.04(3))															P <sup>2</sup>	P <sup>2</sup>	C	
Retail Stores															P <sup>6</sup>	P <sup>6</sup>	P <sup>4,6</sup>	
Trade or Contractor Establishments (s. 4.04(7)) (Amended: 18 Dec. 2001; Ord. 12-01)				C		C									C	P		P
Veterinarian Clinics				P		P									P	P		
Wineries/Breweries (Amended: 5 Aug. 2013; Ord. 2013-10) (Amended: 22 May 2018; Ord. 2018-11; Effective 2 July 2018)				C <sup>24</sup>		C <sup>24</sup>	C <sup>23, 24</sup>								C	C		P <sup>24</sup>
<b>INDUSTRIAL USES</b>																		
Asphalt/Concrete Plants																		C
Bulk Storage of Fuel Products																		C
Freight Terminals (s. 4.05(2))																C		P
Fruit/Vegetable/Cheese Processing Plants (Amended: 30 Sept. 2010; Ord. 2010-13) (Amended: 22 May 2018; Ord. 2018-11; Effective 2 July 2018)			C <sup>22, 24</sup>	C <sup>24</sup>		C <sup>24</sup>	C <sup>24</sup>											P <sup>24</sup>
Manufacturing, Assembly, Processing															C			P
Nonmetallic Mining (s. 4.05(3)) (Amended: 30 Sept. 2010; Ord. 2010-13)				C		C	C											C
Resource Recovery Facilities (s. 4.05(6))				C		C												C
Salvage Yards (s. 4.05(4))				C		C												C

(3)(a) Table of principal uses – General. This table shall apply as appropriate wherever this Ordinance is applicable (continued).

Type of Use	Zoning Districts																		
	W	NA	EA	GA	PA	CS	HL <sup>8</sup>	ES	SF10	SF20	SF30	SE	RR	HD	CC	MC	RC	LI	
<b>INDUSTRIAL USES (Continued)</b>																			
Sawmills/Planing Mills (s. 4.05(1)) (Amended: 30 Sept 2010; Ord. 2010-13)		C	C <sup>22</sup>	P	C	P	C												P
Sewage Disposal/Treatment Plants (Amended: 30 Sept 2010; Ord. 2010-13)				C		C	C								C	C			C
Slaughterhouses				C		C										C			C
Solid Waste Facilities (s. 4.05(5)) (Amended: 30 Sept 2010; Ord. 2010-13)				C		C													C
Temporary Asphalt/Concrete Plants (s. 4.05(7)) (Amended: 30 Sept 2010; Ord. 2010-13)				C	C	C	C	C		C <sup>14</sup>	C	C	C	C	C	C	C	C	C
Wholesale Establishments/Distributorships															C	C			P
<b>INSTITUTIONAL USES</b>																			
Auditorium (Added: 25 June 2013; Ord. 2013-12)															C	C			
Cemeteries (Amended: 30 Sept 2010; Ord. 2010-13)		P	C <sup>20</sup>	P	P	P	P	P		P <sup>14</sup>	P	P	P	P	P	P	P	P	
Churches (Amended: 30 Sept 2010; Ord. 2010-13)		C	C <sup>20</sup>	C	C	C	C	C		C <sup>14</sup>	C	C	C	C	P	P	P		
Community Living Arrangements		As regulated in s. 59.69(15), Wis. Stats.																	
Fine Arts Venue (s. 4.06(2)) (Added: 28 May 2012; Ord. 2012- 12)		C		C <sup>14</sup>	C	C	C <sup>14</sup>	C							C	C	C		
Fire/Police Stations (Amended: 30 Sept 2010; Ord. 2010-13)				C		C	P	C					C	C	C	C			
Hospitals															C	C			
Institutional Residential				C		C								C	C	C			
Libraries/Museums (Amended: 28 June 2006; Ord. 2006-11)							C			C <sup>12</sup>					P	P	P		
Post Offices															P	P			
Private Schools (Amended: 30 Sept 2010; Ord. 2010-13)			C <sup>17</sup>	C		C	C	C				C	C	C	C	C	C		

(3)(a) Table of principal uses – General. This table shall apply as appropriate wherever this Ordinance is applicable (continued).

Type of Use	Zoning Districts																	
	W	NA	EA	GA	PA	CS	HL <sup>8</sup>	ES	SF10	SF20	SF30	SE	RR	HD	CC	MC	RC	LI
<b>INSTITUTIONAL USES (Continued)</b>																		
Public Schools (Amended: 30 Sept., 2010; Ord. 2010-13)			C <sup>20</sup>	C		C	C	C					C	C	C	C	C	
Public Highway Garages (s. 4.06(1)) (Amended: 30 Sept., 2010; Ord. 2010-13)				C		C	C	C					C			C		P
Town Halls/Community Centers (Amended: 22 March 2005; Ord. 2005-11) (Amended: 30 Sept 2010; Ord. 2010-13)		P <sup>11</sup>	C <sup>20</sup>	P	P	P	P						P		P	P		
Travelers' Information Centers															P	P	P	
<b>OUTDOOR RECREATIONAL USES</b>																		
Amusement Park																C	C	
Campgrounds/Trailer Camps (s. 4.07(2)) (Amended: 24 Feb. 2004; Ord. 2004-04)		C		C		C	C									C	C	
Camping (s. 4.07(3)) (Amended: 30 Sept. 1997; Ord. 28-97) (Amended: 30 Sept 2010; Ord. 2010-13)		P	P <sup>17</sup>	P	P	P	P	P		P	P	P	P	P			P	
Commercial Riding Stables (s. 4.07(4)) (Amended: 28 May 1996; Ord. 11-96)		C		C	C	C	C										C	
Golf Courses						C	C <sup>14</sup>	C					C <sup>14</sup>				C	
Golf Driving Range (Added: 25 March 1997; Ord. 7-97)				C														
Gun Clubs/Shooting Ranges		C		C		C												
Institutional Recreation Camps (s. 4.07(6))		C				C	C										C	
Marinas/Excursion Boating/Charter Fishing (s. 4.07(5))															C	C	C	
Outdoor Active Recreation Facility (Added: 26 Feb. 2013; Ord. 2013-07)(s.4.07(9))		C		C	C	C	C	C							C	C	C	
Outdoor Theatre																C	C	

(3)(a) Table of principal uses – General. This table shall apply as appropriate wherever this Ordinance is applicable (continued).

Type of Use	Zoning Districts																		
	W	NA	EA	GA	PA	CS	HL <sup>8</sup>	ES	SF10	SF20	SF30	SE	RR	HD	CC	MC	RC	??	
<b>OUTDOOR RECREATIONAL USES (Cont.)</b>																			
Parks (s. 4.07(1)) (Amended: 30 Sept., 2010; Ord. 2010-13)		P <sup>9</sup>	C <sup>20</sup>	P <sup>9</sup>	P <sup>9</sup>	P <sup>9</sup>	P <sup>9</sup>	P <sup>9</sup>		P <sup>9</sup>	P <sup>9</sup>	P <sup>9</sup>	P <sup>9</sup>	P <sup>9</sup>	P <sup>9</sup>	P <sup>9</sup>	P <sup>9</sup>	P <sup>9</sup>	I
Private Riding Stables (s. 4.07(4)) (Amended: 30 Sept., 2010; Ord. 2010-13)		P	P <sup>17</sup>	P	P	P	P	P				P	P					C	
Public Boat Launching Facilities (Amended: 22 March 2005; Ord. 2005-10) (Amended: 20 Sept. 2016; Ord. 2016-14)		C				C		C		C	C	C	C	C	C	C	C	C	
Retreat Centers (s. 4.07(7)) (Amended: 18 Dec 1997; Ord. 40-97)		C		C		C	C	C										C	
Ski Resorts																		C	
<b>RESIDENTIAL USES</b>																			
Accessory Residences (s. 4.08(3)) (Amended: 27 July 2000; Ord. 17-00) (Amended: 17 April 2012; Ord. 2012-14)															P	P	P	P	P
Bed & Breakfast Establishments (s. 4.08(10)) (Amended: 9 Nov 2011; Ord. 2011-14)		P		P	P	P	C	P		C <sup>14</sup>	C	P	P	P	P	P	P	P	
Boardinghouses (s. 4.08(11)) (Amended: 9 Nov 2011; Ord. 2011-14)				P	P	P	P	P					P	P	P	P	P	P	
Conservation Subdivisions (Ch. 6)(Added 4 April 2011; Ord. 2011-05)		P		P	P	P	P	P		P	P	P	P	P				P	
Duplexes				P <sup>13</sup>		P	P <sup>13</sup>						P	P <sup>16</sup>	P <sup>16</sup>	P <sup>16</sup>	P <sup>16</sup>	P <sup>13</sup> P <sup>16</sup>	
Dwellings for Agricultural Production & Processing Workers (s. 4.08(7)) (Added: 25 June 1996; Ord. 16-96)				P		P	P												P
Farm Related Residences (s. 4.08(2)) (Amended: 30 Sept., 2010; Ord. 2010-13)(Amended: 11 Dec., 2012 Ord. 2012-25)		P		P	P	P	P <sup>15</sup>	P											
Manufactured Homes (s. 4.08(4))						P	P <sup>14</sup>						P	P					
Manufactured Home Parks (s. 4.08(5))						C	C <sup>14</sup>						C	C					
Multiple Occupancy Developments (s. 4.08(8)) (Amended: 5 Oct. 1998; Ord. 22-98)														C <sup>7</sup>					

ZONING DISTRICTS; USE REGULATIONS 2.05(3)(a)

ZONING DISTRICTS; USE REGULATIONS 2.05(3)(a)

(3)(a) Table of principal uses – General. This table shall apply as appropriate wherever this Ordinance is applicable (continued).

Type of Use	Zoning Districts																		
	W	NA	EA	GA	PA	CS	HL <sup>8</sup>	ES	SF10	SF20	SF30	SE	RR	HD	CC	MC	RC	LI	
RESIDENTIALS USES (Continued)																			
Nonfarm Residential Lots (s.4.08(2a)) (Added: 11 December 2012; Ord. 2012-25)			C																
Secondary Dwelling Units (s.4.08(9)) (Added: 4 April 2011; Ord. 2011-04)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Single Family Residences (Amended: 30 Sept. 2010; Ord. 2010-13)		P	P <sup>19</sup>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Single Family Residences Separated From Farm Parcels (s. 4.08(1)) (Amended: 30 Sept. 2010; Ord. 2010-13) (Amended: 11 Dec. 2012; Ord. 2012-25)		P		P	P	P	P <sup>15</sup>	P											
Temporary Manufactured Homes (s. 4.08(6)) (Amended: 30 Sept. 2010; Ord. 2010-13)		P	P <sup>19</sup>	P	P	P	P	P		P	P	P	P	P		P	P		
MISCELLANEOUS USES																			
Airports (s. 4.09(1))				C		C													
Airstrips and Landing Fields (s. 4.09(1))				C	C	C	C												
Animal Shelters/Pounds (s. 4.09(3))				C	C	C									C	C			
Municipal/Commercial Parking Lots															C	C	C	C	
Utility Facilities - Type A (s. 4.09(2)) (Amended: 28 March 2000; Ord. 05-00) (Amended: 30 Sept. 2010; Ord. 2010-13)		C	C <sup>21</sup>	C	C	C	C	C	P	C	C	C	C	C	C	C	C	C	C
Utility Facilities - Type B (s. 4.09(2)) (Amended: 30 Sept. 2010; Ord. 2010-13)		C	C <sup>21</sup>	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C
Mobile Service Support Structures and Related Facilities (Amended: 29 Sept. 2015; Ord. 2015-09 Effective 9 Nov. 2015)				-----As regulated by Chapter 14 of this ordinance-----															

KEY: P = Permitted uses.

S = (Deleted: 27 May 2008; Ord. 2008-04)

C = Uses permitted as conditional uses.

(3)(a) Table of principal uses – General. This table shall apply as appropriate wherever this Ordinance is applicable.

**FOOTNOTES:**

1. Such use shall not entail on-site retail sales.
  2. Establishments with drive-through facilities shall be permitted only as provided in s. 11.04, conditional use permits. (Amended: 27 May 2008; Ord. 2008-04)
  3. Restricted to commercial trucking of farm products or to provide a farm service.
  4. Such use shall be incorporated into a larger development and the floor area dedicated to the retail use shall not exceed 30% of the total floor area of the buildings which serve the development's clientele.
  5. (Deleted: 28 May 2012; Ord. 2012-13)
  6. Establishments where the total floor area of all buildings which serve a retail use on the lot exceeds 20,000 sq. ft. shall only be permitted as conditional uses.
  7. See s. 4.08(8)(a). (Amended: 26 Feb. 2103; Ord. 2013-06)
  8. The HL column shall refer to the principal uses allowed in the Heartland-3.5 (HL3.5), Heartland-5 (HL5), and Heartland-10 (HL10) districts. (Added: 28 May 1996; Ord. 13-96)
  9. Privately owned parks which include active recreation shall only be permitted as conditional uses. (Added: 27 May 1997; Ord. 15-97)
  10. Subject to Section 4.04(15) in the Town of Liberty Grove. (Recreated: 15 April 2008; Ord. 2008-01; Effective 9 May 2008)
  11. Allowed in Natural Area (NA) zoning district only in the Town of Union. (Added: 22 March 2005; Ord. 2005-11; Effective 2 May 2005)
  12. Allowed in the Town of Jacksonport only. (Added: 28 June, 2006; Ord. 2006-11)
  13. Allowed in the Town of Gibraltar only by Conditional Use Permit. (Added: 22 Aug. 2006; Ord. 2006-16; Effective 12 Sept. 2006)
  14. Not allowed in Town of Gibraltar. (Added: 22 Aug 2006, Ord. 2006-16; Effective 12 Sept. 2006) (Added: 5 Aug 2013; Ord. 2013-13)
  15. Permitted in Town of Gibraltar only. (Added: 22 Aug 2006; Ord. 2006-16; Effective 12 Sept. 2006)
  16. Allowed in the Town of Liberty Grove only by Conditional Use Permit. (Added: 22 May 2007; Ord. 2007-11)
- Note: Please see Appendix A for further information regarding footnotes 17-22.** (Relocated from below footnote 22: 20 Sept. 2016; Ord. 2016-14)
17. Shall meet the requirements of s. 91.01(1)(d), Wis. Stats. (Added: 30 Sept 2010, Ord. 2010-13)
  18. (Deleted: 12 December 2012; Ord. 2012-25)
  19. Shall only be authorized if located on a conforming lot. (Added: 30 Sept 2010; Ord. 2010-13) (Amended: 11 Dec. 2012; Ord. No. 2012-25)  
  
A residence in the EA zoning district which meets the requirements of s. 91.01(19), Wis. Stats. shall be authorized with a regular zoning permit.  
  
A residence in the EA zoning district which fails to meet s. 91.01(19), Wis. Stats., must obtain a Conditional Use Permit in accordance with s. 91.46(2), Wis. Stats.
  20. Shall meet the requirements of s. 91.46(5), Wis. Stats., and shall not include active recreation. (Added: 30 Sept. 2010; Ord. 2010-13)
  21. Shall meet the requirements of s. 91.46(4) or s. 91.44(1)(f), Wis. Stats., as appropriate. (Added: 30 Sept 2010; Ord. 2010-13)
  22. Shall meet the requirements of s. 91.01(3), Wis. Stats., as appropriate. (Added: 30 Sept 2010; Ord. 2010-13)
  23. Allowed only in the Town of Liberty Grove. Such use is restricted to wineries only and may be established only on lots five acres or larger. (Added: 5 August 2013; Ord. 2013-10)
  24. Retail sales and tasting areas are not allowed. (Added: 22 May 2018; Ord. 2018-11; Effective 2 July 2018)

(3)(b) Table of principal uses – Town of Gibraltar. This table shall apply in the Town of Gibraltar.

Commentary: In order to determine all principal uses allowed in the Town of Gibraltar, reference to s. 2.05(3)(a), table of principal uses – General, is also required.

Type of Use	Zoning Districts					
	CA	CS5	CI	NR	VC	GC
<b>AGRICULTURAL USES</b>						
Agricultural Visitation Facility (s. 4.03(4)) (Added: 26 Aug. 1997; Ord. 21-97)						
Agriculture (s. 4.03(1)) (Amended: 26 Aug. 1997; Ord. 21-97)	P <sup>6</sup>	P				
Greenhouses		P			C	C
Roadside Stands (s. 4.03(2))		P				
Tree/Shrub Nurseries		P				
<b>COMMERCIAL USES</b>						
Art Galleries (Amended: 26 Oct. 2000; Ord. 18-00)		C			P	P
Assembly Hall (Added: 5 August 2013; Ord. 2013-13)					C	C
Auto Repair (s. 4.04(5))		C			C	C
Auto/Recreational Vehicle Sales, Rental, and Service Lot (Amended: 20 Sept. 2016; Ord. 2016-14)					C	C
Banks					P <sup>1</sup>	P <sup>1</sup>
Carwash (Added: 27 August 2002; Ord. 12-02)					C	C
Commercial Fishing Facilities		P			C	C
Commercial Trucking Establishments						
Commercial Storage Facilities (s. 4.04(8))					C	C
Community Commercial Kitchen (s. 4.04(16)) (Added: 28 May 2012; Ord. 2012-13)					P	P

(3)(b) Table of principal uses – Town of Gibraltar (continued). This table shall apply in the Town of Gibraltar.

Commentary: In order to determine all principal uses allowed in the Town of Gibraltar, reference to s. 2.05(3)(a), table of principal uses – General, is also required.

Type of Use	Zoning Districts					
	CA	CS5	CI	NR	VC	GC
COMMERCIAL USES (Continued)						
Conference Facilities					C	C
Day Care Centers (s. 4.04(14))					C	C
Family Day Care Homes (s. 4.04(13)) (Amended: 16 April 1996; Ord. 9-96)		P	P	C	P	P
Farm Implement Sales/Service		C			C	C
Ferry Terminals					P	P
Fertilizer Distribution Plants		C				
Fitness Centers, Tanning Salons & Spas (Added: 30 January 2003; Ord. 01-03)					C	C
Funeral Homes					C	C
Gas Stations					C	C
Grain Mills		C			C	C
Home Businesses (s. 4.04(10)) (Amended: 18 Dec. 2001; Ord. 12-01)		C				P
Home Occupations (s. 4.04(9a)) (Amended: 8 August 2000; Ord. 12-00)		P	P	P	P	P
Home Office/Studio (s. 4.04(9)) ( Added: 8 August 2000; Ord. 12-00)	P	P	P	P	P	P
Indoor Recreation					P	C
Kennels (s. 4.04(2))		P				
Laundromats and Laundry Service					P	P
Lumber/Building Supply Yards(s. 4.04(6))					C	C

(3)(b) Table of principal uses – Town of Gibraltar (continued). This table shall apply in the Town of Gibraltar.

Commentary: In order to determine all principal uses allowed in the Town of Gibraltar, reference to s. 2.05(3)(a), table of principal uses – General, is also required.

Type of Use	Zoning Districts					
	CA	CS5	CI	NR	VC	GC
COMMERCIAL USES (Continued)						
Medical/Dental Clinics					P	P
Model Homes (s. 4.04(4))			C	P	P	P
Passenger Bus Terminals					C	C
Personal Service Establishments					P	P
Professional Offices/Studios					P	P
Radio/TV Stations (Amended: 29 Sept. 2015; Ord. 2015-09; Effective 9 Nov. 2015)					P	P
Non-Motorized Recreational Equipment Sales/Service/Rentals (Amended: 20 Sept. 2016; Ord. 2016-14)					P	P
Motorized Recreational Equipment Sales/Service/Rentals (Amended: 20 Sept. 2016; Ord. 2016-14)					C	C
Restaurants or Taverns (s. 4.04(3))					P <sup>1</sup>	P <sup>1</sup>
Retail Stores					P <sup>3</sup>	P <sup>3</sup>
Trade or Contractor Establishments (s. 4.04(7)) (Amended: 18 Dec. 2001; Ord. 12-01)		C				
Veterinarian Clinics		P			P	P
Wineries/Breweries (Amended: 22 May 2018; Ord. 2018-11; Effective 2 July 2018)		C <sup>7</sup>			C	C
INDUSTRIAL USES						
Asphalt/Concrete Plants						
Bulk Storage of Fuel Products						
Freight Terminals (s. 4.05(2))						C
Fruit/Vegetable/Cheese Processing Plants (Amended: 22 May 2018; Ord. 2018-11; Effective 2 July 2018)		C <sup>7</sup>				
Manufacturing, Assembly, Processing					C	

(3)(b) Table of principal uses – Town of Gibraltar (continued). This table shall apply in the Town of Gibraltar.

Commentary: In order to determine all principal uses allowed in the Town of Gibraltar, reference to s. 2.05(3)(a), table of principal uses – General, is also required.

Type of Use	Zoning Districts					
	CA	CS5	CI	NR	VC	GC
INDUSTRIAL USES (Continued)						
Nonmetallic Mining (s. 4.05(3))		C				
Resource Recovery Facilities (s. 4.05(6))		C				
Salvage Yards (s. 4.05(4))		C				
Sawmills/Planing Mills (s. 4.05(1))		P				
Sewage Disposal/Treatment Plants		C			C	C
Slaughterhouses		C				
Solid Waste Facilities (s. 4.05(5))		C				
Temporary Asphalt/Concrete Plants (s.4.05(7))		C	C		C	C
Wholesale Establishments/Distributorships					C	C
INSTITUTIONAL USES						
Auditorium (Added: 25 June 2013; Ord. 2013-12)					C	C
Cemeteries		P	P		P	P
Churches		C	C		P	P
Community Living Arrangements						
Fine Arts Venue (s. 4.06(2)) (Added: 28 May 2012; Ord. 2012-12)					C	C
Fire/Police Stations		C	C		C	C
Hospitals					C	C
Institutional Residential		C			C	C
Libraries/Museums					P	P
Post Offices					P	P
Public or Private Schools		C			C	C

(3)(b) Table of principal uses – Town of Gibraltar (continued). This table shall apply in the Town of Gibraltar.

Commentary: In order to determine all principal uses allowed in the Town of Gibraltar, reference to s. 2.05(3)(a), table of principal uses – General, is also required.

Type of Use	Zoning Districts					
	CA	CS5	CI	NR	VC	GC
<b>INSTITUTIONAL USES</b>						
Public Highway Garages (s. 4.06(1))		C				C
Town Halls/Community Centers (Amended: 22 March 2005; Ord. 2005-11)		P			P	P
Travelers' Information Centers					P	P
<b>OUTDOOR RECREATIONAL USES</b>						
Amusement Park						C
Campgrounds/Trailer Camps (s. 4.07(2)) (Amended: 24 Feb. 2004; Ord. 2004-04)		C				C
Camping (s. 4.07(3)) (Amended: 30 Sept. 1997; Ord. 28-97)	P	P	P			
Commercial Riding Stables (s. 4.07(4)) (Amended: 28 May 1996; Ord. 11-96)		C				
Golf Courses						
Golf Driving Range (Added: 25 March 1997; Ord. 7-97)						
Gun Clubs/Shooting Ranges		C				
Institutional Recreation Camps (s. 4.07(6))		C				
Marinas/Excursion Boating/Charter Fishing (s. 4.07(5))					C	C
Outdoor Active Recreation Facility (Added: 26 Feb 2013; Ord. 2013-07)(s.4.07(9))	C	C			C	C
Outdoor Theatre						C
Parks (s. 4.07(1)) <sup>5</sup>	C	P	P	C	P	P
Private Riding Stables (s. 4.07(4))		P	P			

(3)(b) Table of principal uses – Town of Gibraltar (continued). This table shall apply in the Town of Gibraltar.

Commentary: In order to determine all principal uses allowed in the Town of Gibraltar, reference to s. 2.05(3)(a), table of principal uses – General, is also required.

Type of Use	Zoning Districts					
	CA	CS5	CI	NR	VC	GC
OUTDOOR RECREATIONAL USES (Continued)						
Public Boat Launching Facilities (Amended: 22 March 2005; Ord. 2005-10) (Amended: 20 Sept. 2016; Ord. 2016-14)	C	C	C	C	C	C
Retreat Centers (s. 4.07(7)) (Amended: 18 Dec 1997; Ord. 40-97)		C				
Ski Resorts						
RESIDENTIAL USES						
Accessory Residences (s. 4.08(3)) (Amended: 27 July 2000; Ord. 17-00)					P	P
Bed & Breakfast Establishments (s. 4.08(10)) (Amended: 9 Nov 2011; Ord. 2011-14)		P	P		P	P
Boardinghouses (s. 4.08(11)) (Amended: 9 Nov 2011; Ord. 2011-14)		P			P	P
Conservation Subdivisions(Ch.6) (Added: 4 April 2011; Ord. 2011-05)		P		P		P
Duplexes		C		C	C	C
Dwellings for Agricultural Production & Processing Workers (s. 4.08(7)) (Added: 25 June 1996; Ord. 16-96)		P				
Farm Related Residences (s. 4.08(2))		P				
Manufactured Homes (s. 4.08(4))		P				
Manufactured Home Parks (s. 4.08(5))		C				
Multiple Occupancy Developments (s.4.08(8)) (Amended: 5 Oct. 1998; Ord. 22-98)				C <sup>4</sup>	C <sup>4</sup>	C <sup>4</sup>
Secondary Dwelling Units (s.4.08(9)) (Added: 4 April, 2011; Ord. 2011-04)	P	P	P	P	P	P
Single Family Residences	P	P	P	P	P	P
Single Family Residences Separated From Farm Parcels (s. 4.08(1))		P				
Temporary Manufactured Homes (s. 4.08(6))		P	P	P		P

(3)(b) Table of principal uses – Town of Gibraltar (continued). This table shall apply in the Town of Gibraltar.

**Commentary:** In order to determine all principal uses allowed in the Town of Gibraltar, reference to s. 2.05(3)(a), table of principal uses – General, is also required.

Type of Use	Zoning Districts					
	CA	CS5	CI	NR	VC	GC
MISCELLANEOUS USES						
Airports (s. 4.09(1))						
Airstrips and Landing Fields (s. 4.09(1))		C				
Animal Shelters/Pounds (s. 4.09(3))		C				C
Municipal/Commercial Parking Lots					C	C
Utility Facilities - Type A (s. 4.09(2)) (Amended: 28 March 2000; Ord. 05-00)		C	C	C	C	C
Utility Facilities - Type B (s. 4.09(2))		C	C	C	C	C
Mobile Service Support Structures and Related Facilities (Created: 24 August 2004; Ord. 2004-18) (Amended: 29 Sept. 2015; Ord. 2015-09; Effective 9 Nov. 2015)	-----As regulated by Chapter 14 of this ordinance -----					

**KEY:** P = Permitted uses. S = (Deleted: 27 May 2008; Ord. 2008-04). C = Uses permitted as conditional uses.

**FOOTNOTES:**

1. Establishments with drive-through facilities shall be permitted only as provided in s. 11.04, conditional use permits. (Amended: 27 May 2008; Ord. 2008-04)
2. (Deleted: 28 May 2012; Ord. 2012-13)
3. Establishments where the total floor area of all buildings which serve a retail use on the lot exceeds 20,000 sq. ft. shall only be permitted as conditional uses.
4. See s. 4.08(8)(a). (Amended: 26 Feb. 2013; Ord. 2013-06)
5. Privately owned parks which include active recreation shall only be permitted as conditional uses. (Added: 27 May 1997; Ord. 15-97)

6. Forestry Practices only.

7. Retail sales and tasting areas are not allowed. (Added: 22 May 2018; Ord. 2018-11; Effective 2 July 2018)

(Table and footnotes added 22 Aug. 2006; Ord. 2006-16; Effective 12 Sept. 2006)

(4) Uses pertaining to the Wetland district.

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

1. Hiking, fishing, trapping, hunting, swimming and boating.
2. The harvesting of wild crops such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds in a manner that is not injurious to the natural reproduction of such crops.
3. The pasturing of livestock.
4. The cultivation of agricultural crops.
5. The practice of silviculture, including the planting, thinning and harvesting of timber, subject to the requirements of s. 5.07, woodlands.
6. The construction or maintenance of duck blinds and deer stands.

(b) Uses which do not require the issuance of a zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating, but only to the extent specifically provided below:

1. Temporary water and stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected.
2. The cultivation of cranberries including flooding, dike and dam construction, or ditching necessary for the growing and harvesting of cranberries.
3. The maintenance and repair of existing agricultural drainage systems where permissible by s. 30.20, Wis. Stats., including ditching, tiling, dredging, excavating, and filling necessary to maintain the level of drainage required to continue the existing agricultural use. This includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system, provided that the filling is permissible by Chapter 30, Wis. Stats., and that the dredged spoil is placed on existing spoil banks where possible.
4. The construction or maintenance of fences for pasturing livestock, including limited excavating and filling necessary for such construction or maintenance.
5. The construction or maintenance of piers, docks or walkways built on piling, including limited excavating and filling necessary for such construction and maintenance.
6. The maintenance, repair, replacement, or reconstruction of existing town and county highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement, or reconstruction.

(c) Uses which require the issuance of a regular zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating, but only to the extent specifically provided below:

1. The construction and maintenance of roads which are necessary to conduct silvicultural activities or agricultural cultivation, subject to the following conditions:

- a. The road cannot, as a practical matter, be located outside the wetland.
- b. The road is designed and constructed to minimize adverse impact upon the natural functions of the wetland, enumerated in s. 11.08(3). (Amended: 20 Sept. 2016; Ord. 2016-14)
- c. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use. (Amended: 20 Sept. 2016; Ord. 2016- 14)
- d. Road construction activities are carried out in the immediate area of the roadbed only.

2. The construction and maintenance of nonresidential buildings, subject to the following conditions:

- a. The building is essential for and used solely in conjunction with the raising of waterfowl, minnows, or other wetland or aquatic animals or some use permitted in the Wetland district.
- b. The building cannot, as a practical matter, be located outside the wetland.
- c. Such building is not designed for human habitation and does not exceed 500 square feet in floor area.
- d. Only limited filling or excavating necessary to provide structural support for the building shall be allowed.

3. The establishment of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves and private wildlife habitat areas, and public boat launching ramps and attendant access roads, subject to the following:

- a. Any private wildlife habitat areas shall be used exclusively for that purpose.
- b. Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access roads is allowed only

where such construction or maintenance meets the criteria in par.(c), subd.1.

- c. Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, and game preserves and private wildlife habitat areas is allowed only for the purpose of improving wildlife habitat and to otherwise enhance wetland values.

4. The construction or maintenance of electric, gas, telephone, water and sewer transmission and distribution facilities by public utilities and cooperative associations organized for the purpose of producing or furnishing such services to their members and the construction or maintenance of railroad lines subject to the following standards:

- a. The transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland.
- b. Such construction or maintenance is done in a manner designed to minimize adverse impact upon the natural functions of the wetland, enumerated in s. 11.08(3). (Amended: 20 Sept. 2016; Ord. 2016-14)

(d) Prohibited uses. Any use not listed in sub. (4), pars. (a) - (c) is prohibited, unless the wetland or portion of the wetland has been rezoned by amendment of this Ordinance in accordance with this Ordinance and s. 59.69(5)(e), Wis. Stats.

**2.06 Accessory uses.** Accessory uses are permitted in all zoning districts. For accessory uses involving structures or buildings, such structures or buildings shall be subject to the requirements of s. 3.12, accessory structures.

### **2.07 Temporary uses.**

(1) Uses which are conducted on a lot for not more than 10 days total, including not more than 7 consecutive days, in a calendar year shall be known as temporary uses and may be conducted in any zoning district, except the Wetland district. Only those uses shown in s. 2.05(4), uses pertaining to the Wetland district, are allowed in the Wetland district. All temporary uses conducted on a lot within a calendar year count toward the allowed number of days. Uses which are conducted for more than the allowed number of days shall be regarded as principal uses and regulated accordingly. (Amended: 15 April 2014, Ord. 2014-05; Effective 27 May 2014)

(a) In the Town of Liberty Grove, temporary uses may be conducted for not more than 6 days total, including not more than 3 consecutive days. (Added: 15 April 2014, Ord. 2014-05; Effective 27 May 2014)

- (2) Temporary uses shall not require a regular zoning permit.
- (3) Temporary uses shall meet all setback and yard requirements of sections 3.02(3)(a) and (b), tables of general requirements, 3.05, roads, and 5.10, wetlands, of this Ordinance. (Amended: 24 March 2015; Ord. 2015-02) (Amended: 27 March 2018; Ord. 2018-07)
- (4) Temporary uses shall not involve the construction or alteration of any permanent structure.
- (5) (Deleted: 15 April 2014, Ord. 2014-05; Effective 27 May 2014)

## **2.08 Uses not listed.**

- (1) Determination of use classification by the Land Use Services Director. The Land Use Services Director, upon referral and recommendation by the Zoning Administrator, shall determine if a proposed use can be classified as one of the principal uses already listed for any of the zoning districts. If a proposed use can be so classified, then the use shall be regulated as specified by this Ordinance. (Amended: 27 March 2018; Ord. 2018-07)
- (2) Unclassified uses. A proposed use that cannot be classified as one of the principal uses shall be considered an unclassified use and shall be regulated as follows:
  - (a) The Land Use Services Director, upon referral and recommendation by the Zoning Administrator, shall determine if the proposed unclassified use is similar to other uses listed for the zoning district applicable to the site of the proposed unclassified use. If so, the application for the proposed unclassified use shall be processed as specified by this Ordinance. (Amended: 27 March 2018; Ord. 2018-07)
  - (b) If the Land Use Services Director determines otherwise, then the application for the proposed unclassified use shall be denied and the applicant shall be so notified in writing. (Amended: 27 March 2018; Ord. 2018-07)
  - (c) The Land Use Services Director may refer unclassified uses to the Resource Planning Committee if the Director is uncertain how to classify any uses not listed. (Amended: 27 March 2018; Ord. 2018-07)
- (3) After making a determination regarding an unclassified use, the Land Use Services Director shall recommend an amendment to this Ordinance adding the previously unclassified use to the table of principal uses. (Amended: 27 March 2018; Ord. 2018-07)

## CHAPTER 3

### GENERAL REQUIREMENTS

- |  |   |
|--|---|
| 3.01 Compliance.   | 3.08 Height requirements.   |
| 3.02 District requirements.  | 3.09 Front, rear, and side yards.   |
| 3.03 (Multiple occupancy development section amended and relocated 5 Oct. 1998; Ord. 22-98)                      | 3.10 Landscape buffers.   |
| 3.04 Lot requirements.   | 3.11 Floor area requirements.   |
| 3.05 Setbacks from roads.  | 3.12 Accessory structures.  |
| 3.06 Additional setbacks from roads for large buildings.   | 3.13 Outdoor storage of junk material.  |
| 3.07 (Setback from navigable water section relocated to Shoreland Ord. 20 Sept. 2016; Ords. 2016-12 and 2016-14) | 3.14 Filling and grading.   |
|  | 3.15 Special development requirements.  |
|  | 3.16 (Exclusive Ag. district restriction section deleted 30 Sept. 2010; Ord. 2010-13) |
|  | 3.17 Alleys   |

**3.01 Compliance.** All development shall comply fully with the requirements of this Chapter.

#### **3.02 District requirements.**

(1) Developments shall meet the minimum requirements for the applicable district shown in the tables in sub. (3), except as otherwise required in s.3.15, special development requirements. (Amended: 22 Aug. 2006; Ord. No. 2006-16 – Effective 12 September 2006)

Commentary: The provisions of s. 3.15 apply to all or parts of the Towns of Washington, Liberty Grove, and Baileys Harbor. For projects within those towns, applicants are advised to check the provisions of s. 3.15. Note, too, that many other town- or district-specific regulations may be found in other sections of the ordinance. (Amended: 22 Aug. 2006; Ord. No. 2006-16; Effective 12 Sept. 2006) (Amended: 20 Sept. 2016; Ord. 2016-14)

(2) How to use the tables in sub. (3).

(2) How to use the tables in Sub. (3).

Table of district requirements (portion)

ZONING DISTRICT Development Type(s)	Individual Lot Requirements			Yards					Conservation Subdivision & Manufactured Home Park Requirements		
	Min. Lot Area	Min. Lot Width <sup>6</sup> (feet)	Max Imperv. Surface Ratio <sup>1</sup>	Side Principal (feet)	Side Accessory (feet)	Rear Principal (feet)	Rear Accessory (feet)	Front (feet)	Min. Site Area	Max. Allowable Density (density unit per acre)	Min Preser. Open Space
<u>WETLAND (W)</u> Development, per s. 2.05(4)	10 acres <sup>8</sup>	300	7.5%	25	50	50	50	25	n/a	n/a	n/a
<u>NATURAL AREA (NA)</u> All Other Development Conservation Subdivision	15 acres 10,000 <sup>12</sup>	450 65 <sup>12</sup>	25% n/a	25 50 <sup>2</sup>	20 50 <sup>2</sup>	50 50 <sup>2</sup>	50 50 <sup>2</sup>	25 25	n/a 15 acres	n/a .10	n/a 80%
<u>EXCLUSIVE AGRICULTURE (EA)</u> All Development	35 acres	600	25%	50 <sup>3</sup>	50 <sup>3</sup>	50	50	25	n/a	n/a	n/a

Refers to the various types of developments permitted in each specific zoning district.

Refers to the minimum size for an individual lot or each type of development, shown in acres or square feet.

Refers to the minimum width of a lot as measured through the midpoint of the shortest line that can be drawn between the front lot line and the rear lot line. (Amended: 23 March 1999; Ord. 4-99)

Refers to the maximum percentage of a lot that may be covered with buildings, pavements, and other untreated impervious surfaces. (Amended: 20 Sept.2016; Ord.2016-14)

Refers to the minimum allowable distance between any side lot line and a principal or accessory structure.

Refers to the minimum allowable distance between a rear lot line and a principal or accessory structure.

Refers to the minimum allowable distance between a front lot line and any building.

Refers to the minimum total land area needed to implement a Manufactured Home Park or Conservation Subdivision.

The number that is used to determine the maximum number of dwelling units permitted in a conservation subdivision or manufactured home park.

Refers to the minimum percentage of the total site area that must be preserved as open space.

KEY:  
n/a - Not applicable.

(3)(a) Table of district requirements – General. This table shall apply as appropriate wherever this Ordinance is applicable.

<u>ZONING DISTRICT</u> Development Type	Individual Lot Requirements			Yards					Conservation Subdivision & Manufactured Home Park Requirements		
	Min. Lot Area	Min. Lot Width <sup>6</sup> (feet)	Max. Imperv. Surface Ratio <sup>1</sup>	Side Principal (feet)	Side Accessory (feet)	Rear Principal (feet)	Rear Accessory (feet)	Front (feet)	Min. Site Area	Max. Allowable Density (density unit per acre)	Min. Preser. Open Space
<u>WETLAND (W)</u> Development, per s. 2.05(4)	10 acres <sup>8</sup>	300	7.5%	25	25	50	50	25	n/a	n/a	n/a
<u>NATURAL AREA (NA)</u> All Other Development Conservation Subdivision (Added: 4 April 2011; Ord. 2011-05)	15 acres 10,000 <sup>12</sup>	450 65 <sup>12</sup>	25% n/a	25 25 <sup>2</sup>	20 20 <sup>2</sup>	50 50 <sup>2</sup>	50 50 <sup>2</sup>	25 25	n/a 15 acres	n/a 0.10	n/a 80%
<u>EXCLUSIVE AGRICULTURAL (EA)</u> All Development	35 acres	600	25%	50 <sup>3</sup>	50 <sup>3</sup>	50	50	25	n/a	n/a	n/a
<u>GENERAL AGRICULTURAL (GA)</u> All Other Development Conservation Subdivision (Added: 4 April 2011; Ord. 2011-05)	20 acres <sup>4</sup> 10,000 <sup>12</sup>	600 65 <sup>12</sup>	25% n/a	50 <sup>3</sup> 50 <sup>2</sup>	50 <sup>3</sup> 50 <sup>2</sup>	50 50 <sup>2</sup>	50 50 <sup>2</sup>	25 25	n/a 20 <sup>4</sup> acres	n/a .10	n/a 80%
<u>PRIME AGRICULTURAL (PA)</u> All Other Development Conservation Subdivision(Added: 4 April 2011, Ord.2011-05)	20 acres <sup>4</sup> 10,000 <sup>12</sup>	600 65 <sup>12</sup>	25% n/a	50 <sup>3</sup> 50 <sup>2</sup>	50 <sup>3</sup> 50 <sup>2</sup>	50 50 <sup>2</sup>	50 50 <sup>2</sup>	25 25	n/a 20 <sup>4</sup> acres	n/a 0.10	n/a 80%
<u>COUNTRYSIDE (CS)</u> All Other Development Conservation Subdivision(Added: 4 April 2011; Ord. 2011-05)  Manufactured Home Park	10 acres <sup>8,9</sup> 10,000 <sup>12</sup> 4,500 <sup>5</sup>	300 <sup>10</sup> 65 <sup>12</sup> 50 <sup>5</sup>	25% n/a n/a	40 <sup>3</sup> 40 <sup>2</sup> 40 <sup>2</sup>	20 20 <sup>2</sup> 40 <sup>2</sup>	50 50 <sup>2</sup> 40 <sup>2</sup>	50 50 <sup>2</sup> 40 <sup>2</sup>	25 25 25	n/a 10 <sup>8</sup> 20 <sup>4</sup> acres	n/a 0.20 1.50	n/a 80% 50%
<u>HEARTLAND-3.5 (HL3.5)</u> All Other Development Conservation Subdivision(Added: 4 April 2011; Ord.2011-05) Manufactured Home Park (Amended: 28 May 1996' Ord. 13-96)	3.5 acres 10,000 <sup>12</sup> 4,500 <sup>5</sup>	250 65 <sup>12</sup> 50 <sup>5</sup>	25% n/a n/a	40 <sup>3</sup> 40 <sup>2</sup> 40 <sup>2</sup>	20 20 <sup>2</sup> 40 <sup>2</sup>	50 50 <sup>2</sup> 40 <sup>2</sup>	20 20 <sup>2</sup> 40 <sup>2</sup>	25 25 25	n/a 7 acres 7 acres	n/a 0.50 0.50	n/a 60% 75%

(3)(a) Table of district requirements – General. This table shall apply as appropriate wherever this Ordinance is applicable.

ZONING DISTRICT Development Type	Individual Lot Requirements			Yards					Conservation Subdivision & Manufactured Home Park Requirements		
	Min. Lot Area	Min. Lot Width <sup>6</sup> (feet)	Max. Imperv. Surface Ratio <sup>1</sup>	Side Principal (feet)	Side Accessory (feet)	Rear Principal (feet)	Rear Accessory (feet)	Front (feet)	Min. Site Area	Max. Allowable Density (density unit per acre)	Min. Preser. Open Space
<u>HEARTLAND-5 (HL5)</u> All Other Development Conservation Subdivision(Added: 4 April 11, Ord. 2011-05) Manufactured Home Park (Added: 28 May 1996; Ord. 13-96)	5 acres	250	25%	40 <sup>3</sup>	20	50	40	25	n/a	n/a	n/a
	10,000 <sup>12</sup>	65 <sup>12</sup>	n/a	40 <sup>2</sup>	20 <sup>2</sup>	50 <sup>2</sup>	40 <sup>2</sup>	25	10 acres	0.35	60%
	4,500 <sup>5</sup>	50 <sup>5</sup>	n/a	40 <sup>2</sup>	40 <sup>2</sup>	40 <sup>2</sup>	40 <sup>2</sup>	25	20 <sup>4</sup> acres	0.50	75%
<u>HEARTLAND-10 (HL10)</u> All Other Development Conservation Subdivision(Added: 4 April 2011, Ord. 2011-05) Manufactured Home Park (Added: 28 May 1996; Ord. 13-96)	10 acres <sup>8</sup>	300	25%	40 <sup>3</sup>	20	50	50	25	n/a	n/a	n/a
	10,000 <sup>12</sup>	65 <sup>12</sup>	n/a	40 <sup>2</sup>	20 <sup>2</sup>	50 <sup>2</sup>	50 <sup>2</sup>	25	10 acres	0.20	80%
	4,500 <sup>5</sup>	50 <sup>5</sup>	n/a	40 <sup>2</sup>	40 <sup>2</sup>	40 <sup>2</sup>	40 <sup>2</sup>	25	20 <sup>4</sup> acres	0.50	75%
<u>ESTATE(ES)</u> All Other Development Conservation Subdivision(Added: 4 April 2011;Ord. 2011-05)	5 acres	250	25%	25	20	50	40	25	n/a	n/a	n/a
	10,000 <sup>12</sup>	65 <sup>12</sup>	n/a	25 <sup>2</sup>	20 <sup>2</sup>	50 <sup>2</sup>	40 <sup>2</sup>	25	10 <sup>8</sup> acres	0.35	60%
<u>SINGLE FAMILY RESIDENTIAL-10,000 (SF10)</u> All other Development (with public sewer)	10,000	65 <sup>11,12</sup>	45%	10	5	20	10	25	n/a	n/a	n/a
<u>SINGLE FAMILY RESIDENTIAL-20,000 (SF20)</u> All Other Development • unsewered • with public sewer Conservation Subdivision (Added: 4 April 2011;, Ord. 2011-05)	20,000	100	45%	10	5	40	10	25	n/a	n/a	n/a
	16,200	90	45%	10	5	40	10	25	n/a	n/a	n/a
	10,000 <sup>12</sup>	65 <sup>12</sup>	n/a	20 <sup>2</sup>	10 <sup>2</sup>	40 <sup>2</sup>	20 <sup>2</sup>	25	1.8 acres	3.27	30%
<u>SINGLE FAMILY RESIDENTIAL-30,000 (SF30)</u> All Other Development Conservation Subdivision (Added: 4 April 2011; Ord. 2011-05)	30,000	150	35%	20	15	50	20	25	n/a	n/a	n/a
	10,000 <sup>12</sup>	65 <sup>12</sup>	n/a	40 <sup>2</sup>	30 <sup>2</sup>	50 <sup>2</sup>	40 <sup>2</sup>	25	2.8 acres	2.18	40%
<u>SMALL ESTATE RESIDENTIAL (SE)</u> All Other Development Conservation Subdivision (Added: 4 April 2011; Ord. 2011-05)	1.5 acres	150	25%	20	15	50	20	25	n/a	n/a	n/a
	10,000 <sup>12</sup>	65 <sup>12</sup>	n/a	40 <sup>2</sup>	30 <sup>2</sup>	50 <sup>2</sup>	40 <sup>2</sup>	25	6 acres	1.00	40%

(3)(a) Table of district requirements – General. This table shall apply as appropriate wherever this Ordinance is applicable.

