

**Text Amendments to Chapter 3A within Door County Zoning Ordinance
(Shoreland Zoning Regulations)**

Note: All amendments are shown in red font. Items with "strikethrough" are to be deleted.

3A.04 Shoreland setback from navigable water. (Relocated from Section 3.07) (27 May 2014; Ord. 2014-10)

- (1) Except as provided in subs. (2) and (3), the required setback from all navigable water shall be 75 feet from the ordinary high water mark. The setback shall be measured from the nearest portion of a structure.
- (2) Setback reduction for principal buildings.
 - (a) Where the adjacent lots on each side of the proposed principal building location ~~is~~ are occupied by ~~adjacent~~ principal buildings which are located both within 100 feet of the proposed principal building footprint and less than 75 feet from the ordinary high water mark, the required setback from the ordinary high water mark shall be the average of the setbacks of the adjacent principal buildings, but in no case shall the setback be less than 40 feet. For the purpose of setback averaging, the measurements shall be made from the walls of the adjacent principal buildings. (Amended: 17 December 1996; Ord. 38-96)
 - (b) Where an adjacent lot on one side of the proposed principal building location is occupied by an ~~adjacent~~ principal building which is located both within 100 feet of the proposed principal building footprint and which is located less than 75 feet from the ordinary high water mark, the required setback shall be the average of the setback of the adjacent principal building and 75 feet, but in no case shall the setback be less than 40 feet. For the purpose of setback averaging, the measurement shall be made from the wall of the adjacent principal building. (Amended: 17 December 1996; Ord. 38-96)

3A.05 Nonconforming uses, nonconforming structures, and substandard lots. (Added: 27 May 2014; Ord. 2014-10)

- (4) Maintenance of nonconforming principal structure.
(NR115.05(1)(g)4., Wis. Admin. Code)

An existing principal structure that was lawfully placed when constructed but that does not comply with the required ordinary high water mark setback may be maintained and repaired within its existing building envelope. Maintenance and repair includes such activities as interior remodeling, (re)plumbing, (re)insulation, and replacement of similar sized windows and doors, siding, roof, and nonstructural components.

3A.05 Nonconforming uses, nonconforming structures, and substandard lots. (Added: 27 May 2014; Ord. 2014-10)

- (5) ~~Vertical~~ Expansion of nonconforming principal structure.
(NR 115.05(1)(g)5., Wis. Admin. Code)

An existing principal structure that was lawfully placed when constructed but that does not comply with the required ordinary high water mark setback may be expanded laterally or vertically (~~vertical expansions include~~ including foundations, structural roof alterations, and second story additions), provided that all of the following requirements are met:

- (a) The use of the structure has not been discontinued for a period of twelve (12) months or more if a nonconforming use.
- (b) The existing principal structure is at least thirty-five feet (35') from the ordinary high water mark, and no portion of the expansion is any closer to the ordinary high water mark than the closest point of the existing principal structure.
- (c) ~~Vertical expansion is limited to 35' in height.~~ Lateral expansions are limited to a maximum of 200 square feet over the life of the structure.
- (d) A mitigation permit shall be issued by the County which includes an approved mitigation plan to be implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in s.3A.08 and the Door County Mitigation Handbook. The plan shall include enforceable obligations of the property owner to establish or maintain measures that the County determines are adequate to offset the impacts of the permitted construction on water quality, near-shore aquatic habitat, upland wildlife habitat, and natural scenic beauty. The mitigation measures shall be proportional to the ~~amount and~~ impacts of the ~~replaced or relocated structure~~ project being permitted. The obligations of the property owner under the mitigation plan shall be evidenced by an instrument approved by the County and recorded by the owner in the office of the Register of Deeds.
- (e) All other provisions of this Ordinance shall be met.

3A.05 Nonconforming uses, nonconforming structures, and substandard lots. (Added: 27 May 2014; Ord. 2014-10)

(7) Replacement or relocation of nonconforming principal structure. (NR115.05(1)(g)6., Wis. Admin. Code)

An existing principal structure that was lawfully placed when constructed but that does not comply with the required ordinary high water mark setback may be replaced or relocated on the property provided all of the following requirements are met:

~~(f) The permit shall require that all other structures on the lot or parcel that do not comply with the shoreland setback requirement and are not exempt per s.3A.04(3) shall be removed by the date specified in the permit. (removed from NR115)~~

3A.05 Nonconforming uses, nonconforming structures, and substandard lots. (Added: 27 May 2014; Ord. 2014-10)

- (8) Maintenance of nonconforming accessory structures.

