

## TOWN OF LIBERTY GROVE PUBLIC MEETING

### Plan Commission Meeting

**Date:** February 28, 2024

**Time:** 7:00pm

**Place:** Town Hall, 11161 Old Stage Road

### **Agenda:**

1. Call to order
2. Declaration of Quorum
3. Approve Agenda
4. Approve minutes from 2/14/24
5. Public input
6. Text language for HL-10 application
7. Correspondence
8. Future meeting date(s)
9. Adjourn

*\*All agenda items will include discussion and possible action.\**

*\*Report items will not be discussed or voted on.*

*\*Deviation from listed order may occur.\**

*\*Audience members must ask for permission, during "Public input," to speak on agenda items.\**

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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 February 14, 2024**

**Agenda:**

1. Call to order
2. Declaration of Quorum
3. Approve Agenda
4. Approve minutes from 1/31/24
5. Public input
6. Proposed rezoning of Parcel ID 018-01-02312831B1
7. Text language for HL-10 application
8. Correspondence
9. Future meeting date(s)
10. Adjourn

Chairman Goss called the meeting to order at 7:00pm. Commissioners Ann Miller, Cheryl Culver, Cathy Ward, Paul Bokelman, Bill Surbaugh, and Dan Watts were present with Administrator Kalms, Clerk/Treasurer Pamela Donart-Welcome, and 5 members of the public.

**Ward moved, Surbaugh seconded** to approve the agenda as amended to postpone item #7 to the next Plan Commission meeting. **Carried 7 - 0**

**Miller moved, Surbaugh seconded** to approve the 1/31/24 minutes as presented. **Carried 7 - 0**

**Public input:** none

After discussion, **Goss made a motion** to recommend the Town Board support for rezoning of parcel 018-01-02312831B1 from its current Heartland to Light Industrial at the next Board meeting scheduled 2/21/24. **Ward seconded.** Surbaugh, Bokelman, Ward, Goss, Watts, Culver, and Miller voted aye. There were no nays. **Carried 7 - 0**

**Correspondence:** Administrator Kalms shared a meeting notice for Mar 7<sup>th</sup>, including the new DC floodplain ordinance, a letter from the LG Historical Society with their 2024 schedule, notices regarding a zoning violation on Beach Rd, and a letter to a resident on Hwy 42 who has an extra structure on the property that needs to be removed by Mar 1<sup>st</sup>, a notice of the DC unit of the Town Association meeting on Feb 22 at 6pm at the Gardner Town Hall, including culvert inventory.

**Future Meeting(s):** The next meeting was scheduled for 2/28/24 at 7:00pm.

**Watts moved, Miller seconded** to adjourn at 7:15pm. **Carried 7 - 0**

Respectfully submitted,  
Pamela Donart-Welcome, Clerk/Treasurer

## 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 \*\**

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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

- |                                              |                       |
|----------------------------------------------|-----------------------|
| 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 <sup>8</sup> | ES             | SF10 | SF20 | SF30 | SE | RR | HD             |
| AGRICULTURAL USES                                                                           |                  |                |                   |                 |                |    |                 |                |      |      |      |    |    |                |
| Agricultural Visitation Facility (s. 4.03(4))<br>(Added: 26 Aug 1997; Ord. 21-97)           |                  |                |                   | C               |                |    |                 |                |      |      |      |    |    |                |
| Agriculture (s. 4.03(1))<br>(Amended: 26 Aug 1997; Ord. 21-97)                              |                  | P              | P                 | P               | P              | P  | P               | P              |      |      |      |    |    | P              |
| Greenhouses<br>(Amended: 30 Sept 2010; Ord. 2010-13)                                        |                  |                | P <sup>17</sup>   | P               | P <sup>1</sup> | P  | P               | P <sup>1</sup> |      |      |      |    |    | C              |
| Roadside Stands (s. 4.03(2))<br>(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> |      |      |      |    |    |                |
| COMMERCIAL USES                                                                             |                  |                |                   |                 |                |    |                 |                |      |      |      |    |    |                |
| Art Galleries<br>(Amended: 9 May 2008; Ord. 2008-01)                                        |                  |                |                   | C               | C              | C  | C <sup>10</sup> |                |      |      |      |    |    | P              |
| Assembly Hall (s. 4.04(17))<br>(Added: 5 Aug. 2013; Ord. 2013-13)                           |                  |                |                   | C <sup>14</sup> | C              | C  | C <sup>14</sup> | C              |      |      |      |    |    | C              |
| Auto Repair (s. 4.04(5))                                                                    |                  |                |                   | C               | C              | C  | C <sup>25</sup> |                |      |      |      |    |    | C              |
| Auto/Recr. Vehicle Sales, Rental, and Service Lot<br>(Amended: 20 Sept. 2016; Ord. 2016-14) |                  |                |                   |                 |                |    |                 |                |      |      |      |    |    | C              |
| Banks                                                                                       |                  |                |                   |                 |                |    |                 |                |      |      |      |    |    | P <sup>2</sup> |
| Carwash (Added: 27 August 2002; Ord. 12-02)                                                 |                  |                |                   |                 |                |    |                 |                |      |      |      |    |    | C              |
| Commercial Fishing Facilities                                                               |                  |                |                   | P               | P              | P  |                 |                |      |      |      |    |    | C              |
| Commercial Trucking Establishments<br>(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              |
| Community Commercial Kitchen (s. 4.04(16))<br>(Added: 28 May 2012; Ord. 2012-13)            |                  |                |                   |                 |                |    |                 |                |      |      |      |    |    | P              |
| Conference Facilities                                                                       |                  |                |                   |                 |                |    |                 |                |      |      |      |    |    | C              |
| Day Care Centers (s. 4.04(14))                                                              |                  |                |                   |                 |                |    |                 |                |      |      |      |    |    | 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 |
| 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

- |                                      |                                              |
|--------------------------------------|----------------------------------------------|
| 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.**

# Door County Land Use Services

## ZONING AMENDMENT – TEXT

*(See also Door County Comprehensive Zoning Ordinance section 11.08 and Wisconsin Statutes section 59.69(5).)*

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By state law, petitions to change the text of the Door County Comprehensive Zoning Ordinance are heard at a public hearing before the Door County Resource Planning Committee, which makes a recommendation to the county board for final decision.