<u>ZONING DISTRICT</u> Development Type	Individual Lot Requirements			Yards					Conservation Subdivision & Manufactured Home Park Requirements		
	Min. Lot Area	Min. Lot Width <sup>6</sup> (feet)	Max. Imperv. Surface Ratio <sup>1</sup>	Side Principal (feet)	Side Accessory (feet)	Rear Principal (feet)	Rear Accessory (feet)	Front (feet)	Min. Site Area	Max. Allowable Density (density unit per acre)	Min. Preser. Open Space
<u>RURAL RESIDENTIAL (RR)</u> All Other Development Duplex Conservation Subdivision (Added: 4 April 2011; Ord. 2011-05) Manufactured Home Park	40,000 60,000 10,000 <sup>12</sup> 4,500 <sup>5</sup>	150 200 65 <sup>12</sup> 50 <sup>5</sup>	35% 35% n/a n/a	20 20 40 <sup>2</sup> 40 <sup>2</sup>	15 15 30 <sup>2</sup> 40 <sup>2</sup>	50 50 50 <sup>2</sup> 40 <sup>2</sup>	20 20 40 <sup>2</sup> 40 <sup>2</sup>	25 25 25 25	n/a n/a 3.7 acres 5 acres	n/a n/a 1.63 6.00	n/a n/a 40% 25%
<u>HIGH DENSITY RESIDENTIAL (HD)</u> All Other Development • unsewered • with public sewer Conservation Subdivision (Added: 4 April 2011; Ord. 2011-05) Manufactured Home Park	20,000 16,200 10,000 <sup>12</sup> 4,500 <sup>5</sup>	100 90 65 <sup>12</sup> 50 <sup>5</sup>	45% 45% n/a n/a	10 10 20 <sup>2</sup> 40 <sup>2</sup>	5 5 10 <sup>2</sup> 40 <sup>2</sup>	20 20 40 <sup>2</sup> 40 <sup>2</sup>	10 10 20 <sup>2</sup> 40 <sup>2</sup>	25 25 25 25	n/a n/a 1.8 acres 5 acres	n/a n/a 3.27 6.00	n/a n/a 30% 25%
Multiple Occupancy Development	----- See s. 4.08(8), multiple occupancy development requirements (Amended: 5 October 1998, Ord. 22-98) -----										
<u>COMMERCIAL CENTER (CC)</u> All Other Development • unsewered • with public sewer Multiple Occupancy Development	20,000 16,200	100 90	75% 75%	10 10	5 5	20 20	10 10	25 25	n/a n/a	n/a n/a	n/a n/a
Multiple Occupancy Development	----- See s. 4.08(8), multiple occupancy development requirements (Amended: 5 Oct. 1998, Ord. 22-98) -----										
<u>MIXED USE COMMERCIAL (MC)</u> All Other Development • unsewered • with public sewer Multiple Occupancy Development	20,000 16,200	100 90	45% 45%	10 10	5 5	20 20	10 10	25 25	n/a n/a	n/a n/a	n/a n/a
Multiple Occupancy Development	----- See s. 4.08(8), multiple occupancy development requirements (Amended: 5 Oct. 1998, Ord. 22-98) -----										
<u>RECREATIONAL COMMERCIAL (RC)</u> All Other Development Conservation Subdivision (Added: 4 April 2011; Ord. 2011-05) Multiple Occupancy Development	20,000 10,000 <sup>12</sup>	100 65 <sup>12</sup>	45% n/a	10 20 <sup>2</sup>	5 10 <sup>2</sup>	20 20 <sup>2</sup>	10 20 <sup>2</sup>	25 25	n/a 1.8 acres	n/a 3.27	n/a 30%
Multiple Occupancy Development	----- See s. 4.08(8), multiple occupancy development requirements (Amended: 5 Oct. 1998, Ord. 22-98) -----										
<u>LIGHT INDUSTRIAL (LI)</u> All Development	60,000	200	60%	20 <sup>7</sup>	10 <sup>7</sup>	20 <sup>7</sup>	10 <sup>7</sup>	25	n/a	n/a	n/a

Key: n/a – Not applicable.

## FOOTNOTES:

1. Regarding impervious surface ratio regulations:
  - a. For lots existing as provided in s. 3.04(5), lots created prior to the effective date of this Ordinance, the maximum impervious surface ratio on the lot shall be as it existed on the effective date of this Ordinance or as required here, whichever is greater. (Amended: 20 Sept. 2016; Ord. 2016-14)
  - b. For lots in zoning districts with impervious surface ratio allowances less than 30%, where a portion of but not the entire lot, is subject to the Door County Shoreland Zoning Ordinance, the shoreland ordinance allowances only shall be applied to the entire lot. (Added: 20 Sept. 2016; Ord. 2016-14)
  - c. For conservation subdivisions and manufactured home parks, the maximum impervious surface ratio shall be calculated using the entire development, with the maximum being no more than that allowed for an individual lot in the district. (Amended: 17 April 2012; Ord. 2012-14) (Amended: 27 May 2014; Ord. 2014-10)
  - d. Property owners seeking to exceed the allowable impervious surface ratio shall be required to obtain an Impervious Surface Authorization permit as described in s. 11.03. (Added: 20 Sept. 2016; Ord. 2016-14)
2. For conservation subdivisions and manufactured home parks, the yards refer to minimum yard requirements as measured from perimeter of site area devoted to development. (Amended: 17 April 2012; Ord. 2012-14)
3. For lots existing as provided in s. 3.04(5), lots created prior to the effective date of this Ordinance, the minimum side yard requirements shall be 20% of the lot width or 50 feet in the EA, GA, and PA district or 40 feet in the CS, HL3.5, HL5, and HL10 districts, whichever is less. In the Heartland zoning districts in the Town of Gibraltar, the minimum side yard requirement for lots existing as provided in Section 3.04(5) shall be 20% of the lot width or 20 feet, whichever is less. (Amended 22 Aug. 2006; Ord. 2006-16; Effective 12 Sept. 2006) (Amended: 27 May 2014; Ord. 2014-10) (Amended: 20 Sept. 2016; Ord. 2016-14)
4. This minimum area requirement shall include areas which are one half of one-sixteenth of a section as shown on the original United States Government Survey, such areas being 20 acres, or nearly so, in size.
5. Refers to minimum area or minimum width requirements for individual manufactured home sites within a manufactured home park. (Amended: 25 June 1996; Ord. 16-96)
6. (Amended: 22 October 1996; Ord. 29-96) (Deleted: 20 Sept. 2016; Ord. 2016-14)
7. For side and rear lot lines that coincide with the boundary of the Light Industrial district, such yard requirements shall be doubled. (Added: 25 June 1996; Ord. 16-96)
8. This minimum area requirement shall include parcels which are quarter, quarter, quarter sections (1/64th of a section) as described within the original United States Government Survey, said parcels being 10 acres, or nearly so in area. (Added: 22 October 1996; Ord. 33-96) (Amended; 4 April 2011; Ord. 2011-05)
9. Minimum lot area in the Countryside (CS) zoning district in the Town of Baileys Harbor shall be 5 acres. (Added: 26 June 2008; Ord. 2008-07)
10. The minimum lot width in the Countryside (CS) zoning district in the Town of Baileys Harbor shall be 250'. (Added: 26 June 2008; Ord. 2008-07)
11. The minimum lot width for corner lots shall be 75'. (Added: 22 February 2011; Ord. 2011-03)
12. (Added: 17 April 2012; Ord. 2012-14) (Deleted: 20 Sept. 2016; Ord. 2016-14)

(3)(b) Table of district requirements – Town of Gibraltar. This table shall apply in the Town of Gibraltar. Commentary: In order to determine all district requirements in the Town of Gibraltar, reference to s. 3.02(3) (a), table of district requirements – general, is also required.

ZONING DISTRICT Development Type	Individual Lot Requirements			Yards					Conservation Subdivision & Manufactured Home Park Requirements		
	Min. Lot Area	Min. Lot Width <sup>5</sup> (feet)	Max. Imperv. Surface Ratio <sup>1</sup>	Side Principal (feet)	Side Accessory (feet)	Rear Principal (feet)	Rear Accessory (feet)	Front (feet)	Min. Site Area	Max. Allowable Density (density unit per acre)	Min. Preser Open Space
<u>CONSERVATION AREA (CA)</u> All Development	15 acres	450	25%	25	20	50	50	25	n/a	n/a	n/a
<u>COUNTRYSIDE-5 (CS5)</u> All Other Development	5 acres	250	25%	40 <sup>3</sup>	20	50	40	25	n/a	n/a	n/a
Conservation Subdivision (Added: 4 April 2011; Ord. 2011-05)	10,000 <sup>8</sup>	65 <sup>8</sup>	n/a	40 <sup>2</sup>	20 <sup>2</sup>	50 <sup>2</sup>	40 <sup>2</sup>	25	10 <sup>6</sup> acres	0.35	60%
Manufactured Home Park	4,500 <sup>4</sup>	50 <sup>4</sup>	n/a	40 <sup>2</sup>	40 <sup>2</sup>	40 <sup>2</sup>	40 <sup>2</sup>	25	20 <sup>7</sup> acres	1.50	50%
<u>CHAMBERS ISLAND (CI)</u> Lots fronting navigable water, all development	3 acres	350	25%	50 <sup>3</sup>	15	50	20	25	n/a	n/a	n/a
Lots not fronting navigable water, all development (Added: 25 March 2014; Ord. 2014-03)	10 acres <sup>6</sup>	600	25%	100 <sup>3</sup>	15	50	20	25	n/a	n/a	n/a
<u>NEIGHBORHOOD RESIDENTIAL (NR)</u> All Other Development	20,000	100	45%	10	5	20	10	25	n/a	n/a	n/a
• unsewered	16,200	90	45%	10	5	20	10	25	n/a	n/a	n/a
• with public sewer											
Conservation Subdivision (Added: 4 April 2011; Ord. 2011-05)	10,000 <sup>8</sup>	65 <sup>8</sup>	n/a	20 <sup>2</sup>	10 <sup>2</sup>	40 <sup>4</sup>	20 <sup>2</sup>	25	1.8 acres	3.27	30%
Multiple Occupancy Development	----- See s. 3.15(4)(d) and s. 4.08(8), multiple occupancy development requirements (Amended: 5 Oct. 1998, Ord. 22-98) -----										
<u>VILLAGE COMMERCIAL (VC)</u> All Other Development	20,000	100	75%	10	5	20	10	25	n/a	n/a	n/a
• unsewered	16,200	90	75%	10	5	20	10	25	n/a	n/a	n/a
• with public sewer											
Multiple Occupancy Development	----- See s. 3.15(4)(b) and s. 4.08(8), multiple occupancy development requirements (Amended: 5 Oct. 1998; Ord. 22-98) -----										

(3)(b) Table of district requirements – Town of Gibraltar (continued). This table shall apply in the Town of Gibraltar.

ZONING DISTRICT Development Type	Individual Lot Requirements			Yards					Conservation Subdivision & Manufactured Home Park Requirements		
	Min. Lot Area	Min. Lot Width <sup>5</sup> (feet)	Max. Imperv. Surface Ratio <sup>1</sup>	Side Principal (feet)	Side Accessory (feet)	Rear Principal (feet)	Rear Accessory (feet)	Front (feet)	Min. Site Area	Max. Allowable Density (density unit per acre)	Min. Preser Open Space
<u>GENERAL COMMERCIAL (GC)</u> All Other Development <ul style="list-style-type: none"> <li>• unsewered</li> <li>• with public sewer</li> </ul>	20,000 16,200	100 90	45% 45%	10 10	5 5	20 20	10 10	25 25	n/a n/a	n/a n/a	n/a n/a
Multiple Occupancy Development	----- See s. 4.08(8), multiple occupancy development requirements (Amended: 5 Oct. 1998; Ord. 22-98) -----										

KEY: n/a - Not applicable.

FOOTNOTES:

1. Regarding impervious surface ratio regulations:

- a. For lots existing as provided in s. 3.04(5), lots created prior to the effective date of this Ordinance, the maximum impervious surface ratio on the lot shall be as it existed on the effective date of this Ordinance or as required here, whichever is greater. (Typographical Correction: 16 May 2007) (Amended: 20 Sept. 2016; Ord. 2016-14)
- b. For lots in zoning districts with impervious surface ratio allowances less than 30% where a portion of but not the entire lot is subject to the Door County Shoreland Zoning Ordinance, the shoreland ordinance allowances only shall be applied to the entire lot. (Added: 20 Sept. 2016; Ord. 2016-14)
- c. For conservation subdivisions and manufactured home parks, the maximum impervious surface ratio shall be calculated using the entire development, with the maximum being no more than that allowed for an individual lot in the district. (Amended: 17 April 2012; Ord. 2012-14) (Amended: 27 May 2014; Ord. 2014-10)
- d. Property owners seeking to exceed the allowable impervious surface ratio shall be required to obtain an Impervious Surface Authorization permit as described in s. 11.03. (Added: 20 Sept. 2016; Ord. 2016-14)

2. For conservation subdivisions and manufactured home parks, the yards refer to minimum yard requirements as measured from perimeter of site area devoted to development. (Amended: 17 April 2012; Ord. 2012-14)

3. For lots existing as provided in s. 3.04(5), lots created prior to the effective date

of this Ordinance, the minimum side yard requirements shall be 20% of the lot width or 40 feet in the CS5 and CI districts, whichever is less. (Amended: 22 Aug. 2006; Ord. 2006-16; Effective 12 Sept. 2006) (Amended: 25 March 2014; Ord. 2014-03) (Amended: 27 May 2014; Ord. 2014-10) (Amended: 20 Sept. 2016; Ord. 2016-14)

Commentary: This footnote (3) grandfathers long-standing side yard setbacks in two of the larger zoning districts which are unique to the Town of Gibraltar. (Added 22 Aug. 2006; Ord. 2006-16 ; Effective 12 Sept. 2006) (Amended: 25 March 2014; Ord. 2014-03)

4. Refers to minimum area or minimum width requirements for individual manufactured home sites within a manufactured home park. (Amended: 25 June 1996; Ord. 16-96)

5. (Amended: 22 October 1996; Ord. 29-96) (Deleted: 20 Sept. 2016; Ord. 2016-14)

6. This minimum area requirement shall include parcels which are quarter, quarter, quarter sections (1/64<sup>th</sup> of a section) as described within the original United States Government Survey, said parcels being 10 acres, or nearly so in area. (Added: 4 April 2011; Ord. 2011-05)

7. This minimum area requirement shall include areas which are one half of one-sixteenth of a section as shown on the original United States Government Survey, such areas being 20 acres, or nearly so, in size. (Added: 4 April 2011; Ord. 2011-05)

8. (Added: 17 April 2012; Ord. 2012-14) (Deleted: 20 Sept. 2016; Ord. 2016-14)

**3.03 Multiple occupancy development requirements.** (This section deleted effective 5 Oct. 1998; Ord. 22-98) (For Multiple Occupancy Development Requirements, see Section 4.08(8), page 82a.) (Typographical errors corrected: 20 Sept. 2016; Ord. 2016-14)

**3.04 Lot requirements.**

(1) No lot shall hereafter be created which does not meet the minimum width and area requirements of this Ordinance. No lot shall be so reduced that it fails to meet any density, dimensional, or other requirement of this Ordinance. (Amended: 20 Sept. 2016; Ord. 2016-14)

(2) Lot of record required. Every building hereafter erected, structurally altered, or relocated shall be placed on a lot of record.

(3) Access to road. No lot shall hereafter be created nor any building placed on a lot which does not have an access to a public road or a private road which is described and recorded in the Door County Register of Deeds office. The property owner shall be responsible for securing such access.

(4) Except for multiple occupancy developments, only one single family residence, one duplex, or one manufactured home shall be permitted on a lot or a site condominium unit, as defined by the county land division ordinance. (Amended: April 17 2007; Ord. 2007-09) (Amended: 22 May 2018; Ord. 2018-10)

(5) Lots created prior to the effective date of this Ordinance. Lots which were created before the effective date of this Ordinance shall be considered building sites provided they meet the criteria established in both pars.(a) and (b): (Amended: 20 Sept. 2016; Ord. 2016-14)

(a) They are of record in at least one of the following forms to establish the lot's date of creation:

1. A recorded land subdivision or certified survey map on file in the Door County Register of Deeds Office showing the lot in its present form.
2. A lot of record by means of a deed or land contract on file in the Door County Register of Deeds Office and which predates the effective date of this Ordinance.
3. (Deleted: 23 June 1998, Ord. 11-98)
4. A recorded condominium plat.

(b) Minimum lot requirements for lots created prior to the effective date of this Ordinance. A legally-created lot or parcel that met minimum area and width requirements when created but does not meet current lot size requirements may

be used as a building site if the following apply:  
(Amended: 20 Sept. 2016; Ord. 2016-14)

1. The substandard lot or parcel was never reconfigured or combined with another lot or parcel by plat, survey, or deed; and  
(Amended: 22 Aug. 2006; Ord. 2006-16; Effective 12 Sept. 2006) (Amended: 22 Feb. 2011; Ord. 2011-03) (Deleted and replaced: 20 Sept. 2016; Ord. 2016-14)
2. The substandard lot or parcel is developed to comply with all other ordinance requirements.  
(Amended 22 Aug. 2006; Ord. 2006-16; Effective 12 Sept. 2006)  
(Amended 28 Feb. 2012; Ord. 2012-09)  
(Amended 25 March 2014; Ord. 2013-03)  
(Deleted and replaced: 20 Sept. 2016; Ord. 2016-14)
3. (Deleted: 20 Sept. 2016; Ord. 2016-14)

(c) (Deleted: 30 Sept. 2010; Ord. 2010-13)

(6) Lots which qualify as building sites as provided in sub. (5) may be enlarged through acquisition of adjacent property, but need not comply with the provisions of s. 3.02(3), table of district requirements. Any such lots which have been enlarged through land acquisition or combining of separate parcels into a single legal description shall not be thereafter reduced or rearranged except in compliance with s. 3.02, district requirements. (Amended: 25 June 1996; Ord. 16-96)

### **3.05 Setbacks from roads.**

(1) State and federal roads. Except as provided in subs. (5),(5a), and (6), the minimum required setback for all structures fronting on state and federal roads shall be 90 feet from the centerline of the right-of-way or 57 feet from the edge of the right-of-way, whichever is greater.(Amended: 29 January 2002; Ord. 02-02) (Amended: 26 Feb. 2013; Ord. 2013-08) (Typographical error corrected: 20 Sept. 2016; Ord. 2016-14)

(2) County roads. Except as provided in subs. (5), (5a), and (6), the minimum required setback for all structures fronting on county roads shall be 75 feet from the centerline of the right-of-way or 42 feet from the edge of the right-of-way, whichever is greater. (Amended: 29 January 2002; Ord. 02-02) (Amended: 28 Feb. 2013; Ord. 2013-08)

(3) Town roads. Except as provided in subs. (5),(5a), and (6), the minimum required setback for all structures fronting on all town roads shall be 65 feet from the centerline of the right-of-way or 32 feet from the edge of the right-of-way, whichever is greater. (Amended: 29 January 2002; Ord. 02-02) (Amended: 26 Feb. 2013; Ord. 2013-08) (Typographical error corrected: 20 Sept. 2016; Ord. 2016-14)

(4) Private roads. The required setback for all structures fronting on private roads or private road easements, except those serving 4 lots or less, shall be 30 feet. No setback shall be required from private roads or private road easements which serve 4 lots or less. If the width of the private road or private road easement is described by

plat, survey, deed or similar document, the setback shall be measured from the edge of the described road or road easement. If the width of the private road or private road easement is not so described, then the setback shall be measured from the edge of the traveled roadway. (Amended: 27 May, 1997; Ord. 14-97)

(5) The required setback for roads in the Commercial Center, Mixed Use Commercial, Village Commercial, and General Commercial Districts within areas designated "Core" in the Door County Comprehensive and Farmland Preservation Plan shall be 25' from the right-of-way. (Amended: 27 February 2007; Ord. 2007-04; Effective 12 March 2007) (Amended: 30 August 2011; Ord. 2011-11) (Amended: 26 Feb. 2013; Ord. 2013-08) (Amended: 20 Sept. 2016; Ord. 2016-14)

(5a) The required setback for roads in the Single-Family Residential 10,000 district shall be 25' from the right-of-way. (Added: 26 Feb 2013; Ord.2013-08)

(6) Setback reduction. (Amended: 20 Sept. 2016; Ord. 2016-14)

(a) Where each side of the proposed building location is occupied by an adjacent principal building located closer to the road than the required setback and located within 200 feet of the proposed building footprint, the required setback for the proposed building shall be the average of the setbacks of the adjacent principal buildings. (Amended: 20 Sept. 2016; Ord. 2016-14)

(b) Where one side of the proposed building location is occupied by an adjacent principal building located closer to the road than the required setback and located within 200 feet of the proposed building footprint, the required setback for the proposed building shall be the average of the setback of the adjacent principal building and the setback required for that particular road. (Amended: 20 Sept. 2016; Ord. 2016-14)

(c) When the required road setback, in conjunction with the Door County Shoreland Zoning Ordinance required ordinary high water mark setback, leaves a buildable area of less than 30 feet in depth, the required road setback shall be reduced to provide a buildable area depth of up to 30 feet, except that in no case shall the required road setback be less than 10 feet from the right-of-way. (Added: 20 Sept. 2016; Ord. 2016-14)

(7) How measured. Setbacks from roads shall be measured from the nearest portion of a structure. (Amended: 25 June 1996; Ord.16-96)

(8) Exemptions. The following structures shall be permitted within the required setback of roads, provided that they do not violate any other provisions of this Ordinance:

(a) Structures which are not buildings and which are less than 6 inches above preconstruction grade.

- (b) Public utility poles, lines, and related equipment without permanent foundations.
- (c) Minor structures, as listed in s. 3.12(1)(a).
- (d) Fences, provided they are not located within a public right-of-way.
- (e) Signs, as provided in Chapter 8.
- (f) Outdoor lighting installations and unenclosed canopies for lighting and rain protection in conjunction with such uses as automobile fuel sales or drive-in facilities, provided these items are not located within a public right-of-way and provided that they are not located in side yards.
- (g) Structures such as ramps and landings, lifts, or elevator housing, which are designed and intended to comply with the requirements of the Americans with Disabilities Act or fair housing laws to make existing buildings accessible to disabled people, and where no feasible alternative locations exist.
- (h) Overhanging eaves and gutters, provided they extend not more than 2 feet into the required setback and are not located within a public right-of-way. (Added: 25 June 1996; Ord. 16-96)
- (i) Unenclosed stoops which are not more than 25 square feet in area and unenclosed stairs which are not more than 5 feet in width, provided such items extend not more than 6 feet from the wall of the building and are not located within a public right-of-way. (Added: 25 June 1996; Ord. 16-96) (Amended: 17 December 1996; Ord. 37-96) (Amended: 20 Sept. 2016; Ord. 2016-14)

**3.06 Additional setbacks from roads for large buildings.** In order to reduce detrimental effects upon roadside scenery within Door County, all nonresidential buildings, and additions thereto, constructed after the effective date of this Ordinance shall conform to the additional setback requirements of this section. These requirements shall apply to all districts, except the Commercial Center, Light Industrial, and Village Commercial districts, and except for the Mixed Use Commercial and General Commercial districts located within areas designated "Core" in the Door County Comprehensive and Farmland Preservation Plan, and are in addition to the required setbacks provided in s. 3.05, setbacks from roads. (Amended: 27 February 2007; Ord. 2007-04; Effective 12 March 2007) (Amended: 20 Sept. 2016; Ord. 2016-14)

(1) The requirements of this section shall not apply to residential buildings, including multiple occupancy developments, and emergency service buildings, including fire stations, EMS buildings, and police facilities. (Amended: 25 February 2003; Ord. 02-03; Effective 7 April 2003)

(2) Additional setback schedule. The required additional setback from a road shall be determined by a building's total volume according to the following schedule:

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

(3) Clusters of buildings. For the purposes of this section, buildings which are less than 30 feet apart shall be considered as one building and the total of each building's volume shall be used to determine the additional setback of each building.

(4) Reduced setback by screening. The required setback may be reduced by vegetative screening, as described in s. 3.10(4), landscape buffer tree requirements. The screening shall be placed to obscure the view of the building(s) from the road, except for a not greater than 30 foot wide opening that provides access to the site. This option will reduce the required setback by 50%, but cannot be used to reduce the total setback beyond the minimum required in s. 3.05, setback from roads.

(5) Exemptions. An exemption will be made for newly created buildings or additions that are associated by use with building(s) existing prior to the effective date of this Ordinance. However, to be exempted, the new building must be located within 150 feet of the existing building(s). Road setback requirements for these exemptions will be the minimum setback required in s. 3.05, setback from roads, or no closer to the road than the closest existing building, whichever is greater.

**3.07 Setback from navigable water.** (Relocated to s.3A.04: 27 May 2014; Ord. 2014-10) (Navigable water setback regulations in s. 3A.04 revised and moved to Door County Shoreland Zoning Ordinance: 20 Sept. 2016; Ord. 2016-14)

**3.08 Height requirements.**

(1) Height limitation. Except as provided below and in subs. (2) and (3), no building or structure shall exceed an average of 35 feet in height above the finished grade elevation, or 37 feet in height above pre-construction grade elevation, whichever is lower. For riparian lots, (a) through (d) below shall not apply, and subs. (2) and (3) shall not apply within 75 feet of the ordinary high water mark. (Amended: 29 June 2000; Ord. 15-00; Effective 8 August 2000) (Amended: 17 April 2012; Ord. 2012-14) (Amended: 20 Sept. 2016; Ord. 2016-14) (Amended: 29 October 2019; Ord. 2019-13)

(a) For lots with widths less than 90', no building or structure shall exceed an average of 26 feet in height above the finished grade elevation, or 28

feet in height above preconstruction grade elevation, whichever is lower. (Amended: 29 June 2000; Ord. 15-00; Effective 8 August 2000) (Amended: 27 February 2007; Ord. 2007-04; Effective 12 March 2007) (Amended: 22 February 2011; Ord. 2011-03) (Amended: 17 April 2012; Ord. 2012-14) (Relocated from 3.08(1): 20 Sept. 2016; Ord. 2016-14) (Amended: 29 October 2019; Ord. 2019-13)

(b) In the Village Commercial (VC) zoning district in the Town of Gibraltar, no building or structure shall exceed an average of 28 feet in height above finished grade elevation, or an average of 30 feet in height above preconstruction grade elevation, whichever is lower. In addition, no part of a structure or building shall exceed 35 feet above finished grade elevation. (Added to s. 3.15: 22 Aug. 2006; Ord. No. 2006-16 – Effective 12 Sept. 2006) (Amended and relocated: 20 Sept. 2016; Ord. 2016-14) (Amended: 29 October 2019; Ord. 2019-13)

(c) In the Mixed Use Commercial (MC) and Single Family Residential-20,000 (SF20) zoning districts located in the Core Area of the Town of Jacksonport, no building or structure shall exceed an average height of 28 feet above finished grade elevation, or an average of 30 feet in height above preconstruction grade elevation, whichever is lower. (Added to s. 3.15: 29 July 2008, Ord. 2008-13) (Amended: 17 April 2012, Ord. 2012-14) (Amended and relocated: 20 Sept. 2016; Ord. 2016-14) (Amended: 29 October 2019; Ord. 2019-13)

(d) In the Mixed Use Commercial (MC) zoning district in the Town of Jacksonport, no multiple occupancy development building, including associated accessory buildings, shall exceed an average height of 28 feet above finished grade elevation, or an average of 30 feet in height above preconstruction grade elevation, whichever is lower. (Added to s. 4.08(8): 29 July 2008; Ord. 2008-13) (Amended and relocated: 20 Sept. 2016; Ord. 2016-14)

(2) Exemptions. The following shall be exempted from the height requirements of this section:

(a) Architectural projections such as spires, belfries, parapet walls, domes, chimneys, and cupolas, provided that such cupolas do not exceed 64 square feet in floor area, including stairwells, are not higher than 8 feet above the adjacent roof ridge, and contain no living quarters.

(b) Agricultural structures such as silos, barns, and grain storage buildings.

(c) Special structures such as elevator penthouses, grain elevators, observation towers in parks, electrical poles and towers, and smoke stacks. (Amended: 29 Sept. 2015; Ord. 2015-09; Effective 9 Nov. 2015)

(d) (Deleted: 20 Sept. 2016; Ord. 2016-14)

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

**3.09 Front, rear, and side yards.** Except as dictated by s. 3.05, setbacks from roads, the following shall apply to front, rear, and side yards: (Amended: 20 Sept. 2016; Ord. 2016-14)

(1) How measured. The yard distances shall be measured from the nearest portion of the structure, except that the first 2 feet of overhanging eaves and gutters of buildings shall not be included where the yard requirement exceeds 5 feet. (Amended: 20 Sept. 2016; Ord. 2016-14)

(2) Exemptions. The following structures are permitted in front, rear, and side yards provided they do not violate any other provision of this Ordinance:

(a) Public utility poles, lines, and related equipment without permanent foundations.

(b) Fences, provided they are not located within public rights-of-way.

(c) Structures which are not buildings and which are less than 6 inches above preconstruction grade.

(d) Minor structures, as listed in s. 3.12(1)(a).

(e) Signs, as provided in Chapter 8. (Added: 20 Sept. 2016; Ord. 2016-14)

(f) Structures such as ramps and landings, lifts, or elevator housing which are designed and intended to comply with the requirements of the Americans with Disabilities Act or fair housing laws to make existing buildings accessible to disabled people, and where no feasible alternative locations exist. (Added: 20 Sept. 2016; Ord. 2016-14)

(g) Unenclosed stoops which are not more than 25 square feet in area and unenclosed stairs which are not more than 5 feet in width, provided such items extend not more than 6 feet from the wall of the building and are not located within a public right-of-way. (Added: 20 Sept. 2016; Ord. 2016-14)

(3) Applicability to functional appurtenances. Any functional appurtenances to a principal building, such as decks, stairways, and balconies, which are attached to or located within 3 feet of the principal building shall comply with the yard requirements for principal structures. (Added: 25 February 1997, Ord. 5-97)

**3.10 Landscape buffers.**

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

(2) Applicability. The landscape buffer requirements shall only apply to proposed uses and expansions of existing uses which 1) adjoin lots located in the districts specified in par. (a) and which 2) carry a higher use impact rating than existing uses on adjoining lots. The absence of either situation shall nullify the requirement for a landscape buffer. (Amended: 25 June 1996; Ord. 16-96)

(a) The landscape buffer requirement applies where a use is proposed to be located on a lot which adjoins, along a side or rear lot line, a lot which is located in either the Single Family Residential-10,000, Single Family Residential-20,000, Single Family Residential-30,000, Small Estate Residential, Rural Residential, High Density Residential, or Recreational Commercial districts.(Amended: 17 April 2012; Ord. 2012-14)

Commentary: Landscape buffers are not required where an adjoining lot is in the Commercial Center, Mixed Use Commercial, or Village Commercial districts because the use of landscape buffers in a commercial setting might upset the integration of stores, shops, offices, and other activities, and would, therefore, be inappropriate.(Amended: 17 April 2012, Ord. 2012-14)

Landscape buffers are not required when an adjoining lot is located in the Wetland, Natural Area, Exclusive Agricultural, Prime Agricultural, General Agricultural, Countryside, Countryside-5, Chambers Island, Heartland-3.5, Heartland-5, Heartland-10, and Estate districts because the minimum lot sizes and setback requirements are great enough to separate use activities and thereby overcome adverse impacts between adjoining uses. (Amended: 20 Sept. 2016; Ord. 2016-14)

(b) With reference to sub. 1., when the proposed use carries a higher use impact rating than does the existing use on an adjoining lot, a landscape buffer shall be required, but not otherwise. If the proposed use is not listed in sub. 1., no landscape buffer shall be required. If the existing use on an adjoining lot is not listed in sub. 1., no landscape buffer shall be required.

1. Use impact rating chart.

Low Use Impact Rating

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Art Galleries	Model Homes
Banks	Parks
Bed and Breakfast Establishments	Personal Service Establishments
Boarding Houses	Post Offices
Cemeteries	Professional Offices & Studios
Community Commercial Kitchens	Public & Private Schools
Churches	Radio & Television Stations
Duplexes	Recreational/Fishing Equipment Sales
Family Day Care Homes	Retail Stores < 10,000 sq. ft. of floor area
Fitness Centers/Tanning Salons/Spas	Retreat Centers
Funeral Homes	Single Family Residences
Home Occupations	Town Halls/Community Centers
Home Office/Studio	Utility Facilities <1000 square feet
Institutional Residential	
Laundromats	
Libraries/Museums	(Amended: 8 August 2000; Ord. 12-00)
Manufactured Homes	(Amended: 20 Sept. 2016; Ord. 2016-14)

Medium Use Impact Rating

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Animal Shelters and Pounds	Institutional Recreation Camps
Assembly Halls	Kennels
Auditoriums	Lumber & Building Supply Yards
Automobile Sales and Service Lots	Manufactured Home Parks
Auto Repair	Marinas/Excursion Boating/Charter Fishing
Breweries/Wineries	Medical/Dental Clinics
Campgrounds/Trailer Camps	Multiple Occupancy Developments
Carwashes	Outdoor Theaters
Commercial Fishing Facilities	Passenger Bus Terminals
Commercial Storage Facilities	Public Boat Launching Ramps
Conference Facilities	Recreational Vehicle Sales & Service
Day Care Centers	Resource Recovery Facilities
Farm Implement Sales/Service	Restaurants/Taverns
Farm Markets	Retail Stores > 10,000 sq. ft. of floor area
Ferry Terminals	Trade or Contractors Establishments
Fine Arts Venue	Traveler's Information Centers
Fire/Police Stations	Utility Facilities > 1000 square feet
Fruit/Veg./Cheese Processing Plants	Veterinary Clinics
Gas Stations	Wholesale Establishments
Grain Mills	(Amended: 20 Sept. 2016; Ord. 2016-14)
Greenhouses	
Home Businesses	
Hospitals	
Indoor Recreation	

High Use Impact Rating

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Amusement Parks	Manufacturing, Assembly, Processing
Asphalt/Concrete Plants	Nonmetallic Mining
Bulk Storage of Fuel Products	Public Highway Garages
Commercial Trucking Establishments	Salvage Yards
Fertilizer Distribution Plants	Sawmills/Planing Mills
Freight Terminals	Sewage Disposal/Treatment Plants
Gun Clubs/Shooting Ranges	Slaughterhouses
Laundry Service Establishments	Solid Waste Facilities

2. Landscape buffer exemptions.

- a. Landscape buffers shall not be required when the principal buildings and outdoor storage areas associated with the proposed use are located at least 300 feet from the principal structures on the adjoining lots. (Amended: 25 June 1996, Ord. 16-96)
- b. Landscape buffers shall not be required if the adjoining lot is vacant.

(3) General Requirements.

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

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

(c) Landscape buffers, when required, shall be established on a lot at the time of the lot's development, or at the time the use of the lot is changed to a use having a higher use impact rating than the previous use. If the new use has an equal or lesser use impact rating than the previous use, no landscape buffer shall be required. The landscape buffer shall be established prior to operation of the new use or expanded part of the use, unless a bond, certificate of deposit, cash, or other form of financial assurance acceptable to the Zoning Administrator is submitted to the County. Such financial assurance shall cover the estimated cost of installing the landscape buffer and shall be returned to the applicant upon proper installation of the landscape buffer by the applicant. If the landscape buffer materials are not properly installed within 9 months of commencement of operation of the use, the financial assurance shall be used for installation of the landscape buffer by the County. (Amended: 25 June 1996; Ord. 16-96)

(d) Landscape buffers shall be provided on each lot as required by this section independent of existing landscape buffers on adjoining lots.

(e) Installation and maintenance of the required landscape buffers shall be the responsibility of the owner of the lot.

(f) Existing woody plants which meet the requirements listed in sub. (4) may be used to meet the landscape buffer requirements.

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

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

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

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

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

(e) Tree materials. Tree species to be located in landscape buffers shall be suitable for survival in Door County's climate and soil conditions found at the site.

Commentary: To select suitable trees, applicants are urged to consult with foresters, landscape architects, or arboriculturists, or landscape architects; or, to refer to the publication, *A Guide To Selecting Landscape Plants for Wisconsin*, by E. R. Hasselkus, available from University of Wisconsin-Extension, Cooperative Extension Service.

(5) Mature landscape buffers.

(a) The required trees, at maturity, shall be at least 15 feet in height.

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

### **3.11 Floor area requirements.**

(1) Except for occupancy units within a multiple occupancy development and except as specified in subs.(2),(3), and (4) for dwelling units in all districts the minimum floor area shall be 750 square feet for units with 2 bedrooms or less, and 1,000 square feet for units with 3 bedrooms or more.(Amended: 17 April 2012; Ord.2012-14)

(2) 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 500 square feet for units with three bedrooms or more. (Amended: 27 July 2000, Ord. 17-00)

(3) Manufactured homes in manufactured home parks shall be subject to the floor area requirements of s. 4.08(5), manufactured home parks.

(4) Secondary dwelling units shall not exceed 749 square feet in floor area. (Added: 4, April 2011; Ord. 2011-04)

**3.12 Accessory structures.** Accessory structures are permitted subject to the following:

(1) Permit required. Accessory structures shall require a regular zoning permit except:

(a) Minor structures such as birdhouses, yard light poles, birdbaths, doghouses (housing dogs which are licensed as the personal pets of the residents of the property), treehouses, noncommercial fuel storage tanks and pumps, clothes line poles, lawn ornaments, flag poles, mailboxes, garbage containers, ice fishing shanties, school bus waiting shelters, farm livestock hutches, and firewood storage structures with no more than three sides and which are less than or equal to 48 square feet and six feet in height. (Amended: 25 June 1996; Ord. 16-96) (Amended: 20 Sept. 2016; Ord. 2016-14)

(b) Fences.

(2) Accessory structures may contain living quarters, subject to the following: (Amended: 20 Sept. 2016; Ord. 2016-14)

(a) The accessory structure(s) is/are accessory to a single-family residence; and (Added: 20 Sept. 2016; Ord. 2016-14)

(b) The square footage of all living quarters in all accessory structures totals 749 square feet or less; and (Added: 20 Sept. 2016; Ord. 2016-14) (Amended: 28 August 2018; Ord. 2018-16)

(c) Except for detached secondary dwelling units, which shall be regulated per s. 4.08(9), accessory structures containing living quarters shall not contain sleeping places; and (Added: 28 August 2018; Ord. 2018-16)

(d) A restrictive covenant is recorded indicating the accessory structure(s) containing living quarters shall not contain sleeping places nor be conveyed or separated in ownership from the associated single-family residence, unless the Door County Land Use Services Department approves, per ordinances in effect at that time. This restrictive covenant shall apply only to the accessory structures containing living quarters which have not been authorized as a secondary dwelling unit. (Added: 20 Sept. 2016; Ord. 2016-14) (Amended: 28 August 2018; Ord. 2018-16)

(3) Accessory structures shall be located on the same lot as the principal use to which it is accessory.

(4) 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) The accessory building shall be constructed of wood.

(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.

(5) Items prohibited as accessory structures. Such items as, but not limited to, boats, truck bodies, manufactured homes, buses, railroad cars, shipping containers, and trailers shall not be used as accessory structures.

(6) Additional requirements in the SF10, SF20, SF30, HD, RC, and NR districts. Buildings which are accessory to single family residences and duplexes in the Single Family Residential-10,000, Single Family Residential-20,000, Single Family Residential-30,000, High Density Residential, Recreational Commercial and Neighborhood Residential districts shall comply with the following requirements: (Amended: 27 February 2007, Ord. No. 2007-04; Effective 12 March 2007) (Amended: 22 February 2011, Ord. No.2011-03)

(a) No more than 4 accessory buildings shall be permitted on a lot in these districts. The combined total floor area of such accessory buildings shall not exceed the area of the building footprint of the principal building on the lot. (Amended: 28 May 2012, Ord. No. 2012-11)

(b) The maximum height of an accessory building shall be determined by either of the following methods:

1. General method. No accessory building shall have a height greater than 16 feet above finished grade elevation. (Amended: 17 April 2012, Ord. No.2012-14)

2. Alternate method. Accessory buildings may exceed 16 feet above finished grade elevation provided the following requirements are met: (Amended: 17 April 2012, Ord. 2012-14)

- a. The height of an accessory building shall not exceed the height of the principal building to which it is accessory.
- b. Roof pitch. The pitch of the largest roof element of an accessory building shall be at least a 4-unit vertical to 12-unit horizontal pitch. Additionally, the roof pitch of the largest roof element of an accessory building shall not be steeper than 1 unit in 12 units more than the pitch of the largest roof element of the principal building and no flatter than 3 units in 12 units less than the pitch of the largest roof element of the principal building.
- c. (Deleted: 20 Sept. 2016; Ord. 2016-14)
- d. (Deleted: 20 Sept. 2016; Ord. 2016-14)
- e. (Deleted: 27 February 2007; Ord. 2007-03)
- f. (Deleted: 25 June 1996; Ord. 16-96)
- g. (Deleted: 25 June 1996; Ord. 16-96)
- h. Side wall height. The height of the highest side wall of an accessory structure shall not exceed the height of the highest side wall of the principal building.
- i. (Deleted: 25 June 1996; Ord. 16-96)

(c) (Added: 25 June 1996; Ord. 16-96) (Deleted: 20 Sept. 2016; Ord. 2016-14)

(7) Additional requirements in the HL districts. In the Heartland-3.5, Heartland-5, and Heartland-10 districts, the size of accessory buildings shall be limited as follows: (Amended: 28 May 1996; Ord. 13-96)

(a) For buildings accessory to residential uses, the total floor area of all accessory buildings on the lot shall not exceed 3,000 square feet. The floor area of buildings sided in wood and/or stone and which existed on May 3, 1992 shall not be counted in calculating the 3,000 sq. ft. maximum. (Amended: 24 June 1997, Ord. 16-97)

(b) Buildings accessory to agricultural uses on farms or orchards shall not be restricted in regard to floor area provided: (Amended: 17 April 2012, Ord. 2012-14)

- 1. The entire operation of the farm or orchard is at least 60 acres, or
- 2. In the year preceding application, the farm or orchard produced gross farm

profits (as defined in Section 71.58(4), Wis. Stats.) of not less than \$6000 or which during the three years preceding application produced gross farm profits of not less than \$18,000.

For buildings accessory to agricultural uses on farms or orchards other than indicated above, the total floor area of all such accessory buildings on the lot shall not exceed 3,000 square feet. (Amended: 22 October 1996; Ord. 32-96)(Amended: 17 April 2012; Ord. No. 2012-14)

(c) For buildings accessory to all other uses, the total floor area of accessory buildings on the lot shall not exceed 100 percent of the floor area of the principal building(s); except that for golf courses consisting of at least 9 holes and 2,500 playable yards, the total floor area of all accessory buildings on the lot shall not exceed 3,000 square feet. (Amended: 17 December 2002; Ord. 20-02)

### **3.13 Outdoor storage of junk material.**

(1) In all Single Family Residential-20,000, Single Family Residential-30,000, Small Estate Residential, Rural Residential, High Density Residential, Commercial Center, Mixed Use Commercial, Recreational Commercial, Neighborhood Residential, Village Commercial, and General Commercial districts, all outdoor storage of junk material shall comply with the following: (Amended: 27 February 2007; Ord. No. 2007-04; Effective 12 March 2007)

(a) Such outdoor storage of junk material shall be located no closer to the front lot line than the furthest portion of the principal building.

(b) The junk material shall be located such that all setback and yard requirements for accessory structures for the applicable district are met.

(c) Such outdoor storage of junk material shall not exceed one inoperable vehicle nor 150 square feet of area.

