

TOWN OF LIBERTY GROVE PUBLIC MEETINGS

Plan Commission

Date: Wednesday, November 8, 2023

Time: 6:00 PM

Place: Town Hall, 11161 Old Stage Road

Agenda:

1. Call to order
2. Declaration of quorum
3. Adopt agenda
4. Approve Minutes: 9-13-23
5. Heartland-10 Text Amendment Language
6. Public Input
7. Correspondence
8. Future Meeting Dates
9. Adjourn

All agenda items will include discussion and possible action. Deviation from listed order may occur

***Audience members must ask for permission, during public input, to speak on agenda items ***

Pamela Donart-Welcome, Clerk/Treasurer

Members of the Town Board or any other Town Committee, who are not members of the body whose meeting agenda is published in this notice, are entitled, as any other citizen of the Town of Liberty Grove, to attend this meeting in an unofficial capacity. It is possible the attendance of one or more non-members may create a quorum of the membership of another body. Such a quorum is unintended, and the non-members are not meeting for the purpose of exercising the powers or duties attendant upon their membership on any Town Committee or Board

Town of Liberty Grove
Minutes of the Plan Commission meeting on September 13, 2023

Agenda:

1. Call to order
2. Declaration of quorum
3. Adopt agenda
4. Approve Minutes: 8-23-23
5. Heartland-10 Text Amendment Language
6. Public Input
7. Correspondence
8. Future Meeting Dates
9. Adjourn

Chairman Nancy Goss called the meeting to order at 5:58pm. Commissioners Cathy Ward, Paul Bokelmann, Cheryl Culver, and Anne Miller were present with Clerk/Treasurer Anastasia Bell and 2 members of the public. Commissioners Bill Surbaugh and Dan Watts were excused.

Miller moved, Ward second to approve the agenda as posted. Carried 5-0.

Miller moved, Ward second to approve the 8/23/23 minutes as presented. Carried 5-0.

Heartland-10 – It was noted that the goal is to allow these trade and contractor establishments and marine or auto repair businesses on HL-10 parcels without additional restrictions or discouraging a home-based business once a home is built on the property. Mariah Good, Door County Zoning, noted many restrictions applied in the conditional use process are standard for a home business and the level of restriction is not the same for any of the uses identified. The Commissioners clarified their intention was to allow accessory structures to a home as currently allowed even though there would be the previously established use. Mariah noted metal structures would require a significant number of upgrades to be used by employees and/or the public. It was the consensus to allow buildings built prior to 5/3/1992 to be used consistent with County Zoning 9.03(3). Mariah noted the Resource Planning Committee may not accept the overlay as it would add complications to the current ordinance and already face staffing issues. Goss indicated text amendments are one of the only ways a Town can adjust zoning to fit the municipality and this Plan Commission works diligently to think ahead to the future as they create a request. Ward noted the only option is to make additions to the Zoning Code or to accommodate the Town as it continues to change. Mariah noted Towns can adopt local Ordinances which could be more restrictive and would apply to Town parcels in addition to the County Zoning; the Town would be responsible to have a zoning administrator for this.

Public Input – None.

Correspondence – None.

The next tentative meeting will be Wednesday, 9/26/23, 10/11/23, and 10/25/23 at 6:00pm.

Miller moved, Goss second to adjourn at 9:29pm. Carried 5-0.

Anastasia Bell, Clerk/Treasurer

CHAPTER 2

ZONING DISTRICTS AND ZONING MAPS; USE REGULATIONS

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| 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)

(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 ⁸	ES	SF10	SF20	SF30	SE	RR	HD	CC	MC	RC	LI
AGRICULTURAL USES																		
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 ¹⁷	P	P ¹	P	P	P ¹							C	C		
Roadside Stands (s. 4.03(2)) (Amended: 30 Sept 2010; Ord. 2010-13)		P	P ¹⁷	P	P	P	P	P										
Tree/Shrub Nurseries		P ¹	P	P	P ¹	P	P	P ¹										
COMMERCIAL USES																		
Art Galleries (Amended: 9 May 2008; Ord. 2008-01)				C	C	C	C ¹⁰								P	P	P	
Assembly Hall (s. 4.04(17)) (Added: 5 Aug. 2013; Ord. 2013-13)				C ¹⁴	C	C	C ¹⁴	C							C	C	C ¹⁴	
Auto Repair (s. 4.04(5))				C	C	C	C ^{2,5}								C	C		P
Auto/Recr. Vehicle Sales, Rental, and Service Lot (Amended: 20 Sept. 2016; Ord. 2016-14)															C	C		
Banks															P ²	P ²		
Carwash (Added: 27 August 2002; Ord. 12-02)															C	C	C	C
Commercial Fishing Facilities				P	P	P									C	C	C	P
Commercial Trucking Establishments (Amended: 30 Sept 2010; Ord. 2010-13)			C ^{3,17}	C ³														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																		
Day Care Centers (s. 4.04(14))															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 ⁸	ES	SF10	SF20	SF30	SE	RR	HD
COMMERCIAL USES (Continued)														
Passenger Bus Terminals														
Personal Service Establishments														
Professional Offices/Studios														
Radio/TV Stations (Amended: 29 Sept. 2015; Ord. 2015-09; Effective 9 Nov. 2015)														
Non-Motorized Recreational Equipment Sales/Service/Rentals (Amended: 26 Feb. 2013; Ord. 2013-07) (Amended: 20 Sept. 2016; Ord. 2016-14)														
Motorized Recreational Equipment Sales/Service/Rentals (Amended: 26 Feb. 2013; 2013-07) (Amended: 20 Sept. 2016; Ord. 2016-14)														
Restaurants or Taverns (s. 4.04(3))														
Retail Stores														
Trade or Contractor Establishments (s. 4.04(7)) (Amended: 18 Dec. 2001; Ord. 12-01)														
Veterinarian Clinics														
Wineries/Breweries (Amended: 5 Aug. 2013; Ord. 2013-10) (Amended: 22 May 2018; Ord. 2018-11; Effective 2 July 2018)														
INDUSTRIAL USES														
Asphalt/Concrete Plants														
Bulk Storage of Fuel Products														
Freight Terminals (s. 4.05(2))														
Fruit/Vegetable/Cheese Processing Plants (Amended: 30 Sept. 2010; Ord. 2010-13) (Amended: 22 May 2018; Ord. 2018-11; Effective 2 July 2018)														
Manufacturing, Assembly, Processing														
Nonmetallic Mining (s. 4.05(3)) (Amended: 30 Sept. 2010; Ord. 2010-13)														
Resource Recovery Facilities (s. 4.05(6))														
Salvage Yards (s. 4.05(4))														

