

**Door County Resource Planning Committee
Proposed Door County Comprehensive Zoning Ordinance text amendments**

Note: All proposed changes are in red font. The “overstrike” function indicates text to be deleted.

Amendments regarding farmers’ markets, roadside stands, retail/tasting areas in non-commercial zoning districts

These amendments and those on the following pages to the charts in Chapter 2 would:

1. *Eliminate the use called “farm market.” In the commercial zoning districts, no business is currently authorized as a “farm market” as defined by county zoning – they are simply authorized as retail sales. (The ordinance requires farm market displays to contain 70% raw produce, which almost no one ever wants or intends to do, whether in commercial or non-commercial districts.) The handful of businesses the county has authorized in non-commercial districts as true “farm markets” would be grandfathered if these amendments were adopted.*
2. *Allow “roadside stands” to be larger and to not be limited to selling produce only from the property upon which they are located.*

Note that home occupations and home businesses would still be allowed in outlying zoning districts, both of which allow on-site processing and sale of agricultural products (i.e., jams, salsa, baked goods, etc.), whether the base ingredients were grown on the premises or not.

3. *In non-commercial zoning districts, disallow retail sales and tasting rooms for breweries, wineries, and fruit/vegetable/cheese processing facilities. The zoning ordinance has always been interpreted as disallowing retail sales and tasting rooms for fruit/vegetable/cheese processing facilities in non-commercial districts; these amendments clarify that prohibition. In reviewing various files and previous versions of the ordinance, staff have concluded that the likely original intent for breweries and wineries in outlying areas was for those to be production facilities only.*

4.03 Agricultural uses requirements.

(2) Roadside stands.

(a) Such use shall only involve the sale of **unprocessed produce and plants.** ~~farm products produced on the premises.~~

(b) A roadside stand shall not exceed **192 400** 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. ~~Structures exceeding 192 square feet in floor area shall be deemed to be farm markets.~~ (Recreated: 4 August 2003; Ord. 07-03)

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

~~(3) Farm markets:~~

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

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

CHAPTER 13, DEFINITIONS

~~**Farm Market:** A use or structure(s) which principally involves the retail sale of farm and garden products, regardless of whether such products were produced on the premises.~~

Roadside Stand: A use or structure involving only the display and sale of unprocessed produce and plants ~~farm products produced on the premises.~~

(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 (4.03(4)) (Added: 26 Aug 1997; Ord. 21-97)				C	C													
Farm Markets (s. 4.03(3)) (Amended: 30 Sept 2010; Ord. 2010-13)			C¹⁷	C		C	C								P	P	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		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									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															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 ⁸	ES	SF10	SF20	SF30	SE	RR	HD	CC	MC	RC	LI	
COMMERCIAL USES (Continued)																			
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 ²	p ²	C	
Retail Stores																p ⁶	p ⁶	p ^{4,6}	
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)				C ²⁴		C ²⁴	C ^{23, 24}									C	C		p ²⁴
INDUSTRIAL USES																			
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)				C ^{22, 24}	C ²⁴		C ²⁴	C ²⁴											p ²⁴
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.

FOOTNOTES:

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| <ol style="list-style-type: none"> 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) | <ol style="list-style-type: none"> 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) <p>Note: Please see Appendix A for further information regarding footnotes 17-22. (Relocated from below footnote 22: 20 Sept. 2016; Ord. 2016-14)</p> <ol style="list-style-type: none"> 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) <p style="margin-left: 20px;">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.</p> <p style="margin-left: 20px;">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.</p> <ol style="list-style-type: none"> 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 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) <p>24. Retail sales and tasting areas are not allowed.</p> |
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(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
AGRICULTURAL USES						
Agricultural Visitation Facility (s. 4.03(4)) (Added: 26 Aug. 1997, Ord. 21-97)						
Farm Markets (s. 4.03(3))		€			P	P
Agriculture (s. 4.03(1)) (Amended: 26 Aug. 1997, Ord. 21-97)	P ⁶	P				
Greenhouses		P			C	C
Roadside Stands (s. 4.03(2))		P				
Tree/Shrub Nurseries		P				
COMMERCIAL USES						
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 ¹	P ¹
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)						
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 ¹	P ¹
Retail Stores					P ³	P ³
Trade or Contractor Establishments (s. 4.04(7)) (Amended: 18 Dec. 2001; Ord. 12-01)		C				
Veterinarian Clinics		P			P	P
Wineries/Breweries		C ⁷			C	C
INDUSTRIAL USES						
Asphalt/Concrete Plants						
Bulk Storage of Fuel Products						
Freight Terminals (s. 4.05(2))						C
Fruit/Vegetable/Cheese Processing Plants		C ⁷				
Manufacturing, Assembly, Processing					C	

ZONING DISTRICTS; USE REGULATIONS 2.08(3)

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.

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