(2) In the Natural Area, Exclusive Agricultural, Prime Agricultural, General Agricultural, Countryside, Heartland-3.5, Heartland-5, Heartland-10, Estate, Light Industrial, Conservation Area, Countryside-5, and Chambers Island districts, junk material may be stored outdoors, provided that the storage of junk material that exceeds 3 inoperable vehicles or 1,000 square feet of storage area shall be located at least 300 feet from a public right-of-way or shall be screened from the public right-of-way by a vegetative screening, as described in s.3.10(4), landscape buffer tree requirements. (Amended: 27 February 2007; Ord. No. 2007; Effective 12 March 2007 (Amended: 25 March 2014; Ord. No. 2014-03)

(3) The provisions of subs.(1) and (2) shall not apply to the storage of idle, but operable farm equipment, nor to legally licensed salvage yards, sanitary landfills, or other waste disposal or storage activities for which a valid license from the State of Wisconsin and/or other municipality is required and has been issued.

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

(1) Two feet of fill above the pre-construction grade elevation shall be permitted for each building or structure provided said fill is contained within 20 horizontal feet of the perimeter of the proposed building footprint. Fill that exceeds a depth of two feet above pre-construction grade elevation may be allowed provided that the finished slope of said fill shall not exceed one foot vertical per five feet horizontal. Building site preparation and filling required to comply with the provisions of the Door County Floodplain Zoning Ordinance shall be exempt from the provisions of this paragraph. (Added: 8 August 2000; Ord. 15-00)

(2) Navigable water protection. (Relocated to s. 3A.06: 27 May 2014; Ord. 2014-10) (Navigable water protection regulations in s. 3A.06 revised and moved to Door County Shoreland Zoning Ordinance: 20 Sept. 2016; Ord. 2016-14)

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

(4) Permit. If a regular zoning permit is required by sub. (3) for the filling, grading, lagooning, dredging, ditching, excavating, or land disturbance, the permit shall be granted only upon finding that the proposed activity would not result in erosion nor alter any wetland, and would be designed and constructed in accordance with standards contained in the *United States Department of Agriculture/ Soil Conservation Service/ Wisconsin Section IV Technical Guide*. (Amended: 8 August 2000; Ord. 15-00) (Amended: 20 Sept. 2016; Ord. 2016-14)

Commentary: Filling and grading in the Wetland district may only be authorized under s. 2.05(4), uses pertaining to the Wetland district.

**3.15 Special development requirements.**

(1) Purpose. The purpose of this section is to provide specific development requirements which are necessary to protect scenic and natural resources, preserve the character of an area, or otherwise protect public health, safety, and welfare within certain towns, portions of towns, or portions of the county.

(2) Applicability. The requirements of this section shall apply only to the districts and/or areas specified in each subsection. These requirements shall override any requirements which are described elsewhere in this Ordinance for the zoning districts, but only to the extent that they conflict with such requirements.

(3) Town of Washington special development requirements.

(a) The requirements in subds. 1.-5. shall apply to all parts of the Town of Washington, except for the following parcels of land:

In Section 32, Town 34 North, Range 30 East, the NE1/4 NE1/4, the SW1/4 NE1/4, the SE1/4 NE1/4, the NE1/4 SE1/4 and the NW1/4 SE1/4.

In Section 33, Town 34 North, Range 30 East, the SW1/4 NE1/4 NE1/4, the S1/2 NW1/4 NE1/4, the SW1/4 NW1/4, the SE1/4 NW1/4, the NE1/4 SW1/4, the NW1/4 SW1/4 and the SW1/4 SW1/4.

1. Minimum lot area. The minimum required lot area in all districts shall be as specified in s. 3.02(3), table of district requirements, or 60,000 square feet, whichever is greater.

2. Minimum lot width. The minimum required lot width in all districts shall be as specified in s. 3.02(3), table of district requirements, or 200 feet, whichever is greater. For lots fronting on navigable water, the distance as measured along the shore between the points of intersection of the lot lines with the ordinary high water mark shall also be at least 200 feet.

3. Side yard, principal building. The required minimum side yard for each principal building shall be as specified in s. 3.02(3), table of district requirements, or 25 feet, whichever is greater, except that for lots of record which do not contain sufficient area or width to conform to the requirements of subds. 1. and 2. the yard requirements of s. 3.02(3), table of district requirements, shall apply. (Amended and relocated from s. 3.15(3)(a)4.: 20 Sept. 2016; Ord.2016-14)

4. (Amended: 27 May 2014; Ord. 2014-10) (Deleted: 20 Sept. 2016; Ord. 2016-14)

5. Manufactured homes restricted. No manufactured home park shall be permitted. No manufactured home shall be permitted, except as provided by s. 4.08(6), temporary manufactured homes.

(b) The following shall apply to the areas excepted in par.(a) above: (Amended: 20 Sept. 2016; Ord. 2016-14)

1. Minimum lot area. The required minimum lot area shall be 5 acres.

2. Minimum lot width. The required minimum lot width shall be 300 feet.

3. (Deleted: 20 Sept. 2016; Ord. 2016-14)

(4) Town of Gibraltar special development requirements. (Deleted: 20 Sept. 2016; Ord. 2016-14)

(a) (Added: 22 Aug. 2006; Ord. 2006-16 – Effective 12 Sept. 2006) (Amended and relocated to s. 3.08: 20 Sept. 2016; Ord. 2016-14)

(b) (Deleted: 20 Sept. 2016; Ord. 2016-14)

1. (Deleted: 20 Sept. 2016; Ord. 2016-14)

2. (Added: 22 Aug. 2006; Ord. No. 2006-16 – Effective 12 Sept. 2006) (Amended and relocated to s. 3.08: 20 Sept. 2016; Ord. 2016-14)

(c) Blank

(d) (Added: 22 Aug. 2006; Ord. No. 2006-16 – Effective 12 Sept. 2006) (Amended and relocated to sections 4.08(8)(c)1.a. and (c)2.a.: 20 Sept. 2016; Ord. 2016-14)

(5) Town of Liberty Grove special development requirements. (Created 6 May 1996, Ord. 10-96)

(a) Purpose. The provisions of this subsection are intended to protect public health, safety, aesthetics, and other aspects of the general welfare by ensuring that future development is harmonious with Liberty Grove's visual and physical character and that the scale of buildings is compatible with surrounding development.

(b) Applicability. The provisions of this subsection shall apply to the entire Town of Liberty Grove.

(c) Building footprints. For each individual building the total area of the building footprint shall not exceed 15% of the area of the lot on which it is located or 5000 square feet, whichever is less, unless a conditional use permit is issued.

(d) Side yard setback requirements for all structures in the SF10 and SF20 zoning districts. Structures exceeding a building footprint of 3,000 square feet shall have a minimum required side yard setback of 20 feet. (Amended: 29 January 2002; Ord. 03-02) (Amended: 22 February 2011; Ord. 2011-03) (Amended: 20 Sept. 2016; Ord. 2016-14)

(6) Town of Baileys Harbor special development requirements.

(a) Purpose. These provisions are intended to protect public health, safety, aesthetics, and other aspects of the general welfare by insuring that future development is in harmony with the desired visual and physical character of the town.

(b) Principal and accessory structures in the Core Area of Baileys Harbor as designated by the Door County Comprehensive and Farmland Preservation Plan shall not have pressed or corrugated metal, or corrugated fiberglass or plastic as exterior siding materials. This prohibition shall not apply to products meant to simulate horizontal clapboard such as vinyl or aluminum siding. (Added: 03 August 1998; Ord. 13-98) (Amended: 22 February 2011; Ord. No. 2011-03)(Amended: 15 April 2014; Ord. 2014-06) (Amended: 20 Sept. 2016; Ord. 2016-14)

(7) Town of Jacksonport special development requirements. (Added: 29 July 2008, Ord. No. 2008-13)(Amended: 17 April 2012; Ord. 2012-14) (Deleted or amended and relocated: 20 Sept. 2016; Ord. 2016-14)

(a) (Amended and relocated to s. 3.08: 20 Sept. 2016; Ord. 2016-14)

(b) (Deleted: 20 Sept. 2016; Ord. 2016-14)

**3.16 Exclusive Agricultural district restriction.** (Deleted 30 Sept. 2010; Ord. 2010-13)

**3.17 Alleys.** (Created: 30 August 2011; Ord. 2011-11)

- (1) Alleys shall only be allowed in the SF10, SF20, HD, CC, MC, RC, NR, VC, and GC zoning districts.
- (2) Alleys shall not exceed 600 feet in length, as measured from the intersecting road rights-of-way.

- (3) The minimum required setback from alleys for all structures in the SF20, HD, CC, MC, RC, NR, VC, and GC zoning districts shall be 20 feet from the edge of the alley right-of-way as measured from the nearest portion of a structure. The minimum required setback from alleys for all structures in the SF10 zoning district shall be 10 feet from the edge of the alley right-of-way, as measured from the nearest portion of a structure. These setbacks shall supersede the yard setbacks listed in sections 3.02(3(a) and (b), tables of district requirements. The structures listed in section 3.05(8) are permitted within the alley setback, provided that they do not violate any other provision of this Ordinance.
- (4) Any lot that abuts an alley shall also abut a road.

CHAPTER 3A

SHORELAND ZONING REGULATIONS

(Chapter created: 27 May 2014; Ord. 2014-10)  
(Amended: 22 December 2015; Ord. 2015-14)  
(Deleted: 20 Sept. 2016; Ord. 2016-14. See instead  
Door County Shoreland Zoning Ordinance.)

## CHAPTER 4

### PARTICULAR USE REQUIREMENTS

- |                                      |  |
|--------------------------------------|--|
| 4.01 Purpose.                        | 4.06 Institutional uses requirements.        |
| 4.02 Applicability.                  | 4.07 Outdoor recreational uses requirements. |
| 4.03 Agricultural uses requirements. | 4.08 Residential uses requirements.          |
| 4.04 Commercial uses requirements.   | 4.09 Miscellaneous uses requirements.        |
| 4.05 Industrial uses requirements.   |  |

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

**4.02 Applicability.** In addition to complying with other regulations established in this Ordinance, these requirements must be met for each specific use. These requirements shall override any requirements which are described elsewhere in this ordinance for the zoning districts, but only to the extent that they conflict with such requirements. (Amended: 25 June 1996; Ord. 16-96) (Amended: 26 Aug. 1997; Ord. 23-97)

#### **4.03 Agricultural uses requirements.**

(1) Agriculture. (Amended: 26 August 1997; Ord. 21-97)

(a) Any agricultural use involving animals shall provide sufficient shelter and open space to meet or exceed any standards set by the United States Department of Agriculture and/or the Wisconsin Department of Natural Resources. Any use of a property involving horses shall comply with the requirements of s. 4.07(4), Commercial and private riding stables. (Added: 26 August 1997; Ord. 21-97)

(b) Barnyards, feed lots, and farm structures housing animals shall be located so that manure will not drain into navigable water. (Amended: 20 Sept. 2016; Ord. 2016-14)

(c) Except in Exclusive Agricultural, Prime Agricultural, and General Agricultural districts, barnyards, feed lots, and farm structures housing animals shall be located at least 200 feet from any dwelling unit other than that of the animal keeper's dwelling unit. (Typographical error corrected: 20 Sept. 2016; Ord. 2016-14)

(2) Roadside stands.

(a) Such use shall only involve the sale of unprocessed produce and plants. (Amended: 22 May 2018; Ord. 2018-11; Effective 2 July 2018)

(b) A roadside stand shall not exceed 400 square feet of floor area and shall meet all setbacks and provisions of this Ordinance. All parking associated with roadside stands shall meet the provisions of s.7.02(6)(c) - setback. (Recreated: 4 August 2003; Ord. 07-03) (Amended: 22 May 2018; Ord. 2018-11; Effective 2 July 2018)

(c) Only one roadside stand shall be permitted on a lot.

(3) Farm markets. (Deleted: 22 May 2018; Ord. 2018-11; Effective 2 July 2018)

(4) Agricultural visitation facilities. (Added: 26 August 1997; Ord. 21-97)

(a) If the agricultural visitation facility involves animals, the requirements of s. 4.03(1)(a) shall be applicable.

(b) Off-street parking requirements and standards of Chapter 7 of this Ordinance shall be applicable.

#### **4.04 Commercial uses requirements.**

(1) (Deleted: 29 Sept. 2015; Ord. 2015-09; Effective 9 Nov. 2015)

(2) Kennels.

(a) All dogs shall be housed indoors during the hours from 9:00 p.m. to 6:00 a.m.

(b) Minimum side and rear yards for all structures associated with kennels shall be 200 feet.

(c) Except as exempted here, all kennels shall be screened from public roads by vegetative screening as described in s. 3.10(4), landscape buffer tree requirements. Structures located at least 200 feet from the centerline of public roads are exempt from the screening requirement.

(d) There shall be no more than 2 adult dogs in any single enclosure unit.

(3) Restaurants and taverns.

(a) Unenclosed seating areas shall comply with the side yard and rear yard requirements for principal buildings.

(b) Screening. All unenclosed seating areas shall be screened from adjacent residentially-developed properties by a vegetative screening, as described in s. 3.10(4), landscape buffer tree requirements. (Amended: 20 Sept. 2016; Ord. 2016-14)

(c) Lighting. Lighting fixtures intended to illuminate unenclosed seating areas shall be placed no higher than 14 feet above the ground and shall utilize fixtures whose lens, hood, or combination thereof allow no direct beams to be seen from off the property or cast skyward, and the lighting elements of which shall not be visible from adjacent properties. (Amended: 20 Sept. 2016; Ord. 2016-14)

(4) Model homes.

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

(b) Outside storage is prohibited.

(c) (Deleted: 29 October 2019; Ord. 2019-13)

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

(5) Auto repair.

(a) The rebuilding or assembly of automobiles, engines, or transmissions on a factory production basis and/or the disassembly of automobiles on a factory production basis shall not be permitted.

(b) All repair, painting, parts storage, and body work activities shall take place within a building.

(c) All damaged or non-operable parts shall be stored indoors or in storage containers.

(6) Lumber and building supply yards. Such uses shall be screened from public roads by a vegetative screening, as described in s. 3.10(4), landscape buffer tree requirements.

## PARTICULAR USE REQUIREMENTS 4.04(9)

(7) Trade or contractors establishments. Except in the Light Industrial district, all outside storage areas and parking of trucks and machinery used in conjunction with the establishment shall be screened from all adjacent properties and public roads by a vegetative screening, as described in s. 3.10(4), landscape buffer tree requirements.

(8) Commercial storage facilities.

(a) Except in the Light Industrial district, all buildings shall be located a minimum of 50 feet from all lot lines. In the Light Industrial district, the yard requirements listed in s. 3.02(3), table of district requirements, shall apply.

(b) Use. Commercial storage facilities shall not be used as workshops or retail shops.

(c) Outside storage. Outside storage shall be prohibited.

(d) Screening. Such facilities shall be screened from public roads by a vegetative screening, as described in s. 3.10(4), landscape buffer tree requirements.

(e) For commercial storage facilities located within the Town of Liberty Grove, the required setback from roads shall be as specified in s. 3.05, setback from roads, and s. 3.06, additional setback from roads for large buildings, or 150 feet from the centerline, whichever is greater. (Added: 6 May 1996; Ord. 10-96)

(9) Home offices/studios. The use of a dwelling unit or accessory structure for a home office/studio shall be clearly secondary to the residential use of the property and shall not change the property's residential character. The following shall apply:

(a) Home offices/studios shall not require a zoning permit.

(b) A maximum of two home offices/studios shall be permitted per lot or building site. In no instance shall there be more than two home-based enterprises on a lot or building site, whether those enterprises are home offices/studios and/or home occupations and/or home businesses.

(c) The home office/studio business shall be conducted by resident(s) of the dwelling unit. Other persons may be employed by the business but shall not work on the premises.

(d) Home offices/studios may be conducted in any dwelling unit or accessory building. The total floor area dedicated to home offices/studios, whether located within the dwelling unit and/or in an accessory building, shall be no more than 25% of the floor area of the dwelling unit.

(e) Such use shall not include the conduct of any retail or wholesale business on the premises, nor any other activity requiring visits by members of the public.

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(f) Such use shall not include the operation of any machinery, tools, appliances, or other operational activity that would create a nuisance due to noise, dust, odors, or vibration, or be otherwise incompatible with the surrounding area.

(g) Such use shall not involve any outdoor storage or display of any products, materials, equipment, dumpsters, or machinery used in conjunction with the home office/studio. (Amended: 20 Sept. 2016; Ord. 2016-14)

(h) Any on-site vehicles bearing business insignia or trailers used in conjunction with the home office/studio shall be stored indoors.

(i) No parking in addition to that required for the dwelling unit shall be required.

(j) Deliveries to or shipments from the property of products, materials, equipment, or machinery used in conjunction with a home office/studio shall not exceed two per week.

(k) (Deleted: 29 October 2019; Ord. 2019-13)

(l) Sanitary facilities shall be provided per county and state sanitary code requirements.

(m) Uses subject to regulations found elsewhere in this ordinance shall also comply with those regulations.

(Recreated: 29 June 2000; Ord. 12-00 - Effective: 8 August 2000,)

(9a) Home occupations. The use of a dwelling unit or accessory structure for a home occupation shall be clearly secondary to the residential use of the property and shall not change the property's residential character. The following shall apply:

(a) Home occupations shall require a regular zoning permit.

(b) A maximum of two home occupations shall be permitted per lot or building site. In no instance shall there be more than two home-based enterprises on a lot or building site, whether those enterprises are home offices/studios and/or home occupations and/or home businesses.

(c) The home occupation shall be conducted by resident(s) of the dwelling unit on the property. Other persons may be employed by the business but no more than one non-resident shall work on the premises.

(d) Home occupations may be conducted in any dwelling unit or accessory building. The total floor area dedicated to home occupations, whether located within the dwelling unit and/or an accessory building, shall be no more than

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25% of the floor area of the dwelling unit.

(e) Such use shall not include the conduct of any retail or wholesale business on the premises, except for the sale of products or services produced by the home occupation.

(f) Such use shall not include the operation of any machinery, tools, appliances, or other operational activity that would create a nuisance due to noise, dust, odors, or vibration, or be otherwise incompatible with the surrounding area.

(g) Such use shall not involve any outdoor storage or display of any articles offered for sale or produced on the premises in conjunction with the home occupation, nor any outdoor storage or display of any products, materials, equipment, dumpsters, or machinery used in conjunction with the home occupation

(h) A maximum of one on-site vehicle bearing business insignia and one trailer used in conjunction with the home occupation may be stored outdoors, provided that the vehicle and/or trailer are screened from rights-of-way and neighboring properties.

(i) In addition to parking required for the dwelling unit, one off-street parking space shall be provided for each 150 square feet of floor area used for the home occupation.

(j) Deliveries to or shipments from the property of products, materials, equipment, or machinery used in conjunction with the home occupation shall not exceed five per week.

(k) (Deleted: 29 October 2019; Ord. 2019-13)

(l) Sanitary facilities shall be provided per county and state sanitary code requirements.

(m) Uses subject to regulations found elsewhere in this ordinance shall also comply with those regulations.

(Recreated: 29 June 2000; Ord. 12-00 - Effective: 8 August 2000)

(10) Home businesses. The following shall apply.

(a) Home businesses shall require permits as indicated in s. 2.05(3).

(b) A maximum of two home businesses shall be permitted per lot or building

## PARTICULAR USE REQUIREMENTS 4.04(10)

site. In no instance shall there be more than two home-based enterprises on a lot or building site, whether those enterprises are home offices/studios and/or home occupations and/or home businesses.

(c) The home business shall be conducted by resident(s) of the dwelling unit. Other persons may be employed in this business as well, working on- or off-site.

(d) If located within a dwelling unit, home businesses shall occupy no more than 60 percent of the floor area of the dwelling unit. If located in accessory buildings, home businesses shall not occupy an area greater than 100 percent of the floor area of the dwelling unit, except that home businesses may occupy an entire accessory building that existed prior to the effective date of this ordinance.

(e) Such use shall not include the conduct of any retail or wholesale business on the premises, except for the sale of products or services produced by the home business.

(f) Such use shall not involve any outdoor display of any articles offered for sale or produced on the premises in conjunction with the home business. Outdoor storage of products, materials, equipment, dumpsters, or machinery used in conjunction with the home business shall be permitted if the outdoor storage areas are provided with fencing or vegetative screening, as described in s. 3.10(4), landscape buffer tree requirements, so that such storage is not visible from public rights-of-way nor neighboring properties. (Amended: 20 Sept. 2016; Ord. 2016-14)

(g) Vehicles bearing business insignia and trailers used in conjunction with the home business may be stored on-site, provided that no more than one of each is visible from public rights-of-way and surrounding properties.

(h) Off-street parking shall be provided in accordance with the requirements in Chapter 7, parking, loading, and access requirements.

(i) (Deleted: 29 October 2019; Ord. 2019-13)

(j) Sanitary facilities shall be provided per county and state sanitary code requirements.

(k) Uses subject to regulations found elsewhere in this ordinance shall also

## PARTICULAR USE REQUIREMENTS 4.04(16)

comply with those regulations. (Recreated: 29 June 2000; Ord. 12-00 - Effective: 8 August 2000)

(11) Bed and Breakfast Establishments. (Moved to Section 4.08(10)) (9 November 2011; Ord. 2011-14)

(12) Boardinghouses. (Moved to Section 4.08(11)) (9 November 2011; Ord. 2011-14)

(13) Family day care homes.

(a) Pick up and drop off areas shall not be located within any public right-of-way.

(b) Family day care homes shall provide at least 100 square feet of outdoor play area per child.

(c) Outdoor play areas shall be enclosed by a wall or fence and shall be separated from vehicular circulation and parking areas.

(d) (Deleted: 29 October 2019; Ord. 2019-13)

(14) Day care centers.

(a) Pick up and drop off areas shall not be located within any public right-of-way.

(b) Day care centers shall provide at least 100 square feet of outdoor play area per child.

(c) Outdoor play areas shall be enclosed by a wall or fence and shall be separated from vehicular circulation and parking areas.

(15) Art galleries.

In the Heartland zoning districts in the Town of Liberty Grove, an Art Gallery shall be allowed only in buildings which reflect the architectural character of the rural areas of the town. (Amended: 5 August 2013; Ord. 2013-10)

The buildings' exterior shall be logs, stove wood, stone, or wood siding, unless other material is approved by the Liberty Grove Town Board. (Added: 15 April 2008, Ord. 2008-01; Effective: 9 May 2008) (Amended: 5 August 2013; Ord. 2013-10)

(16) Community Commercial Kitchens. (Added: 28 May 2012; Ord. 2012-13)

(a) Community commercial kitchens shall require a regular zoning permit and shall comply with all applicable state licensing and other regulations.

(b) Community commercial kitchens may include other use components, such as retail, restaurant, or winery/brewery, if such use(s) are otherwise allowed in that zoning district and if a separate permit is authorized in accordance with ordinance permit requirements for each use(s). Such use(s) shall also comply with all other applicable ordinance requirements for the use(s).

(c) One off-street parking space per worker at peak capacity shall be provided. If the kitchen also involves other use components, such as retail, restaurant, or winery/brewery, additional off-street parking shall be required for those uses, calculated and provided as described in Chapter 7.

(17) Assembly Hall. An assembly hall may be authorized under this section by conditional use permit subject to the following: (Added: 5 August 2013; Ord. 2013-13)

(a) Access to such facility shall only be taken from a public road.

(b) Off-street parking shall be established in compliance with Chapter 7 of this ordinance.

(c) In the GA, PA, CS, HL, and ES zoning districts, the following shall apply:

1. Assembly halls shall only be allowed in buildings existing at the time of the adoption of this section of the ordinance.

2. Assembly halls shall be located a minimum of 200 feet from any off-premise residential structures existing at the time of the establishment of the assembly hall.

3. Such facilities shall be located on a parcel of at least 20 acres.

4. The side and rear yard setbacks for all structures and parking areas associated with the assembly hall shall be a minimum of two times the setbacks for principal structures shown in sections 3.02(3)(a) and (b), tables of principal uses.

5. (Deleted: 29 October 2019; Ord. 2019-13)

#### **4.05 Industrial uses requirements.**

(1) Sawmills and planing mills.

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

(b) No sawmill or planing mill shall produce a sound level at its property boundary that exceeds 55 decibels.

(c) Areas used for stockpiling and maneuvering shall be a minimum distance of 200 feet from any dwelling unit other than that of the owner or operator of the establishment.

(2) Freight terminals. Such uses shall be screened from the public roads by a vegetative screening, as described in s. 3.10(4), landscape buffer tree requirements.

(3) Nonmetallic mining. The following requirements shall apply:

(a) Application. In addition to the application requirements of s. 11.04, conditional use permits, all applications for a proposed nonmetallic mining operation shall include the following information, except that the Resource Planning Committee may waive portions of the specified information upon finding that, because of the nature or method of the operation, such information is not relevant or is unnecessary to a full and proper evaluation of the application:

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

- a. North point, scale, and date.
- b. Property boundaries of the operator's owned and/or leased land.
- c. Location and boundaries of the nonmetallic mining site, including extent of the area to be excavated, related storage and processing areas, and areas where nonmetallic mining refuse is to be deposited.
- d. Location of all access points, roads, rights-of-way, and utility easements on or abutting the property.
- e. Location of all structures within 300 feet of the mining site.
- f. Location and direction of flow of all watercourses on or within 300 feet of the mining site.
- g. Bench marks.
- h. A topographic map, with a minimum contour interval of 5 feet, of the proposed mining site and the area within 300 feet of the mining site. The contour lines shall be referenced to one of the bench marks shown on the site plan.
- i. Areas to be used for sedimentation ponds, if any.
- j. Proposed parking areas, signs, and fencing, including a description of the purpose of the fencing.
- k. Typical cross section of the site showing the water table.
- l. (Deleted: 26 June 2001; Ord. 04-01)

2. Operation plan. An operation plan which shall include description of the

proposed nonmetallic mining operation and methods and procedures to be used in mining the site.

The operation plan shall also include the following:

- a. The approximate date of commencement of the operation.
- b. Type of mining, processing, and transportation equipment to be used.
- c. Estimated type of materials to be extracted.
- d. Primary travel routes to be used to transport material to processing plants or markets.
- e. Operational measures to be taken to minimize noise, dust, air contaminants, and vibrations.
- f. Operational measures to be taken to prevent groundwater and surface water degradation.
- g. If excavations below the water table are to occur, operational measures to be taken to prevent entry of contaminants into the groundwater.
- h. Operational measures to be taken to stabilize topsoil and other material stockpiles.

3. Reclamation plan. A reclamation plan for nonmetallic mining sites that affect less than one acre of total area of the life of the mine shall be developed in compliance with Section 11 of Door County Ordinance No. 2-01 being

Chapter 36 of Door County Code. Such plan shall be approved by the Door County Soil and Water Conservation Department and submitted to the Resource Planning Committee. Reclamation permits for all other nonmetallic mining operations are the responsibility of the Door County Land Conservation Committee under the provisions of Chapter 295, Wisconsin Statutes, Chapter NR135, Wisconsin Administrative Code, and Door County Ordinance No. 02-01, Chapter 36, Door County Code. (Amended: 26 June 2001; Ord. 04-01)

4. Lease(s). If the mining site is leased to the operator, a signed copy of the lease(s) which authorizes the operator to enter upon the lessor's land for the purpose of nonmetallic mining. The expiration date of the lease shall clearly be indicated thereon.

5. Additional information. By written request, the Resource Planning Committee may require submittal of such other information as may be necessary to determine the nature of the nonmetallic mining operation and the effect on the surrounding area. (Amended: 26 June 2001; Ord. 04-01)

(b) General requirements. (Amended: 26 June 2001; Ord. 04-01)

1. The nonmetallic mining operation shall be located at least 50 feet from all exterior lot lines and at least 100 feet from public right-of-ways.
2. No nonmetallic mining operation shall be conducted less than 300 feet from a dwelling unit other than that of the owner or operator. This provision shall not apply to uses accessory to the nonmetallic mining operation such as parking and loading and stockpiles of materials.
3. Hours of operation. Unless otherwise approved by the Resource Planning Committee, the operation of rock crushing equipment shall not take place before 6:00 a.m. nor after 7:00 p.m.
4. Limits of operation. Projects shall be limited to approved dimensions.
5. Dumping prohibited. The owner and/or operator of a nonmetallic mining operation shall not place junk material into or outside of the nonmetallic mining site. Nor shall they allow junk material to accumulate as a result of dumping by others.
6. Compliance with reclamation. The operator shall comply with progressive reclamation plans, if any, and final reclamation plans for the site.

(c) Financial assurance.

For nonmetallic mining sites that affect less than one acre of total area over the life of the mine, financial assurance in an amount sufficient to fulfill the reclamation plan shall be submitted and approved by the Resource Planning Committee using the standards of Section 14 - Financial Assurance of Ordinance No. 02-01, Chapter 36, Door County Code. For all other nonmetallic mining, financial assurance shall be the responsibility of the Door County Land Conservation Committee under the provisions of Chapter 295, Wisconsin Statutes, NR135, Wisconsin Administrative Code, and Door County Ordinance No. 02-01, Chapter 36, Door County Code. (Amended: 26 June 2001; Ord. 04-01; Effective 01 August 2001.)

(d) Permit requirements.

1. A conditional use permit issued for nonmetallic mining shall remain in effect until completion of reclamation as documented by a "Written Certification of Completion" by the Door County Soil and Water Conservation Department under Section 29 of Chapter 36, Door County Code. (Amended: 27 May 2003; Ord. 05-03)
2. Transfer of permit. When one operator succeeds to the interest of

another at an uncompleted site, the first operator shall be released of the responsibilities imposed by the permit, but only if:

- a. The operation is in compliance with the requirements of this section and the permit for the operation.
- b. The new operator assumes the responsibility of the former operator to complete the reclamation of the entire mining site by a written, signed and notarized document and provides financial assurance for such reclamation.

3. Mining site enlargement. Any proposed mining site enlargement shall be processed as a new application pursuant to this section. All provisions of this section shall apply to the proposed enlargement.

4. Failure to open and operate. Failure of an operator to take substantial steps to open and operate in a mining site within one year of the initial permit issuance shall invalidate the permit. A new permit application shall be required for any future mining activity.

5. Abandonment of nonmetallic mining operations. If abandonment of nonmetallic mining operations occurs, new mining operations shall not be permitted, except upon permit issuance as prescribed by this section.

(4) Salvage yards.

(a) Salvage materials shall not be located within 600 feet of public roads and all establishments of this kind shall have minimum side and rear yards of 100 feet.

(b) Salvage material shall not be located in a wetland or floodplain.

(c) Salvage materials shall be enclosed by a suitable fence or vegetative screen, so that the materials are not visible from other property in the vicinity of the salvage yard, nor from a public road, nor from navigable water. The fence or vegetative screen shall be a minimum of 8 feet in height and shall be properly maintained to satisfy the obscuring objective.

(d) Salvage materials shall not be piled higher than the height of the fence or vegetative screen.

(e) For fire protection, an unobstructed fire break shall be maintained, 15 feet in width and completely surrounding the salvage yard.

(f) At the site, appropriate measures shall be taken to prevent water and soil contamination from oils, gasoline, grease, or other contaminants. At a minimum, there shall be 5 feet of soil between the water table or bedrock. If wells are located within 1,000 feet of the site, the Resource Planning Committee may require a liner

and bonds for removal of contaminated topsoil.

(5) Solid waste facilities.

(a) Screening. Such facilities which are visible from public roads shall be screened by a vegetative screen, as described in s. 3.10(4), landscape buffer tree requirements.

(b) Sureties. In order to cover the cost of road maintenance and repair, the Resource Planning Committee may require that a bond, letter of credit, or other financial guarantee satisfactory to the Resource Planning Committee be submitted by the owner or operator. The amount shall be specified by the Resource Planning Committee and shall be used to cover the cost of repairing roads which deteriorate due to traffic generated by the facility.

(6) Resource recovery facilities. Such facilities which are visible from public roads shall be screened by a vegetative screen, as described in s. 3.10(4), landscape buffer tree requirements.

(7) Temporary concrete or asphalt batch plants.

(a) Such facilities shall be erected only in conjunction with transportation improvements in Door County.

(b) Application. In addition to the application requirements established in s. 11.04, conditional use permit, the following information shall be submitted with the application:

1. Plans for controlling erosion of stockpiled material used in manufacturing concrete or asphalt.

2. Restoration plans for the site which describes or illustrates measures taken to restore the site to a condition of practical usefulness and reasonable physical attractiveness. The restoration plan shall describe methods for establishing vegetative cover on all exposed soil.

(c) Conditional use permits granted for temporary concrete or asphalt batch plants shall be only for the period of the actual project work.

(d) Temporary concrete or asphalt batch plants shall be removed from the premises within 60 days of completion of the project.

**4.06 Institutional uses requirements.**

(1) Public highway garages. Such uses shall be screened from public roads by means of a vegetative screening, as described in s. 3.10(4), landscape buffer tree

requirements.

(2) Fine Arts Venue. A Fine Arts Venue may be authorized under this section by Conditional Use Permit subject to the following conditions: (Added: 28 May 2012, Ord. No. 2012-12)

(a) Such facility shall be located on a parcel of at least five (5) times the minimum lot size of the applicable zoning district .

(b) Access to such facility shall only be taken from a public road and specifically not be taken from a private road.

(c) Such facility shall be screened from all public roads and adjoining properties by a landscape buffer meeting the requirements of Section 3.10(4) of the Door County Zoning Ordinance.

(d) There shall be no outdoor amplified sound associated with said facility other than for emergency announcements and warning signals.

(e) No public event shall be presented later than 10:30 p.m.

(f) Off-street parking shall be established in compliance with Chapter 7 of the Door County Zoning Ordinance.

(g) (Deleted: 29 October 2019; Ord. 2019-13)

(h) If said facility involves the provision of on-site lodging, the provisions of Section 4.08(8) shall apply. Lodging facilities shall be owned by the Fine Arts Venue. Use of the lodging facilities shall be limited to staff, instructors, performers, students, and others directly involved in the mission of the organization; specifically, there shall be no transient rental of said facilities. The total sleeping capacity of such lodging shall not exceed 3 persons/acre or 75 persons, whichever is less.

(i) Said Conditional Use Permit shall not be transferable to any subsequent owner.

(j) In the NA, GA, PA, CS, ES, and HL zoning districts, the side and rear yard setbacks for structures and parking areas shall be two times the setbacks for principal structures shown in section 3.02(3)(a) and (b).

#### **4.07 Outdoor recreational uses requirements.**

(1) Parks.

- (a) Parks owned and/or managed by units of government.

Facilities for active recreation as defined in Section 13.02 shall be located a minimum of 75 feet from lot lines when the abutting property contains a single family residence or, if vacant, is located in a zoning district where single family residences are permitted.

- (b) Parks which are privately owned.

1. Facilities for active recreation shall be on tracts the larger of either:

a. 300 feet wide and 2.0 acres in area; or

(Amended: 27 September 2012; Ord. 2012-20)

b. The minimum lot width and area for new lots in the zoning district as required by Section 3.02(3).

2. Facilities for active recreation shall be located a minimum of 100 feet from lot lines when the abutting property contains a single family residence or, if vacant, is located in a zoning district where single family residences are permitted. If the abutting property is in public ownership, the minimum setback requirement for that lot line may be relaxed or waived in writing by the abutting public owner. (Added: 27 May 1997; Ord. 15-97) (Amended: 27 September 2012; Ord. 2012-20)

3. Parks which are privately owned shall be prohibited in the Exclusive Agricultural (EA) zoning district. (Added: 30 September 2010; Ord. 2010-13)

- (2) Campgrounds.

(27 August 2019; Ord. 2019-08; Effective 7 October 2019. Amended, deleted, or renumbered every section of 4.07(2).)

(a) The minimum size of a campground shall be 5 acres, except that in the Heartland-3.5, Heartland-5, Heartland-10 and Countryside-5 districts the minimum size shall be 20 acres. (Amended: 27 February 2007; Ord. 2007-04; Effective 12 March 2007)

(b) Each campground shall be screened from adjacent properties and public and private roads by means of a vegetative screening, as described in s. 3.10(4), landscape buffer tree requirements. Such requirement may be waived by the Resource Planning Committee, upon referral and recommendation by the Zoning Administrator, if existing woody vegetation is such that the screening objective is or will be achieved. (Amended: 27 March 2018; Ord. 2018-07)

(c) One dwelling unit to be occupied by the owner and not more than one additional dwelling unit to be occupied by the manager shall be allowed in a campground. One or both dwelling units may be occupied year-round by the owner and/or manager.

- (d) The maximum number of camp sites shall be 10 per acre.
- (e) Camp sites that may potentially accommodate camping cabins shall be designated on the campground site plan. Camping cabins may be placed on a maximum of 20% of the total number of proposed camp sites within a campground. Camping cabins may be wired for electricity and may contain plumbing for toilets, sinks, and bathtubs/showers.
- (f) All camp sites shall meet the required setbacks from roads, the required setback for accessory structures from the ordinary high water mark, and shall be located at least 50 feet from all exterior lot lines.
- (g) The minimum dimensions of a camp site shall be 25 feet wide by 40 feet long.
- (h) There shall be 2 off-street parking spaces for each camp site.
- (i) An application for a campground permit shall include any camping cabins and potential future sheds, decks, or patios in the impervious surface ratio calculation for the campground.
- (j) Camping units shall be subject to the following:
  1. A camping unit shall not be occupied by the same individual for more than eight continuous months in any 12-month period. However, a camping unit may remain on an individual campsite for an entire 12-month period. (Amended: 17 December 2002; Ord. 18-02) (Amended: 20 Sept 2016; Ord. 2016-14)
  2. No more than one camping unit shall be allowed on any individual campsite, except that the number of tents per campsite shall not be limited.
  3. A camping unit shall not exceed 400 square feet in floor area in its furthest extended position. (Amended: 17 December 2002; Ord. 18-02)
  4. A maximum of up to two unenclosed decks and/or patios may be allowed per campsite provided neither exceeds more than 256 square feet. One temporary canvas screen room shall be allowed on one deck or patio.
  5. Awnings shall be allowed.
  6. No porches, lean-tos, or additions shall be constructed onto or immediately adjacent to a camping unit.
  7. One storage shed shall be allowed on each campsite. Said shed shall not exceed 80 square feet in floor area. Living quarters within a storage shed shall be prohibited.

(3) Camping.

(a) Camping shall be permitted in approved campgrounds without issuance of a regular zoning permit.

(b) Camping on a lot by one camping party including the landowner or by one camping party with the landowner's written permission shall be allowed without issuance of a regular zoning permit, subject to the following:

1. Such camping shall be allowed in all zoning districts, except Wetland, Commercial Center, Mixed Use Commercial, Light Industrial, Village Commercial and General Commercial districts. (Amended: 27 February 2007; Ord. 2007-04; Effective 12 March 2007)

2. Sanitary waste disposal shall be provided by either:

- a. Connection to approved on-site waste disposal system.
- b. Self-contained holding tank with disposal at an approved sanitary dump station.
- c. A portable toilet with disposal at an approved sanitary dump station.

3. Side and rear yard requirements for the camping unit shall be as required for principal structures in s. 3.02(3), Table of district requirements, or s. 3.15, Special development requirements, as applicable.

4. The camping unit shall meet the setback requirements of s. 3.05, Setback from roads. (Amended: 27 May 2014; Ord. 2014-10) (Amended: 20 Sept. 2016; Ord. 2016-14)

5. Camping shall not exceed a total of 30 days in any calendar year. (Amended: 27 August 2019; Ord. 2019-08; Effective 7 October 2019)

6. Not more than one camping unit shall be permitted on a lot.

7. Except as provided in subd. 8., the camping unit shall be removed from the property after each camping stay.

8. Outdoor storage.

a. If a principal building is located on the lot, one camping unit may be stored outdoors. The stored camping unit shall meet all required setbacks and yards for accessory structures. The stored camping unit shall be in an in-transit position with no utility connections, windows and doors closed, and not used for sleeping purposes.

b. The storage of a camping unit on a vacant lot shall be

prohibited. (Amended: 1 December 1996; Ord. 31-96)

(c) Camping on a lot during construction of a single family dwelling unit shall be allowed, subject to the following:

1. A regular zoning permit for a single family residence has been secured and a slab, crawlspace, or foundation for the single family dwelling unit has been installed.
2. A regular zoning permit which authorizes such camping has been secured.
3. An approved on-site waste disposal system, designed to accommodate the single family residence, has been installed on the property prior to the placement, erection, and/or use of the camping unit to serve as a means of sanitary waste disposal for the users of the camping unit.
4. The camping activity shall cease upon the completion of the single family dwelling unit on the property.
5. Renewal permits shall only be issued when substantial progress toward completion of the single family dwelling unit is demonstrated during the previous year.

(4) Commercial and private riding stables. Any use of a property involving the keeping of horses shall comply with the requirements of this section. (Added: 26 August 1997; Ord. 21-97)

- (a) Minimum lot size for riding stables shall be 5 acres for commercial riding stables and 2.5 acres for private riding stables.
- (b) There shall be at least 20,000 square feet of open space provided on the lot for each horse kept on the lot.
- (c) All stables shall be located such that manure will not drain into navigable water. (Amended: 20 Sept. 2016; Ord. 2016-14)
- (d) All stables shall be located at least 200 feet from a dwelling unit other than that of the owner or operator of the establishment.

(5) Marinas, excursion boating, and charter fishing. If boat launching facilities which are available to the public are provided, parking spaces for towing vehicles and trailers shall be provided at the rate of 15 parking spaces per launching lane. Each parking space shall be at least 10 feet wide by 40 feet long. Such parking shall be in addition to the parking required in s. 7.02, off-street parking requirements.

(6) Institutional recreation camps. In the Heartland-3.5, Heartland-5 and Heartland-

10 districts, the following shall apply: (Amended: 28 May 1996; Ord. 13-96)

(a) Minimum lot size shall be 10 acres.

(b) Maximum capacity shall be 5 persons per acre or 200 persons, whichever is less. Such capacity shall be determined by the number sleeping spaces, number of dining spaces, and/or other appropriate means of determination.

(7) Retreat Centers.

(a) Minimum lot size shall be 20 acres.

(b) Maximum capacity shall be 3 persons per acre or 75 persons, whichever is less. Such capacity shall be determined by the number of sleeping spaces provided, number of dining spaces provided, and/or other appropriate means of determination. (Added: 18 December 1997; Ord. 40-97)

(8) Public Boat Launching Facilities. (Deleted: 20 Sept. 2016; Ord. 2016-14)

(a) (Deleted: 20 Sept. 2016; Ord. 2016-14)

(b) (Added: 22 March 2005; Ord. 2005-10) (Deleted: 20 Sept. 2016; Ord. 2016-14)

(9) Outdoor Active Recreation Facility. (Added: 26 February; Ord. 2013-07)

(a) The minimum lot size requirement shall be 20 acres.

(b) Front, side, and rear lot line and road setbacks shall be a minimum of 100 feet.

(c) One parking space per four customers shall be provided, based on maximum site capacity.

#### **4.08 Residential uses requirements.**

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

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

(b) The lot width of the resultant lot shall be at least 200 feet.

(c) The lot lines created shall place all existing structures in conformance with applicable setback and yard requirements.

## PARTICULAR USE REQUIREMENTS 4.08(3)

(d) The creation of the separate lot shall not reduce the remaining tract to a lot area or width less than that required for a new lot in the zoning district. (Amended: 20 Sept. 2016; Ord. 2016-14)

(e) (Deleted: 30 September 2010; Ord. No. 2010-13)

(2) Farm-related residences. Separate lots created for farm-related residences shall comply with the following:

(a) The lot lines created shall place all existing structures in conformance with applicable setback and yard requirements.

(b) The lot created shall be at least one acre in area exclusive of lands within any public right-of-way. (c) The minimum lot width shall be 200 feet.

(d) The creation of the separate parcel shall not reduce the remaining tract to a lot area or width less than that required for a new lot in the zoning district. (Amended: 20 Sept. 2016; Ord. 2016-14)

(2a) Nonfarm residential lots, Exclusive Agricultural (EA) zoning district. A separate lot created for a nonfarm residence shall comply with s.91.46(2), Wis. Stats., and shall be authorized by a conditional use permit and the following: (Added: 11 December 2012; Ord. 2012-25) (Typographical error corrected: 20 Sept. 2016; Ord. 2016-14)

(a) The lot created shall contain at least 0.75 acres.

(b) The minimum lot width shall be 150 feet.

(c) The lot lines created shall place all existing structures at least 20 feet from side and rear lot lines. All future structures shall also be located at least 20 feet from side and rear lot lines.

(d) The creation of the separate lot shall not reduce the remaining tract to a lot area of less than 35 acres or a lot width of less than 600 feet. (Amended: 20 Sept. 2016; Ord. 2016-14)

(e) Lots created under this section may be vacant or contain a residence at the time of creation. After the lot is created, it and/or the residence may be occupied by or sold to anyone.

(3) Accessory residences. (Recreated: 27 July 2000; Ord. 17-00)

(a) Accessory residences shall be subject to the regulations herein and shall not be regulated as multiple occupancy developments.

(b) Accessory residences may be attached or detached dwelling units.

(c) For attached accessory residence dwelling units, the setbacks and minimum

yards shall be the required setbacks and minimum yards for principal structures.

For detached accessory residence dwelling units, the setbacks and minimum yards shall be the required setbacks and minimum yards for accessory structures.

(d) One parking space shall be provided for each bedroom within an accessory residence.

(e) Minimum floor area for accessory residences shall be provided per s. 3.11.