(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. (Added: 22 Aug. 2006; Ord. 2006-16; Effective 12 Sept. 2006; Deleted: 22 Feb. 2022; Ord. 2022-03)
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. (Added: 22 May 2007; Ord. 2007-11; Deleted: 22 Feb. 2022; Ord. 2022-03)
- 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)

25. In the HL10 district and on lots that meet the minimum lot area requirement for HL10 in s. 3.02(3)(a), one Trade or Contractors Establishment or one Auto Repair business per lot is allowed.

CHAPTER 4

PARTICULAR USE REQUIREMENTS

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| 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)

PARTICULAR USE REQUIREMENTS 4.04(2)

(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.

PARTICULAR USE REQUIREMENTS 4.04(9)

(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.

(d) For auto repair businesses located in the HL10 zoning district, the requirements listed below shall also apply.

1. Only one stand-alone auto repair business per lot shall be allowed.

2. Only one building to accommodate the stand-alone auto repair business shall be allowed. Such building shall be limited to a 5,000

PARTICULAR USE REQUIREMENTS 4.04(9)

square foot footprint and 7,500 square feet in floor area, except that a larger building (footprint and/or floor area) that existed on the property as of May 3, 1992 may be used in its entirety.

(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.

(7) Trade or contractor 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. For trade or contractor establishments located in the HL10 zoning district, the requirements listed below shall also apply.

(a) Only one stand-alone trade or contractor business per lot shall be allowed.

(b) Only one building to accommodate the stand-alone trade or contractor business shall be allowed. Such building shall be limited to a 5,000 square foot footprint and 7,500 square feet in floor area, except that a larger building (footprint and/or floor area) that existed on the property as of May 3, 1992 may be used in its entirety.

(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:

Heartland-10 Text Amendment Overview

Proposal: Allow in the Heartland-10 (HL 10) zoning district, via the conditional use permit process, one stand-alone Trade & Contractor business or one stand-alone Auto Repair business on HL 10 lots that are ten acres in size or larger (or ¼ of an “original” 40). (*Question for town officials: Do you want the lots to meet the minimum lot width requirement as well?*) One building up to 5000 sq. feet in footprint and 7500 sq. ft. in floor area will be allowed to accommodate the single business, except that a building existing on May 3, 1992 may be used in its entirety regardless of size.

Heartland-10 (HL10) purpose and intent, for reference: “This district is intended to help maintain the rural character Door County Comprehensive Zoning Ordinance 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.” (Chapter 2, Door County Comprehensive Zoning Ordinance)

Property Improvement Scenarios

Vacant parcel.

Existing building(s) constructed 5/3/92 or prior.

Existing building(s) constructed 5/4/92 to 2/21/1996 (Liberty Grove adoption date for current county comp. ordinance).

Existing building(s) constructed 2/22/1996-present.

Some combination of the above three non-vacant parcel scenarios.

Use Scenarios

Home: Allowed 3,000 sq. ft. in accessory structures, plus any wood and/or stone buildings dating from May 3, 1992 or earlier.

Home-based enterprises (total of two allowed, office/studios and/or occupations and/or businesses):

Home offices/studios and home occupations: In home or outbuilding (new or existing); max. size = 25% of home floor area.

Home businesses: In home, max. size = 60% of home floor area. In new outbuilding, 100% of home floor area. In outbuilding existing at time of ordinance adoption (February 21, 1996 for Liberty Grove), any size building.

Other, non-residential uses allowed in Heartland-10: The ordinance does not limit how many uses can be on a parcel, provided setbacks, parking, and impervious surface (storm water runoff) requirements can be accommodated, and most uses have no limits on the number or size of buildings.

In all of the above situations and scenarios, a new building can be constructed for the new business.