If a majority of the town boards under county zoning do not approve of an amendment passed at the county level, there is a statutory procedure those towns can follow to "veto" that text amendment. *(Towns may not, through this authority, force the county to make amendments to the zoning ordinance text – they can only prevent an ordinance change.)*

### **WHO CAN SUBMIT A PETITION?**

A petition to change the zoning district designation of a property or change the ordinance text may be submitted by:

- 1) any property owner affected by the proposed amendment,
- 2) the town board, if the town is under county comprehensive zoning, *(The Town of Liberty Grove is under county comprehensive zoning)*
- 3) the Door County Resource Planning Committee, or
- 4) any county board supervisor.

### **CONSIDERATIONS IN EVALUATING PETITIONS TO CHANGE TEXT OF THE ORDINANCE**

- Will the amendment correct an inconsistency or loophole within the ordinance? *(Yes, the 2019 Town of Liberty Grove Comprehensive Plan maps have an abundance of Heartland (HL) districts. There is currently an imbalance of residential areas because the population growth anticipated in 2000 has not been realized.)*
- Is the amendment more consistent with the goals of the comprehensive plan than existing ordinance text? *(Yes, this amendment is more consistent with the vision statement of the 2019 Town Comprehensive Plan "The Town of Liberty Grove is a diverse, progressive community with management standards based on the Town's Comprehensive Plan fostering employment opportunities, environmental quality, and a rural atmosphere with scenic beauty and abundant natural resources." The addition of Trade or Contractor and Auto or Marine Repair Establishments would foster employment opportunities within the Town. Further, the conditional Use Permit process would provide an opportunity for the Town to protect the environmental quality, rural atmosphere, and the natural resources present in Heartland areas.)*
- Is the amendment contrary to the stated goals of the ordinance itself? *(No, the amendment is not contrary to the stated goals.)*

### **HEARING PROCESS & DECISION**

1. Submit a completed application form with a \$750.00 non-refundable fee.
2. Provide proposed text to be added or changed.
3. Once the Door County Land Use Services Department deems the application complete, a copy of the application and draft staff report will be sent to the town to ask for

recommendations and comments. The applicant will receive a copy of the letter which forwards the application to the town. Please call the town to see if/when the town may be meeting to discuss this matter.

4. The Door County Land Use Services Department will publish a notice of the hearing in the Door County Advocate and will notify the applicant and neighboring property owners in writing of the hearing date / time. It takes ~2 months from time of application submittal to hearing date.

# ZONING AMENDMENT – TEXT

## HEARING PROCESS & DECISION (continued)

5. The application packet (including staff report and letters) will be posted to the Land Use Services Department website the Friday before the hearing date.
6. If the applicant/petitioner fails to appear at the hearing (in person, or by agent or counsel), s/he will be deemed to be in default and the petition for zoning amendment may, in the Resource Planning Committee's sole discretion, be denied. The applicant/petitioner may, if s/he failed to appear (in person, or by agent or counsel) for good reason, request in writing that the Resource Planning Committee reopen the default denial. Any request to reopen must be made (i.e., written request received by the Door County Land Use Services Department) within thirty (30) days of the default denial. The Resource Planning Committee may, in its sole discretion, reopen a default denial if good cause is shown, such as mistake, inadvertence, or excusable neglect. If a default denial is reopened, the applicant/petitioner must submit a new fee, unless the Resource Planning Committee determines otherwise.
7. Other people can also attend the hearing to testify for or against the petition request.
8. The Resource Planning Committee will consider the evidence presented and will most likely make a decision that same day at a business meeting after the hearing(s). If the case hearings are lengthy or if additional information is needed, it is possible that the decision could be tabled to a later date.
9. The Resource Planning Committee will recommend approval, denial or a modified version of the request. Within a few days after the hearing and meeting, the Door County Land Use Services Department will send the applicant a copy of the Resource Planning Committee's recommendation along with information regarding the date/time that the rezoning will be on the county board meeting agenda (it could be close to one month after the hearing, depending on timing).
10. The County Board will make a final decision and within a few days after county board, the Door County Planning Department will send a letter notifying the applicant of the final decision and the effective date (immediate or 40 day delay).

## 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. (This zoning amendment differs from the previous petition in that it requires parcels be a minimum of 10-acres in size and establishes a maximum of 5,000 square feet for any accessory building. The substantial new evidence is that the Town passed Resolution 23-1 which denied a Heartland-10 to Countryside-10 rezoning request. There is currently no Countryside Zones within the Town. This classification would allow 17 additional permitted uses that would negatively impact the environmental quality, rural atmosphere, and natural resources present today. The addition of these two conditional uses for Heartland-10 only areas, will allow the Town to foster employment opportunities for the next generation of local service providers to continue within our community. The Conditional Use Application process will assist the Town in protecting the environment and rural atmosphere as these businesses are established.)