(f) (Deleted: 20 Sept. 2016; Ord. 2016-14) (Recreated: 27 July 2000; Ord 17-00)

(4) Manufactured homes. The following requirements apply to manufactured homes which are not located in manufactured home parks:

Commentary: For requirements for manufactured homes in manufactured home parks, refer to s. 4.08(5), manufactured home parks. For requirements for temporary manufactured homes, refer to s. 4.08(6), temporary manufactured homes.

(a) The towing and transportation equipment, including the wheel assembly, shall be removed and the manufactured home shall be mounted on and attached to a permanent foundation.

(b) Conventional house siding or simulated wood siding and a shingled, gable roof shall be required.

(c) Manufactured homes shall be a minimum of 14 feet wide and shall meet the minimum required floor area for dwelling units in s. 3.11, floor area requirements.

(5) Manufactured home parks.

(a) Internal streets shall have a minimum right-of-way width of at least 24 feet. (Amended: 25 June 1996; Ord. 16-96)

(b) Internal streets and parking areas shall be surfaced with a dust-free material.

(c) There shall be at least 2 parking spaces for each manufactured home site.

(d) The minimum distance between manufactured home units, including all appurtenances, shall be 15 feet.

(e) The minimum setback from an internal street shall be 22 feet from the traveled centerline or 10 feet from the edge of the right-of-way, whichever is greater, for all manufactured homes, including all appurtenances, and accessory structures. (Amended: 25 June 1996; Ord. 16-96)

(f) No sales office or other business or commercial use shall be located within a

manufactured home park. Laundries, washrooms, recreation rooms, maintenance equipment storage, and one management office are permitted.

(g) Each manufactured home park shall be screened, except for permitted entrances and exits, by means of a vegetative screen, as described in s. 3.10(4), landscape buffer tree requirements, at the perimeter of the manufactured home park. The requirement may be waived by the Land Use Services Director, upon referral and recommendation of the Zoning Administrator, if existing woody vegetation is such that the screening objective is or will be achieved. In addition, there shall be a yard with a minimum width of 40 feet around the perimeter of the manufactured home park. (Amended: 25 June 1996; Ord. 16-96) (Amended: 27 March 2018; Ord. 2018-07)

(h) Manufactured homes in manufactured home parks shall contain at least 550 square feet of floor area.

(i) No manufactured home site shall be rented for a period of less than 30 days.

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

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

(l) One accessory structure shall be permitted for each manufactured home site and shall not exceed 576 square feet in floor area. When the homeowner owns the site, an accessory structure garage may be attached to the home but no other accessory building shall then be allowed on the site. (Amended: 1 Nov 2004; Ord. 2004-22; Effective 13 Dec 2004)

(m) All manufactured homes shall meet the construction standards of the U.S. Department of Housing and Urban Development Manufactured Housing Code.

(n) No permit shall be required to move a manufactured home onto a manufactured home site or interchange a manufactured home for another manufactured home on a manufactured home site in a manufactured home park that has been approved in accord with all applicable provisions of this Ordinance. The number of manufactured homes in an approved manufactured home park shall not exceed the number of manufactured home sites illustrated on site plans approved as part of the approval of the manufactured home park or the approval of an expansion of the manufactured home park.

(o) All manufactured home sites shall take access only to an internal street.

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

(6) Temporary manufactured homes.

a) Manufactured homes used as residences for farm employees, parents, and/or adult children of farm operators shall comply with the following:

1. Such manufactured home shall provide housing for farm employees who assist farm operators engaged in agricultural activities, or for parents and/or adult children of farm operators. (Amended: 23 June 1998; Ord. 12-98)
2. The manufactured home shall not be placed on a separate lot.
3. The manufactured home shall meet the minimum floor area requirements and all setback and yard requirements of this Ordinance.
4. When the manufactured home is no longer occupied by said farm employees, parents, or adult children, the manufactured home shall be removed from the farm operator's property.
5. The manufactured home shall be connected to a code complying wastewater disposal system.
6. The number of such manufactured homes shall not exceed one manufactured home per 80 acres of land owned by said farm operator.
7. All portions of such manufactured home shall be located within 300 feet of the dwelling unit of said farm operator.

(b) Manufactured homes used as temporary accessory units shall comply with the following:

1. Only owner-occupiers of a single family dwelling unit are permitted to install a temporary accessory unit. There shall be no more than one temporary accessory unit on a lot.
2. The temporary accessory unit shall be removed upon cessation of occupancy of the individual(s) for whom the temporary accessory unit was intended.
3. The temporary accessory unit shall meet all setback and yard requirements for principal structures.

4. Off-street parking for the temporary accessory unit shall be provided.

(7) Seasonal Dwellings for Agricultural Production and Processing Workers. (Added: 25 June 1996; Ord. 16-96)

(a) Such dwellings shall only be occupied by persons who, or a family at least one member of which, is/are actively engaged in agricultural production or processing.

(b) The required yards and setbacks shall be doubled, unless such dwellings are screened by a vegetative screening as described in s. 3.10(4), landscape buffer tree requirements.

(c) Such dwellings shall be placed on the same lot and shall be clustered within 50 feet of each other.

(d) Such dwellings shall be connected to a code complying wastewater disposal system(s).

(e) Not more than 4 seasonal dwellings shall be permitted, unless a conditional use permit has been authorized by the Resource Planning Committee.

(8) Multiple occupancy development requirements. (Added: 5 October 1998; Ord. 22-98)

(a) The establishment, expansion, or redevelopment of a Multiple Occupancy Development (MOD) shall require a conditional use permit, except for the following, which shall be authorized via a regular zoning permit if all density, setback and other ordinance requirements are met: (Added: 26 Feb. 2013; Ord. 2013-06)

1. MODs wherein a second detached building containing a second occupancy unit is placed on a single lot.

2. Expansions or redevelopment of an existing MOD which will result in:

a. A one-time expansion per MOD unit of no more than 500 additional square feet of floor area, to include no more than 2 additional bedrooms, and

b. The same number of, or fewer, residential buildings and units, and

c. No new buildings containing more than one occupancy unit.

b) Lot requirements.

1. Unsewered areas.

a. Existing MODs. Any building site meeting the minimum lot size

requirements of s. 3.02(3), table of district requirements, s. 3.04(5), lots created prior to the effective date of this Ordinance, or s. 3.15, special development requirements, as applicable, may be used for the expansion or redevelopment of an existing MOD.

- b. New multiple occupancy developments. The minimum lot size requirements for new MODs in unsewered areas shall be one acre and 100' in lot width, or as required by s. 3.15, special development requirements, if applicable.

2. Sewered areas. For areas served by public sewer, any building site meeting the minimum lot size requirements of s. 3.02(3), table of district requirements, s. 3.04(5), lots created prior to the effective date of this Ordinance, or s. 3.15, special development requirements, as applicable, may be used for a MOD.

(c) Density. Any room within a MOD occupancy unit that is not a kitchen, living room, dining room, bathroom, or utility room shall be counted as a bedroom. If the building plan for an occupancy unit depicts no bedrooms, the occupancy unit shall be considered to contain one bedroom. (Amended: 14 December 2004; Ord. 2004-25) (Amended: 26 Feb. 2013; Ord. 2013-06)

1. MODs in Core Areas. Core Areas are those designated as such by the Door County Comprehensive and Farmland Preservation Plan and are hereinafter referred to as "core areas." (Amended: 17 April 2012; Ord. 2012-14) (Amended: 20 Sept. 2016; Ord. 2016-14)

Commentary: The maps depicting core areas may be viewed at the Door County Land Use Services Department or on the department's website. (Amended: 17 April 2011; Ord. 2012-14) (Amended: 27 March 2018; Ord. 2018-07)

- a. The maximum residential density of a MOD in a core area shall be based on the net lot area and number of bedrooms within the MOD. MODs in core areas shall not exceed 22 bedrooms per acre of net lot area; fractional results shall be rounded down to the nearest whole number.

**Town of Liberty Grove special development requirements.**

The maximum residential density for a multiple occupancy development in a core area shall be based on the net lot area and number of bedrooms within the multiple occupancy development. Multiple occupancy developments in core areas shall not exceed 12 bedrooms per acre of net lot area. Fractional results shall be rounded down to the nearest whole number. (Added: 28 June 2006; Ord. 2006-14) (Amended: 17 April 2012; Ord. 2012-14)

**Town of Jacksonport special development requirements.**

Multiple occupancy developments in the Mixed Use Commercial (MC) zoning district shall not exceed 12 bedrooms per acre of net lot area. Fractional results shall be rounded down to the nearest whole number. (Added: 29 July, 2008; Ord. 2008-13)

**Town of Gibraltar special development requirements.**

Multiple occupancy developments in the Village Commercial (VC) zoning district shall not exceed 16 bedrooms per acre of net lot area. Fractional results shall be rounded down to the nearest whole number. (Added to s. 3.15: 22 Aug. 2006; Ord. No. 2006-16 – Effective 12 Sept. 2006) (Amended and relocated: 20 Sept. 2016; Ord. 2016-14)

Multiple occupancy developments in the Neighborhood Residential (NR) district shall not exceed 9 bedrooms per acre of net lot area. Fractional results shall be rounded down to the nearest whole number. (Added to s. 3.15: 22 Aug. 2006; Ord. No. 2006-16 – Effective 12 Sept. 2006) (Amended and relocated: 20 Sept. 2016; Ord. 2016-14)

- b. 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.
  - c. The net lot area of a MOD shall not be reduced if a violation of density limitations would result.
2. MODs in non-core areas. Non-core areas include all areas not designated as core areas by the Door County Comprehensive and Farmland Preservation Plan and are hereinafter referred to as “non-core areas.”  
(Amended: 17 April 2012; Ord. 2012-14) (Amended: 20 Sept. 2016; Ord. 2016-14)
- a. The maximum residential density of a MOD in a non-core area shall be based on the net lot area and number of bedrooms within the MOD. MODs in non-core areas shall not exceed 10 bedrooms per acre of net lot area; fractional results shall be rounded down to the nearest whole number.

**Town of Liberty Grove special development requirements.**

The maximum residential density for a multiple occupancy development in a non-core area shall be based on the net lot area and number of bedrooms within the multiple occupancy development. Multiple occupancy developments in non-core

areas shall not exceed 6 bedrooms per acre of net lot area. Fractional results shall be rounded down to the nearest whole number. (Added: 28 June 2006; Ord. 2006-14)(Amended: 17 April 2012; Ord. 2012-14)

**Town of Gibraltar special development requirements.**

Multiple occupancy developments in the Neighborhood Residential (NR) district shall not exceed 9 bedrooms per acre of net lot area. Fractional results shall be rounded down to the nearest whole number. (Added to s. 3.15: 22 Aug. 2006; Ord. 2006-16; Effective 12 Sept. 2006) (Amended and relocated: 20 Sept. 2016; Ord. 2016-14)

- b. 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.
- c. The net lot area of a MOD shall not be reduced if a violation of density limitations would result.

(d) Impervious surface ratios.

- 1. Core area MODs. Impervious surface ratio maximums shall be 45% in HD, RC, MC, NR and GC zoning districts; 50% in the VC zoning district; and 60% in CC zoning districts. (Amended: 27 February 2007, Ord. 2007-04; Effective 12 March 2007)

**Town of Jacksonport special development requirements.**

The maximum impervious surface ratio for multiple occupancy developments within the Mixed Use Commercial (MC) zoning district in the Town of Jacksonport shall be 40%. (Added: 29 July 2008; Ord. 2008-13)

- 2. Non-core area MODs. The maximum impervious surface ratio shall be 35%.

(e) Structure height.

- 1. Core area MODs. Maximum structure height shall be as allowed by s. 3.08, height requirements.

**Town of Jacksonport special development requirements.** (Relocated to s. 3.08)

- 2. Non-core area MODs. Maximum height for principal and accessory MOD structures shall be 26 feet above the average grade, except that structure height may be increased by one foot for each 2 feet the side

yard setback is increased over 20 feet. In no case shall structure height exceed 35 feet above the average grade. See also s. 3.08. (Amended: 20 Sept. 2016; Ord. 2016-14)

(f) Minimum yards.

1. Core area MODs. Side and rear yard setbacks for principal and accessory structures shall be a minimum of 20 feet, except that, 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. (Amended: 26 Feb. 2013; Ord. No. 2013-06)

2. Non-core area MODs.

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

b. For all other non-core MODs, side and rear yard setbacks shall be 20 feet, unless:

(1) the MOD is adjacent to a single family residence in an SF10, SF20, SF30, or SE zoning district, in which case minimum side and rear yard setbacks for all principal and accessory structures shall be 65 feet, or (Amended: 22 February 2011; Ord. No. 2011-03)

(2) the MOD is adjacent to a single family residence in an HD, RC, MC, CC, VC, GC, or NR zoning district, in which case minimum side and rear yard setbacks for all principal and accessory structures shall be 40 feet. (Amended: 27 February 2007; Ord. No. 2007-04; Effective 12 March 2007)

Where the requirements outlined in (1) or (2) conflict with s.4.08(8)(e)(2), non-core area MOD building height, the larger setback shall be used. (Amended: 27 March 2018; Ord. 2018-07)

(g) Road setbacks.

1. Core area MODs. Minimum road setbacks shall be as required in s. 3.05, setbacks from roads.

2. Non-core area MODs. Minimum road setbacks shall be as required in s. 3.05, setbacks from roads, except that the provisions of s. 3.05(6), setback reduction, shall not be applicable. In addition, for each foot of street-facing building facade in excess of 80 feet in length the MOD building shall be set back an additional 6 inches.

(h) Ordinary high water mark setback. (Deleted: 20 Sept. 2016; Ord. 2016-14)

1. Core area MODs. (Amended: 27 May 2014; Ord. 2014-10) (Deleted: 20 Sept. 2016; Ord. 2016-14)

2. Non-core area MODs. (Amended: 27 May 2014; Ord. 2014-10) (Deleted: 20 Sept. 2016; Ord. 2016-14)

(i) Off-street parking and related structure requirements.

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

2. Right-of-way setbacks for off-street parking areas. Off-street parking areas must be located a minimum of 25 feet from any road rights-of-way.

3. Side and rear yard setbacks for off-street parking areas, driveways, dumpsters, and recycling areas shall be 5 feet, unless:

a. the MOD is adjacent to a single family residence in an SF10, SF20, SF30, or SE zoning district, in which case minimum side and rear yard setbacks shall be 25 feet, or (Amended: 22 February 2011; Ord. 2011-03)

b. the MOD is adjacent to a single family residence in an HD, RC, MC,CC, VC, GC, or NR zoning district, in which case minimum side and rear yard setbacks shall be 15 feet. (Amended: 27 February 2007, Ord. No. 2007-04; Effective 12 March 2007)

(j) Additional landscaping and screening requirements.

1. For all MODs, any trees established to meet the requirements of s. 3.10, landscape buffers, or s. 7.03, parking area landscaping requirements, shall be a minimum of 5 feet tall at the time of establishment or retention.

2. For MODs in non-core areas, a 25 foot wide area adjacent to public road rights-of-way shall be used for screening and landscaping.

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- a. Complete vegetative clearing shall be allowed only in the areas required for access driveways. For driveways serving as both entrance and exit, a strip a maximum of 40 feet may be cleared. When separate entrance and exit driveways are used, a maximum of 20 feet may be cleared for each driveway.
  - b. Existing shrubs and trees with a caliper of 2½ inches or greater shall be retained so that for every 100 feet of lot road frontage a minimum of 300 landscape points are earned. Landscape points shall be accumulated as outlined in s. 7.03(2)(b), parking area landscaping requirements, landscape points chart, and shall be in addition to landscape points required for screening parking areas. No more than 50% of the landscaping points required for any lot shall be earned through canopy trees unless said trees account for greater than 600 landscape points per 100 feet of lot road frontage.
  - c. Where shrubs or trees with a caliper of 2½ inches or greater do not exist at a rate of 300 landscape points per 100 feet of lot road frontage, additional trees and shrubs shall be planted so that a minimum of 300 landscape points are earned as outlined in subd.2 for every 100 feet of road frontage.
- (k) Outdoor lighting. All outdoor lighting shall utilize lighting fixtures whose hood, lens, or combination thereof allow no direct beams of light from the fixture to be seen from off the property or to be cast skyward, and the lighting elements of which shall not be visible from adjacent properties. (Amended: 20 Sept. 2016; Ord. 2016-14)
- (l) Building spacing. Buildings may be clustered on a lot, but shall be separated from each other by a distance of at least 20 feet or as required by the Wisconsin Administrative Code, whichever is greater.
- (m) Mixed uses. Uses other than occupancy units, if permitted in the district, may be located on the same lot as the MOD.
- (n) Accessory buildings. The total number of accessory buildings shall be limited to 2 or the number of MOD principal buildings on the lot, whichever is greater. The total combined floor area of all accessory buildings shall not exceed 70 percent of the total building footprint of all MOD principal buildings.
- (o) One bedroom occupancy units limitation. In High Density Residential and Neighborhood Residential districts, the number of one bedroom occupancy units shall not exceed 50% of the total number of occupancy units within the MOD. (Amended: 27 February 2007, Ord. No. 2007-04; Effective 12 March 2007)
- (p) Manufactured homes prohibited. Manufactured homes shall not be used

as occupancy units within a MOD.

(9) Secondary Dwelling Unit requirements. (Added: 4 April 2011; Ord. 2011-04)

(a) Secondary dwelling units shall be subject to the regulations herein and shall not be regulated as multiple occupancy developments.

(b) Not more than one secondary dwelling unit per single family residence shall be permitted.

(c) Secondary dwelling units may be attached to or detached from the single family residence.

(d) Lot requirements. A secondary dwelling unit may be allowed on any parcel meeting the minimum lot size requirements of s.3.02(3), table of district requirements, or s.3.04(5), lots created prior to the effective date of this ordinance.

(e) For all secondary dwelling units, the setbacks and minimum yards shall be as required for principal structures, except that detached secondary dwelling units subject to an ordinary high water mark setback shall, for the purposes of that setback, be viewed and regulated as accessory structures. (Amended: 17 April 2012; Ord. 2012-14) (Amended: 22 May 2018; Ord. 2018-10)

(f) Secondary dwelling units shall not exceed 749 square feet in floor area.

(g) A minimum of one off-street parking space per secondary dwelling unit shall be provided.

(h) Structures housing detached secondary dwelling units shall be considered accessory structures and shall be subject to section 3.12, Accessory structures, as applicable. (Amended: 24 March 2015; Ord. 2015-02) (Numerical formatting error corrected: 20 Sept. 2016; Ord. 2016-14) (Amended: 28 August 2018; Ord. 2018-16)

(i) No secondary dwelling unit shall be rented for a period of less than seven (7) consecutive days. A restrictive agreement shall be recorded to this effect. (Amended: 28 August 2018; Ord. 2018-16)

(j) Secondary dwelling units may not be conveyed or separated in ownership from the single family residence, unless the Door County Land Use Services Department approves, per ordinances in effect at that time. A restrictive agreement shall be recorded to this effect. (Amended: 27 March 2018; Ord. 2018-07)

(k) (Deleted: 17 April 2012; Ord. 2012-14)

(10) Bed and Breakfast Establishments. (Amended: 4 Nov 2011; Ord. 2011-14),

(a) Except in the Single Family Residential-20,000 and Single Family Residential-30,000 districts, there shall be no more than 4 rooms available for rent to transient guests. In the Single Family Residential-20,000 and Single Family Residential-30,000 districts, there shall be no more than 2 such rooms.

(b) Bed and breakfast establishments shall comply with the parking requirements of s. 7.02, off-street parking requirements.

(c) All bed and breakfast establishments with sleeping rooms above the ground floor shall provide an outside fire escape or escape balcony from an area accessible to the occupants of the upper floor(s) and appropriate exit signs.

(d) All lot size and other dimensional requirements for single family residences shall be met.

(e) (Deleted: 29 October 2019; Ord. 2019-13)

(f) In the Single Family Residential-20,000 and Single Family Residential-30,000 districts, at the time of zoning permit application, the building proposed to house the bed and breakfast establishment shall be at least 10 years old, as dated from original construction.

(11) Boardinghouses. (Amended: 9 Nov. 2011; Ord. 2011-14)

(a) There shall be one off-street parking space per sleeping room provided.

(b) There shall be no more than 4 sleeping rooms provided for boarding.

(c) All boardinghouses with sleeping rooms above the ground floor shall provide an outside fire escape or escape balcony from an area accessible to the occupants of the upper floor(s) and appropriate exit signs.

(d) All lot size and other dimensional requirements for single family residences shall be met.

(e) (Deleted: 29 October 2019; Ord. 2019-13)

#### **4.09 Miscellaneous uses requirements.**

(1) Airports, airstrips, and landing fields.

PARTICULAR USE REQUIREMENTS 4.09(2)

(a) The area proposed for this use shall be sufficient in size, and the site shall otherwise be adequate, to meet the standards of the Federal Aviation Administration, Department of Transportation, for the class of airport proposed.

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

(c) **Town of Liberty Grove additional requirements.** The following conditions shall apply to personal airstrips and personal landing fields located in the Town of Liberty Grove.

1. The minimum lot size for a personal airstrip or personal landing field shall be 10 acres.

2. The maximum horsepower of any aircraft utilizing a personal airstrip or personal landing field shall be 175 horsepower.

3. The runways of personal airstrips or personal landing fields shall not be lit.

4. The maximum length of a runway at a personal airstrip or personal landing field shall be 1500 feet.

5. The paving of runways at personal airstrips and personal landing fields shall not be allowed.

6. A conditional use permit authorizing a personal airstrip or personal landing field shall not transfer to a new owner upon change of ownership.

7. A conditional use permit issued for a personal airstrip or personal landing field shall be subject to review by the Resource Planning Committee every 5 years from date of issuance.

8. No commercial business nor banner towing operations shall be allowed from any personal airstrip or personal landing field. (Amended: 24 Feb. 2004; Ord. 2004-05)

(2) Utility facilities.

(a) No zoning permit shall be required for any installation that is at or below grade elevation, nor for electrical poles, towers, and wires.

(b) Those structures which are 4 feet or less above grade elevation need not meet setback requirements nor need they be placed on conforming lots.

Exception: Public utility pad-mounted installations associated with underground distribution supply conductors and cables shall be limited to 7

feet or less, rather than the 4 foot requirement, above grade elevation for three-phase pad-mounted transformers, three-phase pad-mounted switch gear, pad-mounted telephone remote switches, and pad-mounted cable TV amplifiers. (Added: 29 June 2005; Ord. 2005-18)

(c) Electrical substations shall be enclosed by a chain link fence at least 10 feet high. Such structures shall additionally be located at least 75 feet from a dwelling unit.

(3) Animal shelters and pounds.

(a) All animal shelters and pounds located in the Commercial Center and Countryside-5 districts shall house all animals indoors. No outdoor housing shall be permitted. (Typographical error corrected: 20 Sept. 2016; Ord. 2016-14)

(b) All structures associated with animal shelters and pounds located in the Commercial Center districts shall be at least 50 feet from all side and rear lot lines.

(c) All structures associated with animal shelters and pounds located in the General Agricultural, Prime Agricultural, Countryside, and Countryside-5 districts shall be at least 200 feet from all side and rear lot lines. (Amended: 27 February 2007; Ord. 2007-04; Effective 12 March 2007)

(d) All animal shelters and pounds located in the General Agricultural, Prime Agricultural, Countryside, and Countryside-5 districts shall be located on lots containing at least 10 acres. (Amended: 27 February 2007; Ord. 2007-04; Effective 12 March 2007)

(e) All animal shelters and pounds with outdoor housing of animals shall be screened from all adjacent properties and public roads by means of a vegetative screening, as described in s. 3.10(4), landscape buffer tree requirements.

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

(g) The Resource Planning Committee, in granting a conditional use permit, may impose additional conditions based on Wisconsin Federated Humane Society standards.

**CHAPTER 5**

**NATURAL FEATURES PROTECTION REQUIREMENTS**

5.01 Purpose.	5.05 Dunes.	5.09 (Shoreland vegetation
5.02 Applicability.	5.06 Rockholes.	moved to Shoreland Ord. 20
5.03 Escarpments.	5.07 Woodlands.	Sept. 2016; Ord. 2016-14)
5.04 Drumlins.	5.08 Ridges and	5.10 Wetland setbacks.
	swales complexes.	

**5.01 Purpose.** These requirements are intended to preserve interesting geological features, protect against soil erosion and groundwater contamination, preserve the natural beauty of Door County, and protect wild flora and fauna.

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

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

<u>Natural Feature</u>	<u>Regulatory Reference</u>
Bodies of Water	Chapters 30, 31, 88, and 281, Wis.Stats.(Amended: 27 May 2014; Ord. 2014-10)
Floodplains	Door County Floodplain Zoning Ordinance

(Wetlands deleted: 20 Sept. 2016; Ord. 2016-14)

**5.03 Escarpments.**

- (1) Purpose. The purposes of these regulations are to:
  - (a) Promote safe conditions by preventing placement of roads on highly inclined surfaces.
  - (b) Preserve escarpments as landmark features that contribute to the scenic diversity and attractiveness of the county.
- (2) Determination. The location of escarpments subject to the requirements of this section shall be determined by reference to a series of maps entitled “Door County

Natural Features Map” on file in the office of the Land Use Services Department.  
(Amended: 26 Feb. 2013; Ord. 2013-04) (Amended: 27 March 2018; Ord. 2018-07)

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

(3) Requirements.

(a) No roads or driveways shall be placed on slopes of 30-39% unless the roads or driveways are placed parallel to the escarpment face. No roads or driveways shall be placed on slopes of 40% or greater.

(b) The clearing of trees located within escarpment protection areas shall be permitted for:

1. Building footprints.

2. Sites for wastewater disposal systems.

3. Driveways.

4. The area on a lot extending not more than 25 feet from the exterior walls of principal buildings and 15 feet from accessory buildings.

(c) In the area on a lot lying between 25 feet and 100 feet from the exterior walls of principal buildings, selective clearing is permitted provided that:

1. No more than 30 percent of this area on the lot shall be cleared.

2. The clearing of the 30 percent described above shall not result in strips of cleared openings of more than 30 feet in any 100-foot wide strip nor create a cleared opening strip greater than 30 feet wide.

3. In the remaining 70 percent of this area, cutting and pruning shall leave sufficient cover to screen vehicles, dwellings, and other structures.

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

(e) Pruning of trees is permitted, except that trees shall not be pruned completely clear of branches above a height equal to one half the height of the trees.

(f) In addition, the woodlands located within escarpment protection areas shall also be subject to the requirements of s. 5.07, Woodlands.

#### **5.04 Drumlins.**

(1) Purpose. The purpose of these regulations is to protect the historical value and intactness of drumlins as unique land forms directly shaped by glaciers. Their existence demonstrates that the Door Peninsula shares a continuity with the glacial features in the remainder of Wisconsin and they contribute to the special aggregate landscape of Door County.

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

(3) Determination. The location of drumlins shall be determined by reference to a map entitled "*Door County Natural Features Map*" on file in the office of the Land Use Services Department. (Amended: 27 March 2018; Ord. 2018-07)

(4) Requirements.

(a) Drumlins shall not be mined, or in any other way removed, in part or in total, except for customary excavation necessary to construct foundations for permitted buildings or for utilities which serve permitted buildings.

(b) For any lot, the total area of the building footprints of all buildings placed on a drumlin shall not exceed 10% of the surface area of that portion of a drumlin located on the lot.

#### **5.05 Dunes.**

(1) Purpose. Dunes are an uncommon Door County landform formed by the dynamic forces of water and wind acting upon the land. The purposes of these regulations are to perpetuate the existence and intactness of the dunes as unique habitat areas and to protect the visual integrity of the dunes.

(2) Dunes which are at least 20 feet in height are subject to the requirements in this section.

(3) Determination. The location of dunes shall be determined by reference to a map entitled "*Door County Natural Features Map*" on file in the office of the Land Use Services Department. (Amended: 27 March 2018; Ord. 2018-07)

(4) Requirements.

(a) Dunes shall not be mined, or in any other way removed, in part or in total, except for customary excavation necessary to construct foundations for permitted

buildings or for utilities which serve permitted buildings.

(b) For any lot, the total area of the building footprints of all buildings placed on a dune shall not exceed 10% of the surface area of that portion of a dune located on the lot.

### 5.06 Rockholes.

(1) Purpose. Rockholes provide easy opportunity for contaminated surface water to enter Door County's groundwater system. Since Door County's people rely on groundwater for drinking water, human health and public welfare will be benefited by minimizing opportunity for entry of contaminated surface water into rockholes. The purpose of these regulations is to reduce entry of contaminant-bearing surface water into rockholes.

(2) Each of the following shall be subject to the requirements of sub. (4):

(a) Rockholes where the rockhole opening is one square foot or greater in size.

(b) Rockholes where the area bounded by the associated rockhole depression is 100 square feet or greater in size.

(c) Rockhole channels where the rockhole channel cross-sectional area is 3 square feet or greater in size.

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

Commentary: Some rockhole openings and rockhole depressions receive sufficient surface water to cause formation of an eroded channel in the ground to form. This section places regulations upon those channels of the size specified in sub. (2), par.(c).

(4) Requirements. The requirements of either par. (a) or (b) shall be met.

(a) The following items shall not be placed within 75 feet of rockhole openings, rockhole depressions, or rockhole channels:

1. Buildings.
2. Surface water discharge pipes or channels that drain into a rockhole opening, rockhole depression, or rockhole channel.
3. Petroleum products storage facilities.
4. Wastewater treatment and disposal systems.

5. Livestock manure storage facilities.
6. Parking lots.
7. Livestock barnyards and feedlots.
8. Fertilizer distribution plants.
9. Sanitary landfills.
10. Animal shelters.
11. Kennels.
12. Salvage yards.

(b) Alternative protection plan. It is recognized that, in some instances, there may be other methods of groundwater protection regarding rockholes such as drainage diversion, berming, filling the rockhole, etc. A landowner may devise and submit an alternative protection plan for the prevention of groundwater contamination through rockholes. Such plan must be approved by the Door County Soil and Water Conservation Department and shall specify the measures to be undertaken. If approved, the applicant shall adhere to the requirements of the alternative protection plan rather than the requirements of par.(a).

#### **5.07 Woodlands.**

(1) Purpose. The woodlands of Door County 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.

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

(a) The woodland area must be 5 acres or more in size, and

(b) The shade of trees over 15 feet in height must cover at least 70% of the land surface of the woodland area.

(3) 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.

(4) Requirements.

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

<u>Zoning Districts</u>	<u>Proportion of Total Woodland Area That May Be Cleared</u>
W, NA, EA, PA, GA, CS, HL3.5, HL5, HL10, ES, CS5, CA, CI	20 %
SF10, SF20, SF30, SE, RR, HD, NR	40 %
MC, RC, LI, GC	70 %
CC, VC	100 %

(Amended: 27 February 2007; Ord. 2007-04; Effective 12 March 2007)  
 (Amended: 22 February 2011; Ord. 2011-03) (Amended: 25 March 2014; Ord. 2014-03)

(b) 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. (2), par.(b).

(5) Woodland management. Woodlands that have been left remaining in compliance with sub. (4), par. (a) may be used or managed as follows:

(a) Selective cutting is permitted, provided that after cutting, the woodland area on a lot still meets the characteristics shown in sub. (2), par. (b), and provided that the selective cutting does not result in a cleared area greater than 10,000 square feet.

(b) Clearcutting is permitted subject to the following requirements:

1. Clearcutting is allowed only in areas where 40% or more of all the trees in the area are either aspen or white cedar trees over 10 inches in caliper.  
(Amended: 20 Sept. 2016; Ord. 2016-14)
2. No area of clearcutting shall exceed 10 acres in size.
3. 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.
4. A clearcut area shall not be converted or developed for another use, but shall be allowed to regenerate woodland cover naturally.

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

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

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

(e) (Deleted 26 March 2019; Ord. 2019-02)

(6) Woodlands that are located in escarpment protection areas are also subject to provisions contained in s. 5.03., escarpments; woodlands that are located in shorelands are also subject to the shoreland vegetation protection provisions listed in s. 3A.07, shoreland vegetation. (Amended: 27 May 2014; Ord. 2014-10)

### **5.08 Ridges and swales complexes.**

(1) Purpose. The purpose of these regulations is to recognize and protect landforms that owe their existence to the dynamic forces of water acting upon the land during various periods of rising and falling lake levels. The events that produced these landforms apparently occurred during approximately the last 4,000 years. These geologic features and the wild plant and animal life supported on them are of significant scientific interest. The ridges and swales complexes also contribute to the special aggregate landscape of Door County.

(2) Determination. The location of ridges and swales complexes shall be determined by reference to a map entitled "*Door County Natural Features Map*" on file in the office of the Land Use Services Department. (Amended: 27 March 2018; Ord. 2018-07)

(3) Requirements.

(a) Buildings and structures shall be placed, to the greatest practical extent, on the uppermost ground surfaces of ridges.

(b) No buildings and structures, except roads constructed in accordance with par.(e), shall be placed in swales.

(c) The ridges ground surfaces shall not be reshaped by excavation, except for customary excavation necessary to construct roads and foundations of buildings and structures; by grading; or by filling, except for customary backfilling around foundation walls of buildings and structures, construction of roads in accordance

with par.(e), and construction of parking areas.

(d) The swales ground surfaces shall not be reshaped by excavating, grading, or filling, except as necessary for road construction in accordance with par.(e).

(e) Road construction in ridges and swales complexes shall occur in accordance with the following:

1. Roads shall be placed, to the greatest practical extent, on the uppermost ground surfaces of the ridges.
2. Roads shall not be placed in swales, except for that portion which is the minimum necessary to continue a road from one ridge to the adjacent ridge. The road portion in the swale shall be constructed so as to allow free and continuous movement of surface water through the road by means of culverts and/or bridges.
3. The road shall be constructed with the minimum cross-sectional area necessary to serve the intended use.
4. Road construction activities shall be carried out in the immediate area of the road only.

**5.09 Shoreland vegetation.** (Relocated to s. 3A.07: 27 May 2014; Ord. 2014-10) (Revised and moved to Door County Shoreland Zoning Ordinance: 20 Sept. 2016; Ord. 2016-14)

**5.10 Wetland setbacks.**

(Added: 8 September 1998; Ord. 20-98)

(1) Requirements of this section shall apply to all zoning districts in all towns.

(2) All buildings and structures, unless specifically permitted within Wetland zoning districts per s. 2.05(4), shall be set back from wetlands, as defined in s. 13.02, a minimum of 35 feet, except for buildings and structures in SF10, SF20 and SF30 zoning districts, where the required setback from wetlands shall be 10 feet. (Amended: 22 February 2011; Ord. No. 2011-03)

(3) All wetland boundaries shall be determined by field verification by Door County Land Use Services Staff. (Amended: 27 March 2018; Ord. 2018-07)

## CHAPTER 6

### CONSERVATION SUBDIVISION

(Recreated: 4 April 2011; Ord. 2011-05)

- 6.01 Purpose.
- 6.02 General requirements.
- 6.03 Preserved open space.
- 6.04 Application and permit requirements.

**6.01 Purpose.** The conservation subdivision option is intended to preserve natural resources, agricultural land, and open spaces in exchange for greater density than offered by a traditional subdivision. This option promotes flexible site planning by relaxing various Ordinance requirements.

#### **6.02 General requirements.**

(1) A conservation subdivision may be allowed on a single lot meeting the minimum site area requirements of s. 3.02(3), table of district requirements. The minimum site area shall be calculated including only land within the site to be used for residential development as allowed within conservation subdivisions, agricultural uses and buildings, preserved open space, and wetlands.

(2) Wetlands, as defined in Chapter 13 of this Ordinance:

(a) Shall not be included in determining the maximum allowable density of the conservation subdivision.

(b) May be included in meeting the minimum site area requirement.

(c) May be included in meeting the minimum preserved open space requirement.

(3) Maximum Allowable Density.

(a) The area of the site used to calculate the maximum allowable density of the development shall include only land to be used for conservation subdivision residential development, agricultural uses and buildings, and those areas to be designated as preserved open space, except wetlands.

(b) Dwelling units per acre (du./acre) shall not exceed the maximum allowed for conservation subdivisions in the zoning district in which the development is located. However, the maximum allowable density shall not be less than the number of lots derived by applying the individual lot requirements of the particular zoning district to the conservation subdivision site area. For example, if the calculated maximum allowable density equals 1 and the number of lots that could be created by applying the individual lot standards equals 2, then the maximum allowable

density becomes 2. (Typographical error corrected: 20 Sept. 2016; Ord. 2016-14) (Amended: 26 March 2019; Ord. 2019-02)

For conservation subdivisions that cross zoning district boundaries, the maximum allowable density for the development shall be determined by prorating the maximum allowable density of each applicable zoning district.

(4) Individual residential lots, uses, and structures.

(a) Individual residential lots, uses, and structures within a conservation subdivision shall comply with all of the requirements and provisions of this Ordinance, except that:

1. The minimum required lot area shall be 10,000 square feet.
2. The minimum required lot width shall be 65'.
3. When the perimeter yard requirements as listed in s. 3.02(3) do not apply, the minimum yard requirements shall be as listed below:

<b>Structure</b>	<b>Front Yard</b>	<b>Side yard</b>	<b>Rear Yard</b>
Principal	25'	10'	20'
Accessory	25'	5'	10'

4. Impervious surface ratio maximums need not be adhered to, provided the site as a whole does not exceed the maximum impervious surface ratio for the zoning district in which the development is located.

Commentary: The provisions of s. 3.15, special development requirements, shall still apply as appropriate.

(b) Residential uses allowed shall be single family residences, secondary dwelling units, duplexes, or existing manufactured homes. New duplexes are only allowed provided they are allowed in the applicable zoning district. New manufactured homes shall not be allowed. (Added: 22 May 2018; Ord. 2018-10)

(c) Utility facilities – type A may be permitted on the individual residential lots. Other non-residential uses that may be permitted, in conjunction with one of the residential uses listed in par. (b), are home offices/studios, home occupations, home businesses, family day care homes, agriculture, and private riding stables. These nonresidential uses are only allowed provided they comply with all regulations elsewhere in this ordinance and are allowed in the applicable zoning district. (Added: 22 May 2018; Ord. 2018-10)

(d) A restrictive agreement shall be recorded to the effect that the individual residential lots, uses, and structures listed in par. (b) shall not be converted to or used for any nonresidential use not listed in par. (c). (Added: 22 May 2018; Ord. 2018-10)

(5) Access restricted. A maximum of 2 residential lots per conservation subdivision shall have direct driveway access to an existing state, county, or town road, with a maximum of 1 direct driveway access per individual lot.

**6.03 Preserved open space.**

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

(a) The maintenance and protection of natural resources in the manner and to the extent required by Chapter 5, Natural Features Protection Requirements.

(b) Passive recreational uses which involve the creation and/or maintenance of very negligible impervious surfaces, such uses including arboretums, hiking paths, walkways, nature areas, wildlife sanctuaries, picnic areas, public and private parks, garden plots, and beaches. Driveways and parking areas shall not be included in meeting the minimum preserved open space area requirement.

(c) Agricultural uses, but not structures, except for roadside stands.

(d) Stormwater facilities and shared septic systems or wells.

(2) The minimum size of a preserved open space area, as calculated by multiplying the Minimum Preserved Open Space percentage shown in s.3.02(2), Table of District Requirements, by the total site area, shall be 2 acres and 200 feet of width for developments with a total site area of 10 acres or more, and 20,000 square feet and 100 feet of width for developments with a total site area of less than 10 acres. The areas containing shared septic systems or wells and natural features required to be protected in 6.03(3) may be included in meeting the minimum preserved open space requirement, but need not meet these minimum size requirements. (Amended: 26 March 2019; Ord. 2019-02)

(3) Specific requirements in escarpment, ridge and swale complex, floodplain, dune, and drumlin areas. (Amended: 20 Sept. 2016; Ord. 2016-14)

(a) (Deleted: 20 Sept. 2016; Ord. 2016-14)

(b) Portions of escarpment, ridge and swale complex, floodplain, drumlin, and dune areas located within a conservation subdivision shall be dedicated as preserved open space as provided in s. 6.03, preserved open space. The portion shall, at a minimum, equal the percentage listed as minimum required preserved open space in s. 3.02(3), table of district requirements, for the applicable zoning district.

Commentary: Thus, for a conservation subdivision in an SF20 district, the

percentage of the escarpment, ridge and swale complex, floodplain, drumlin, or dune area to be preserved as open space would be at least 30%; in an SF30 district, the percentage would be at least 40%, and so on. (Amended: 24 March 2015; Ord. 2015-02) (Amended: 20 Sept. 2016; Ord. 2016-14)

(4) Except for roadside stands, the area of land containing and within 50' of structures located within the lot that contains the preserved open space shall not count toward the required minimum preserved open space of the development.

(5) There shall be adequate guarantees for retention of preserved open space in perpetuity through the use of a legal agreement deemed acceptable by the county. The legal agreement shall:

- (a) Be required for the preserved open space area of a conservation subdivision.
- (b) Not restrict agricultural uses, except for agricultural structures other than roadside stands.
- (c) Not restrict future use of the property for public purposes.
- (d) Specify ownership, tax liability, and maintenance of the preserved open space.

#### **6.04 Application and permit requirements.**

(1) In addition to the information required in s. 11.01, regular zoning permits, the application for a conservation subdivision shall contain the following:

(a) Information on the total area of the site, individual lots, and preserved open space; maximum allowable density; number of buildings and dwelling units; and other data necessary to fully describe the project.

(b) Information regarding any intended legal agreements such as deed restrictions, property owners' associations, reservation of development rights, and conservation easements.

(c) Accurate map(s) of the project area and a site plan showing the following:

1. Location and area of the project site and abutting properties.
2. Location of public and private roads, driveways, and parking areas.
3. Location and area of proposed residential and other lots. The type of residential development within the conservation subdivision - single family residence or duplex - shall be specified and designated on the site plan for the purpose of determining compliance with the maximum allowable density.

4. Location and size of preserved open space areas.
5. Within the lot which will contain the preserved open space, the location of existing or proposed structures and the boundary of the surrounding area as required in s. 6.03(4).
6. Existing topography and proposed topography changes.
7. Location of wetlands and natural features as listed in s. 6.03(3).

(d) (Deleted: 17 April 2012, Ord. No. 2012-14)

(2) A regular zoning permit issued to establish a conservation subdivision as described in the approved site plan shall expire 12 months from the date of issuance unless the required legal agreements and proposed lots within the development have been recorded in the Door County Register of Deeds office. No construction activities shall commence prior to the recordation of the proposed lots or building sites and the reservation of development rights or other agreements. If an individual structure or use within the conservation subdivision requires authorization, a zoning permit per the ordinance in effect at the time shall also be required prior to construction or establishment.

**CHAPTER 7**

**PARKING, LOADING, AND ACCESS REQUIREMENTS**

- 7.01 Purpose.
- 7.02 Off-street parking requirements.
- 7.03 Parking area landscaping requirements.
- 7.04 Loading and unloading requirements.
- 7.05 Access requirements.

**7.01 Purpose.** These provisions are intended to: reduce traffic congestion on public streets by requiring adequate off-street parking and loading areas for each land use, improve the appearance of parking lots and reduce the nuisance of glare, and promote traffic safety by ensuring proper access to roads. (Amended: 9 November 2011; Ord. 2011-14)

**7.02 Off-street parking requirements.**

(1) Required number of off-street parking spaces. The minimum number of off-street automobile parking spaces to be provided shall be in accordance with the schedule below, except that: (Amended: 9 November 2011; Ord. 2011-14)

If the parking requirements for particular uses described in Chapter 4, particular use requirements, are different from those shown here, the standards in Chapter 4 shall apply. (Amended: 9 November 2011; Ord. 2011-14)

In cases where garages are provided, the number of required off-street parking spaces shall be reduced by the number of parking spaces within the garages. (Recreated: 9 November 2011; Ord. 2011-14)

In cases where on-street parking is provided, the number of required off-street parking spaces shall be reduced by the number of on-street parking spaces fully within the lot lines as if the lot lines for the parcel in question were extended into the right(s)-of-way. In order to qualify for this exemption such on-street parking spaces must be designated by the highway maintaining authority, be paved, and be demarcated by paint. (Added: 9, November 2011; Ord. 2011-14)

<u>USE</u>	<u>OFF-STREET PARKING REQUIREMENT</u>
Residential	2 spaces per dwelling unit.
Multiple Occupancy Development	(Deleted: 9 November 2011; Ord. 2011-14)
Auditorium/Theater/Assembly Hall	1 space per 3 seats. (Amended: 20 Sept. 2016; Ord. 2016-14)
Church/Funeral Home	1 space per 4 seats.
Restaurant/Tavern	1 space per 100 square feet of primary floor

PARKING, LOADING 7.02(1)

	area or 1 space per 3 seats, whichever is greater.
Boarding House	1 space per bedroom or sleeping room.
Bed and Breakfast Establishment	2 spaces plus 1 space per rental room
Medical/Dental Clinic or Office	5 spaces per doctor/dentist.
Public Boat Launching Ramp	15 spaces per launching lane (each space 10 feet wide x 40 feet long).
Office Uses	1 space per 250 square feet of primary floor area.
Retail Stores and Personal Services Establishments	1 space per 200 square feet of primary floor area.
Manufacturing/Trade or Contractor Establishments	2 spaces plus 1 space per employee during peak shifts.
Warehouse/Commercial Storage	1 space per 1,000 square feet of primary floor area.
Marinas	0.6 spaces per boat slip. (Amended: 9 Nov. 2011; Ord. 2011-14)
Commercial Riding Stables	1 space per 3 horses.
Model Homes	4 spaces per model home.