Accessory structures that were legally constructed before the adoption of this Ordinance may be maintained and repaired but may not be expanded or rebuilt unless authorized by s.59.692(1s), Wis. Stats., or unless they are made to conform to the provisions of this Ordinance. Maintenance and repair includes such activities as interior remodeling, (re)insulation, and replacement of similar sized windows and doors, siding, roof, and nonstructural components.



DOOR COUNTY

Ordinance No. 2015-03

LAND DIVISION ORDINANCE AMENDMENTS

THE DOOR COUNTY BOARD OF SUPERVISORS DOES HEREBY ORDAIN AS FOLLOWS:

ROLL CALL Board Members	Aye	Nay	Exc.
AUSTAD	X		
BRANN	X		
BUR	X		
ENGLEBERT	X		
ENIGL	X		
FISHER	X		
GUNNLAUGSSON	X		
HAINES	X		
HALSTEAD	X		
KOCH	X		
KOHOUT	X		
LIENAU	X		
MEYER			X
MOELLER	X		
NEINAS	X		
O'CONNOR	X		
RUNQUIST	X		
SCHULTZ	X		
SITTE	X		
VIRLEE			X
ZIPPERER	X		
	19	0	2

- 1 The Door County Board of Supervisors, pursuant to Section 236.45(4)., Wisconsin
- 2 Statutes, does hereby ordain amendments to the Door County Land Division
- 3 Ordinance as shown in Attachment A.
- 4
- 5 Pursuant to Rule 18F of the Rules of Order Governing the Door County Board of
- 6 Supervisors, this ordinance shall become effective the day following publication.

BOARD ACTION
 Vote Required: Majority Roll Call Vote of a Quorum

Motion to Approve Adopted Defeated

1st Fisher Defeated

2nd Brann

Ye 19 No: 0 Exc: 2

Reviewed by: [Signature], Corp. Counsel

Reviewed by: _____, Administrator

Certification:

I, Jill M. Lau, Clerk of Door County, hereby certify that the above is a true and correct copy of an ordinance that was enacted on the 24th day of March, 2015 by the Door County Board of Supervisors.

Jill M. Lau
 Jill M. Lau
 County Clerk, Door County

COUNTERSIGNED
Dan Austad
 Chairman, Dan Austad
 Door County Board of Supervisors

Effective Date March 24, 2015

SUBMITTED BY: Resource Planning Committee

Kenneth Fisher
 Kenneth Fisher, Chair

David Enigl
 David Enigl

David Lienau
 David Lienau

Susan Kohout
 Susan Kohout

Donald Sitte
 Donald Sitte

Land Division Ordinance Amendments

Note: All amendments are shown in red font. Items with "strikethrough" are to be deleted.

3.02 Conceptual Sketch Plan.

(1) Submittal and Information Requirements.

(a) Existing Conditions.

5. Location of existing natural and built features within the area proposed for subdividing.
 - a. Lakes, ponds, navigable streams, wetlands, and escarpment areas, ~~and soils by type.~~

3.03 Preliminary Major Land Division Plat. The preliminary major land division plat shall conform substantially to the conceptual sketch plan presented to the Committee. Such plat shall be prepared by a professional land surveyor ~~who is registered in the state of Wisconsin~~ and shall conform to the requirements of this Ordinance.

3.04 Final Major Land Division Plat. The final major land division plat shall be prepared by a professional land surveyor ~~who is registered in the state of Wisconsin~~ and shall conform to the requirements of this Ordinance. Such plat shall conform substantially to the approved preliminary plat, except contours lines do not have to be shown.

5.03 Preliminary Major Site Condominium Plat. The preliminary major site condominium plat shall be prepared by a professional land surveyor ~~who is registered in the State of Wisconsin~~ and shall conform to the requirements of this Ordinance. Such plat shall conform substantially to the conceptual sketch plan presented to the Committee.

5.04 Final Major Site Condominium Plat. The final major site condominium plat shall be prepared by a professional land surveyor ~~who is registered in the state of Wisconsin~~ and shall conform to the requirements of this Ordinance. Such plat shall conform substantially to the approved preliminary plat, except contour lines do not have to be shown.

6.01 Roads and Alleys.

(2) Private Roads.