(a) For uses other than residential uses, marinas, public boat launches, auditoriums, and assembly halls, in areas designated as “core” on the Door County Comprehensive and Farmland Preservation Plan future land use maps the minimum number of spaces required shall be reduced by 50%. (Added: 9 November 2011; Ord. 2011-14) (Amended: 25 June 2013; Ord. 2013-12) (Amended: 20 Sept. 2016; Ord. 2016-14)

(b) Commercial establishments with drive-through facilities shall, in addition to providing the required off-street parking spaces, maintain an off-street queuing capacity of 4 vehicles per service lane, designed so that vehicles queuing in the drive-through lane do not interfere with street traffic flow. (Amended: 9 November 2011; Ord. 2011-14)

(c) Computation. When the computation of the minimum number of parking spaces results in a fractional product of .5 or greater, the product shall be rounded up to the next whole number. (Amended: 9 November 2011; Ord. 2011-14)

(d) Uses not enumerated. In the case of uses specifically not listed in sub.(1), the minimum number of parking spaces shall be determined by the Land Use Services

Director, upon referral and recommendation of the Zoning Administrator, based upon requirements for similar uses. (Amended: 27 March 2018; Ord. 2018-07)

(e) Multiple uses on a lot. Where more than one use is located on a lot, the required number of parking spaces shall be determined by the sum of the minimum total number of parking spaces for each individual use. However, the Land Use Services Director, upon referral and recommendation by the Zoning Administrator, may allow a reduction of parking facilities if: (Amended; 27 March 2018; Ord. 2018-07)

1. The peaks of demand for individual uses do not coincide, or
2. The same parking space can simultaneously serve both uses.

(2) Application to existing uses. Uses existing on the effective date of this Ordinance which do not have the required amount of parking space shall not further reduce said space; and no expansion of the use shall be permitted, unless parking spaces equal to the parking requirement for the expansion are provided as part of the expansion.

(3) Application to change of use. Whenever an existing use of a lot is hereafter proposed to be changed to a use having greater parking requirements, the applicant shall provide additional parking spaces equal to the difference in required parking spaces between the existing use and the proposed use.

(4) Location. Except as provided in (a) and (b), all required off-street parking shall be provided on the same lot as the use it serves or on an adjoining lot under the same ownership as the lot containing the use it serves. Adjoining lots shall be defined in this section to include lots which otherwise would be adjoining if not separated by a road right-of-way. Adjoining lots used to provide required off-street parking shall be located in a Commercial Center, Mixed Use Commercial, Recreational Commercial, Light Industrial, Village Commercial, or General Commercial district, or in a district within which the use the parking serves is permitted. (Recreated: February 22, 2011; Ord. 2011-06) (Amended: 26 February 2013; Ord. 2013-05)

(a) For Commercial, Industrial, Agricultural, Outdoor Recreational, and Institutional Uses, as listed in s.2.05(3), table of principal uses, parking may be provided off-premise, provided that: (Recreated: 28 Feb. 2011; Ord. 2011-06) (Amended: 26 Feb. 2013; Ord. 2013-05)

1. The off-premise property shall be under the same ownership as the lot containing the Commercial, Industrial, Agricultural, Outdoor Recreational and Institutional Use; or the off-premise property to serve as the required parking lot shall be leased for such purpose for 20 years or more.
2. Each of the parking spaces shall be within 500 feet of the structure housing the use that the parking spaces are intended to serve.

3. The off-premise parking area shall be located in a Commercial Center, Mixed Use Commercial, Recreational Commercial, Light Industrial, Village Commercial, or General Commercial district, or in a district within which the use the parking serves is permitted. (Amended: 27 Feb. 2007; Ord. 2007-04; Effective 12 March 2007) (Amended: 26 Feb. 2013; Ord. 2013-05)

4. A separate regular zoning permit shall be obtained for the off-premise parking area.

(b) For government-owned public parks and boat launching facilities, parking may be provided off-premise, provided that: (Recreated: February 22, 2011; Ord. 2011-06).

1. The off-premise property shall be under the same ownership as the lot containing the government-owned public park or boat launching facilities; or, the off-premise lot to serve as the required parking lot shall be leased for such purpose for 20 years or more. (Recreated: February 22, 2011; Ord. 2011-06).

2. The off-premise parking area shall be located in a Natural Area, Countryside, Estate, SF20, SF30, Small Estate, Rural Residential, High Density, Commercial Center, Mixed Use Commercial, Recreational Commercial, Light Industrial, Neighborhood Residential, General Commercial, Conservation Area, Village Commercial, Chambers Island, Countryside-5, or Heartland zoning district. (Amended: 27 February 2007; Ord. 2007-04; Effective 12 March 2007) (Amended: 24 August 2010; Ord. 2010-09) (Amended: 25 March 2014; Ord. 2014-03)

3. A separate regular zoning permit shall be obtained for the off-premise parking area. (Amended: 3 November 2003; Ord. 20-03)

(5) Abandonment. No parking space, or driveway providing access thereto, shall be abandoned, closed, converted to another use, or in any way eliminated from use as a parking space or driveway, unless adequate off-street parking and access are provided to the property in full compliance with the provisions of this Ordinance.

(6) Design requirements.

(a) Surfacing. In areas designated as “core” on the Door County Comprehensive and Farmland Preservation Plan future land use maps, 75% of the required off-street parking area shall be surfaced with gravel, paving, or other material to free the parking area of mud, and pitched to prevent ponding; in non-core areas, 50% shall be so surfaced. Non-surfaced off-street parking areas shall be mowed and clearly designated as parking areas, such as with signs and/or parking bumpers. (Amended: 9 November 2011; Ord. 2011-14) (Amended: 20 Sept. 2016; Ord. 2016-14)

(b) Size. Off-street parking spaces shall be at least 9 feet in width and at least 18 feet in length. Parking spaces designed to accommodate parallel parking shall be at least 22 feet in length. Parking spaces shall have a vertical clearance of at

least 7 feet.

(c) Setback.

1. Off-street parking areas shall be located at least the following distances from public rights-of-way:

<u>Zoning District</u>	<u>Setback from ROW</u>
NA, EA, PA, GA, CS, HL3.5, HL5, HL10, ES, LI, CA, CS5	15 feet
SF10, SF20, SF30, SE, RR, HD, NR, CI	10 feet
CC, MC, RC , VC, GC	5 feet

(Amended: 27 February 2007; Ord. 2007-04; Effective 12 March 2007) (Amended: 22 February 2011; Ord. 2011-03) (Amended: 25 March 2014; Ord. 2014-03)

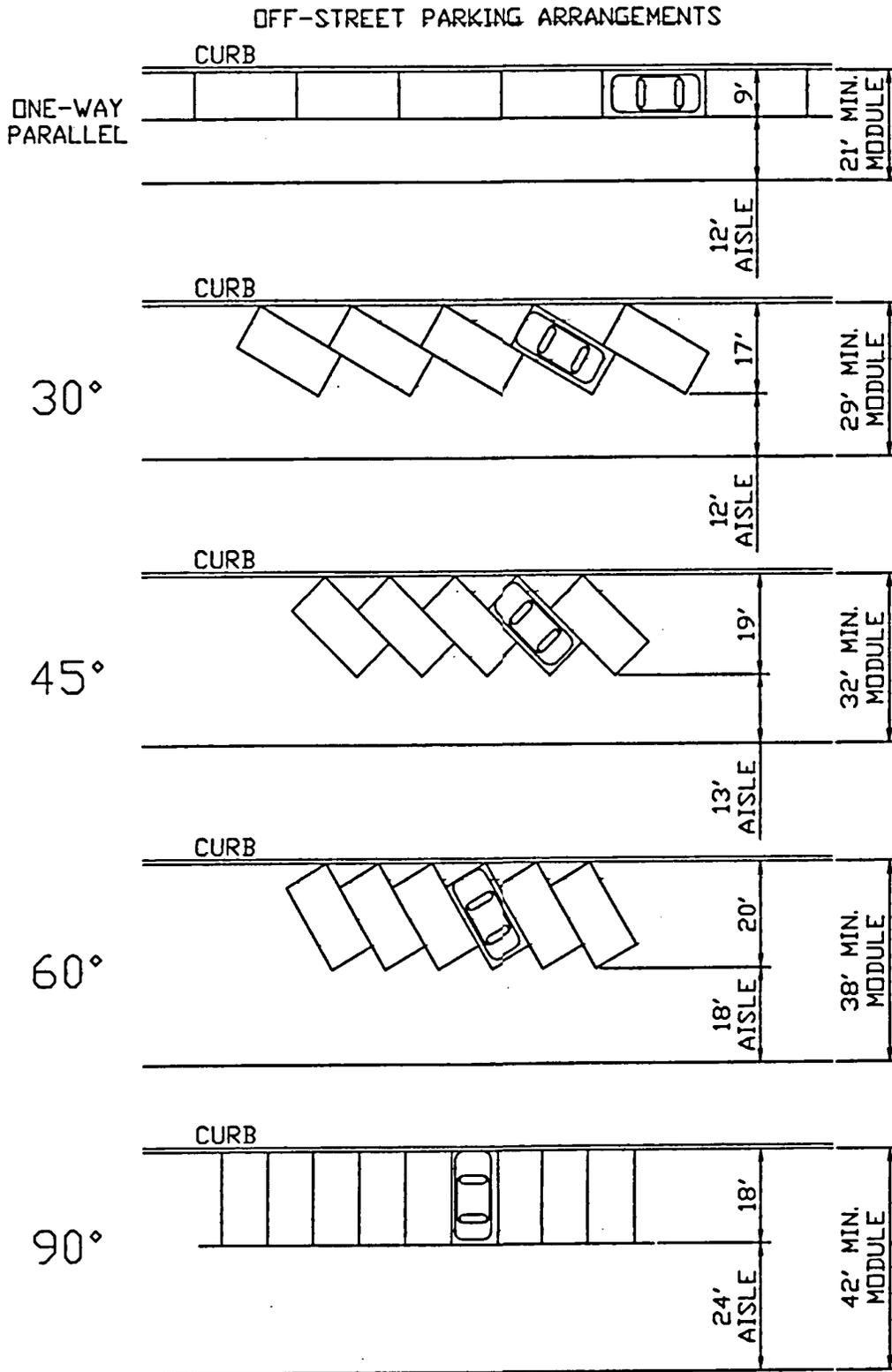
2. Off-street parking areas shall be located at least 5 feet from all other lot lines in all zoning districts.

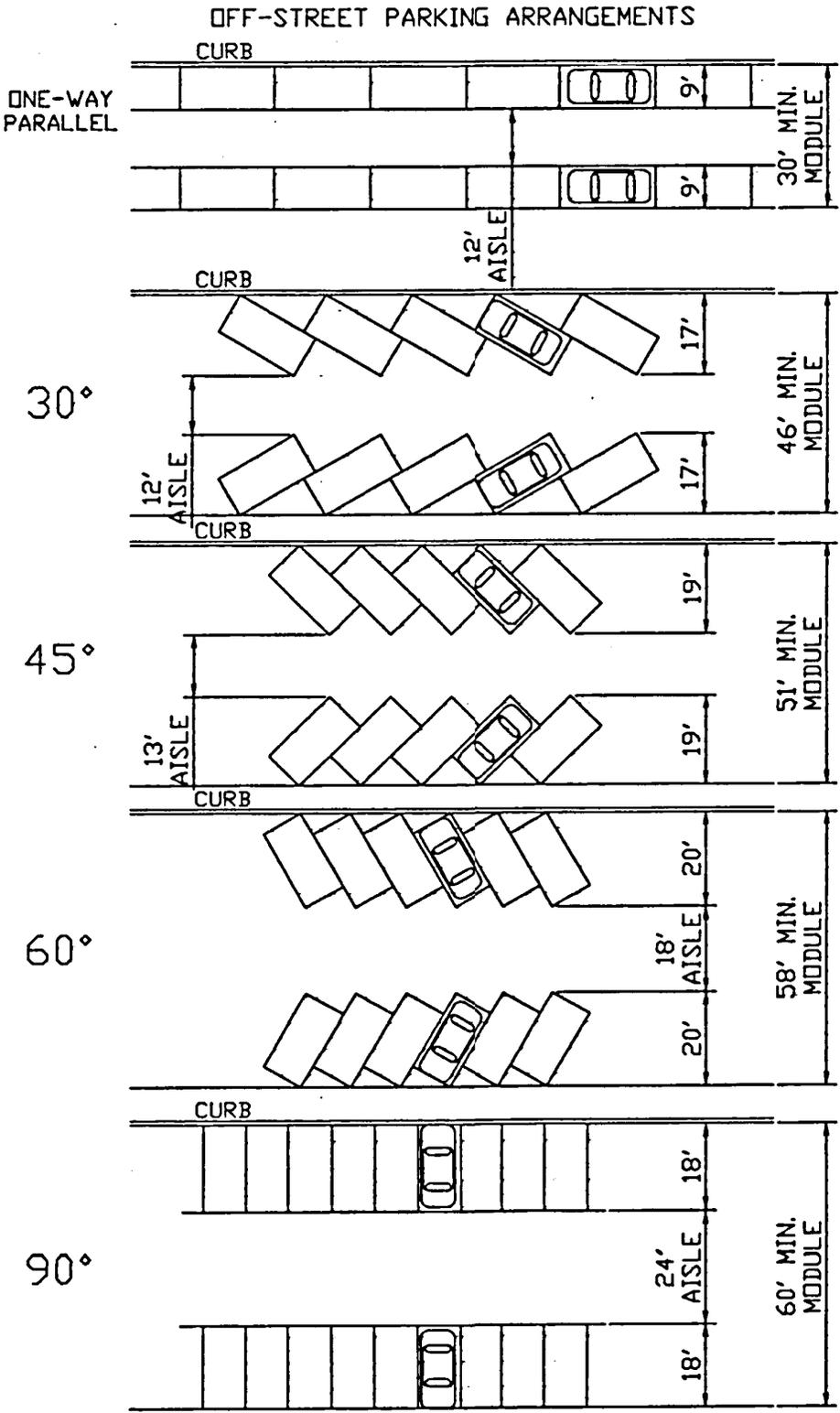
(d) Access. All parking areas shall be provided with an entrance and exit or shall be provided with a turnaround at the end opposite the entrance.

(e) Horizontal widths for parking rows, aisles, and modules (row plus aisle) shall be provided at widths no less than listed in the following table:

	<u>One-way Parallel</u> --feet--	Parking Space Angle, in degrees			
		<u>30 45 60 90</u>			
		-----feet-----			
Single row of parking	9	17	19	20	18
<u>Driving aisle</u>	<u>12</u>	<u>12</u>	<u>13</u>	<u>18</u>	<u>24</u>
Minimum width of module (row + aisle)	21	29	32	38	42
Two rows of parking	18	34	38	40	36
<u>Driving aisle</u>	<u>12</u>	<u>12</u>	<u>13</u>	<u>18</u>	<u>24</u>
Minimum width of module (row + aisle)	30	46	51	58	60

Commentary: The illustrations on the following pages depict the parking arrangements described in the table.





(f) Lighting. Lighting established for the purpose of illuminating off-street parking areas shall utilize lighting fixtures whose hood, lens, or combination thereof allow no direct beams of light to be seen from off the property or to be cast skyward, and the lighting elements of which shall not be visible from adjacent properties. (Amended: 20 Sept. 2016; Ord. 2016-14)

(g) Maintenance. All parking areas shall be properly maintained by the owner, or lessee, of the property.

(h) Handicapped parking. All off-street parking areas shall provide parking spaces for use by motor vehicles which transport physically disabled persons, in accordance with the ADA Accessibility Guidelines. (Amended: 9 November 2011; Ord. 2011-14)

(7) Parking of Business-Related Vehicles. In the Single Family Residential-10,000, Single Family Residential-20,000, Single Family Residential-30,000, High Density Residential, Small Estate Residential and Neighborhood Residential districts, not more than one vehicle which bears business insignia and/or one trailer used in a business or trade shall be parked on a lot overnight. This provision shall not apply to permitted commercial uses nor to nonconforming uses, provided such parking of business-related vehicles does not violate any other provision of this Ordinance. (Amended: 27 February 2007; Ord. No. 2007-04; Effective 12 March 2007) (Amended: 22 February 2011; Ord. No. 2011-03)

### **7.03 Parking area landscaping requirements.**

(1) Applicability. These requirements shall apply to all parking spaces created after the effective date of this Ordinance, except for parking spaces located in parking areas which accommodate fewer than 6 vehicles, and except for parking spaces located in multi-level parking structures.

(2) Minimum landscaping requirements.

(a) Canopy trees shall be required as follows:

1. One canopy tree with a caliper of at least 2 inches shall be required for every 12 parking spaces. Fractions shall be rounded to the nearest whole number (e.g. 0-5 spaces = no trees, 6-17 spaces = 1 tree, 18-29 spaces = 2 trees, etc.).
2. All required canopy trees must be located within the parking area or within 10 feet of the perimeter of the parking area surface.
3. Existing trees may be counted toward the canopy tree requirements, provided they meet the requirements for size, placement, and type.

(b) Other landscaping materials shall be required so as to accumulate 15

landscape points per parking space. Landscape points shall be accumulated according to the following:

LANDSCAPE POINTS

<u>Landscape Element</u>	<u>Minimum Planted Size</u>	<u>Points</u>
Canopy Trees	2 in. caliper or 1.5 in. caliper for multi-stem trees	50 pts.
Evergreen Trees	4 feet high	30 pts.
Low Ornamental Trees	5 feet high and balled and burlapped stock	20 pts.
Tall Shrubs	2.5 feet high	9 pts.
Medium Shrubs	18 inches high	6 pts.
Low Shrubs	15 inches high	3 pts.

The publication *A Guide to Selecting Landscape Plants for Wisconsin*, by E. R. Hasselkus, UW-Extension publication A2865, shall be used to determine which plants are "low-ornamental trees" and "tall/medium/low shrubs."

1. To qualify for points the landscape elements must be located in the following areas:
  - a. Within landscaped areas in the interior of the parking area.
  - b. Within 10 feet of the perimeter of the parking area.
  - c. Along public right-of-ways that are adjacent to the parking area.
2. Landscaping which primarily serves the aesthetic enhancement of the building or related open areas shall not qualify for points.
3. Canopy trees as required by par.(a) shall also qualify for points. (Amended: 24 Feb. 2004; Ord. 2004-03)

(c) Screening near residential uses. A screening barrier (for the purpose of reducing glare) shall be required in the following situations:

1. When the parking area is located within 30 feet of an adjoining lot containing a principal residential use. (Amended: 25 June 1996; Ord. 16-96)
2. When the parking area is located within 30 feet of an adjoining vacant lot that is located in the Single Family Residential-10,000, Single Family Residential-20,000, Single Family Residential-30,000, Small Estate Residential, Rural Residential, High Density Residential, or Neighborhood Residential districts. (Amended: 27 February 2007; Ord. No. 2007-04; Effective 12 March 2007) (Amended: 22 February 2011; Ord. No. 2011-03)

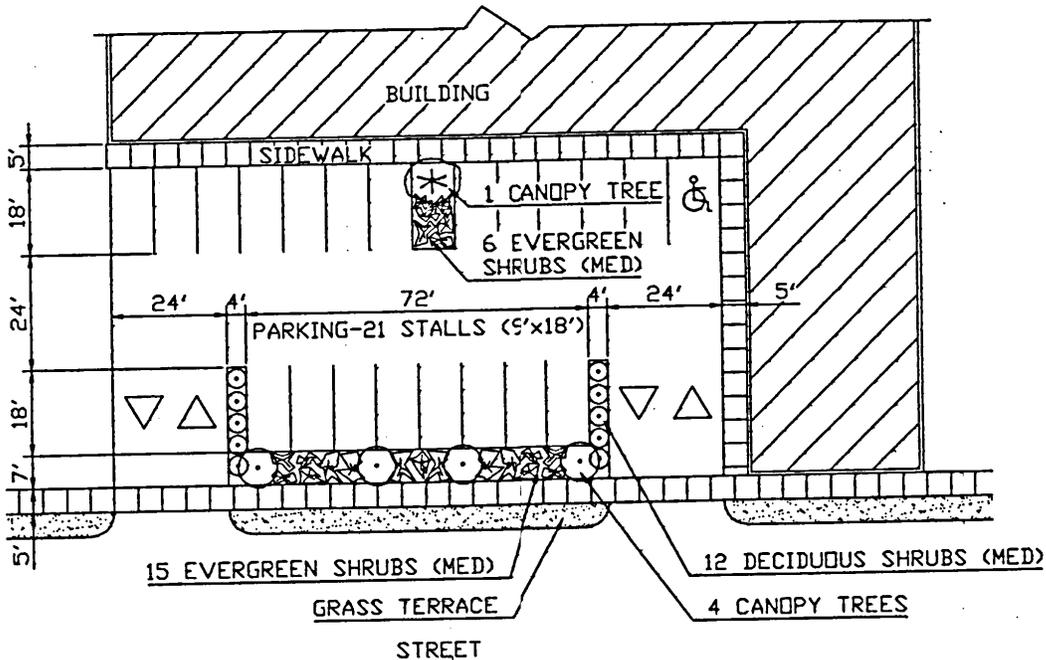
The minimum height of the barrier shall be 3.5 feet above the surface of the parking area. The barrier may consist of wood or masonry fencing, walls, berms, or planted materials. If planted materials are used, they must be of suitable size and density to accomplish the screening objective within 3 years of planting.

(d) All required landscape and/or barrier materials shall be established prior to utilization of the parking spaces, unless a bond, certificate of deposit, cash, or other form of financial assurance acceptable to the Zoning Administrator is submitted to the County. Such financial assurance shall cover the estimated cost of installing the landscape and/or barrier materials and shall be returned to the applicant upon proper installation by the applicant. If the landscape and/or barrier materials are not properly installed within 9 months of commencement of operation of the use, the financial assurance shall be used for installation of the landscape and/or barrier materials by the County. Once established, all landscape and/or barrier materials shall be properly maintained by the owner or lessee of the parking area. (Amended: 25 June 1996; Ord. 16-96)

(3) Two or more parking areas interconnected by on-site vehicular circulation shall be treated as one lot for the purposes of this section. Unconnected parking areas serving the same use shall be treated as one lot unless they are separated by 30 feet or more.

Commentary: The following 2 sketches illustrate application of this section.

(Continued on next page)



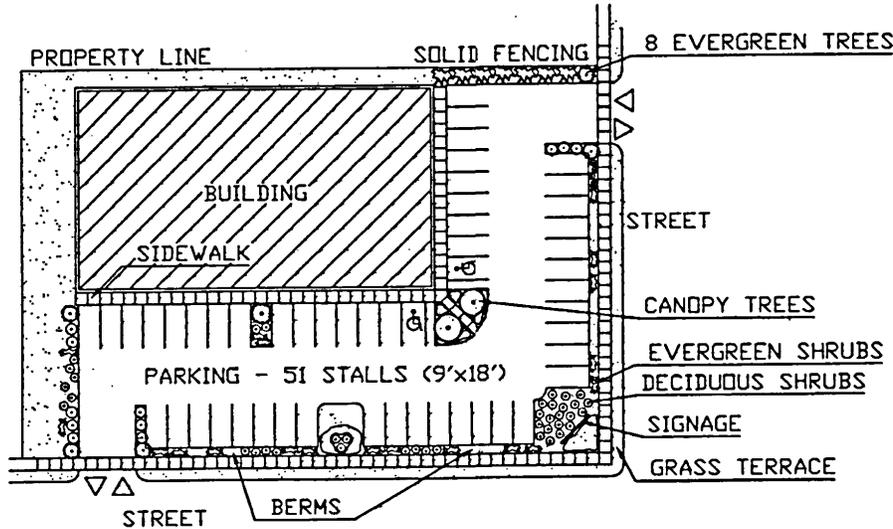
LANDSCAPE POINT SYSTEM REQMNTS.  
 REQUIREMENTS FOR 21 PARKING STALLS:  
 CANOPY TREES (2'-2 1/2') 2 MINIMUM  
 REQ'D. LANDSCAPE ELEMENT PTS. 315

LANDSCAPE POINT TOTALS

3 ADDITIONAL CANOPY TREES -	
(2'-2 1/2')	150 POINTS
21 MEDIUM EVERGREEN SHRUBS	126 POINTS
12 MEDIUM DECIDUOUS SHRUBS	72 POINTS
<b>TOTAL LANDSCAPE POINTS</b>	<b>348 POINTS</b>

# SKETCH 1

SAMPLE PARKING AREA LANDSCAPE PLAN  
 21 PARKING SPACES



LANDSCAPE POINT SYSTEM REQMNTS.  
 REQUIREMENTS FOR 51 PARKING STALLS:  
 CANOPY TREES 4 MINIMUM  
 REQ'D. LANDSCAPE POINTS. 765

<u>LANDSCAPE POINT TOTALS</u>	
8 EVERGREEN TREES	
(30 PTS. EA.)	240
5 ADDITIONAL CANOPY TREES	
(50 PTS. EA.)	250
50 EVERGREEN SHRUBS	
(3 PTS. EA.)	150
32 DECIDUOUS SHRUBS (MED.)	
(6 PTS. EA.)	192
<b>TOTAL LANDSCAPE POINTS</b>	<b>832</b>

SKETCH 2

SAMPLE PARKING AREA LANDSCAPE PLAN  
 CORNER LOT - 51 PARKING SPACES

**7.04 Loading and unloading requirements.**

(1) Any use which requires deliveries or shipments shall provide sufficient off-street loading and unloading space so that no public street, alley, or access to any parking area is blocked by such activities.

(2) The loading and unloading space shall be separate from any parking aisle or parking spaces unless delivery or pickup activities are scheduled for hours when the parking area is not in use.

**7.05 Access requirements.**

(1) Every use shall have access to a public or private road. However, property owners have the responsibility of securing the access.

(2) For all uses, except Agricultural Uses, as listed in s. 2.05(3), table of principal uses, no more than 2 driveways per lot shall be permitted.

(3) In areas not designated as “core” on the Door County Comprehensive and Farmland Preservation Plan future land use maps, for all uses, except Agricultural Uses, as listed in s. 2.05(3), table of principal uses, access shall not be taken to a state highway if access to a town, county, or public or private frontage road is available. (Amended: 9 November 2011; Ord. 2011-14) (Amended: 20 Sept. 2016; Ord. 2016-14)

(4) Access spacing on state highways shall be as allowed by the Wisconsin Department of Transportation. (Amended: 20 Sept. 2016; Ord. 2016-14)

(a) (Deleted: 20 Sept. 2016; Ord. 2016-14)

(b) (Deleted: 20 Sept. 2016; Ord. 2016-14)

(5) Driveway width.

(a) For all single family residential and duplex residential uses, access driveways shall be at least 15 feet wide and not more than 24 feet wide. (Amended: 17 December 1996; Ord. 36-96)

(b) Access driveways for all other uses, except Agricultural Uses, as listed in s. 2.05(3), table of principal uses, shall be at least 20 feet wide and not more than 35 feet wide. Such drives may be reduced to 10 feet wide if they are enter-only or exit-only drives.

(6) Setback. All access driveways shall be placed such that the driveway edge nearest to a neighbor's lot line is at least 5 feet from the neighbor's lot line, unless driveways are shared by adjoining property owners.

(7) All access driveways, except those to farm fields, shall be surfaced with gravel or

paved and pitched to prevent ponding.

(8) Location.

(a) Access drives shall be located opposite median crossovers, where present.

(b) At road intersections, the midpoint of access driveways shall be located at least 100 feet from the point of intersection of the road edges. For lots existing prior to the effective date of this Ordinance which cannot meet this provision, one access driveway shall be permitted.

## CHAPTER 8

### SIGNS

(Recreated: 29 October 2019; Ord. 2019-13)

- |  |  |
|--|--|
| 8.01 Authority Cited.                                | 8.06 General Regulations.                                    |
| 8.02 Findings, Purpose and Intent, and Severability. | 8.07 Allowances and Restrictions by Use and Zoning District. |
| 8.03 Substitution Clause.                            | 8.08 Nonconforming signs.                                    |
| 8.04 Applicability.                                  | 8.09 Permits.  |
| 8.05 Prohibited.                                     |  |

**8.01 Authority Cited.** All references to Wisconsin Statutes, Wisconsin Administrative Codes, Wisconsin DOT manuals, and Federal regulations herein include such in effect as of the date this Chapter was enacted or as thereafter amended.

**8.02 Findings, Purpose and Intent, and Severability.**

- (1) Signs provide a medium through which individuals may convey a variety of messages.
- (2) Signs can: adversely affect public health, safety or welfare (e.g., signs that are structurally inadequate; signs that are indiscriminately placed; signs that obstruct views; signs that confuse or distract motorists, bicyclists or pedestrians; signs that interfere with official directional, regulatory or warning signs; and signs with inappropriate types of illumination); displace alternative uses for land; clutter the landscape; adversely affect aesthetic and visual resources; negatively impact (be a detriment to) property values; and pose other problems that legitimately calls for rigorous regulation.
- (3) The purpose of these regulations is to:
  - (a) Promote health, safety, morals, and general welfare.
  - (b) Further traffic (vehicle, pedestrian, and bicycle) safety and other public safety interests and goals.
  - (c) Preserve and enhance the aesthetic character of Door County.
  - (d) Prevent, reduce, or eliminate blight.
  - (e) Protect property values.
  - (f) Regulate the color, condition, construction, duration (e.g., time restrictions on signs), form, height, illumination (e.g., distinguish between lighted and unlighted signs), location (e.g., distinguish between on-premise and off-

- (g) premise signs, signs placed on private property and public property, and signs placed on commercial and residential property), maintenance, construction materials, movement, nature (e.g., distinguish between signs with fixed messages and electronic signs with messages that change), number (e.g., number of signs allowed per mile of roadway), portability, repair, size, and type of signs.
  - (h) Allow for adequate communication through signage, while mitigating or eliminating the negative impacts of signs.
  - (i) Reflect and support development patterns of the various zoning districts and comprehensive plan-designated core areas.
  - (j) Allow adequate and effective dimensional and other physical sign characteristics that protect public safety and provide for the needs of motorists and pedestrians where signs are viewed from a street or roadway.
- (4) These regulations are to be interpreted in a manner consistent with the First Amendment guarantee of free speech.
- (5) If any provision of this chapter is found by a court of competent jurisdiction to be invalid, such finding must not affect the validity of other provisions of this article that can be given effect without the invalid provision.

**8.03 Substitution Clause.** Notwithstanding any provision of this chapter to the contrary, to the extent that this chapter allows a sign containing commercial copy, it shall allow a noncommercial sign to the same extent. The noncommercial message may occupy the entire sign area or any portion thereof, and may substitute for or be combined with the commercial message. The sign message may be changed from commercial to noncommercial, or from one noncommercial message to another, as frequently as desired by the sign's owner, provided that the sign is not prohibited and the sign continues to comply with all requirements of this chapter.

**8.04 Applicability.**

- (1) Unless exempted below in (2), any sign altered, erected, located, maintained, moved, or reconstructed after the effective date of this chapter shall conform with all provisions of this chapter.
- (2) Exemptions. The following are exempt from all provisions of this chapter:
  - (a) Municipally erected traffic and parking signs.
  - (b) Government and other official signs, including:

1. Directional and other official signs, as authorized and in accordance with §84.30(3)(a), Wis. Stats.; §Trans 201.05 Wis. Admin. Code; and Highway Maintenance Manual 09-05-01, Wisconsin Department of Transportation (WisDOT).
  2. Tourist Oriented Directional signs, as authorized and in accordance with §86.196(1)(a), Wis. Stats., and §Trans 200.08, Wis. Admin. Code.
  3. Guidance signs (white arrowboard signs) on State Highways 42 and 57, as authorized and in accordance with §Trans 200.03, Wis. Admin. Code.
  4. Community wayfinding and trailblazing signs, as authorized and in accordance with 2-15-6, Traffic Engineering, Operations & Safety Manual, Wisconsin Department of Transportation (WisDOT).
  5. Civic display signs and temporary banners, as authorized and in accordance with 13-12-1, Traffic Engineering, Operations, and Safety Manual, Wisconsin Department of Transportation (WisDOT).
- (c) Signs and sign supporting structures located completely within an enclosed building, and not exposed to view from the outside.
- (d) Seasonal, holiday, or other temporary decorations.
- (e) Flags that have been adopted by the federal, state, or local government.
- (f) Flags that are monochrome in color.
- (g) Flags on lots with only a long-term residential use.
- (h) Signs and sign supporting structures that cannot be seen from a public or private roadway right-of-way, public property, or navigable water.

**8.05 Prohibited.** The following are unlawful and prohibited:

- (1) Abandoned or discontinued signs.
  - (a) Any sign that has been abandoned or discontinued (See: §TRANS 201.10(2)(f), Wis. Admin. Code) shall be removed by the owner or lessee of the property upon which the sign is located, unless the sign's message is changed in compliance with this Ordinance. Such removal or change of message shall be completed within one (1) year of the

date upon which it becomes an abandoned or discontinued sign.

- (b) If the owner or lessee fails to remove the sign, the Zoning Administrator shall give the owner sixty (60) days written notice to remove said sign or change its message in compliance with this Ordinance. Upon failure to comply with this notice, the owner or lessee of the property upon which the sign is located shall be subject to prosecution and penalties as provided in Chapter 12, Enforcement.
- (2) Animated signs, flashing signs, or signs that scroll or flash text or graphics, except for government signs, traffic lights, signs, or signals. This prohibition shall include but not be limited to electronic, variable message, and multiple message signs.
  - (3) Inflatable devices or balloon signs.
  - (4) Interactive signs.
  - (5) Mechanical movement signs, including but not limited to revolving signs, propellers, and search lights.
  - (6) Off-premise signs, except for as otherwise exempted from this ordinance in s. 8.04(2), exemptions.
  - (7) Reflective signs or signs containing mirrors.
  - (8) Signs incorporating beacon lighting.
  - (9) Signs placed on or over the roof of a building.
  - (10) Signs that are painted or drawn on or affixed to rocks, trees, or other natural features.
  - (11) Signs that contain, consist of, or have attached pennants, ribbons, streamers, strings of light bulbs, spinners, or other similarly moving devices that may move or swing as a result of wind pressure.
  - (12) Signs that exhibit statements, words, or pictures of obscene or pornographic images, language, or subjects.
  - (13) Signs that obscure or otherwise interfere with the effectiveness of an official traffic control sign, signal, or device.
  - (14) Signs that are of a size, location, movement, coloring, or manner of illumination that may be confused with or construed as an official traffic control sign or device.

- (15) Signs that obstruct clear visibility of traffic along any public road or intersection of roads or driveways, or obstruct or interfere with the driver's view of approaching, merging, or intersecting traffic.
- (16) Signs advertising activities that are illegal under federal, state, or local laws or regulations.
- (17) Signs that are structurally unsafe or in disrepair.
- (18) Signs that emit smoke, visible vapors, particulate matter, sounds, or odors or contain open flames.
- (19) Signs that prevent free ingress or egress from any door, window, or fire escape, or that prevent free access from one part of a roof to any other part. No sign other than a safety sign shall be attached to a standpipe or fire
- (20) escape.
- (21) Vehicular signs. This prohibition does not include signs affixed, displayed, or painted on vehicles that are primarily and actively used for purposes of transportation.

#### **8.06 General Regulations.**

- (1) Signs shall be maintained in safe condition and good repair at all times so that all sign information is clearly legible.
- (2) Sign face area. Except as may be otherwise regulated elsewhere in this chapter, no sign face shall be more than 24 square feet in area.
  - (a) Sign area shall be measured as the entire surface area of a sign display face upon which copy could be placed; or, if no background or frame, the total area of the smallest rectangle or rectangles that can encompass all words, letters, figures, emblems, and any other element of the sign's message. When a sign has more than one display face, the combined surface area of all display faces that can be viewed simultaneously shall be considered the sign face area.
  - (b) Signs that consist of, or have attached to them, one or more three-dimensional or irregularly-shaped objects, shall have a sign area of the sum of two adjacent vertical sign faces of the smallest cube encompassing the sign or object.
  - (c) Two-face signs. Each face may be up to 24 square feet, except that when the interior angle formed by the faces is greater than 45 degrees, or the faces are greater than 18 inches apart, all sides of such sign shall be considered in calculating the sign area.

## (3) Sign placement.

- (a) Signs shall pertain to an individual, entity, or activity conducted on the property upon which the sign is located and shall be located within the area bounded by the buildings, driveways, and parking areas in which the activity is conducted or within 50 feet of that area.
- (b) No portion of a sign shall be located within or over a right-of-way, except for local arrowboard signs as may be allowed in s. 8.06(7), local arrowboard signs.
- (c) No freestanding or portable sign shall be placed on or over a sidewalk.

## (4) Sign illumination.

- (a) No sign may be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device, or signal.
- (b) Illuminated signs that are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways and that are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or that otherwise interfere with any driver's operation of a motor vehicle, are prohibited. Glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields, and baffles, and appropriate application of fixture mounting height, wattage, aiming angle, and fixture placement. Vegetation screens shall not be employed to serve as the primary means for controlling glare.
- (c) Internal illumination, including neon lighting, must be static in intensity and color.
- (d) External illumination shall be by a steady, stationary light source static in color; shielded; and directed either downward or solely at the sign.

## (5) Freestanding Signs.

- (a) No freestanding sign shall be greater than 20 feet in height as measured from the ground to the top of the sign.
- (b) Freestanding signs shall be located at least 5 feet from all side lot lines.
- (c) Sign spacing. The spacing between sign structures shall be measured as a straight-line distance between the closest edges of each sign.

## (6) Incidental signs.

- (a) Incidental signs that display general site information, instructions, directives, or restrictions that are primarily oriented to pedestrians and motor vehicle operators who have entered a property from a public or private right-of-way are allowed in all zoning districts.
- (b) Incidental window signs displaying information such as hours of operation, credit institutions accepted, commercial and civic affiliations, and similar information primarily oriented to pedestrians are allowed in all zoning districts.
- (c) An incidental sign shall not exceed 3 square feet in sign face area.
- (d) Incidental signs shall be informational only and shall not contain a commercial message.

## (7) Local arrowboard signs.

- (a) Local arrowboard signs may be permitted where a change in travel direction is required. A local arrowboard sign that indicates that a use is straight ahead may be permitted only where the person seeking the use might normally follow a main travel route.
- (b) Local arrowboard signs may be allowed in road rights-of-way subject to approval from the government entity that controls the right-of-way.
- (c) Local arrowboard signs shall only be permitted in proximity of road intersections, but shall not obstruct clear visibility of traffic along any road or intersection of roads.
- (d) There may be a maximum of one local arrowboard assembly per intersection approach in the same direction of travel.
- (e) No more than one local arrowboard sign for an individual facility shall be permitted in each direction of travel.
- (f) Local arrowboard signs shall be no larger than 7.5 inches in height and 72 inches in length.

## (8) Additional regulations pertaining to Scenic Byways (e.g., Door County Coastal Byway).

- (a) Definitions related to, standards for, and restrictions applicable to signs visible from a scenic byway (e.g., Door County Coastal Byway) include

those set forth in §Trans 201.15, Wis. Adm. Code, Ch. Trans 202, Wis. Adm. Code, §§84.106 and 84.30, Wis. Stats., as now exist or hereafter amended. No sign visible from the main-traveled way of a highway that is a scenic byway (e.g., Door County Coastal Byway) may be erected or maintained except the following:

1. Directional and other official signs. (§84.30 (3) (a), Wis. Stats. and §Trans 201.05, Wis. Admin. Code)
  2. Signs with messages or copy regarding the sale or lease of property upon which they are located. (§84.30 (3) (b), Wis. Stats.) Such signs shall be limited to one per property. (U.S. Code Title 23)
  3. Signs pertaining to an individual, entity, or activity conducted on the property upon which the sign is located shall be permitted provided the sign is located within the area bounded by the buildings, driveways, and parking areas in which the activity is conducted or within 50 feet of that area. (§Trans 201.02(9), Wis. Admin. Code)
- (9) Signs indicating a limited duration or one-time event shall be subject to the following requirements:
- (a) No more than one such sign may be erected for each event.
  - (b) Each sign shall not exceed 6 square feet.
  - (c) The sign shall be removed within 7 days after the event has ended.

#### **8.07 Allowances and Restrictions by Use and Zoning District.**

- (1) If regulations in this section conflict with regulations elsewhere in this chapter, the more restrictive shall govern.
- (2) The allowances outlined in this section are in addition to the allowances for:
  - (a) Incidental signs,
  - (b) Signs regarding limited duration or one-time events, and
  - (c) Items exempted from this chapter's regulations.
- (3) Lots in any zoning district with only a long-term residential use shall be allowed one (1) freestanding sign, not to exceed six (6) square feet in area.

- (4) Lots in any zoning district containing a long-term residential use with a home-based enterprise and no other business establishment shall be allowed the following:
- (a) Up to two (2) freestanding signs, not to exceed six (6) square feet in area per sign, except that properties with a home business may instead choose to have a single freestanding sign that is no larger than 12 square feet in area.
  - (b) One (1) non-illuminated portable sign no larger than 18 square feet in area.
- (5) Lots with a business establishment in non-core Single Family Residential-10,000, Single Family Residential-20,000, Single Family Residential-30,000, Small Estate Residential, Rural Residential, High Density Residential, Neighborhood Residential, or CI districts shall be allowed the following:
- (a) Up to two (2) freestanding signs, provided one of the two is no larger than six (6) square feet and they are separated by a minimum of 15 feet, or one freestanding sign and one building sign.
  - (b) One (1) non-illuminated portable sign no larger than 18 square feet in area.
- (6) Lots with a business establishment in non-core Natural Area, Exclusive Agricultural, Prime Agricultural, General Agricultural, Countryside, Estate, and Conservation Area, Heartland-3.5, Heartland-5, Heartland-10, or Countryside 5 districts shall be allowed the following:
- (a) Up to two (2) freestanding signs, provided they are separated by a minimum of 20 feet.
  - (b) Building signs, as follows:
    1. No more than one (1) projecting sign is allowed per business establishment.
    2. The sign face area of a wall sign shall not exceed 15 percent of the area of the side of the building to which it is attached. If more than one sign is present, the combined sign face area shall not exceed 15 percent of the area of the side of the building to which they are attached.
  - (c) Up to two (2) non-illuminated portable signs no larger than 18 square feet each in area.

- (7) Core area lots in any zoning district with a business establishment and non-core area lots with a business establishment in Commercial Center, Mixed Use Commercial, Recreational Commercial, Light Industrial, Village Commercial, or General Commercial districts shall be allowed the following:
- (a) Up to three (3) freestanding signs, provided they are separated by a minimum of 20 feet.
  - (b) Building signs, as follows:
    - 1. No more than one (1) projecting sign is allowed per business establishment.
    - 2. The sign face area of a wall sign shall not exceed 15 percent of the area of the side of the building to which it is attached. If more than one sign is present, the combined sign face area shall not exceed 15 percent of the area of the side of the building to which they are attached.
  - (c) Up to two (2) non-illuminated portable signs no larger than 18 square feet each in area.

#### **8.08 Nonconforming signs.**

- (1) Except as specified in sub. (2), nonconforming signs may continue provided that:
- (a) The sign shall remain substantially the same.
  - (b) Only customary maintenance shall be allowed, unless the sign is destroyed.
  - (c) In the event a sign is destroyed, it may be replaced as it was prior to being destroyed provided that a county zoning sign permit is issued within twelve (12) months from the date of the damage to the sign.
  - (d) Any replacement of a sign face or sign supporting structure shall be with like materials.
- (2) Non-conforming signs shall not be allowed any of the following:
- (a) Substantial change.
  - (b) Any change not considered customary maintenance.

- (c) Replacement of a sign face or sign supporting structure with dissimilar materials.
- (d) The conversion from a one-face sign to a two-face sign.

#### **8.09 Permits.**

- (1) Except as may be exempted in sub. (2) below, new or replacement permanent sign faces or sign supporting structures, including but not necessarily limited to building signs, freestanding signs, and local arrowboard assemblies, shall require a county zoning sign permits as provided in s. 11.02, sign permits.
- (2) The following shall not require a county zoning sign permit, but must comply with applicable sections of this chapter:
  - (a) Copy changes on signs where no sign face is being replaced.
  - (b) Freestanding signs on lots with only a long-term residential use.
  - (c) Portable signs.
  - (d) Signs regarding limited duration or one-time events, per s. 8.06(9).
  - (e) Incidental signs, including incidental window signs.
  - (f) Municipally-issued road and address signs.
  - (g) Local arrowboard signs.
  - (h) Signs along the exterior of agricultural fields where a crop is being grown. Such signs shall not exceed three (3) square feet in area each and shall be removed after the growing season.

## CHAPTER 9

### NONCONFORMING USES, STRUCTURES, LOTS

- 9.01 Previously lawful condition.
- 9.02 Nonconforming uses.
- 9.03 Nonconforming structures.
- 9.04 Nonconforming lots.

**9.01 Previously lawful condition.** Within the districts established and mapped by this Ordinance, or amendments thereto, there may exist uses of lands or buildings, structures, or lots, which were lawful before this Ordinance, or amendments thereto, became effective, but which do not conform to the regulations herein. As set forth in s. 59.69(10), (10e), and (10m), Wis. Stats., such nonconforming conditions may be continued, subject to the requirements of this chapter. (Amended: 22 May 2018; Ord. 2018-10)

#### **9.02 Nonconforming uses.**

(1) Nonconforming use of land.

(a) For all nonstructural uses of land, except nonmetallic mining operations, permissible expansions or intensifications shall be authorized only by a conditional use permit. Permissible expansion or intensification means a total increase, during the life of the use, of up to ten percent (10%), based on the level of activity (e.g., frequency, duration, volume) and/or the area encompassed by the nonconforming use, as applicable, at the time the use became nonconforming. (Amended: 22 May 2018; Ord. 2018-10)

(b) Expansion of a nonconforming, nonmetallic mining operation shall be governed by applicable Wisconsin law. (Amended: 26 June 2001; Ord. 04-01)

(2) Nonconforming use of buildings or other structures. The following shall apply to all buildings or structures which house a nonconforming use:

(a) Structural alterations or structural repairs of an existing building or structure which houses a nonconforming use shall be authorized by a regular zoning permit.

(b) Permissible expansion or intensification of a nonconforming use via new buildings or structures, or via additions to an existing building or structure which houses a nonconforming use, or via structural alterations or structural repairs to an existing building which houses a nonconforming use for the purpose of expansion or intensification of the use may be authorized only by a conditional use permit. Such new structures or additions shall only be placed within the boundaries of the lot as it existed at the time the use became nonconforming and shall comply with all applicable setbacks and other dimensional requirements of this Ordinance,

unless variances are granted as provided in s. 11.06, variance from the requirements of this Ordinance. Permissible expansion or intensification means a total increase, during the life of the use, of up to ten percent (10%), based on the level of activity (e.g., frequency, duration, volume) and/or the square footage of the structure(s) housing the nonconforming use, as applicable, at the time the use became nonconforming. (Amended: 25 June 1996; Ord. 16-96) (Amended: 22 May 2018; Ord. 2018-10)

(c) If a structure which houses a nonconforming use is destroyed by vandalism or by fire, explosion, flooding, ice, snow, storm damage, violent wind, mold, infestation, or similar calamity, such structure may be restored and the nonconforming use may be restored therein upon issuance of a regular zoning permit. Such restoration shall not exceed the original building floor area and volume, unless a conditional use permit is authorized, as provided in par. (b). If the original structure which housed the nonconforming use is also a nonconforming structure, the provisions of 9.03(1) and (2) shall also apply. (Amended: 20 Sept. 2016; Ord. 2016-14) (Amended: 22 May 2018; Ord. 2018-10)

(3) Change of use.

(a) A nonconforming use may continue in strict accord with the historical use; i.e., the precise active and actual use that predated the ordinance which rendered the use nonconforming. (Added: 22 May 2018; Ord. 2018-10)

(b) Any identifiable unauthorized change (e.g., alteration, expansion, or intensification) in the nonconforming use may be illegal and may result in loss of legal nonconforming use status. (Added: 22 May 2018; Ord. 2018-10)

(c) A nonconforming use shall not be changed to any use other than a use permitted in the zoning district in which it is located.

(4) Discontinuance. Where any such nonconforming use is discontinued for a period of 12 consecutive months, any future use of the building, structure, or land shall conform to the regulations of the district in which it is located.

### **9.03 Nonconforming structures.**

(1) Additions. (Amended: 20 Sept. 2016; Ord. 2016-14)

(a) (Deleted: 20 Sept. 2016; Ord. 2016-14)

(b) Additions to or extensions of nonconforming structures beyond the existing building envelope are permitted provided that such additions or extensions comply with all the provisions of this Ordinance. (Amended: 20 Sept. 2016; Ord. 2016-14)

(2) Repairs and restoration.

(a) A nonconforming structure that is damaged or destroyed by vandalism or by fire, explosion, flooding, ice, snow, storm damage, violent wind, mold, infestation, or similar calamity may be repaired or restored provided the repair or restoration of the nonconforming portion of the structure occurs fully within the building envelope of the structure before damage, except that structures may be larger than the size immediately before the damage or destruction if necessary for compliance with state or federal requirements. Said repair or restoration shall only be authorized when the relevant zoning permit for the repair or restoration is issued within twelve months from the date of the damage to the nonconforming structure. (Amended: 25 June 1996; Ord. 16-96) (Amended: 18 December 1997; Ord. 39-97) (Amended: 20 Sept. 2016; Ord. 2016-14) (Amended: 22 May 2018; Ord. 2018-10)

(b) Except for historic buildings, no repairs or restoration of nonconforming structures shall be located within any public right-of-way.

(3) Reconstruction of any nonconforming structure in functional order shall be permitted with the issuance of a regular zoning permit within 12 months of the date of removal of the original structure. Said reconstruction need not comply with the setback or yard provisions of this Ordinance provided the reconstruction occurs fully within the building envelope of the structure before removal, except that structures located in the floodplain may be elevated as necessary to comply with floodplain zoning requirements, and a patio may be replaced with a deck serving the same floor level of the structure. (Added: 7 February 2001; Ord. 33-00) (Amended: 20 Sept. 2016; Ord. 2016-14)

(4) Nonconforming signs. All nonconforming signs shall be subject to the provisions contained in s. 8.06, nonconforming signs. (Amended: 7 February 2001; Ord. 33-00)

#### **9.04 Nonconforming lots.**

(1) (Deleted: 20 Sept. 2016; Ord. 2016-14)

(2) A nonconforming lot may be used for any use permitted within the zoning district in which the lot is located. (Amended: 23 June 1998; Ord. 14-98) (Amended: 20 Sept. 2016; Ord. 2016-14)

**CHAPTER 10****ADMINISTRATION**

- 10.01 Resource Planning Committee.
  - 10.02 Zoning Board of Adjustment.
  - 10.03 Land Use Services Director.
  - 10.04 Zoning Administrator.
- (Amended: 27 March 2018; Ord. 2018-07)

**10.01 Resource Planning Committee.**

- (1) The Resource Planning Committee, created by the County Board of Supervisors, shall be the designated county zoning agency pursuant to s. 59.69(2), Wis. Stats.
- (2) The Resource Planning Committee shall adopt and follow any governing rules of procedure as specified in s. 59.69(2) Wis. Stats., and shall comply with the Wisconsin Open Meeting Law as specified in ss. 19.81 through 19.98, Wis. Stats.
- (3) Duties and powers. In administering this Ordinance, the duties and powers of the Resource Planning Committee shall be as follows:
  - (a) Supervise the administration of this Ordinance.
  - (b) Exercise those duties and powers specified in s. 59.69, Wis. Stats.
  - (c) Hold public hearings as required by this Ordinance, by Wisconsin Statutes, or by its own motions.
  - (d) Submit recommendations to the County Board of Supervisors for or against proposed zoning text and map amendments.
  - (e) Issue or deny conditional use permits, and establish any conditions for such permits.
  - (f) (Deleted: 27 May 2008; Ord. 2008-04)
  - (g) Any other duties determined by the County Board of Supervisors.
- (4) Financial sureties.
  - (a) The Resource Planning Committee may require that a performance bond or letter of credit be provided for the benefit of the County and filed with the County so as to ensure compliance with the terms of this Ordinance or required permit.

(b) Failure to provide or maintain such bond or letter of credit shall invalidate any permit.

### **10.02 Zoning Board of Adjustment.**

(1) Establishment. There is hereby established a Board of Adjustment for the County of Door as authorized by s. 59.694, Wis. Stats.

(2) Membership.

(a) Size and appointment. The Board of Adjustment shall consist of 5 regular members and up to two alternate members, all appointed by the chair of the County Board of Supervisors with the approval of the County Board of Supervisors.

(b) Eligibility. Members of the Board of Adjustment shall reside in the unincorporated areas of Door County. No 2 members of the Board of Adjustment shall reside in the same town.

(c) Terms of office. The term of office shall be 3 years. However, these terms of office shall be staggered such that no more than 2 members' terms of office are expired in any one year. Each term shall begin July 1st.

(d) Officers. The Board of Adjustment shall choose its own chairperson and vice-chairperson. (Amended: 30 Sept. 2003; Ord. No. 17-03)

(e) Removal. Members may be removed by the chairperson of the County Board of Supervisors for cause upon written charges. Cause may include excessive absenteeism.

(3) Operation and rules.

(a) The Board of Adjustment shall adopt rules for the conduct of its business which shall be in accordance with the provisions of this Ordinance and s. 59.694, Wis. Stats.

(b) Call to meetings. The Board of Adjustment shall meet at the call of the chair, and at such other time as the Board of Adjustment may determine, at a fixed time and place.

(c) Open meetings. All meetings of the Board of Adjustment shall be open to the public, unless otherwise authorized by Wisconsin law.

(d) Minutes. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to

vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be public record.

(e) (Deleted: 30 Sept. 2003; Ord. 17-03)

(f) Quorum. The quorum for any meeting shall consist of 3 members.

(g) The chair may administer oaths and compel the attendance of witnesses.

(4) Powers. The Board of Adjustment shall have the following powers:

(a) Appeals. To hear and decide appeals, pursuant to s. 59.694, Wis. Stats., where it is alleged that there is error in any order, requirement, decision or determination made by the Land Use Services Director, the Zoning Administrator, or the Resource Planning Committee. In exercising the above-mentioned powers, the Board of Adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination which is the subject of the appeal, and to that end shall have all the powers of the officer from whom the appeal is taken. (Amended: 27 March 2018; Ord. 2018-07)

(b) Variances. To hear and authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and substantial justice done. Such variance shall not have the effect of permitting in any district a use that is prohibited in that district.

(c) To grant variances for renewable energy resource systems as provided in s. 59.694(7)(d), Wis. Stats.

**10.03 Land Use Services Director.** In administering this Ordinance, the Land Use Services Director shall possess the following duties and powers: (Amended: 27 March 2018; Ord. 2018-07)

(1) Oversee the Zoning Administrators in carrying out the assigned responsibilities of this Ordinance. (Amended: 20 Sept. 2016; Ord. 2016-14)

(2) Make necessary studies relevant to deliberations regarding conditional use permits, as directed by the Resource Planning Committee.

(3) (Deleted: 27 May 2008; Ord. 2008-04)

(4) Recommend to the Resource Planning Committee amendments necessary to make this Ordinance more effective or more consistent with applicable state statutes and codes. (Amended: 20 Sept. 2016; Ord. 2016-14)

(5) Decide on granting of waivers where this Ordinance gives specific authority for such waivers.

**10.04 Zoning Administrator.** The Zoning Administrator shall possess the following duties and powers:

- (1) Administer and enforce this Ordinance as the authorized representative of the Resource Planning Committee.
- (2) Provide to the public the necessary permit application forms and variance and appeals forms. Assist the public in preparing permit applications and variance and appeal petitions.
- (3) Conduct all necessary on-site inspections and investigations of structures, lands, and waters to certify compliance with this Ordinance.
- (4) Issue or deny regular zoning permits and sign permits.
- (5) Suspend or revoke zoning permits and sign permits and/or issue cease and desist orders upon noncompliance with the terms of the permit and/or this Ordinance.
- (6) Issue, deny, or revoke certificates of compliance.
- (7) Investigate alleged zoning violations and give notice of all violations of this Ordinance to the owner, resident, agent, or occupant of the premises.
- (8) Report uncorrected violations to the Corporation Counsel and assist the Corporation Counsel in initiating enforcement proceedings.
- (9) Gain entry to premises, buildings, and structures during reasonable hours for the purpose of investigating applications for permit and for the purpose of determining compliance with this Ordinance or with any issued permit. If entry is refused after presentation of proper identification, a special inspection warrant may be procured in accordance with s. 66.122, Wis. Stats.
- (10) Record all permits issued, inspections made, work approved, and all other official actions.
- (11) Assist in giving all legal notices required by State Statutes or this Ordinance.
- (12) Recommend to the Land Use Services Director any amendments necessary to make the operation of this Ordinance more effective. (Amended: 27 March 2018; Ord. 2018-07)

(13) When necessary, provide technical and clerical assistance during hearings conducted by the Board of Adjustment or the Resource Planning Committee.

(14) Make referrals and recommendations to the Land Use Services Director and the Resource Planning Committee in accordance with this Ordinance. (Amended: 27 March 2018; Ord. 2018-07)

**Note: Ordinance 2018-07 (27 March 2018) significantly revised most of Section 11.04, per 2017 Wisconsin Act 67.**

## CHAPTER 11

### PROCEDURES

- 11.01 Regular zoning permits.
- 11.02 Sign permits.
- 11.03 Impervious surface authorization permits.  
(Site Plan Review Permits Deleted: 27 May 2008; Ord. 2008-04)
- 11.04 Conditional use permits.
- 11.05 Certificate of compliance.
- 11.06 Variance from the requirements of this Ordinance.
- 11.07 Appeals. (Added: 20 Sept. 2016; Ord. 2016-14)
- 11.08 Amendments.
- 11.09 Public Hearings.

#### **11.01 Regular zoning permits.**

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

(a) Construction, reconstruction, location, relocation, erection, extension, enlargement, conversion, or structural alteration of any building, structure, or part thereof, except:

1. Signs.

Commentary: However, many types of signs require a sign permit. Refer to s. 8.09, Permits. (Amended: 29 October 2019; Ord. 2019-13)

2. Structures which are less than six inches in height above preconstruction grade elevation.

3. Stoops which are 25 square feet or less in area. (Amended: 20 Sept. 2016; Ord. 2016-14)

4. Stairways which extend less than 6 feet away from a building and which do not exceed 5 feet in width. (Amended: 20 Sept. 2016; Ord. 2016-14)  
(Amended: 25 June 1996; Ord. 16-96)

(b) Establishment or expansion of any accessory or principal use, except uses permitted as conditional uses. (Amended: 9 March 1998, Ord. 3-98)

(c) Filling or grading of land if required by s. 3.14, filling and grading. (Amended: 27 May 2014; Ord. 2014-10) (Amended: 20 Sept. 2016; Ord. 2016-14)

(2) Applications.

(a) An application for a regular zoning permit shall be submitted to the Zoning Administrator on forms furnished by the Door County Land Use Services Department and shall include the following information:

1. Name and address of the property owner.
2. Signature of the property owner or agent.
3. Tax parcel number, deed, legal description or other identifier of the subject property.
4. Statement concerning the proposed structure or use of the site.
5. An accurate site plan, drawn at a scale which produces a clearly legible drawing, showing the following:
  - a. Boundaries, dimensions, and area of the subject site.
  - b. The spatial relationship of the subject site to abutting public roads and rights-of-way, private roads, easements, and navigable waters.
  - c. The location and dimensions of any existing or proposed structures or additions and their relationship to abutting public roads and rights-of-way, private roads, property lines, existing and proposed wells and sanitary waste disposal systems, and the ordinary high water mark of navigable waters.
  - d. Location of proposed or existing road access points, parking and loading areas, and driveways.
6. Building plans including all floor plans and at least 2 elevation views.
7. Additional information as may be required by the Zoning Administrator in order to determine the full compliance with the requirements of this Ordinance.
8. Water supply and sewage disposal. Satisfactory evidence that a safe

and adequate supply of water and approved sewage disposal facilities will be provided, in accordance with the requirements of the Door County Sanitary Ordinance, shall be submitted.

9. A pre-construction grade elevation shall be submitted for all principal buildings and structures. The benchmark shall be established on each building site and its location and elevation indicated on the site plan submitted with the zoning permit application. In addition, cross-sections of the principal building or structure shall be submitted indicating the pre-construction grade elevation, and the highest and lowest finished grade elevations. (Added: 8 August 2000; Ord. 15-00)

(b) Fee. All permit applications shall be accompanied by a fee established by the Door County Board of Supervisors.

(c) No application shall be accepted by the Zoning Administrator until complete as judged by the Zoning Administrator and until all fees established by Door County have been paid in full.

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

(4) Expiration.

(a) Regular zoning permits to establish a use shall expire 12 months from date of issuance if no action has commenced to establish the use. Any change of land use after the expiration of a zoning permit shall be considered a violation of this ordinance.

(b) Except as sub.(5) applies, regular zoning permits for construction of a structure shall expire 12 months from the date of issuance. Any exterior construction after the expiration of a zoning permit shall be considered a violation of this Ordinance.

(5) Renewal. If construction has commenced prior to the expiration of a regular zoning permit, but is not completed prior to such expiration, a 12 month renewal regular zoning permit shall be issued by the Zoning Administrator upon submittal of a renewal application and fee. Additional renewals shall be granted by the

Zoning Administrator upon a finding that progress had been made during the previous year toward completion of the structure. If a 12 month period passes without evidence of progress towards completion, the Zoning Administrator shall advise the Resource Planning Committee of same and the Resource Planning Committee may call a public hearing on the matter and may impose a completion schedule. For purposes of this Ordinance, a structure shall be deemed completed when the roof, exterior walls, doors, windows, and subfloors are in place and finished and the sanitary waste disposal system has been installed.

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

### **11.02 Sign permits.**

(1) Applicability. This section only applies to those signs requiring a sign permit as specified in s. 8.09, permits. (Amended: 29 October 2019; Ord. 2019-13)

(2) Applications.

(a) All applications for sign permits shall be made to the Zoning Administrator on forms furnished by the Door County Land Use Services Department and shall include the following:

1. Name, address, and signature of the applicant.
2. Name, address, and signature of the property owner of the site for the proposed sign, if different from the applicant.
3. Type, description, and dimensions of the proposed sign.
4. Location of building, structure, or lot to which or upon which the sign is to be attached or erected.
5. A plan, drawn at a scale which produces a clearly legible drawing, showing the following:
  - a. The spatial relationship of the proposed sign to abutting public roads and rights-of-way, private roads, and navigable water.
  - b. The spatial relationship of the proposed sign to existing structures and adjacent freestanding or projecting signs.

(b) Fee. All sign permit applications shall be accompanied by a fee established by the County Board of Supervisors.

(c) No application shall be accepted by the Zoning Administrator unless it is complete as judged by the Zoning Administrator and all fees established by Door County have been paid in full. (Amended: 29 October 2019; Ord. 2019-13)

(3) Application processing, permit issuance or denial. (Amended: 29 October 2019; Ord. 2019-13)

(a) Sign permit applications shall be processed in order of acceptance.

(b) The Zoning Administrator will review an accepted sign permit application for compliance with the requirements of this Ordinance. If compliance is found, the sign permit will be issued. If compliance is not found, the sign permit will be denied.

(c) A decision will be made by the Zoning Administrator whether to issue or deny the sign permit within twenty-one (21) days of a sign permit application being accepted.

(d) The Zoning Administrator's decision must be in writing and set forth the grounds for issuance or denial of the sign permit. In the case of permit issuance, the permit itself shall suffice as the written decision.

(4) Expiration. All sign permits shall expire 12 months from the date of issuance. No sign shall be erected, moved, reconstructed, or altered after expiration of a sign permit, unless a new sign permit is obtained.

(5) Termination. If a sign does not comply with the issued sign permit or this Ordinance, the sign permit shall be terminated by the Zoning Administrator.

**11.03 Impervious surface authorization permits.** (Added: 20 Sept. 2016; Ord. 2016-14)

(1) An impervious surface authorization permit shall be required when the property owner seeks to exceed the allowable impervious surface ratio.

(2) Applications.

(a) An application for an impervious surface authorization permit shall be submitted to the Zoning Administrator on forms furnished by the Door County Land Use Services Department and shall include the following information:

1. Name and address of the property owner.
2. Signature of the property owner or agent.

3. Tax parcel number, deed, legal description or other identifier of the subject property.
4. An accurate site plan, drawn at a scale which produces a clearly legible drawing, showing:
  - a. Boundaries, dimensions, and area of the subject site.
  - b. All existing impervious surfaces on the property and the existing impervious surface ratio.
  - c. All proposed impervious surfaces, the resultant impervious surface ratio.
5. A storm water runoff control plan reviewed and approved by the Door County Soil and Water Conservation Department which will treat the impervious surfaces proposed which exceed that allowed.
6. Additional information as may be required by the Zoning Administrator in order to determine the full compliance with the requirements of this Ordinance.

(b) Fee. All permit applications shall be accompanied by a fee established by the Door County Board of Supervisors.

(c) No application shall be accepted by the Zoning Administrator until complete as judged by the Zoning Administrator and until all fees established by Door County have been paid in full.

(3) Permit issuance or denial. Upon the Zoning Administrator's determination that the proposal complies with the provisions of this Ordinance, an impervious surface authorization permit shall be issued. The permit shall authorize the applicant to proceed subject to all provisions of the Ordinance and any conditions attached to the permit. An application not in conformity with the provisions of this Ordinance shall be denied a regular zoning permit and the reasons for denial shall be stated.

(4) Expiration. Except as (5) applies, impervious surface authorization permits shall expire 12 months from date of issuance if no action has commenced to establish the storm water runoff control system or impervious surfaces in excess of the allowance. Any change to impervious surfaces or the storm water runoff control system after the expiration of a zoning permit shall be considered a violation of this ordinance.

(5) Renewal. If the activities authorized have commenced prior to the expiration of an impervious surface authorization permit but are not completed prior to such expiration, a 12 month renewal permit shall be issued by the Zoning Administrator upon submittal of a renewal application and fee. Additional renewals shall be granted by the Zoning Administrator upon a finding that progress had been made during the previous year toward completion.

(6) Termination. If the impervious surfaces or storm water runoff control system authorized do not comply with the issued impervious surface authorization permit or this Ordinance, the permit shall be terminated by the Zoning Administrator.

#### **11.04 Conditional use permits.**

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

(2) Application.

(a) An application for a conditional use permit shall be submitted to the Zoning Administrator upon forms furnished by the Door County Land Use Services Department. The application shall contain facts and information, other than merely personal preferences or speculation, directly pertaining to the conditions and requirements relating to the conditional use, including the following:

1. All the facts and information required for a regular zoning permit listed in s. 11.01(2)(a), and a completed conditional use permit form addendum. (Amended: 30 September 1997; Ord. 29-97)

2. Upon written request by the Zoning Administrator, such additional facts and information as may be reasonably deemed necessary by the Zoning Administrator in order that the Resource Planning Committee can determine whether or not the application and all requirements and conditions the applicant must meet to obtain a conditional use permit are or will be satisfied. The written request shall contain an explanation of why the additional information is deemed necessary.

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

(b) Fee. All conditional use permit applications shall be accompanied by a fee established by the County Board of Supervisors.

(c) No application shall be accepted by the Zoning Administrator until complete as judged by the Zoning Administrator and until all fees established by Door County have been paid in full. The applicant bears the burden of ensuring and demonstrating that an application is complete.

(3) Public hearing. A public hearing shall be held by the Resource Planning Committee after a public notice has been given as provided in s. 11.09(1), notice for public hearings. At the public hearing, any party may appear in person or by agent or attorney. The applicant has the burden of proof and must demonstrate that the application and all requirements and conditions established by the county relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence.

(4) Determination. Following review and public hearing, the Resource Planning Committee shall render a decision in writing.

(a) If the application is approved, such decision shall include an accurate and complete description of the use as permitted, including all the conditions and requirements attached thereto.

(b) If the application is denied, the reasons for denial shall be stated in the decision.

(5) Basis of approval or denial.

(a) The Resource Planning Committee shall review each conditional use permit application for compliance with all requirements applicable to that specific use and to all other relevant provisions of this Ordinance. The Committee's decision to approve or deny the conditional use permit must be supported by substantial evidence.

(b) To aid in the review of and decision-making regarding the proposed conditional use project, the Resource Planning Committee shall evaluate the following specific criteria as applicable, but shall not be limited thereto: (Amended: 30 September 1997; Ord. 29-97)

1. Whether the proposed project will adversely affect property values in the area.
2. Whether the proposed use is similar to other uses in the area.
3. Whether the proposed project is consistent with the Door County Comprehensive and Farmland Preservation Plan or any officially adopted town plan. (Amended: 17 April 2012; Ord. No. 2012-14) (Amended: 20 Sept. 2016; Ord. 2016-14)
4. Provision of an approved sanitary waste disposal system.
5. Provision for a potable water supply.

6. Provisions for solid waste disposal.
7. Whether the proposed use creates noise, odor, or dust.
8. Provision of safe vehicular and pedestrian access.
9. Whether the proposed project adversely impacts neighborhood traffic flow and congestion.
10. Adequacy of emergency services and their ability to service the site.
11. Provision for proper surface water drainage.
12. Whether proposed buildings contribute to visual harmony with existing buildings in the neighborhood, particularly as related to scale and design.
13. Whether the proposed project creates excessive exterior lighting glare or spillover onto neighboring properties.
14. Whether the proposed project leads to a major change in the natural character of the area through the removal of natural vegetation or altering of the topography.
15. Whether, and in what amount and form, financial assurance is necessary to meet the objectives of this ordinance.
16. Whether, and to what extent, site-specific conditions should be imposed to mitigate potentially problematic impacts of the use.
17. The impact of the proposed project on public health, public safety, or the general welfare of the County.

The foregoing criteria are deemed reasonable and, to the extent practicable, measurable.

(c) An applicant's failure to demonstrate, by substantial evidence, that the application and all applicable requirements in this Ordinance and conditions established by the county relating to the conditional use are or will be satisfied shall be grounds to deny the conditional use permit. At all times the burden of proof to demonstrate satisfaction of these criteria remains with the applicant.

(d) In the Exclusive Agricultural district, no conditional use permit shall be granted unless the proposed use is consistent with agricultural use and is found to be necessary in light of the alternative locations available for such use. (Added: 28 March 2000; Ord. No. 05-00)

(6) Conditions and requirements. The Resource Planning Committee may, in approving an application for a conditional use permit, impose such conditions and requirements that it determines are required to prevent or minimize adverse effects from the proposed use or development on other properties in the neighborhood and on the general health, safety, and welfare of the county.

(a) Any conditions or requirements imposed must be:

1. reasonable.
2. measurable, to the extent practical;
3. consistent with this ordinance's general purpose and intent; and
4. based on substantial evidence.

(b) The applicant must demonstrate, by substantial evidence, that all conditions or requirements imposed will be met.

(7) Expiration, Duration, Transfer.

(a) Expiration. All conditional use permits shall expire 12 months from the date of authorization by the Resource Planning Committee where the Resource Planning Committee determines that no action has commenced to establish the authorized use. (Amended: 01 November 1999; Ord. 22-99)

(b) Duration. A conditional use permit will generally remain in effect as long as the conditions and requirements upon which the permit was issued are followed. The Resource Planning Committee may, at its discretion, grant a limited term conditional use permit if a reasonable basis exists for such limitation. Any limited term conditional use permit may be subject to renewal after a re-evaluation of the use via a hearing before the Resource Planning Committee.

(c) Transfer. Subsequent owners of the property are generally allowed to continue the use, subject to conditions and requirements imposed on the original conditional use permit. An affidavit is to be recorded with the deed to provide successors in interest notice of the conditional use permit and conditions and requirements.

(8) Project Completion. All conditional uses authorized by the Resource Planning Committee shall be given a specific amount of time within which the project must be completed. The time limit may be negotiated between the project applicant and the Resource Planning Committee. If the applicant fails to complete the approved project within the designated time period, the permit expires and the applicant must seek a new conditional use permit authorizing the remainder of the project. (Added: 01 November 1999; Ord. 22-99)

(9) Notification.

(a) (Deleted: 25 June 2013; Ord. 2013-11)

(b) Pursuant to NR 115.05(4)(h), Wis. Admin. Code, a copy of any conditional use decision which affects shorelands shall be provided to the district office of the Department of Natural Resources within 10 days of the date such decision is rendered. (Amended: 27 May 2014; Ord. 2014-10)

(10) Revocation and Termination.

(a) Revocation. A conditional use permit may be revoked by the Resource Planning Committee after a hearing, if it is determined that the requirements and conditions upon which the permit was issued have not been followed. Revocation of a conditional use permit is not considered a taking without just compensation because a conditional use permit is a type of zoning designation and not a property right.

(b) Termination. If an established use listed as a conditional use in 2.05(3) ceases for a period of more than 18 months, any future activity shall require a new permit. If requested by the Zoning Administrator, the Resource Planning Committee shall make a determination as to whether or not the use is to be considered ceased. (Amended: 01 November 1999; Ord. 22-99)

(11) Resubmission. A conditional use permit application that has been heard and decided shall not be eligible to be resubmitted during the 6 months following the decision. The 6 month period may be waived by the Resource Planning Committee, provided that the applicant submits a written report identifying how the new application differs materially from the previous application or identifying substantial new evidence that will be offered, and provided that the Resource Planning Committee votes, by simple majority, that the changes or new evidence would be of such significance that the Committee might consider changing the previous decision.

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

**11.06 Variance from the requirements of this Ordinance.**

(1) Petition. A petition for a variance shall be filed by the property owner, or the owner's agent, using forms furnished by the Door County Land Use Services Department. Such petition shall include the following:

(a) Name and address of the property owner and petitioner (if different).

(b) Signature of petitioner.

(c) Location of property involved in the petition.

(d) Proposed use or structure in question, including a site plan showing the

preferred arrangement for which the variance is sought.

(e) Sections(s) of this Ordinance from which a variance is requested.

(f) Details as to the narrowness, shallowness, shape, topography, or other characteristics of the land or the physical conditions applying to the building, structure, use or intended use which make it not merely inconvenient but extremely difficult, if not impossible, to comply with the provisions of the Ordinance.

(g) A statement that the conditions detailed above are unique to this property and are not generally existing on other properties in the same zoning district.

(h) A statement that the unnecessary hardship was not caused by the applicant nor by any persons still having an interest in the property.

(i) Fee. A petition for a variance shall be accompanied by a fee established by the County Board of Supervisors.

(2) Processing.

(a) Public hearing. The Board of Adjustment shall hold a public hearing in accordance with s. 59.694, Wis. Stats., and after a public notice has been given as provided in s. 11.09(1), notice for public hearings. At the hearing, any party may appear in person or by agent or by attorney.

(b) Decision. The Board of Adjustment decision on the variance shall be rendered in writing within 30 days after the public hearing. (Amended: 30 Sept. 2003; Ord. No. 17-03)

1. A variance granted shall be the minimum to permit a use of the property and may contain conditions or guarantees attached thereto by the Board of Adjustment, including an expiration date by which action authorized by the variance must be commenced and/or completed. (Amended: 27 Sept. 2012; Ord. No. 2012-22)

2. A variance denied shall be accompanied by the reasons for denial.

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

(a) Unnecessary hardship. That there are present actual physical conditions applying to the lot, parcel, building, structure, use or intended use on that parcel which are creating the unnecessary hardship in the application of this Ordinance, as distinguished from a mere inconvenience to the owner if the strict letter of the regulations are required.

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

(c) Conditions not self-created. That the condition creating the hardship or difficulty was not caused by the petitioner nor by any person still having an interest in the property.

(d) Public interest. That in granting the variance there will not be a substantial detriment to neighboring property and the grant of variance will not be contrary to the purpose of this Ordinance and the public interest.

(e) Effect on uses. No variance shall have the effect of allowing in any district a use not permitted in that district.

(4) Department of Natural Resources notification. (Amended: 27 May 2014; Ord. 2014-10)  
(Deleted: 20 Sept. 2016; Ord. 2016-14)

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

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

(7) Repairs, restoration, and reconstruction. A structure that was authorized by a variance may be repaired, restored, or reconstructed with the issuance of a regular zoning permit provided the repair, restoration, or reconstruction of the structure conforms fully to the structure authorized by the variance, except that structures located in the floodplain may be elevated as necessary to comply with floodplain zoning requirements. (Added: 25 June 1996; Ord. 16-96) (Amended: 20 Sept. 2016; Ord. 2016-14)

**11.07 Appeals.**

## (1) General provisions.

(a) Where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator, Land Use Services Director, or Resource Planning Committee, an appeal may be taken to the Board of Adjustment by any person aggrieved, or by any officer, department, board, or bureau of the municipality affected.

(b) Such appeals shall be filed with the Land Use Services Department within 30 days after the date of written notice of the decision or order of the Zoning Administrator, Land Use Services Director, or Resource Planning Committee.

(c) Stays. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken shall certify to the Board of Adjustment, after the notice of appeal shall have been filed, that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order, which may be granted by the Board of Adjustment or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.

## (2) Processing an appeal.

## (a) Petitions for appeals shall include:

1. Name, address, and signature of the appellant.
2. Location of property affected by the appeal.
3. The decision being appealed and the grounds claimed for the appeal.  
(Amended: 24 March 2015; Ord. 2015-02)
4. Such additional information as may be required by the Board of Adjustment.

(b) Fee. An appeal shall be accompanied by a fee established by the County Board of Supervisors.

(c) For appeals of Zoning Administrator or Land Use Services Director decisions, or Resource Planning Committee decisions other than conditional use permit application decisions, the Door County Land Use Services Department shall forthwith transmit to the Board of Adjustment the appeal and all the documents constituting the record upon which the action appealed from was taken. For appeals of Resource Planning Committee conditional use permit application decisions, the Door County Land Use Services Department shall

forthwith transmit to the Board of Adjustment the appeal, the conditional use permit application in question, and any supplementary materials developed by Land Use Services Department staff regarding the conditional use permit application. (Amended: 24 March 2015; Ord. 2015-02)

(d) Public hearing. (Amended: 24 March 2015; Ord. 2015-02) (Amended: 29 October 2019; Ord. 2019-13)

1. The Board of Adjustment shall hold a public hearing in accordance with §59.694, Wis. Stats., and this Ordinance.
2. The Board of Adjustment shall, after receipt of a completed and executed petition for appeal and payment of the associated fee, fix a reasonable time for the hearing of the appeal.
3. In the case of an appeal of the issuance or denial of a sign permit, the hearing of the appeal will be held within sixty (60) days of receipt of a completed and executed petition for appeal and payment of the associated fee.
4. At the hearing any party may appear in person or by agent or attorney.
5. The burden of proof at all times remains with the appellant, except that in appeals of Resource Planning Committee conditional use permit decisions, the Board of Adjustment will conduct a “de novo” hearing, meaning that the conditional use permit applicant has the burden of proof.

(e) Decision. The Board of Adjustment decision of the appeal shall be rendered in writing within 30 days after the public hearing. Such decision shall:

1. State the specific facts which are the basis for the Board's decision.
2. Either affirm, reverse, vary, or modify the order, requirement, decision or determination appealed from. The Board may also dismiss the appeal for lack of jurisdiction.

Commentary: An appeal decision made by the Board of Adjustment may be further appealed to a court of law.

(3) Department of Natural Resources notification. (Amended: 27 May 2014; Ord. 2014-10)  
(Deleted: 20 Sept. 2016; Ord. 2016-14)

### **11.08 Amendments.**

(1) The County Board of Supervisors may amend this Ordinance in accordance with 59.69(5), Wis. Stats., after a public notice has been given as provided in s. 11.09(1), notice for public hearings. At the hearing any party may appear in person or by agent or attorney. (Amended: 20 Sept. 2016; Ord. 2016-14)

(2) Petition. A petition for an amendment to this Ordinance shall be submitted to the Door County Land Use Services Department using forms furnished by the Land Use Services Department. Such petition shall include the following:

(a) Name and address of the petitioner.

(b) Signature of the petitioner.

(c) If the petition is for a zoning text amendment, the proposed text changes including reference(s) to the affected section(s) of this Ordinance.

(d) If the petition is for a zoning map amendment, a description of the affected property, the current zoning district classification(s), and the proposed zoning district classification(s)

(e) Fee. A petition for an amendment shall be accompanied by a fee established by the County Board of Supervisors. (Amended: 25 June 199; Ord. 16-96)

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

(a) Storm or flood water storage capacity.

(b) Maintenance of dry season stream flow, discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland.

(c) Filtering or storage of sediments, nutrients, heavy metals, or organic compounds that would otherwise drain into navigable waters.

(d) Shoreline protection against soil erosion.

(e) Fish spawning, breeding, nursery, or feeding grounds.

(f) Wildlife habitat.

(g) Areas of special recreational, scenic, or scientific interest, including scarce wetland types.

(4) Zoning amendments in the Exclusive Agricultural district.

(a) Door County may approve petitions for rezoning areas zoned Exclusive Agricultural (EA) only after findings are made based upon the requirements of s. 91.48(1), Wis. Stats. (Amended: 30 September 2010; Ord. 2010-13)

(b) (Deleted: 24 March 2015; Ord. 2015-02)

(5) Previous zoning amendments involving wetlands. If, under the 1968 Door County Zoning Ordinance, property was rezoned by action of the County Board of Supervisors from a Shoreland-Wetland or Conservancy zoning district to another zoning district, that rezoning shall remain intact. Due to limitations created by zoning map scales, the property might not be identified on the zoning map. This provision shall not preclude such property from being placed in any other zoning district, except Wetland district, unless the physical conditions of such properties subsequently change to truly Wetland characteristics.

Commentary: The intent of this provision is to not force property owners to apply a second time for a rezoning of property from a wetland zoning district into another zoning district. This provision is not intended to guarantee that the zoning district classification of affected properties will remain the same indefinitely.

(6) Department of Natural Resources notification. (Amended: 27 May 2014; Ord. 2014-10) (Deleted: 20 Sept. 2016; Ord. 2016-14)

(7) Resubmission. A petition for zoning amendment that has been heard and decided shall not be eligible to be resubmitted during the 6 months following final action by the Door County Board of Supervisors. The 6 month period may be waived by the Resource Planning Committee provided that the petitioner submits a written report identifying how the new zoning amendment petition differs substantially from the previous petition or identifying substantial new evidence that will be offered and provided that the Resource Planning Committee votes by simple majority that the changes or new evidence would be of such significance that the Door County Board of Supervisors might consider changing the previous decision.

**11.09 Public hearings.** When public hearings are required by this Ordinance or by Wisconsin Statutes, the following shall apply:

(1) Notice for public hearings.

(a) Notice of any public hearing which the Resource Planning Committee or Board of Adjustment is required to hold shall be given by publishing in the county a Class 2 notice in accordance with Ch. 985, Wis. Stats. The notice shall specify the time and place of such hearing.

(b) If the public hearing involves a petition for a zoning amendment, a copy of the hearing notice shall be mailed by registered mail to the town clerk of each town affected by the proposed amendment at least 10 days prior to the date of such hearing.

(c) If the public hearing involves a variance or an appeal before the Board of Adjustment, the Board of Adjustment shall give due notice to the parties in interest.

(d) (Amended: 25 June 1996; Ord. 16-96) (Deleted: 20 Sept. 2016; Ord. 2016-14)

Commentary: As a matter of practice, in addition to the parties identified in pars. (b) and (c), an earnest effort will be made to send by regular mail a copy of the notice for public hearing to the town board chair of each affected town, to the applicant or petitioner, or their agent, and to the property owners (as recorded in the Door County Real Property Listing Office) of all lands located within 300 feet of any part of the parcel or parcels included in the conditional use permit application, zoning amendment petition, variance petition, or appeal. The failure to mail a notice to the above parties or the failure of such notice to reach any of the above parties does not invalidate any public hearing nor any decision of the Resource Planning Committee or Board of Adjustment. (Amended: 20 Sept. 2016; Ord. 2016-14)

(2) Public hearing procedures. The Resource Planning Committee or Board of Adjustment may adopt any formal or informal public hearing procedures.

## CHAPTER 12

### ENFORCEMENT

- 12.01 Violations.
- 12.02 Prosecution.
- 12.03 Penalties.
- 12.04 After-the-fact conditional use applications and variance petitions.

#### **12.01 Violations.**

- (1) It shall be unlawful to locate, erect, construct, reconstruct, alter, enlarge, extend, convert, or relocate any building, structure, or sign or use any building, structure, land, or sign in violation of the provisions of this Ordinance, or amendments or supplements thereto, lawfully adopted by the County Board of Supervisors. It shall also be unlawful to fail to obtain permits as required by this Ordinance or to fail to comply with any requirement or condition imposed by the Board of Adjustment or Resource Planning Committee.
- (2) Each and every day of violation as described in sub.(1) may be deemed a separate offense and violation.
- (3) Any person, firm, association, or corporation or representative agent failing to comply with the provisions of this Ordinance may be subject to prosecution under the terms of this Ordinance.

#### **12.02 Prosecution.**

- (1) Civil proceedings. Pursuant to s. 66.12, Wis. Stats., an action for violation of this ordinance shall be a civil action.
- (2) Notification. The Zoning Administrator shall serve any violators with a notice of violation stating the following:
  - (a) The nature of the violation.
  - (b) Corrective measures required to eliminate the violation.
  - (c) That the violator shall be subject to:
    1. Civil action to remove or otherwise eliminate the violation, and/or
    2. Penalties, upon conviction, as set forth in s. 12.03, penalties.

(3) Corporation Counsel. The Zoning Administrator shall report violations to the Door County Corporation Counsel. At the Corporation Counsel's discretion, legal action or proceedings may be commenced to prosecute alleged violators pursuant to the proceedings outlined in s. 66.12, Wis. Stats., or pursuant to the issuance of a summons and complaint.

(4) Injunction. Compliance with this Ordinance may also be enforced by an injunction at the suit of Door County or the owner or owners of real estate within the zoning district affected by such regulation.

(5) Penalty. Those actions commenced on behalf of Door County may, in addition, seek a forfeiture or penalty as outlined herein.

(6) Special inspection warrants. The provisions of s. 66.122, Wis. Stats., shall govern the issuance of all special inspection warrants.

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

**12.04 After-the-fact conditional use applications and variance petitions.**

(1) After-the-fact conditional use situations. If a building or structure or premises is used to establish a use, which by this Ordinance requires issuance of a conditional use permit, without a conditional use permit first being obtained, the responsible party may attempt to correct the violation by applying for a conditional use permit for the unauthorized use.

(a) Procedure.

1. Upon notification of the violation, the responsible party may apply for a conditional use permit as provided in s. 11.04(2), application.

2. Upon submittal of a complete application, the application shall be processed as provided in s. 11.04, conditional use permits.

(b) During the pendency of the conditional use permit application, the responsible party shall not carry on any activities in furtherance of the unauthorized use.

(2) After-the-fact variance situations. If a building or structure is constructed in violation of any dimensional requirement of this Ordinance, or if a lot is created in

violation of minimum lot area and/or width requirements of this Ordinance, the responsible party may attempt to correct the violation by petitioning for a variance. (Amended: 30 Sept. 2003; Ord. 16-03)

(a) Procedure.

1. Upon notification of the violation, the responsible party may petition for a variance as provided in s. 11.06(1), Petition. (Amended: 30 Sept. 2003; Ord. 16-03)

2. Upon submittal of a complete petition, the petition shall be processed as provided in s. 11.06, variance from the requirements of this Ordinance. (Added: 30 Sept. 2003; Ord. 16-03)

(b) During the pendency of a variance petition, the responsible party shall not carry on any activities in furtherance of the unauthorized act.

**CHAPTER 13****DEFINITIONS**

13.01 Word usage.

13.02 Definitions.

**13.01 Word usage.** In the interpretation of this Ordinance, the provisions and rules of this chapter shall be observed and applied, except when the context clearly requires otherwise:

- (1) Words used or defined in one tense or form shall include other tenses and derivative forms.
- (2) Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.
- (3) The masculine gender shall include the feminine, and the feminine gender shall include the masculine.
- (4) The word "shall" is mandatory.
- (5) The word "may" is permissive.

**13.02 Definitions.** When used in this Ordinance, the following terms shall have the meanings herein assigned to them. Words used in this Ordinance, but not defined herein, shall carry the meanings as defined in Webster's Unabridged Third International Dictionary, or a dictionary based on it.

**Abandonment of Nonmetallic Mining Operations:** The cessation of nonmetallic mining operations for more than 365 consecutive days where the cessation is not specifically set forth in an operator's application, operation plan or permit, or is not specifically approved by the Resource Planning Committee upon written request. Abandonment of operations does not include the cessation of activities due to labor strikes or natural disasters.

(Amended: 26 June 2001; Ord. 04-01)

**Accessory Building:** See Building, Accessory.

**Accessory Residence:** Dwelling unit or units accessory to a nonresidential use on the same lot or building site that provide(s) living quarters for the owner, proprietor, commercial tenant, employee, or caretaker of the nonresidential use.