(c) 44. A recorded and binding private road agreement shall be required. This agreement shall contain the following provisions:

1 a. The subdivider or declarant is solely responsible for:

- Compliance with s. 6.01(1)(a) and (b) and either s. 6.01(2)(a)1., ~~3.~~ or s.6.01(2)(b)1., ~~14.~~, as applicable.
- Road construction.

2 b. The owner(s) of lots and units that benefits from the road are solely responsible for:

- Road maintenance and repair, including dust control, snow and ice removal, and elimination of potholes and rutting, maintenance of required clear zones; and
- Ensuring potential passage by law enforcement vehicles, fire trucks, ambulances and other emergency vehicles, and vehicles for sanitation purposes (trash, recycling, and private septic system maintenance and repair).

3 e. The County is not obliged to accept the road into the county-maintained road system and that County is not responsible for road construction or road maintenance and repair, as described in a. above.

6.02 Lots and Units. The following requirements shall apply to minor and major land divisions and minor and major site condominiums, unless otherwise specified.

(7) Property lines for all lots and units that front navigable water shall go to the water's edge and shall be shown on the CSM or final plat with the following statement included: "Any land below the ordinary high water mark of a lake or navigable stream is subject to the public trust in navigable waters that is established under article IX, section 1 of the state constitution."

(8) Any CSM or final plat that shows an approximate ordinary high water mark shall state on its face that the mark is shown for reference only.

6.08 Land Dedicated to the Public. All land dedicated to the public, including roads and alleys, shall be clearly marked "Dedicated to the Public."

CHAPTER 8 DEFINITIONS

Professional Land Surveyor: a person who is granted a license in the State of Wisconsin to engage in the practice of professional land surveying.

Consistent with Ch. 236, Wis. Stats.



**County of Door
COUNTY CLERK'S OFFICE**

County Government Center
421 Nebraska Street
Sturgeon Bay, WI 54235

Jill M. Lau
County Clerk
(920) 746-2200
jlau@co.door.wi.us

March 30, 2015

Clerks of All Towns
Door County, WI

Re: Zoning Ordinance text amendments regarding clean-up of various Text, Act 170, Land Division and NR115.

Dear Town Clerks:

Enclosed are copies of the Door County Ordinance No. 2015-01 & 2015-02 which are amendatory zoning ordinances affecting your town. These ordinances became effective March 24, 2014. Also enclosed is a copy of Ordinance No. 2015-03 which is an amendatory zoning ordinance regarding Land Divisions. This ordinance became effective March 30, 2015.

This notice is issued pursuant to Section 59.69(5)(e)6., Wis. Stats. and is informational only. There is no need for action at this time.

Sincerely,

Jill M. Lau
Door County Clerk

Enc.: Report & Ordinance No. 2015-01
2015-02
2015-03



**County of Door
PLANNING DEPARTMENT**

County Government Center
421 Nebraska Street
Sturgeon Bay, WI 54235

Sue Vanden Langenberg - Zoning Administrator II

Phone: (920) 746-2323

FAX: (920) 746-2387

Website: map.co.door.wi.us/planning

March 17, 2015

All Town Clerks:

Enclosed are copies of the Resource Planning Committee's two reports to the Door County Board of Supervisors on Zoning Ordinance Text Amendments which include state-mandated changes related to the shoreland zoning regulations and various "clean-up" amendments to bring the ordinance into compliance with state statutes, ensure internal consistency due to previous amendments, or clarify ordinance administrative processes. In addition, there is also a copy of the Resource Planning Committee's report to the Door County Board of Supervisors on Land Division Ordinance Text Amendments to bring the ordinance into compliance with state statutes.

The County Board will consider these matters at its meeting on Tuesday, March 24, 2014. If you care to observe the proceedings, you may attend the County Board meeting which begins at 9:00 a.m. Rules of the County Board do not allow for public testimony at its meeting, nor may any testimony (e.g. phone calls, letters, e-mails, etc.) be offered to County Board Members before the County Board meeting.

Sincerely,

A handwritten signature in black ink that reads "Sue Vanden Langenberg". The signature is written in a cursive, flowing style.

Sue Vanden Langenberg
Zoning Administrator II

Enc.: Report & Ordinance 2015- 01 (Shoreland)
Report & Ordinance 2015-02 (Clean-up)
Report & Ordinance 2015-03 (Land Division)