(Amended: 27 July 2000; Ord. 17-00)

**Accessory Structure:** See Structure, Accessory.

**Accessory Use:** See Use, Accessory.

**Active Recreation:** Recreational uses, areas, and activities oriented toward potential competition or involving special equipment, including, but not limited to, playgrounds, sports fields and courts, zip lines, paint ball facilities, disc golf, bungee jumping, climbing walls or towers, swimming pools, and skating rinks. (Amended: 26 Feb. 2013; Ord. 2013-07)

**Agricultural Visitation Facility:** Uses including but not limited to: agricultural animal petting zoos or educational displays; living history museums; rural history museums; and demonstrations or displays of past or current farming, logging, sawmilling, or stone crushing techniques and/or equipment. (Added: 26 August 1997; Ord. 21-97)

**Agriculture:** Uses including but not limited to: the keeping, raising, or propagation of farm livestock, game, or exotic animals; apiculture; dairying; forage crop production; forest crop production; grain production; grazing; orchards; specialty crop production, such as maple syrup, mint, and willow; viticulture; and truck farming. (Added: 26 August 1997; Ord. 21-97)

For purposes of the Exclusive Agricultural zoning district, Agricultural Use shall mean any of the following:

- a. Any of the following activities conducted for the purpose of producing an income or livelihood:
  1. Crop of forage production.
  2. Keeping livestock.
  3. Beekeeping.
  4. Nursery, sod, or Christmas tree production.
  5. Floriculture.
  6. Aquaculture.
  7. Fur farming.
  8. Forest management.
  9. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation program.
- b. Any other use that the Department of Agriculture, Trade or Consumer Protection, by rule, identifies as an agricultural use. (Added: 30 September 2010; Ord. 2010-13)

**Agriculture, General:** (Deleted: 26 August 1997; Ord. 21-97)

**Agriculture, Intensive:** (Deleted: 26 August 1997; Ord. 21-97)

**Alley:** A right-of-way that provides only secondary access to abutting properties and which is not intended for general traffic circulation. (Created: 30 August 2011; Ord. 2011-11)

**Amusement Park:** A commercially operated facility with various devices for entertainment which are located primarily outdoors, including but not limited to miniature golf, go karts, and water rides. (Amended: 26 Feb. 2013; Ord. 2013-07)

**Animal Shelter:** A facility for the care and shelter of homeless, stray, or abused animals.

**Animal Unit:** (Deleted: 26 August 1997; Ord. 21-97)

**Apron:** An ornamental base of a sign for the purpose of displaying identification of the sign owner, if different from the entity depicted on the sign face. (Added: 29 October 2019; Ord. 2019-13)

**Art:** The conscious use of skill, taste, and creative imagination in the production of objects whose primary or sole value is intended to be aesthetic. Art is distinct from other forms of production by its application of a personal, unanalyzable creative power, not merely expertness in workmanship.

**Art Gallery:** An institution or business exhibiting or dealing in works of art.

**Assembly Hall:** A facility within which people can congregate for cultural, educational, or social purposes. (Added: 5 Aug 2013; Ord. 2013-13)

**Auditorium:** A facility open to the public which includes performance and viewing areas. (Added: 25 June 2013; Ord. 2013-12)

**Auto Sales and Service Lots:** Any establishment where more than 3 automobiles are displayed for sale at any time, or where more than 3 automobiles are sold in any calendar year.

**Awning:** A cloth, plastic, or other nonstructural covering that projects from a wall for the purpose of shielding a doorway or window. An awning is either permanently attached to a building or can be raised or retracted to a position against the building when not in use. (Added: 29 October 2019; Ord. 2019-13)

**Beacon Lighting:** Any source of electric light, whether portable or fixed, the primary purpose of which is to cast a concentrated beam of light generally skyward as a means of attracting attention to its location rather than to illuminate any particular sign, structure, or other object. (Added: 29 October 2019; Ord. 2019-13)

**Bed and Breakfast Establishments:** Any place of lodging that provides 4 or fewer rooms for rent to transient guests, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.

**Boardinghouse:** A place in which lodging, with or without meals, is offered for compensation to non-transient guests, that provides 4 or less rooms for rent, is the owner's personal residence, and is occupied by the owner at the time of rental.

**Boathouse:** (Deleted: 20 Sept. 2016; Ord. 2016-14)

**Building:** An enclosed structure built, maintained, or intended to be used for the protection, shelter, or enclosure of persons, animals, or property. (Amended: 22 Feb. 2000; Ord. 04-00)

**Building, Accessory:** A building which is:

1. Subordinate to and serves a principal structure or a principal use.
2. Located on the same lot as the principal structure or use served.
3. Customarily incidental to the principal structure or use. A building that is attached to a principal building either by a common wall or by an enclosed structure which serves as an aboveground passageway shall be considered to be a part of the principal building. (Amended: 25 June 1996; Ord. 16-96)

**Building Façade, Street Facing:** The exposed surface of the side or sides of a building that are located closest to a road. The length of such surface is found by projecting the extents of the building perpendicularly to the centerline of the road. (Added: 5 October 1998; Ord. 22-98) (Amended: 26 August 2003, Ord. 09-03)

**Building Envelope:** The three-dimensional space within which a structure is built. (Added: 20 Sept. 2016; Ord. 2016-14)

**Building, Principal:** A building which houses a principal use of a lot. (Amended: 25 Feb. 1997; Ord. 5-97)

**Building Site:** A lot on which buildings or structures that are permitted in the applicable zoning district may be placed.

**Building Zone:** The horizontal plane within a lot bounded by all applicable setbacks. (Amended: 23 March 1999; Ord. 4-99)

**Burden of Proof:** The burden of moving forward with the production of evidence and the burden of persuasion (or risk of non-persuasion). (Added: 27 March 2018; Ord. 2018-07)

**Business Establishment:** For the purpose of sign regulation, uses of land defined and regulated by this ordinance as Agricultural, Industrial, Miscellaneous, Outdoor Recreational, bed & breakfast establishments, boardinghouses, multiple occupancy developments, and all Commercial uses, with the exclusion of home office/studios, home occupations, and home businesses, shall be considered business establishment uses. (Added: 29 October 2019; Ord. 2019-13)

**Caliper:** A measurement of the size of a tree equal to the diameter of its trunk measured 4.5 feet above the ground.

**Camp Site:** A segment of a campground which is designated for camping by a camping party.

**Campground:** Any parcel or tract of land which is designed, maintained, intended or used for the purpose of providing camp sites offered with or without charge for temporary overnight sleeping accommodations by 4 or more camping units, or by any number of camping units if the parcel or tract of land is represented as a campground. (Amended: 27 August 2019; Ord. 2019-08; Effective 7 October 2019)

**Camping:** The use of temporary overnight sleeping accommodations. (Amended: 1 December 1996; Ord. 31-96) (Amended: 27 August 2019; Ord. 2019-08; Effective 7 October 2019)

**Camping Cabin:** A building or other structure that is 400 square feet or less in area. A camping cabin includes a yurt, but does not include a tent or recreational vehicle. (Added: 27 August 2019; Ord. 2019-08; Effective 7 October 2019)

**Camping Party:** Any individual or family or a group consisting of not more than 6 persons who are 7 years of age or older provided that such individual, family, or group is engaging in camping. (Amended: 27 August 2019; Ord. 2019-08; Effective 7 October 2019)

**Camping Unit:** Any single temporary shelter 400 square feet or less in area, except sleeping bags, bed rolls, and hammocks, used for camping by a camping party. Camping units include recreational vehicles, camping trailers, tents, motor homes, park models, camping cabins, and yurts. (Amended: 27 August 2019; Ord. 2019-08; Effective 7 October 2019)

**Canopy Tree:** A deciduous tree that would occupy the upper canopy of a woodland in a completely natural situation. These trees are often referred to as shade trees.

**Cemetery:** Land used for the burial of dead humans, and dedicated for cemetery purposes, including columbaria, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery.

**Certificate of Compliance:** An official written document, issued by the Zoning Administrator, which certifies that the use or structure complies with all applicable provisions of this Ordinance and the regular zoning permit, sign permit, or conditional use permit issued for that use or structure.

**Change of Use:** Conversion of a principal use of a lot from one use category, as listed in s. 2.05(3), table of principal uses, to another use category.

**Clearcutting:** A woodland management technique in which all or most of the trees in a particular woodland area are cut for the purpose of aiding in the regeneration and perpetuation of the woodland.

**Clearing:** The act of removing trees from any part of a woodland for the purpose of building development or creation of non-wooded areas.

**Commercial Fishing Facilities:** A commercial establishment and its associated equipment dedicated to the catching and processing of fish for use as human food.

**Commercial Riding Stable:** See Riding Stable, Commercial.

**Community Commercial Kitchen:** An establishment where space is leased or otherwise shared by individual entities for short periods of time to process, typically only in small quantities and only periodically, the food that they grow or produce, primarily for purposes

of selling or distributing off-site. (Added: 28 May 2012; Ord. 2012-13)

**Community Living Arrangements:** A facility defined as such in s.46.03(22), Wis. Stats.  
**Conditional Use:** A use allowed under a conditional use permit. Specifically, a use whose nature, character, or circumstance is so unique or so dependent upon specific conditions that predetermination of permissibility by right is not practical, but which may be permitted on a case-by-case basis subject to the conditional use permit procedure. (Added: 24 Nov. 1998; Ord. 33-98) (Amended: 27 March 2018; Ord. 2018-07)

**Conditional Use Permit:** A permit, issued by the Resource Planning Committee, stating that a use permitted as a conditional use may be established, expanded, or enlarged subject to any conditions placed on the authorization and the provisions of this Ordinance. (Added: 24 Nov. 1998; Ord. 33-98) (Amended: 27 March 2018; Ord. 2018-07)

**Conservation Subdivision:** A development option that offers a density bonus for residential development in exchange for the permanent designation of open, natural or agricultural areas. (Added: 4 April 2011; Ord. 2011-05)

**Contractors Establishment:** See Trade or Contractors Establishment.

**Copy:** As defined in §84.30, Wis. Stats.: “The advertising or other information or images on a sign face created to communicate to the public.” (Added: 29 October 2019; Ord. 2019-13)

**Copy Change:** As defined in §84.30, Wis. Stats.: “The process of substituting copy on a sign face, which may include removing a face and substituting another face or other processes such as painting on wood, metal, or vinyl, affixing printing paper or vinyl to the face, changing the message mechanically, or electronically changing the copy from a remote location.” (Added: 29 October 2019; Ord. 2019-13)

**Corner Lot:** A lot which occupies the interior angle at the intersection of two road rights-of-way which make an angle of less than 135 degrees with each other. (Added: 22 Jan. 2011; Ord. 2011-03)

**Customary Maintenance:** As defined in §84.30, Wis. Stats.: “Customary maintenance on a sign includes nailing, bolting, fastening, cleaning, and painting; replacing its components with equivalent or similar components; except as provided [below], replacing structural components, including upright supports; making copy changes; upgrading existing illumination for energy efficiency or worker safety; adding catwalks or handrails to address safety; installing an apron to a sign structure to display identification of the sign owner; or replacing the sign face. ‘Customary maintenance’ does not include repairs that involve, within a period of 36 consecutive months, replacing more than 60 percent of the wooden upright supports of a sign or replacing more than 30 percent of the length above ground of each broken, bent, or twisted upright metal support of a sign.” (Added: 29 October 2019; Ord. 2019-13)

**Day Care Center:** A facility, licensed by the Wisconsin Department of Health and Social Services, which provides supervision and care and/or instruction for 4 or more children under the age of 7 for periods of less than 24 hours per day and operates on a regular

basis.

**Deck:** An unenclosed, unroofed exterior platform structure, with or without railings, which is elevated above preconstruction grade, is typically of wood construction, either attached to a building or freestanding.

**Density, Maximum Allowable:** The number of dwelling units, excluding secondary dwelling units, allowed within a manufactured home park or conservation subdivision. In computing the maximum allowable density, any fractional dwelling count shall be equal to zero dwelling units. For a manufactured home park, maximum allowable density is calculated by multiplying the density unit per acre by the total site area. For a conservation subdivision, maximum allowable density is calculated by multiplying the density unit per acre by the site area, minus any wetland area. (Added: 17 April 2012; Ord. No. 2012-14)

**Department of Natural Resources:** The Wisconsin Department of Natural Resources.

**Destroyed:** As defined in §84.30, Wis. Stats.: “With respect to a nonconforming sign, means that upright supports are physically damaged such that, within a period of 36 consecutive months, in the case of a sign structure with wooden upright supports, more than 60 percent of the supports are broken and, under normal repair practices, would need to be replaced or, in the case of a sign structure with metal upright supports, more than 30 percent of the length above ground of each broken, bent, or twisted support would, under normal repair practices, need to be replaced.” (Added: 29 October 2019; Ord. 2019-03)

**Driveway:** A means of access to or from a property, site, or use; or a means of circulation within a parking area.

**Drumlin:** An elongate or oval hill composed partially or entirely of glacial drift.

**Dune:** A mound, hill, or ridge of sand piled by wind.

**Duplex:** Two attached dwelling units on a single lot regardless of the form of ownership of the units, with both units meeting the minimum floor area requirements of s.3.11(1). (Amended: 4 April 2011; Ord. No. 2011-04)

**Dwelling Unit:** A structure, or that part of a structure, which is used, or intended to be used as living quarters. A dwelling unit shall be served by water and a sanitary system, and have finished rooms consisting of, at a minimum, a kitchen, bathroom, and sleeping area. (Amended: 4 April 2011; Ord. No. 2011-04)

**Dwelling Unit, Secondary:** A dwelling unit that is accessory to the single family dwelling unit. (Added 4 April 2011; Ord. No. 2011-04)

**Dwelling Unit, Single Family:** A free-standing building which provides or is intended to provide living quarters exclusively by persons maintaining a common household, to the exclusion of all others, except dwelling units that meet the definition of a manufactured

home. (Amended: 4 April 2011; Ord. No. 2011-04)

**Effective Date of This Ordinance:** The date that this Ordinance takes effect on a given parcel of land as provided in s. 1.06, force and effect, or the date that an amendment to this Ordinance becomes effective.

**Enclosed Structure:** A structure consisting of a solid roof, a permanent foundation, a floor, and solid walls extending from the floor to the roof. Solid doors, windows, or other glazing are allowed in the wall segments. Open breezeways or screen walls do not qualify as enclosed structures.

**Escape Balcony:** A horizontal platform affixed to the exterior wall of a structure which is readily accessible from an upper story door or window and which serves as a place from which rescue can be achieved in the event of fire or similar hazard with the structure.

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

**Family:** A person or group of persons living together as a single housekeeping unit.

**Family, Camping:** A parent or parents with their dependent children and not more than 2 guests. This definition to be used for camping related purposes only.

**Family Day Care Home:** A dwelling unit where supervision and care and/or instruction for not more than 8 children under the age of 7 is provided for periods of less than 24 hours per day, and which is licensed by the Wisconsin Department of Health and Social Services.

**Farm Consolidation:** (Deleted: 24 March 2015; Ord. 2015-02)

**Farm Livestock Hutches:** Structures that do not exceed 40 square feet in floor area nor 5 feet in height above the grade elevation, and used for keeping of farm livestock. (Added: 25 June 1996; Ord. 16-96)

**Farm Market:** (Deleted: 22 May 2018; Ord. 2018-11; Effective 2 July 2018)

**Farm Related Residence:** A dwelling unit to be occupied by a person who, or a family at least one member of which, earns a substantial part of his or her livelihood from farm operations on the parcel, or is a parent or child of the operator of the farm.  
(Amended: 11 Dec. 2012; Ord. 2012-25)

**Fence:** A barrier intended to prevent escape or intrusion, or to mark a boundary. A fence does not include a railing serving a deck, porch, balcony, or similar items.

**Ferry Terminal:** Either end of a passenger and/or freight ferry line with dock facilities, management offices, storage sheds, maneuvering yards, and stations for processing passengers and/or freight.

**Fine Arts Venue:** A campus providing facilities for the study, practice, and presentation of visual and performing arts such as painting, sculpture, music, or theater, and which may include on-site lodging and meal preparation for persons directly involved in campus programs. (Added: 28 May 2012; Ord. 2012-12)

**Finished Grade Elevation:** The average elevation around the base of a building or structure where such building or structure meets the surface of the ground upon completion of backfilling and landscaping. (Added: 8 August 2000; Ord. 15-00)

**Flag:** Cloth, plastic, canvas, or other like material attached to a pole or structure and anchored along only one edge or supported or anchored at only two corners. (Added: 29 October 2019; Ord. 2019-13)

**Floodplain:** The land which has been or may be hereafter covered by flood water during a regional flood, including the floodway and the flood fringe as defined in Chapter NR 116, Wisconsin Administrative Code. Floodplains are designated as A zones on the Flood Insurance Rate Maps for Door County.

**Floor Area:** The sum of the gross horizontal areas of the several floors of the building, measured from the outer lines of the exterior walls of the building, except that the floor area of a dwelling does not include space not useable for living quarters, such as attics, unfinished basement rooms, garages, breezeways, and unenclosed porches or terraces. (See also Primary Floor Area)

**Footprint, Building:** A single horizontal plane bounded by the exterior walls of a building.

**Funeral Homes:** An establishment, occupied by a professional licensed mortician, with facilities for burial preparation or cremation and funeral services.

**Garage:** An accessory structure (except for public highway garages) primarily intended for and used for the enclosed storage or shelter of motor vehicles.

**Grade Elevation:** (Deleted: 8 August 2000; Ord. 15-00)

**Greenhouse:** A structure used for commercial floriculture and/or horticulture. (Added: 26 August 1997; Ord. 21-97)

**Historic Building:** A building which is one of the following: (1) listed on, or nominated by the state historical society for listing on, the National Register for Historic Places in Wisconsin; (2) included in a district which is listed on, or nominated by the state historical society for listing on, the National Register for Historic Places in Wisconsin, and which has been determined by the state historical society to contribute to the historic significance of the district; (3) listed on a certified municipal register of historic property; or (4) included in a district which is listed on a certified municipal register of historic property, and which has been determined by the municipality to contribute to the historic significance of the district.

**Holiday Decorations:** Displays erected on a seasonal basis, which are non-permanent in

nature, in observance of local, state or national holidays; religious holidays; cultural holidays; or other holidays. (Added: 29 October 2019; Ord. 2019-13)

**Home Business:** A business, profession, occupation, or trade conducted for gain or support in conjunction with a residence and in a manner that meets the requirements of section 4.04(10) of this ordinance. Examples of businesses that may be permitted as a home businesses include trade or contractors establishments (such as plumbing, heating and air conditioning, excavating, carpentry and woodworking, liquid waste hauling, painting, electrical, and well-drilling), veterinary offices, kennels, and automotive and farm implement repair shops. (Amended: 8 August 2000; Ord. 12-00)

**Home Occupation:** A business, profession, occupation, or trade conducted for gain or support in conjunction with a residence and in a manner that meets the requirements of section 4.04(9a) of this ordinance. Examples of businesses that may be permitted as home occupations include barber/beauty shops, canning, tailoring, upholstering, picture framing, and professional home offices. (Amended: 8 August 2000; Ord. 12-00)

**Home Office/Studio:** Home office/studio. A business, profession, occupation, or trade conducted for gain or support in conjunction with a residence and in a manner that meets the requirements of section 4.04(9) of this ordinance. Examples of businesses that may be permitted as home offices/studios include any business where transactions with customers are conducted entirely by telephone, facsimile machine, and computer; or any business where the home serves only as the office or storage space and all services or work is performed off-site. (Added: 8 August 2000; Ord. 12-00)

**Illumination:** A source of any artificial or reflected light, either directly from a source of light incorporated in, or indirectly from an artificial source. (Added: 29 October 2019; Ord. 2019-13)

**Impervious Surface Authorization Permit:** A permit, issued by the Zoning Administrator, allowing a property owner to exceed the allowable impervious surface ratio on a lot. (Added: 20 Sept. 2016; Ord. 2016-14)

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

**Impervious Surface Ratio:** A measure of the intensity of use of a parcel of land determined by dividing the total area of all impervious surfaces within the site by the total area of the site. Impervious surface ratio calculations shall exclude roadways as defined in s. 340.01(54), Wis. Adm. Code; sidewalks as defined in s. 340.01(58), Wis. Adm. Code; or any impervious surface where the property owner can show that runoff from the impervious surface will 1) be treated by devices such as storm water ponds, constructed wetlands, infiltration basins, rain gardens, bio-swales, or other engineered systems, or 2) discharge to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil. (Amended: 20 Sept. 2016; Ord. 2016-14)

**Impervious Surface, Treated:** An impervious surface where runoff from the impervious

surface is 1) treated by devices such as storm water ponds, constructed wetlands, infiltration basins, rain gardens, bio-swales, or other engineered systems, or 2) discharged to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil. (Added: 20 Sept. 2016; Ord. 2016-14)

**Inoperative Vehicle:** Any motor vehicle which lacks a current registration, or 2 or more wheels, or any other component part, which renders the vehicle illegal for use on highways.

**Institutional Recreation Camp:** An area containing one or more permanent buildings used periodically for the accommodation of members of associations or groups for recreational purposes.

**Institutional Residential:** Convents, monasteries, sheltered care facilities, nursing homes, and protective living facilities where the residents live in an institutional environment. The residents may be members of an institution, or would have institutional care, or would be treated by staff.

**Intensive agriculture:** See Agriculture, Intensive.

**Junk Material:** Any inoperable motor vehicles, used tires which are not being put to a use, unusable household appliances, or unusable parts of motor vehicles.

**Kennel:** Any establishment wherein or whereon 8 or more dogs over the age of 5 months are kept for breeding, sale, or sporting purposes, or where boarding care is provided for compensation.

**Land Disturbance:** Any filling, grading, dredging, excavating or similar activity which alters the surface of a site for the purposes of preparing a site for development, creating ponds, or altering the topography of a site. Activities which meet the definition of nonmetallic mining or solid waste facility shall not be considered as a land disturbance.

**Land Use Services Department:** Door County Land Use Services Department. (Added: 27 March 2018; Ord. 2018-06)

**Land Use Services Director:** An authorized representative of the Resource Planning Committee appointed by the County of Door to supervise the operation of the Land Use Services Department and to carry out, or to delegate carrying out, the assigned responsibilities of this Ordinance. (Added: 27 March 2018; Ord. 2018-06)

**Landing:** A horizontal platform, the purpose of which is to provide a turn or resting place in a stairway.

**Legibility:** The physical attributes of a sign that allow for an observer's differentiation of its letters, words, numbers, or graphics. (Added: 29 October; Ord. 2019-13)

**Livestock:** Any bovine, sheep, goat, pig, elk or other deer, llama, alpaca, or domestic fowl, including game fowl, raised in captivity, except that the keeping of up to eight

chickens, excluding roosters, for personal use shall not be considered the keeping of livestock. (Added: 26 August 1997; Ord. 21-97) (Amended: 17 April 2012; Ord. 2012-14)

**Living Quarters:** A building or a portion of a building which provides, as a minimum, an area equipped or furnished for sleeping purposes, or those finished portions of a building in which normal residential activities occur. (Amended: 4 April 2011; Ord. No. 2011-04)

**Local Arrowboard Assembly:** A grouping or collection of local arrowboard signs on the same sign post or posts. (Added: 29 October 2019; Ord. 2019-13)

**Long-Term Residential Use:** For the purpose of sign regulation, all uses defined and regulated as Residential in this ordinance except for bed & breakfast establishments, boardinghouses, and multiple occupancy developments, shall be considered long-term residential uses. (Added: 29 October 2019; Ord. 2019-13)

**Long-Term Residential Use With Home-Based Enterprise:** For the purpose of sign regulation, long-term residential uses with home-based enterprises shall be defined as long-term residential use properties which also contain home offices/studios, home occupations, home businesses, and/or tourist rooming houses. (Added: 29 October; Ord. 2019-13)

**Lot:** A continuous parcel of land, not divided by a public right-of-way, occupied or intended to be occupied by a principal structure or use and the accessory structures or uses permitted thereto, and sufficient in size to meet the lot width and lot area provisions of this ordinance.

**Lot Area:** The area of a horizontal plane bounded by the front, side, and rear lot lines of a lot, but not including the area of any land below the ordinary high water mark of navigable waters.

**Lot Line:** A line bounding a lot which divides one lot from another lot or from a street or road.

**Lot Line, Front:** The lot line nearest to the centerline of the public or private road from which the lot takes access, except that for essentially rectangular lots abutting cul de sacs, the front lot line shall be that lot line which is generally parallel and closest to the centerline of the access road. (Amended: 23 March 1999; Ord.4-99)

**Lot Line, Rear:** In the case of rectangular or most trapezoidal shaped lots, that lot line which is generally parallel to and most distant from the front lot line of the lot. In the case of an irregular or triangular lot, a line 20 feet in length, entirely within the lot, parallel to, and at the maximum possible distance from, the front lot line.

**Lot Line, Side:** Any lot line other than a front or rear lot line.

**Lot of Record:** Any lot, the description of which is properly recorded with the Door County Register of Deeds, which at the time of its recordation complied with all applicable laws, ordinances, and regulations.

**Lot Width:** The shortest distance between side lot lines, measured through the midpoint of the shortest line that can be drawn between the front lot line and the rear lot line. (Amended: 23 March 1999; Ord. 4-99)

**Manufactured Home:** A dwelling unit which is, or was as originally constructed, designed to be transported after fabrication on its own wheels, or by a motor powered vehicle, arriving at a site where it is to be occupied as a residence (whether occupied or not) complete and ready for occupancy (with or without major appliances and furniture) except for minor and incidental unpacking and hook-up operations, and designed, equipped and used primarily for living quarters or is intended to be so used, and includes any additions, attachments, annexes, foundations, and appurtenances. (Amended: 4 April 2011; Ord. No. 2011-04)

Structures which are delivered to the site in halves or other modular arrangements (consisting of complete wall sections or large units fabricated off-premise by the manufacturer of the basic unit and designed and intended to be attached to the basic unit) and which when joined together exceed 18 feet in width throughout, meet minimum floor area requirements of this Ordinance, have a length to width ratio of not more than 2.5 to one (with length measured along the center of the longest roof axis and width measured perpendicular to the above at the completed unit's most narrow span), and which are placed upon a permanent foundation are considered single family residences or single family dwelling units.

**Manufactured Home Park:** Any plot or plots of land designed, maintained, intended or used for the purpose of supplying a location or accommodations for more than two manufactured homes on a year-round basis and shall include all buildings used or intended for use as part of the equipment thereof, whether or not a charge is made for the use of the manufactured home park and its facilities. Manufactured home parks shall not include automobile or manufactured home sale lots on which unoccupied manufactured homes are parked for the purposes of inspection and sale.

**Marina:** A place for docking or storage of pleasure boats or providing services to pleasure boats and the occupants thereof, including minor servicing and repair to boats, sale of supplies or fuel, or provision of food, beverages, and entertainment at on-shore facilities. If the docking of boats and provision of services thereto is purely incidental to other uses or activities, it shall not be considered a marina, nor shall docks or piers which are accessory to a dwelling unit be considered a marina, provided no boat related services are rendered.

**Maximum Allowable Density:** See Density, Maximum Allowable. (Added: 17 April 2012; Ord. 2012-14)

**Message:** As defined in §Trans 201.15(2)(b), Wis. Admin. Code: "Anything displayed on a sign, including copy, art animations, and graphics." (Added: 29 October 2019; Ord. 2019-13)

**Mining Site Enlargement:** Any horizontal increase beyond dimensions of the original application for the project site.

**Model Home:** A single family dwelling unit which is used as a model for inspection by

prospective home buyers and is unoccupied as a residence, but is intended for eventual use as a single family residence and which may or may not contain a home sales office.

**Multiple Occupancy Development:** A development on a single lot wherein a building is provided with 3 or more occupancy units, or wherein 2 or more detached buildings are provided with 2 or more occupancy units, regardless of the characteristics of the user(s) of the occupancy units and regardless of the ownership of the building(s) or of the occupancy units. A single family residence with a secondary dwelling unit and/or livingquarters in accessory structures shall not be considered to be a multiple occupancy development. (Amended: 4 April 2011; Ord. No. 2011-04) (Amended: 20 Sept. 2016; Ord. 2016-14)

**Natural Feature:** A geologic formation, vegetative area, or other feature of the landscape which is protected by regulations in this Ordinance.

**Navigable Water:** Lake Michigan, Green Bay, all natural inland lakes, all streams, ponds, sloughs, flowages and other waters within Door County which are navigable under the laws of the State of Wisconsin. Wisconsin's Supreme Court has declared navigable bodies of water that have a bed differentiated from adjacent uplands and levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis (Muench vs. Public Service Commission, 26 Wis. 492 (1952) and DeGaynor and Co., Inc., vs. Department of Natural Resources, 70 Wis. 2d 936 (1975)). For example, a stream which is navigable by skiff or canoe during normal spring high water is navigable, in fact, under the laws of this state though it may be dry during other seasons.

**Nonconforming Lot:** An existing lot of record which, in its most recent configuration, does not contain sufficient area and/or width to meet the criteria of s. 3.02(3), table of district requirements, s. 3.04(5), lots created prior to the effective date of this Ordinance, or as applicable, s.3.15, special development requirements. (Amended: 17 April 2012; Ord. 2012-14) (Amended: 27 May 2014; Ord. 2014-10) (Amended: 20 Sept. 2016; Ord. 2016-14)

**Nonconforming Sign:** Any sign, legally established prior to the effective date of this Ordinance or subsequent amendments thereto, which does not fully comply with the requirements imposed by this Ordinance.

**Nonconforming Structure:** Any building or structure, other than a sign, legally established prior to the effective date of this Ordinance or subsequent amendments thereto, which does not fully comply with the requirements imposed by the individual sections of this Ordinance that pertain to the size, height, location, setback, and similar characteristics of structures.

**Nonconforming Use:** Any use of structures, land, or water which was lawfully established at the time of the effective date of this Ordinance or subsequent amendments thereto, which does not fully comply with the use requirements imposed by this Ordinance.

**Nonfarm Residential Lot:** A lot that is intended to contain a single-family residence in the Exclusive Agricultural zoning district which fails to meet the definition of a farm residence per s.91.01(19), Wis. Stats. (Added: 11 Dec. 2012; Ord. 2012-25)

**Nonresidential Use:** Any use other than those uses listed under residential uses in s. 2.05(3), table of principal uses.

**Nonmetallic Mining/Nonmetallic Mining Operation:** Operations or activities for the extraction from the earth for sale or use by the operator of mineral aggregates such as stone, sand, gravel and nonmetallic minerals such as asbestos, beryl, clay, feldspar, peat, talc; topsoil and related processes such as crushing, screening, scalping, dewatering and blending. Nonmetallic mining or nonmetallic mining operation does not include or allow the following activities or uses by way of illustration which include, but are not limited to: manufacture of concrete building blocks or other similar products, asphalt or hot blacktop mixing and production of ready mix concrete. (Amended: 26 June 2001; Ord. 04-01)

Nonmetallic mining does not include the following activities:

- (a) Excavations or grading by a person solely for domestic use at his or her residence.
- (b) Excavations or grading conducted for highway construction purposes within the highway right-of-way.
- (c) Grading conducted for farming, preparing a construction site or restoring land following a flood or natural disaster.
- (d) Excavations for the foundation of structures provided that such excavation does not exceed a volume of material 1.5 times the volume of the polyhedron bounded by the natural grade, the bottom of the footings, and the exterior of the foundation walls.
- (e) Minor land disturbances such as installation of utilities, walks and driveways, sanitary waste disposal systems, or fuel storage tanks.
- (f) Any mining operation, the reclamation of which is required in a permit obtained under ss. 144.80 to 144.94, Wis. Stats.
- (g) Any activities conducted at a solid or hazardous waste disposal site required to prepare, operate or close a solid waste disposal facility under ss. 144.435 to 144.445 or a hazardous waste disposal facility under ss. 144.60 to 144.74, Wis. Stats., provided, however, that section applies to activities related to solid or hazardous waste disposal which are conducted at a nonmetallic mining site separate from the solid or hazardous waste disposal facility such as activities to obtain nonmetallic minerals to be used for lining, capping, covering or constructing berms, dikes or roads.  
(Amended: 25 June 1996; Ord. 16-96)
- (h) Any nonmetallic mining site or portion of a site which is subject to permit and reclamation requirements of the Department of Natural Resources under ss. 30.19, 30.195 and 30.20, Wis. Stats.
- (i) Nonmetallic mining at nonmetallic mining sites that affect less than one (1) acre of total area over the life of the mine. (Added: 26 June 2001; Ord. 04-01)

Commentary: Mines of less than one (1) acre shall be subject to the provisions of Sections 3.14 and 3A.06, Filling and Grading. (Added: 26 June 2001; Ord. 04-01)(Amended: 27 May 2014; Ord. 2014-10)

**Nonmetallic Mining Refuse:** Waste soil, rock, mineral, liquid, vegetation and other waste material resulting from a nonmetallic mining operation. This term does not include merchantable byproducts resulting directly from or displaced by the nonmetallic mining operation.

**Nonmetallic Mining Site:** The location where a nonmetallic mining operation is

conducted or is proposed to be conducted, including all surface areas from which minerals are removed, related storage and processing areas, areas where nonmetallic mining refuse is deposited, and areas disturbed by the nonmetallic mining operation by activities such as the construction or improvement of roads or haulageways.

**Occupancy Unit:** A room, or interconnected rooms, consisting of living quarters physically separated from any other unit in the same building. The unit may include facilities for cooking, eating, and other facilities convenient to human living.

**Open Fence:** A fence whose entire length is not greater than 50% opaque and whose individual elements or sections are also not greater than 50% opaque.

**Open Space:** Area on a lot that is open to the sky, contains no structures, parking, driveways, or other impervious surfaces, and contains no nonmetallic mining uses. (See also Preserved Open Space.)

**Ordinary High Water Mark:** The landwardmost line along the bank of the shore of navigable water up to which the presence and action of surface water is so continuous as to leave a distinct mark on the bank. Such distinct mark may be the result of erosion, cobble deposition, water staining, destruction of terrestrial vegetation, total or virtual absence of terrestrial vegetation, and/or other easily recognized characteristics.

**Outdoor Active Recreation Facility:** A commercially operated facility with one or more outdoor active recreation uses. (Added: 26 February 2013; Ord. 2013-07)

**Park:** An area of land kept for purposes of active recreation, relaxation, leisure, or ornament, and/or kept in its natural state. (Amended: 27 May 1997; Ord. 15-97)

**Personal Service Establishment:** A use which is any of the following: clothing and shoe repair or rental shops, barber/beauty shops, portrait/photography studios, home appliance or electronics repair shops, travel agencies, or similar uses. (Amended: 30 January 2003; Ord. 01-03)

**Planned Residential Development:** (Deleted: 4 April 2011; Ord. 2011-05).

**Planning Department:** (Deleted and replaced with Door County Land Use Services Department; 27 March 2018; Ord. 2018-06)

**Planning Director:** (Deleted and replaced with Door County Land Use Service Director; 27 March 2018; Ord. 2018-06)

**Pound:** An enclosure for stray, unlicensed, or unwanted animals operated pursuant to s. 174.046, Wis. Stats. Pound services include the collection, care, and disposing of animals.

**Pre-construction grade elevation:** The elevation of the highest point of the surface of the ground within the building footprint of the proposed building or structure. Pre-construction grade elevation shall not include any fill placed on the property. (Added: 8 August 2000; Ord. 15-00)

**Preserved Open Space:** Open space which has been permanently preserved in conjunction with a conservation subdivision or manufactured home park. (Amended: 4 April 2011; Ord. 2011-05)

**Primary Floor Area:** The floor area of a building for purposes of determining required parking ratios for certain uses, such area to include only that portion of the total floor area devoted to customer service, sales and office space and not to include warehouses, utility, hallways and other accessory space, except as they generate parking demand.

**Principal Building:** See Building, Principal.

**Principal Structure:** See Structure, Principal.

**Principal Use:** See Use, Principal.

**Private Riding Stable:** See Riding Stable, Private.

**Processing Plant:** A food manufacturing facility which starts with raw foodstuffs to produce more satisfactory or desirable food products.

**Professional Home Office:** A portion of a dwelling unit of a doctor of medicine, dentist, clergyman, architect, landscape architect, professional engineer, registered land surveyor, lawyer, artist, teacher, author, musician, real estate broker, professional photographer, insurance agent, and related professionals used to conduct their profession.

**Public Boat Launching Facilities:** Facilities which provide access to navigable water for boats and other recreational craft, available to the general public, with or without support services, whether owned or operated by a governmental entity or not.

**Reader Board:** (Deleted: 29 October 2019; Ord. 2019-13)

**Rear Lot Line:** See Lot Line, Rear.

**Rear Yard:** See Yard, Rear.

**Recreation Camp:** See Institutional Recreation Camp.

**Recreational Vehicle:** A vehicle that has walls of rigid construction, does not exceed 45 feet in length, is designed to be towed upon a highway by a motor vehicle or has a motor of its own, and is equipped and used, or intended to be used primarily for temporary or recreational human habitation. (Added: 27 August 2019; Ord. 2019-08; Effective 7 October 2019)

**Residence:** The use of premises for the act or fact of dwelling.

**Residence, Single Family:** The use of premises for the act or fact of dwelling in a single family dwelling unit.

**Residential Use:** Any listed under residential uses in s. 2.05(3), table of principal uses.

**Retreat Center:** An establishment providing a place for a period of withdrawal for prayer,

meditation, study, and/or instruction. Such establishments shall be distinguished from public and private schools by their emphasis on holistic experiences that typically include on-site lodging and meal preparation. (Amended: 18 December 1998; Ord. 40-97)

**Ridges:** See Ridges and Swales Complex.

**Ridges and Swales Complex:** A landform consisting of a series of elongated mounds of fine sand (the ridges) separated by a series of elongated depressions (the swales). The ridges are usually dry. The alternating ridges and swales form a concentric pattern which closely parallels a nearby shoreline. The depressions are usually wet, appearing as water-filled sloughs or moist sedge meadows, or populated with moisture-loving trees and shrubs. Ridges and swales complexes are distinguishable from dune formations by (1) the presence of the wet elongated depressions separating the drier, sandy elongated mounds and (2) a clearly evident concentric pattern on the ground resulting from the alternating ridges and swales arrangement.

**Riding Stable, Commercial:** Any establishment where horses are kept for commercial riding or recreation. (Amended: 15 April 1997; Ord. 11-97)

**Riding Stable, Private:** Any establishment where horses are kept for private riding or recreation. (Amended: 15 April 1997; Ord. 11-97)

**Road:** A right-of-way that provides vehicular access to lots, but not including alleys or driveways. (Created: 30 August 2011; Ord. 2011-11)

**Roadside Stand:** A use or structure involving only the display and sale of unprocessed farm products and plants produced, at least in part, on the premises. (Amended: 22 May 2018; Ord. 2018-11; Effective 2 July 2018)

**Rockhole:** Any depression or opening in the ground surface through which gathered surface water enters bedrock and eventually joins groundwater. These features are also locally known as sinkholes.

**Rockhole Channel:** A linear depression in the ground surface through which water flows, intermittently or continuously, into a rockhole depression or rockhole opening.

**Rockhole Channel Cross-Sectional Area:** The amount of surface of a two-dimensional vertical plane within a rockhole channel positioned perpendicular to the centerline of the rockhole channel. The uppermost extent of the plane shall be a line extending between 2 associated rockhole channel edges.

**Rockhole Channel Edge:** The uppermost continuous mark on the ground surface resulting from an abrupt change in the slope of the ground surface caused by removal of soil particles by water moving toward and discharging into a rockhole depression or rockhole opening.

**Rockhole Depression:** A depression in the ground surface through which gathered surface water enters the underlying bedrock and eventually joins groundwater.

**Rockhole Opening:** An opening in the uppermost surface of bedrock through which gathered surface water enters the bedrock and eventually joins groundwater.

**Salvage Yard:** Any land or structure where waste or scrap materials including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, glass, and inoperable vehicles or appliances, are either bought, sold, exchanged, baled, packed, disassembled, or hauled for compensation.

**Scenic Byways:** As defined in §Trans. 202.02(14), Wis. Adm. Code. The Door County Coastal Byway is a scenic byway. (Added: 29 October 2019; Ord. 2019-13)

**Setback:** The minimum horizontal distance from the centerline of a road, or from the edge of the right-of-way of a road, or from the ordinary high water mark or wetland boundary to a structure or use. (Amended: 24 March 2015; Ord. 2015-02)

**Shoreland Setback Area:** (Added: 18 April 2000; Ord. 07-00) (Amended: 27 May 2014; Ord. 2014-10) (Deleted: 20 Sept. 2016; Ord. 2016-14)

**Shorelands:** Those lands which are located within 1000 feet of the ordinary high water mark of a navigable lake, pond, or flowage; or within 300 feet of the ordinary high water mark of a navigable river or stream, or to the landward side of the floodplain of the river or stream, whichever distance is greater.

**Shrubbery:** Woody vegetation which is less than a height of 15 feet and is generally incapable of attaining such height.

**Side Yard:** See Yard, Side.

**Sign:** Any device, structure, fixture, placard, painting, emblem, or visual that uses distinctive words, graphics, colors, illumination, symbols, numbers, or letters for the purpose of communicating a message or attracting attention. Sign includes the sign faces as well as any sign supporting structure. (Amended: 29 October 2019; Ord. 2019-13)

**Sign, Abandoned or Discontinued:** A sign pertaining to a use that has ceased, or relates to an individual, firm, or association, profession, business, commodity, or product that no longer exists, or relates to an activity or purpose that is no longer applicable. (Amended: 29 October 2019; Ord. 2019-13)

**Sign, Address:** A municipally-issued sign that designates the street number and/or street name for identification purposes. (Added: 29 October 2019; Ord. 2019-13)

**Sign, Advertising:** (Deleted: 29 October 2019; Ord. 2019-13)

**Sign, Animated:** A sign depicting action, motion, or light or color changes through electrical or mechanical means. (Added: 29 October 2019; Ord. 2019-13)

**Sign, Awning:** A sign that is constructed into, drawn on, or otherwise affixed onto an awning. (Added: 15 June 1996, Ord. 16-96) (Amended: 29 October 2019; Ord. 2019-13)

**Sign, Balloon:** A lighter-than-air, gas-filled balloon, tethered in a fixed location that contains a sign on its surface or attached to the balloon in any manner. (Added: 29 October 2019; Ord. 2019-13)

**Sign, Banner:** Signs made of any cloth, bunting, plastic, paper, or similar non-rigid material attached to any structure, staff, pole, rope, wire, or framing that is anchored on two or more edges or at all four corners. (Added: 29 October 2019; Ord. 2019-13)

**Sign, Building:** Any sign, including but not limited to wall and projecting signs, that is attached to and supported by a building; whether it is the wall, window, roof, awning, canopy or marquee of the building. (Added: 29 October 2019; Ord. 2019-13)

**Sign, Directional:** “Signs containing directional information about public places owned or operated by federal, state, or local governments or their agencies; publicly-or privately-owned natural phenomena, historic, cultural, scientific, educational, and religious sites; and areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the interest of the traveling public.” (§Trans 201.05, (1)(h) Wis. Admin. Code) (Amended: 25 June 1996; Ord. 16-96) (Amended: 29 October 2019; Ord. 2019-13)

**Sign Electronic:** A sign whose message may be changed by electronic process. (§Trans 201.15, Wis. Admin. Code) (Amended: 29 October 2019; Ord. 2019-13)

**Sign Face:** As defined in §84.30, Wis. Stats.: “The material components of a sign on which the advertising or other information is displayed including any trim, border, or molding.” (Added: 29 October 2019; Ord. 2019-13)

**Sign Face Area:** (Deleted: 29 October; Ord. 2019-13)

**Sign, Flashing:** A sign whose artificial illumination is not kept constant in intensity at all times when in use and that exhibits changes in light, color, direction, or animation. (Added: 29 October 2019; Ord. 2019-13)

**Sign, Freestanding:** A permanent sign supported by structures or supports that are placed on, or anchored in, the ground; and that is independent and detached from any building or other structure. (Amended 29 October 2019; Ord. 2019-03)

**Sign, Inflatable:** A sign that is an air-inflated object, which may be of various shapes, made of fluttering fabric, resting on the ground or structure, and equipped with a portable blower motor that provides a constant flow of air into the device. (Added: 29 October 2019; Ord. 2019-13)

**Sign, Interactive:** An electronic or animated sign that reacts to the behavior or electronic signals of motor vehicle drivers. (Added: 29 October 2019; Ord. 2019-13)

**Sign, Local Arrowboard:** A sign intended solely for the purpose of directing people to an establishment that requires a turn off the traveled way. (Added: 29 October 2019; Ord. 2019-13)

**Sign, Mechanical Movement:** A sign having parts that physically move rather than merely appear to move as might be found in a digital display. The physical movement

may be activated electronically or by another means, but shall not include wind-activated movement such as used for banners or flags. (Added: 29 October 2019; Ord. 2019-13)

**Sign, Multiple Message:** “An outdoor advertising sign, display, or device whose messages are on triangular louvered facings and are changed by electronic rotation of the louvers.” (§Trans 201.15, Wis. Admin. Code) (Added: 29 October 2019; Ord. 2019-13)

**Sign, Neon:** A sign illuminated by a neon tube, or other visible light-emanating gas tube, that is bent to form letters, symbols, or other graphics. (Added: 29 October 2019; Ord. 2019-13)

**Sign, Nonconforming:** A sign lawfully in existence on the date the sign chapter of this ordinance was enacted and effective (October 29, 2019) that does not conform to the provisions of this ordinance but was in compliance with the applicable regulations at the time it was constructed, erected, affixed or maintained will be regarded as nonconforming. Provided, however, a sign constructed during the period of time following the day on which the Supreme Court released its opinion in *Reed v. Town of Gilbert*, 135 S. Ct. 2218 (June 18, 2015) and the date the provisions of this ordinance were enacted and effective must not be considered a non-conforming sign unless it conformed to the regulations in effect on the day immediately preceding the release of the Supreme Court’s decision in *Reed v. Town of Gilbert*. (Amended: 29 October 2019; Ord. 2019-13)

**Sign, Official:** A sign “erected and maintained by public officers or public agencies within their territorial or zoning jurisdiction and pursuant to and in accordance with direction or authorization contained in federal, state, or local law for the purposes of carrying out an official duty or responsibility.” (§Trans 201.05(d), Wis. Admin. Code) (Added: 29 October 2019; Ord. 2019-13)

**Sign, Off-Premise:** A sign that pertains to goods, products, or services which are not sold, manufactured, or distributed on or from the premises or facilities upon which the sign is located or that directs attention to a specific activity, business, or event that is not situated or conducted on or from the premises or facilities upon which the sign is located. (Amended: 29 October 2019; Ord. 2019-13)

**Sign, On-Premise:** A sign located on the same lot on which the individual, firm, association, corporation, profession, business, commodity, or product promoted on the sign is located. (Amended: 29 October 2019; Ord. 2019-13)

**Sign, Permanent:** A sign whose intended use appears to be indefinite and that is attached or affixed to a building, window, structure, or the ground in a manner that enables the sign to resist environmental loads, such as wind, and that precludes ready removal of the sign. (Added: 29 October 2019; Ord. 2019-13)

**Sign Permit:** A permit, issued by the Zoning Administrator, stating that a sign may be established, located, or altered subject to any conditions placed on the authorization and the provisions of this Ordinance.

**Sign, Portable:** Any sign that is visible from the road, sidewalk, or navigable water designed to be transported or moved and is not permanently attached to the ground or a structure or building, including flags not exempted from this ordinance. Portable signs

differ from signs indicating limited duration or one-time event signs in that they are intended to be displayed indefinitely, but can be easily transported and displayed in more than one location. (Added: 29 October 2019; Ord. 2019-13)

**Sign, Projecting:** A sign, generally oriented perpendicular to the face of a building wall, which is attached to a building and which extends more than 6 inches from a building wall, typically having two viewable sides.

**Sign, Reflective:** A sign containing any material or device that has the effect of intensifying reflected light. (Added: 29 October 2019; Ord. 2019-13)

**Sign, Revolving:** A sign that revolves in a circular motion rather than remaining stationary on its supporting structure. (Added: 29 October 2019; Ord. 2019-13)

**Sign, Roof:** A building-mounted sign erected upon, against, or over the roof of a building. (Added: 29 October 2019; Ord. 2019-13)

**Sign Supporting Structure:** Poles, posts, walls, frames, brackets, or other supports holding a sign in place. (Added: 29 October 2019; Ord. 2019-13)

**Sign, Two-Face:** A sign with two sign faces where the interior angle formed by the theoretical intersection of the faces is 45 degrees or less and the faces are 18 inches or fewer apart. (Added: 29 October 2019; Ord. 2019-13)

**Sign, Variable Message:** “An outdoor advertising sign, display or device without moving parts whose message may be changed by electronic process through the use of moving or intermittent light or lights.” (§Trans 201.15, Wis. Admin. Code) (Added: 29 October 2019; Ord. 2019-13)

**Sign, Vehicular:** A sign affixed to, displayed from, or painted on a stationary motor vehicle, other vehicle, trailer, or semi-trailer. (Added: 29 October 2019; Ord. 2019-13)

**Sign, Wall:** A sign painted on a building wall and all other signs, including signs placed on or over windows, oriented parallel to the face of a building wall, which are attached to a building wall and where no part of the structure of the sign extends more than 6 inches out from a wall as measured near the points of attachment to the building, nor above the roof of the building, nor beyond the end of a wall. (Amended: 29 October 2019; Ord. 2019-13)

**Single Family Dwelling Unit:** See Dwelling Unit, Single Family.

**Single Family Residence:** See Residence, Single Family.

**Site Area:** The total area devoted to a conservation subdivision or of a manufactured home park development. (Amended: 4 April 2011; Ord. 2011-05)

**Slope:** The relationship of the change in vertical distance to the change in horizontal distance, expressed as a percentage.

**Solid Waste Facility:** A facility or land for solid waste treatment, solid waste storage, or

solid waste disposal, and includes commercial, industrial, municipal, state and federal establishments or operations such as, without limitation because of enumeration, sanitary landfills, dumps, incinerators, land disposal sites, transfer stations, storage facilities, collection and transportation services and processing, treatment and recovery facilities. Solid waste facility does not include a salvage yard, nor does it include “clean” dredge spoils, as determined by the Wisconsin Department of Natural Resources (WI DNR), or dredge spoils that have received “Low Hazard Exemption” from the WI DNR. (Amended: 27 March 2018; Ord. 2018-07)

**Spa:** A facility providing treatments for the human body including such things as steam, sauna, mineral pools, whirlpools, massage and facials, body wraps, scrubs, and salons. (Added: 30 January 2003)

**Special Exception:** (Deleted: 24 Nov. 1998; Ord. 33-98)

**Special Exception Permit:** (Deleted: 24 Nov. 1998; Ord. 33-98)

**Stoop:** A platform or entrance stair at a door to a building. (Added: 25 June 1996; Ord. 16-96)

**Story:** That part of a building included between the surface of a floor and the surface of the next floor above it, or, if there is no floor above it, then the space between the floor and the ceiling above it.

**Structural Alterations:** Any change in the supporting members of the exterior portions of a building or structure, such as foundations, load-bearing walls, columns, sills, and rafters, or any change in the dimensions or configuration of the roof or exterior walls.

**Structural Repairs:** Any repairs of the supporting members of the exterior portions of a building or structure, such as foundations, load-bearing wall columns, sills, and rafters.

**Structure:** Anything constructed, erected, or manufactured and placed on or in the ground. (Amended: 22 Feb. 2000; Ord. 04-00)

**Structure, Accessory:** A building or other structure which is customary, incidental, and subordinate to a permitted principal use of a lot and located on the same lot as the principal use, and does not meet the definition of a principal structure.

**Structure, Permanent:** (Deleted 22 Feb. 2000; Ord. 04-00)

**Structure, Principal:** A building or other structure which houses a principal use of a lot, including any functional appurtenances, such as decks, stairways, and balconies, which are attached to, or located within 3 feet of, said building or structure.

**Substantial Change:** As defined in §84.30, Wis. Stats.: “With respect to a nonconforming sign, includes increasing the number of upright supports; changing the physical location; increasing the square footage or area of the sign face; adding changeable message capability; or adding illumination, either attached or unattached, to a sign that was not illuminated. ‘Substantial change’ does not include customary maintenance.” (Added: 29 October 2019; Ord. 2019-13)

**Substantial Evidence:** Facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion. (Added: 27 March 2018; Ord. 2018-07)

**Substantially the Same:** As defined in §84.30, Wis. Stats.: “With respect to a nonconforming sign, means that no substantial change has been made to the sign since it became nonconforming.” (Added: 29 October 2019; Ord. 2019-13)

**Swale:** See Ridges and Swales Complex.

**Telecommunications Towers:** (Deleted: September 2015; Ord. 2015-09; Effective 9 November 2015)

**Temporary Accessory Unit:** A temporary dwelling unit installed on the same lot as a single family residence and used to provide independent, but supervised, housing for disabled or infirm dependent(s).

**Temporary Use:** See Use, Temporary.

**Topsoil:** Soil material (normally the A horizon and upper part of the B horizon of a soil profile) which is acceptable for respreading on the surface of regraded areas to provide a medium which sustains a dense plant growth capable of preventing wind and water erosion of the topsoil and other materials beneath.

**Tourist Rooming House:** “Any lodging place or tourist cabin or cottage where sleeping accommodations are offered for pay to tourist or transients. ‘Tourist rooming house’ does not include:

- (a) A private boarding or rooming house, ordinarily conducted as such, not accommodating tourist or transients.
- (b) A [multiple occupancy development].
- (c) Bed and breakfast establishments.” (§97.01(15k), Wis. Stats.) (Added: 29 October 2019; Ord. 2019-13)

**Trade or Contractors Establishment:** Uses such as plumbers, heating and air conditioning contractors, excavators, carpenters, painting contractors, wastewater treatment system contractors, electricians, well drillers, and similar uses.

**Trailer:** A portable structure built on a chassis which can be towed by an appropriate motor vehicle and is designated to be used as a temporary dwelling for travel, recreation, or vacation use, and which does not fall into the definition of a manufactured home.

**Trailer Camp:** (Deleted: 27 August 2019; Ord. 2019-08; Effective 7 October 2019)

**Transient:** A person who travels from place to place away from his or her permanent address for vacation, pleasure, recreation, culture, or business.

**Tree:** Woody vegetation that is, or is capable of attaining, a height of at least 15 feet.

**Unincorporated Area:** All lands and waters located within Door County which are located outside the municipal boundaries of a village or city.

**Use:** The purpose or activity for which a parcel of land, or structure(s) thereon, is designed, arranged, intended, occupied, or maintained.

**Use, Accessory:** A use subordinate to and customarily incidental to a permitted principal use of a lot and located on the same lot as the principal use.

**Use, Principal:** The basic use of a lot or structure, or one of the basic uses of a lot or structure where more than one basic use exists on a lot. Principal uses are those listed as such in s. 2.05(3), table of principal uses.

**Use Permitted As A Special Exception:** (Deleted: 24 Nov 1998; Ord. 33-98)

**Use, Temporary:** A use which is conducted for a limited period of time within a calendar year. (Amended: 15 April 2014; Ord. 2014-05; Effective 27 May 2014)

**Use Consistent With Agricultural Use:** (Deleted: 30 September 2010; Ord. 2010-13)

**Utility Facilities - Type A:** Any structure or equipment used or designed for the production, transmission, delivery, or furnishing of heat, light, water, power, or sewer services either directly or indirectly to or for the public, where the land area bounded by the location of such structure or equipment is 1,000 square feet or less. (Amended: 30 Sept. 2010; Ord. 2010-13) (Amended: 29 Sept. 2015; Ord. 2015-09; Effective 9 Nov. 2015)

**Utility Facilities - Type B:** Any structure or equipment, used or designed for the production, transmission, delivery, or furnishing of heat, light, water, power, or sewer services either directly or indirectly to or for the public, where the land area bounded by

the location of such structure or equipment is more than 1,000 square feet. (Amended: 30 Sept. 2010; Ord. 2010-13) (Amended: 29 Sept. 2015; Ord. 2015-09 Effective 9 Nov. 2015)

**Variance:** An authorization, granted by the Board of Adjustment, to depart from the literal requirements of this Ordinance.

**Visible:** For the purpose of sign regulation only, “‘visible’ means the sign, or any part of the sign structure, can be seen from the main-traveled way of a highway by a person of normal visual acuity, regardless of whether the sign is designed, erected, or intended to be read from the main-traveled way.” (§Trans 201.02(12), Wis. Admin. Code) (Added: 29 October 2019; Ord. 2019-13)

**Walkway:** An unenclosed, unroofed exterior platform structure, with or without railings, not exceeding 60 inches wide. (Amended: 20 Sept. 2016; Ord. 2016-14)

**Wetland:** Those areas where water is at, near, or above the land surface long enough to

be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

**Woodland:** Land covered with trees, not including orchards, tree plantations, or nursery trees. (Amended: 26 March 2019; Ord. 2019-02)

**Woodland Area:** Any area that was a woodland on the effective date of this Ordinance.

**Yard:** A required area on a lot, unoccupied by buildings and open to the sky, extending along a lot line to a specified depth or width.

**Yard, Front:** A yard extending along an entire front lot line from the front lot line to the depth or width specified in the yard requirements for the applicable district.

**Yard, Rear:** A yard extending along an entire rear lot line from the rear lot line to the depth or width as specified in the yard requirements for the applicable district.

**Yard, Side:** A yard extending along an entire side lot line from the side lot line to the depth or width specified in the yard requirements for the applicable district.

Commentary: It should be noted that on portions of lots side yards coincide with front yards and rear yards. This does not affect application of the provisions of this Ordinance, however.

**Zoning Administrator:** An authorized representative of the Resource Planning Committee appointed by the County of Door for the purpose of carrying out the terms of this Ordinance.

**Zoning Map:** The series of maps showing the location and boundaries of the zoning districts established by this Ordinance.

**Zoning Permit, Regular:** A permit, issued by the Zoning Administrator, stating that a use or a structure, except a sign or use permitted as a conditional use, may be established, expanded, or enlarged subject to any conditions placed on the permit and the provisions of this ordinance.

**CHAPTER 14**

**COMMUNICATIONS SUPPORT STRUCTURES AND RELATED FACILITIES**

(Created: 29 Sept. 2015; Ord. No. 2015-10; Effective 9 Nov. 2015)

(Amended: 23 May 2017; Ord. No. 2017-03)

(Amended: 26 March 2019; Ord. No. 2019-02)

14.01 Mobile Tower Siting

14.02 Radio Broadcast Service Facilities

14.03 Other Communications Services Support Structures and Related Facilities

**14.01 Mobile Tower Siting**

(1) Authority. Section 14.01 is adopted pursuant to §§59.03, 59.54, 59.69, and 66.0404, Wis. Stats.

(2) Applicability. Section 14.01 applies in the unincorporated areas of Door County ("County") as provided under §66.0404(5), Wis. Stats.

(3) Authority Cited. All references to the Wisconsin Statutes and Administrative Code in this Chapter are to the statutes and code in effect as of the date this ordinance is enacted or as the statutes and code are subsequently amended or revised.

(4) Exemptions. The following are exempt from all provisions of this Chapter except Sections 14.01(18)(c), (d), and (e):

- (a) Portable or mobile structures and facilities (i.e., those in existence for not more than one year) for temporary mobile services or temporary services providing public information coverage of news events or of an emergency. One extension, of one year or less, may be available upon prior written request, and demonstration of need, to the Resource Planning Committee.
- (b) Public safety communications support structures and related facilities owned and operated by federal, state, county, or other local units of governments.
- (c) Support structures, including mobile service support structures, destroyed or partially destroyed by an event that directly and exclusively results from the occurrence of natural causes (e.g., earthquakes, fire, flood, storm, tornado, and violent wind), explosion, terrorism, vandalism, or similar calamity that was not caused by, and could not have been prevented by the exercise of foresight or caution of the mobile service support structure owner or property owner, may be replaced with a mobile service support structure of the same type and heights without a permit, but only upon prior written notice to and with approval of the Land Use Services Department.

## COMMUNICATIONS SUPPORT STRUCTURES 14.01(6)

(d) Structures for residential satellite dishes, residential television antennas, or other antennas that are used privately, provided that the antenna use constitutes ancillary or secondary use, not primary use, of the property.

(e) Antenna facilities, but only to the extent set forth in §59.69(4d)(a) – (c), Wis. Stats.

(f) Amateur radio antennas, but only to the extent set forth in §59.69(4f)(a) – (b), Wis. Stats., that are owned and/or operated by a federally licensed amateur radio operator, provided that the antenna use constitutes ancillary or secondary use, not primary use, of the property.

(5) Purpose. The purposes of Section 14.01 include regulation, subject to the provisions and limitations of §66.0404, Wis. Stats., of the following activities:

(a) The siting and construction of mobile service support structures and mobile service facilities.

(b) With regard to a class 1 collocation, the installation of mobile service facilities on existing support structures that require substantial modification.

(c) Class 2 collocation.

(6) Intent. These regulations are intended to accomplish, to the greatest degree possible, the following:

(a) Provide a uniform and comprehensive set of standards for the siting, construction, and modification of support structures and related facilities, including mobile service support structures and mobile service facilities.

(b) Minimize adverse effects of support structures and related facilities, including mobile service support structures and mobile service facilities, through siting standards.

(c) Consistent with the Federal Telecommunications Act of 1996, maintain and ensure a broad range of mobile services and high quality mobile service infrastructure in order to serve the community and Door County's police, fire, and emergency response network.

(d) Promote and protect public health, safety, and general welfare.

(e) Not prohibit, or have the effect of prohibiting, the provision of mobile services.

(f) Not unreasonably discriminate among providers of functionally equivalent services.

## COMMUNICATIONS SUPPORT STRUCTURES 14.01(12)

- (g) Preserve the authority of Door County over decisions regarding the siting, construction, and modification of support structures and related facilities, including mobile service support structures and mobile service facilities.
- (7) Compliance. No support structure (e.g., communications tower) or related facility, including no mobile service support structure or mobile service facility, shall be sited, constructed, or modified except in full compliance with this Chapter.
- (8) Abrogation. It is not intended by the creation of this Chapter to repeal, abrogate, annul, impair, or interfere with any existing ordinance.
- (9) Interpretation. The provisions of this Chapter and all other provisions of the Zoning Ordinance shall be harmonized to give full force and effect to each wherever possible. In the event of an irreconcilable conflict, this Chapter controls with regard to the regulation of support structures and related facilities.
- (10) Severability. The provisions of this Chapter shall be interpreted, when possible, to sustain their legality and enforceability as a whole. In the event any provision of this Chapter shall be held, in whole or in part, illegal or unenforceable by a court of competent jurisdiction, neither the validity of the remaining part of such provision, nor the validity of any other provision of this Chapter, shall be in any way affected thereby.
- (11) Warning and Disclaimer of Liability. This Chapter shall not create a duty or liability on the part of, or a cause of action against Door County, its officers, or employees thereof, for any damages that may result from administration of or reliance on this Chapter.
- (12) Definitions.
- (a) Antenna: Communications equipment that transmits and receives electromagnetic radio signals and is used in the provision of mobile services.
  - (b) Applicant: The owner(s) or lessee(s) of the land upon which the structure and facilities are proposed to be located.
  - (c) Class 1 collocation: The placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support structure for the facility but does need to engage in substantial modification.
  - (d) Class 2 collocation: The placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support structure for the facility or engage in substantial modification.
  - (e) Collocation: A class 1 or class 2 collocation or both.

## COMMUNICATIONS SUPPORT STRUCTURES 14.01(12)

- (f) **Critical Public Safety Communications Corridor:** The area within an existing line-of-site communications path that is used by public safety entities for critical safety-of-life communications.
- (g) **Equipment Compound:** An area surrounding or adjacent to the base of an existing support structure within which is located the related mobile service facilities.
- (h) **Existing Structure:** A support structure that exists at the time a request for permission to place any type of mobile service facility on or near the support structure is filed with a political subdivision.
- (i) **Mobile Service:** The meaning given in 47 USC 153 (33).
- (j) **Mobile Service Facility:** All equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment necessary to provide mobile service to a discrete geographic area that are placed on or around a support structure, but does not include the underlying support structure.
- (k) **Mobile Service Provider:** Any person who provides mobile service, including a person that builds and operates mobile service support structures or facilities, whether or not licensed by the Federal Communications Commission.
- (l) **Mobile Service Support Structure:** An existing or new structure that supports or can support a mobile service facility, including a mobile service support structure, utility pole, water tower, building, or other structure.
- (m) **Permit:** A permit issued hereunder which authorizes any of the following by an applicant: a Class 1 collocation; a Class 2 collocation; or construction of a support structure, including a mobile service support structure.
- (n) **Operator:** The person who owns or operates a support structure or related facilities.
- (o) **Search Ring:** A shape drawn on a map to indicate the general area within which a mobile service support structure should be located to meet radio frequency engineering requirements, taking into account other factors including topography and the demographics of the service area.
- (p) **Substantial Modification:** The modification of a support structure (e.g., mobile service support structure), including the mounting of an antenna on such a structure, that does any of the following:

## COMMUNICATIONS SUPPORT STRUCTURES

### 14.01(13)

1. For structures with an overall height of 200 feet or less, increases the overall height of the structure by more than 20 feet.
2. For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10 percent or more.
3. Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by 20 feet or more, unless a larger area is necessary for co-location.
4. Increases the square footage of an existing equipment compound to a total area of more than 2,500 square feet.

(q) Support Structure: An existing or new structure that supports or can support a mobile service facility, including a mobile service support structure, utility pole, water tower, building, or other structure.

(r) Utility Pole: A structure owned or operated by an alternative telecommunications utility, as defined in §196.01(1d), Wis. Stats.; public utility, as defined in §196.01(5), Wis. Stats.; telecommunications utility, as defined in §196.01(10), Wis. Stats.; political subdivision; or cooperative association organized under Ch. 185, Wis. Stats.; and that is designed specifically for and used to carry lines, cables, or wires for telecommunications service, as defined in §182.017(1g)(cq), Wis. Stats.; for video service, as defined in §66.0420(2)(y), Wis. Stats.; for electricity; or to provide light.

### (13) Application and Permit.

(a) Permit Required. A permit is required hereunder, subject to the provisions and limitations of §66.0404, Wis. Stats., for any of the following activities:

1. The siting and construction of mobile service support structures and mobile service facilities;
2. With regard to a class 1 collocation, the installation of mobile service facilities on existing support structures that require substantial modification; and
3. A class 2 collocation.

(b) Provided all requirements of this Chapter are met, a permit to engage in the activities described in Section 14.01(13)(a)1. – 3., above, shall be issued to the applicant.

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(14) Application Process.

(a) Prior to engaging in any siting, construction, or modification activity described in Section 14.01(13), above, the applicant must complete the application process and obtain a permit as set forth herein.

(b) The application shall be in writing, on the prescribed form, and shall contain all of the information set forth below, as applicable:

All Applications: New, Class I Collocations, or Class II Collocations

1. Name, business address, email address (optional), phone number, and original duly authorized (and notarized) signature of each applicant or a duly authorized signatory.
2. Name, business address, email address (optional), and phone number of the contact individual for each applicant.
3. Name, business address, email address (optional), and phone number of each known operator if different than the applicant.
4. Name, business address, email address (optional), and phone number of the contact individual for each known operator.
5. Federal Communications Commission license and registration numbers.
6. Site plan showing location of the proposed or affected mobile service support structure and mobile service related facility.

Applications for New or Class I Collocations

7. A sworn statement attesting that the applicant verified with the Door County Technology Services Department that the proposed support structure and related facilities will not be located within any critical public safety communications corridor.
8. Plans indicating security measures (i.e., access, fencing, lighting, signage, etc.).
9. Proof of comprehensive general liability insurance coverage. The policy shall be furnished by an insurer authorized to do business in Wisconsin, include coverage for bodily injury liability, property damage, and personal injury, with no less than a one million dollar (\$1,000,000) limit per occurrence, with a three million dollar (\$3,000,000) aggregate. Coverage must be written on an "occurrence" basis, shall cover all risks incident to any activity of the applicant under any permit issued hereunder, and must be maintained without lapse in coverage until all permitted structures and related facilities cease operation.
10. A copy of the deed, evidencing current ownership of the real property, and, if applicable, the property lease agreement. The lease agreement shall not discourage or prevent collocation of other providers.

## COMMUNICATIONS SUPPORT STRUCTURES

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11. Proof of compliance with Federal Communications Commission (“FCC”) rules for environmental review, including a letter stating that an Environmental Assessment (“EA”) is not required, a Finding of No Significant Impact (“FONSI”), or other written assurance that appropriate measures are or will be taken to protect environmental and historic resources.

12. Proof that the Federal Aviation Administration (“FAA”) was notified and a final written determination of 'no hazard' to air navigation from the FAA.

13. A report prepared by an engineer licensed by the State of Wisconsin certifying the structural design of the mobile service support structure.

14. Affidavit of Notification indicating that all operators and owners of airports located within five (5) miles of the proposed site have been notified via certified mail.

(c) If the application is to substantially modify an existing support structure, the application shall also include a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.

(d) If the application is to construct a new mobile service support structure, the application shall also include:

1. A construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure; and

2. An explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant’s search ring: would not result in the same mobile service functionality, coverage and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

(e) All applications must be accompanied by the requisite non-refundable permit fee, consistent with §66.0404(4)(d)1. – 2., Wis. Stats., and as established by the Door County Board of Supervisors.

(f) The Door County Land Use Services Department (“Land Use Services Department”) may, in the exercise of its discretion, engage the services of third-party consultants to assist with review of the application and permit. If a third-party consultant is engaged, the applicant shall pay, subject to §66.0404(4)(f), Wis. Stats., the actual, necessary, and direct cost (sans travel expenses) of the third-party consultant.

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### 14.01(16)

(g) The permit fee requirements do not apply to support structures and facilities wholly owned and operated by, or for the sole use or benefit of the state, the county, or a municipality.

#### (15) Application Review and Permit Grant.

(a) The Land Use Services Department will determine whether or not an application is complete. To be deemed complete, an application must contain all the information required by this Chapter, be properly executed, and be accompanied by the requisite fee and payment of (or agreement to pay) any applicable charges.

(b) If the Land Use Services Department does not deem an application to be complete, the Land Use Services Department shall notify the applicant in writing within ten (10) days (within five (5) days for a class 2 collocation) of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

(c) Within ninety (90) days (within forty-five (45) days for a class 2 collocation) after the application is determined complete under Section 14.01(15)(a), supra, the Land Use Services Department shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Land Use Services Department may agree in writing to an extension of the ninety (90) day (forty-five (45) day for a class 2 collocation) period:

1. Review the application to determine whether it complies with all applicable aspects of (subject to the limitations of §66.0404, Wis. Stats.) the county zoning ordinance.
2. Make a final decision whether to approve or disapprove the application.
3. Notify the applicant in writing of its final decision.
4. If the application is approved, and all fees and charges paid, issue the applicant the relevant permit.
5. Any denial (i.e., disapproval) of an application will be in writing and supported by substantial evidence in a written record.

(d) The Land Use Services Department may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described in Section 14.01(14)(d)2., above.

#### (16) Permit Transferability.

(a) Permits are valid only for the person or persons listed on the permit.

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(b) Permits may only be transferred if: the real property is sold or the lease is transferred; the requisite permit transfer form (available from the Land Use Services Department) is complete (to the satisfaction of the Land Use Services Department), fully executed and notarized; and the transferee meets all the requirements of this Chapter and the permit.

(17) Structural, Design, and Environmental Standards.

(a) All new mobile service support structures, existing support structures, and mobile service facilities shall be designed as set forth below:

1. Mobile service support structures and mobile service facilities, to the degree feasible and practicable, shall be non-reflective in color.
2. Mobile service facilities shall be designed and operated in accordance with all applicable codes regarding fire prevention.
3. The perimeter of the equipment compound shall be located within 50 feet of the associated support structure, as measured from the center of the support structure.
4. Buildings located within the equipment compound shall not exceed twenty-six (26) feet in height, measured from the original grade at the base of the facility to the top of the facility.

(18) Setbacks/Fall Zone/Critical Public Safety Communications Corridor/Wetlands.

(a) The setback or fall zone requirement for mobile service support structures is the height of the structure (e.g., tower) plus ten percent (10%).

(b) If an applicant provides Door County with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the setback or fall zone area required above, that setback or fall zone requirement does not apply to such a structure unless Door County provides the applicant with substantial evidence that the engineering certification is flawed.

(c) All mobile service support structures and mobile service facilities shall meet the required shoreland setbacks. A lesser setback from the ordinary high-water mark shall be allowed only if the applicant demonstrates that there is no feasible alternative location outside of the shoreland setback area and best management practices to infiltrate or otherwise control storm water runoff from the structure are employed.

(d) No mobile service support structures or mobile service facilities shall be located within any designated critical public safety communications corridor. The burden is on the applicant to demonstrate that the project will avoid interference

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### 14.01(19)

to critical public safety communications. The objectives here are to: promote robust and reliable, and prevent or mitigate interference to, public safety communications (e.g., law enforcement, emergency medical, and fire) systems that provide critical safety-of-life communications services. This requirement reflects the minimum practical regulations that are necessary to accomplish that public health and safety objective.

(e) No mobile service support structure or mobile service facility shall be permitted in wetlands.

#### (19) Site Development.

##### (a) Noise and Traffic.

Mobile service support structures or mobile service facilities shall be constructed and operated in such a manner as to minimize the amount of disruption caused to nearby properties. To that end, the following measures shall be implemented for mobile service support structures or facilities.

1. Noise-producing activities (e.g., construction) shall take place only on weekdays (Monday through Friday, non-holiday) between the hours of 6:00 a.m. and 6:00 p.m., except in times of emergency repair; and
2. Emergency power systems (e.g., backup generators and backup batteries), if present, shall be operated only during power outages, for testing, and maintenance purposes.

##### (b) Security and Signage.

1. Mobile service support structures and mobile service facilities shall be reasonably protected against unauthorized access.
2. Signs must be prominently displayed within the equipment compound prohibiting entry without authorization, warning of the dangers from electrical equipment and unauthorized climbing of the support structure (e.g., tower), and identifying the owner and telephone number for contact in case of emergency. No sign shall be larger than six (6) square feet.

##### (c) Driveways and Access.

1. Access to mobile service sites shall be by an all-weather gravel or paved driveway. No driveway, unless required under 3., below, shall have a width greater than fifteen (15) feet. Driveways must have a turnaround of the minimum size necessary to accommodate and provide maneuverability for service and emergency vehicles.
2. All mobile service sites shall use existing access points and roads whenever possible. Sites that abut two (2) or more public roads shall gain access from the lowest-class road regardless of driveway length. The road classification hierarchy, in order from highest to lowest, shall be as follows:

## COMMUNICATIONS SUPPORT STRUCTURES

14.01(20)

federal, state, county, town. The applicant shall seek and obtain approval for access from the entity having jurisdiction over the road.

3. The permitting, location, design, and construction of access driveways shall conform to any applicable requirements established by the town.

(20) Ceased Operation, Removal, and Financial Assurance for Removal.

(a) Restoration Requirement.

1. Any mobile service support structure or mobile service facility that has not been operated for a continuous period of twelve (12) months shall be considered to have ceased operation. Within six (6) months of the mobile services permit holder being notified that a mobile service support structure or related facility is considered to have ceased operation, the property shall be restored as herein required:

- a. All mobile service support structures and mobile service facilities shall be removed from the property. If there are two or more users of a single mobile service support structure, then this provision shall not become effective until all operations of the mobile service support structure cease.
- b. All building(s), supporting equipment, and foundations shall be removed to a depth of five (5) feet below the ground surface or, if the distance to bedrock is less than five (5) feet, to bedrock. All excavated areas shall be filled in with unconsolidated soil material, of which the top four (4) or more inches shall be screened topsoil. The excavated areas shall be made level with the surrounding ground surface and shall be seeded or planted with native vegetation.
- c. A document showing the existence of any subsurface structure remaining below grade shall be recorded with the Door County Register of Deeds. Such recording shall accurately set forth the location and describe the remaining structure.
- d. Any hazardous material, either in containers or spilled upon or in the ground, shall be removed and disposed of in a manner prescribed by applicable state and federal law.

2. If removal to the satisfaction of the Land Use Services Department does not occur within six (6) months, the Zoning Administrator may order restoration utilizing the established financial assurance as provided under subsection 3.g., below, and salvage said mobile service support structure or facility.

3. Subject to §66.0404(4)(i), Wis. Stats., as a condition of the issuance and validity of a permit, the applicant/permit holder shall file and maintain a

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14.01(20)

financial assurance with the Land Use Services Department. The financial assurance:

- a. Shall be by an irrevocable letter of credit or performance bond.
- b. Shall equal as closely as possible the cost to Door County of hiring a contractor to complete restoration as set forth in Section 14.01(20)(a)1. a. – d., above. This amount will initially be based on a written estimate of a qualified remover of said types of structures, or twenty thousand dollars (\$20,000), whichever is less, to guarantee that the mobile service support structure will be removed when no longer in use. The amount of financial assurance shall be reviewed periodically by the Land Use Services Department to assure it equals outstanding restoration costs.
- c. May be adjusted when required by the Land Use Services Department. The Land Use Services Department may notify the permit holder in writing that adjustment is necessary and the reasons for it (e.g., based upon prevailing or projected interest or inflation rates, or the latest cost estimates for restoration).
- d. Shall be payable to Door County.
- e. May not be cancelled by the surety or other holder or issuer except after not less than a ninety (90) day notice to the Land Use Services Department in writing by registered or certified mail. Not less than thirty (30) days prior to the expiration of the ninety (90) day notice of cancellation, the permit holder shall deliver to the Land Use Services Department a replacement proof of financial assurance. In the absence of this replacement financial assurance, operation of the mobile service facility shall cease until the time it is delivered and in effect.
- f. Shall be released only upon the Land Use Services Department's certification of successful completion of necessary restoration measures. The permit holder must notify the Land Use Services Department, by filing a notice of completion, that restoration is complete. The Land Use Services Department will inspect the site that was the subject of the notice of completion to determine if restoration has been carried out in accordance with Section 14.01(20)(a)1. a. – d., above. Within sixty (60) days after the notice of completion is filed, the Land Use Services Department will issue a written determination that: it is not possible to assess whether restoration is complete due to weather conditions, soil conditions, or other relevant factors;

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restoration is not complete; restoration is complete in part; or restoration is fully complete.

- g. Shall be forfeited if restoration is not completed as required by Section 14.01(20) (a)1. a. – d., above.

4. The permit holder may change financial assurance. This may not be done more than once a year unless required by and adjustment imposed pursuant to Section 14.01(20)(a)3.c., above. The permit holder shall give the Land Use Services Department at least sixty (60) days' notice prior to changing financial assurance and may not actually change financial assurance without the prior written approval of the Land Use Services Department.

5. Any person who obtains a permit from the Land Use Services Department for two (2) or more sites may elect, at the time the second or subsequent permit is approved, to post a single financial assurance in lieu of separate financial assurance instruments for each site. When an applicant/permit holder elects to post a single financial assurance in lieu of separate financial assurances for each site, no financial assurances previously posted on individual sites shall be released until the new financial assurance has been accepted by the Land Use Services Department.

6. The financial assurance requirements do not apply to support structures and facilities wholly owned and operated by, or for the sole benefit or use of, the state, county or a municipality.

7. This financial assurance requirement is deemed competitively neutral, nondiscriminatory, and commensurate with the historical record for surety requirements for other facilities and structures in the County of Door which fall into disuse.

### (21) Administration, Appeal, and Enforcement.

#### (a) Administration.

The Land Use Services Department is empowered and responsible to administer this Chapter, issue permits as appropriate under this Chapter, and perform all other duties within the scope of this Chapter. All duties shall be the responsibility of a Zoning Administrator, except as otherwise specified.

#### (b) Appeals.

A party who is aggrieved by the final decision of the County to approve or disapprove an application hereunder may only pursue the remedy set forth in §66.0404(2)(f), Wis. Stats., or §66.0404(3)(d), Wis. Stats.

#### (c) Violations.

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It shall be unlawful to site, construct, install, reconstruct, improve, extend, enlarge, relocate, or convert any support structure or related facility in violation of the provisions of this Chapter. It shall also be unlawful to fail to obtain a permit.

### (d) Enforcement, Penalties, and Remedies for Violation.

Door County may enforce this Chapter by any lawful enforcement method deemed appropriate and necessary, including the following:

1. Issuance of a citation under §66.0113, Wis. Stats., and Ch. 35, §35.01, Door County Code.
2. Filing a summons and complaint, seeking injunctive relief, monetary penalties, and any other remedy allowed by law.
3. A monetary penalty of not less than one hundred and fifty dollars (\$150) per day and not more than five hundred dollars (\$500) per day for each offense. Each day of continued violation constitutes a separate offense.
4. Allowable assessments, costs, fees, penalties, and surcharges.

### (e) Nonexclusivity.

1. Enactment of this Chapter does not preclude the County from enacting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.
2. The issuance of a citation or filing of a summons and complaint hereunder shall not preclude the County or any other person or entity from proceeding under any other law, ordinance, regulation or order or by any other enforcement method to enforce any law, ordinance, regulation or order.

## **14.02 Radio Broadcast Service Facilities**

(1) Authority. Section 14.02 is adopted pursuant to §§59.03, 59.54, and 66.0406, Wis. Stats.

(2) Applicability. Section 14.02 applies in the unincorporated areas of Door County ("County").

(3) Purpose. The purpose of Section 14.02 is to regulate the placement, construction, or modification of radio broadcast service facilities, subject to the provisions and limitations of §66.0406, Wis. Stats.

(4) Intent. Section 14.02 is intended to accomplish, to the greatest degree possible, the following:

- (a) Promote and protect public health, safety, and general welfare.

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- (b) Minimize or eliminate the adverse public health or safety effects of the siting and construction of radio broadcast service facilities, through the minimum practical regulations that are necessary to accomplish these objectives.
  - (c) Reasonably accommodate radio broadcast services.
  - (d) Not prohibit, or have the effect of prohibiting, the provision of radio broadcast services.
- (5) Application and Permit.
  - (a) A permit is required for radio broadcast service facilities.
  - (b) The application process, fee and charges, application review, permit grant, and permit transferability, for radio broadcast service facilities shall be the same as set forth in Sections 14.01(13) – (16), above.
- (6) Denial of Placement, Construction, or Modification of Radio Broadcast Service Facilities.
  - (a) If the Land Use Services Department denies a request by any person to place, construct, or modify radio broadcast service facilities, the denial may be based only on public health or safety concerns.
  - (b) The Land Use Services Department must provide the requester with: a written denial of the requester's request; and substantial written evidence which supports the reasons for the Land Use Services Department's action.
- (7) Structural, Design, and Environmental Standards; Setbacks, Fall Zone, Critical Public Safety Communications Corridor, Wetlands; Site Development and Ceased Operation, Removal, and Financial Assurance for Removal.
  - (a) The foregoing are, subject to the limitations set forth in §66.0406(2)(a) – (b), Wis. Stats., as set forth in Sections 14.01(17) – (20), above.
- (8) Administration, Appeal, and Enforcement.
  - (a) The foregoing are as set forth in Section 14.01(21), above.
- (9) Definitions.
  - (a) To the extent that there are no irreconcilable conflicts, the definitions for this section include those set forth in Section 14.01(12).
  - (b) Where the language in Section 14.01 refers to mobile service support structures or mobile service facilities said language shall be interpreted in regard to administration of Section 14.02 as referring to radio broadcast services or radio broadcast service facilities.

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(c) Radio Broadcast Services: The regular provision of a commercial or noncommercial service involving the transmission, emission, or reception of radio waves for the transmission of sound or images in which the transmissions are intended for direct reception by the public.

(d) Radio Broadcast Service Facilities: The commercial or noncommercial facilities, including antennas and antenna support structures, intended for the provision of radio broadcast services.

### **14.03 Other Communications Services Support Structures and Related Facilities**

(1) Authority. Section 14.03 is adopted consistent with §§59.03, 59.54, and 59.69, Wis. Stats., and, to the extent it is applicable, the Federal Telecommunications Act of 1996.

(2) Applicability. Section 14.03 applies in the unincorporated areas of Door County ("County").

(3) Purpose. The purpose of Section 14.03 is to regulate the placement, construction, or modification of wireless communications services support structures and related facilities except those described in §§66.0404 and 66.0406, Wis. Stats.

(4) Intent. Section 14.03 is intended to accomplish, to the greatest degree possible, the following:

(a) Preserve Door County's authority over zoning and land use decisions for other communications services support structures and related facilities.

(b) Promote and protect public health, safety, and general welfare.

(c) Minimize or eliminate the adverse public health or safety effects of other communications services support structures and related facilities through the minimum practical regulations that are necessary to accomplish these objectives.

(d) Encourage collocation to the extent technologically feasible, and engage in cooperative efforts with providers to chart the potential overlap of desirable locations, in order to minimize the number of structures and facilities to be sited.

(e) To not unreasonably discriminate among providers of functionally equivalent services.

(f) To not regulate in a manner that prohibits or has the effect of prohibiting the provision of these other communications services.

(5) Application and Permit.

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- (a) A permit is required for the placement, construction, or modification of other communications service support structures and related facilities.
  - (b) The application process, fee and charges, application review, permit grant, and permit transferability, for other communications service support structures and related facilities are consistent with that set forth in Sections 14.01(13) – (16), above.
- (6) Denial of Placement, Construction, or Modification of Other Communications Service Support Structures and Related Facilities.
- (a) Door County must act on applications within a reasonable period of time.
  - (b) Door County must make any denial of an application in writing supported by substantial evidence in a written record.
- (7) Structural, Design, and Environmental Standards; Setbacks, Fall Zone, Critical Public Safety Communications Corridor, Wetlands; Site Development and Ceased Operation, Removal, and Financial Assurance for Removal.
- (a) The foregoing are consistent with that set forth in Sections 14.01(17) – (20), above.
- (8) Administration, Appeal, and Enforcement.
- (a) The foregoing are consistent with that set forth in Section 14.01(21), above.
- (9) Definitions.
- (a) To the extent that there are no irreconcilable conflicts, the definitions for this section include those set forth in Sections 14.01(12).
  - (b) Where the language in Section 14.01 refers to mobile service support structures or mobile service facilities said language shall be interpreted in regard to administration of Section 14.03 as referring to wireless communications services support structures and related facilities other than those described in §§66.0404 and 66.0406, Wis. Stats.
  - (c) Other Communications Services Support Structures: Wireless communications services support structures and related facilities except those described in §§66.0404 and 66.0406, Wis. Stats.

14.04(10)

**14.04 Broadband Network Projects – Pursuant to §196.504, Wis. Stats.**

(Added: 23 May 2017; Ord. No. 2017-03)

- (1) Authority. This section is enacted consistent with §§ 59.03, 59.54, 59.69 & 196.504, Wis. Stats.
- (2) Applicability. This section applies in the unincorporated areas of Door County.
- (3) Purposes. The purposes of this section are:
  - (a) To ensure that Door County may be certified as a *Broadband Forward! Community* under §196.504(4), Wis. Stats.
  - (b) To encourage the development of broadband infrastructure in underserved areas of Door County; and
  - (c) To effect the timely and efficient: review and approval of applications, issuance of permits, and resolution of related issues related to broadband network projects.

This section shall at all times be construed consistent with the aforementioned purposes.

- (4) Interpretation. If ambiguities or conflicts exist between the provisions of this section and §§14.01-14.03 above, an attempt should be made to reconcile and give effect to all provisions if reasonably practicable. If not, then the provisions of this section control.

- (5) Definitions. To the extent there are no irreconcilable conflicts, the definitions in this section shall be as set forth in §196.504(4), Wis. Stats., §§14.01-14.03 Door County Comprehensive Zoning Ordinance, and as follows:

- (a) “Applicant” means a person applying for a permit for a broadband network project.
- (b) “Broadband Network Project” means the construction or deployment of wireline or wireless communications facilities to provide broadband communications services in underserved areas of Door County.
- (c) “Permit” means any local permit, license, certificate, approval, registration, or similar form of approval required by policy, administrative rule, regulation, ordinance, or resolution with respect to a broadband network project.
- (d) “Written” or “in writing” means information that is inscribed on a tangible medium or that is stored in an electronic or other intangible medium and is retrievable in perceivable form.

## COMMUNICATIONS SUPPORT STRUCTURES

### 14.04(10)

(6) Point of Contact. The single point of contact for all matters related to a broadband network project, including receipt of a broadband network project application, is the:

Door County Land Use Services Department  
Door County Government Center  
421 Nebraska Street  
Sturgeon Bay, WI 54235  
PH: 920.746.2323  
FAX: 920.746.2387  
Email: [mgoode@co.door.wi.us](mailto:mgoode@co.door.wi.us)  
Website: <http://map.co.door.wi.us/planning/>

(7) Electronic Submission. All forms, applications, and documentation related to a broadband network project may be filed and signed by electronic, or any other means authorized by the Public Service Commission of Wisconsin.

(8) Application and Permit.

(a) A permit is required for broadband network projects.

(b) The application process, fee and charges, application review, permit grant, and permit transferability shall be, to the extent such does not conflict with §196.504, Wis. Stats., consistent with §§14.01(13) – (16), above.

(9) Structural, Design, and Environmental Standards; Setbacks, Fall Zone, Critical Public Safety Communications Corridor, Wetlands; Site Development and Ceased Operations, Removal, and Financial Assurance for Removal

(a) The foregoing are as set forth in §14.01(17) – 14.01(20), above.

(b) Subject to the limitations set forth in §§66.0404 & 196.504(4), Wis. Stats.

(10) Completeness Review of Applications.

(a) The Door County Land Use Services Department (“Land Use Services Department”) will determine whether an application is complete and notify the applicant about the determination in writing within ten (10) days of receiving the application.

(b) If the Land Use Services Department does not believe that an application is complete, the written notification under (10)(a) above will specify in detail the required information that is incomplete.

(c) If the Land Use Services Department does not make the written notification required under (10)(a) above, the application will be deemed to be complete.

## COMMUNICATIONS SUPPORT STRUCTURES

### 14.04(14)

(d) An applicant may resubmit an application as often as necessary until the application is complete.

#### (11) Approval or Denial of Complete Applications.

(a) Within sixty (60) days of receiving an application that is complete, the Land Use Services Department will approve or deny the application and provide the applicant written notification of the approval or denial.

(b) If the Land Use Services Department denies an application, it will include in the written notification under (11)(a) above evidence that the denial is not arbitrary and capricious.

(c) An application is considered approved and any required permit is to be issued if the Land Use Services Department does not provide the written notification under (11)(a) above.

#### (12) Fees.

(a) Fees, to review an application, issue a permit or perform any other activity related to a broadband network project, will be as established by the Door County Board of Supervisors.

(b) Any fees imposed shall be reasonable consistent with §196.504(5)(i), Wis. Stats.

(c) An application fee that exceeds one hundred dollars (\$100) is unreasonable.

(13) Administration, Appeal, and Enforcement. Administration, appeal and enforcement shall, to the extent there are no irreconcilable conflicts, be as set forth in §§14.01(21) above.

(14) Initial Applicability. This section first applies to applications received for broadband network projects on or after the effective date of this ordinance.