

**REPORT TO THE DOOR COUNTY BOARD OF SUPERVISORS:
ZONING ORDINANCE TEXT AMENDMENTS REGARDING VARIOUS SHORELAND ZONING PROVISIONS**

1 This report is submitted pursuant to Section 59.69(5)(e), Wisconsin Statutes.
2

3 **REQUESTED:**
4

5 The Resource Planning Committee petitions for text amendments to various sections of the Door County Zoning
6 Ordinance to incorporate state-mandated changes related to shoreland zoning regulations (per 2011 Act 170 and
7 Chapter NR 115, Wisconsin Administrative Code), and for three clean-up text amendments related to the shoreland
8 chapter of the ordinance.
9

10 **EXPLANATION:**
11

12 Shoreland zoning regulations (NR 115) were relatively unchanged between 1968 and 2010. In 2010, the state passed
13 new shoreland zoning regulations, but gave counties until the beginning of 2016 to update their ordinances.
14

15 In 2012, however, Act 170 was enacted, changing how nonconforming structures, uses, and substandard lots subject
16 to NR 115 could be regulated. Counties may not be more restrictive than the state standards; they need to adopt the
17 standards verbatim, and they cannot wait until 2016. Door County adopted what it thought was statutorily – compliant
18 amendments to the Door County Ordinance in May of 2014.
19

20 In October of 2014, a revised version of the shoreland zoning regulations (NR115) was finalized which included two
21 changes to the nonconforming regulations which Door County had not foreseen from the statute language. Therefore,
22 these state-mandated changes need to be incorporated into the county ordinance. This petition also includes three
23 clean-up text amendments to the shoreland chapter.
24

25 **HEARING AND NOTICE:**
26

27 The Resource Planning Committee held a public hearing concerning this petition on March 5, 2015 at the Door County
28 Government Center, Sturgeon Bay, WI. Notice of the public hearing, notice to all county board supervisors, and notice
29 to all town clerks has been given in accordance with Chapter 59.69, Wisconsin Statutes. Proof of the giving of such
30 notice is available upon request from the Planning Department.
31

32 **RECOMMENDATION:**
33

34 The Resource Planning Committee hereby recommends approval of the zoning amendment petition and the enactment
35 of Amendatory Zoning Ordinance No. 2015 - 01.
36

RESOURCE PLANNING COMMITTEE

Kenneth Fisher, Chair

David Enigl

David Lienau

Susan Kohout

Don Sitte



DOOR COUNTY

**AMENDATORY ZONING ORDINANCE 2015 - 01
ZONING ORDINANCE TEXT AMENDMENTS REGARDING
VARIOUS SHORELAND ZONING PROVISIONS**

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

1 The Door County Board of Supervisors, pursuant to Section 59.69(5)e, Wisconsin
2 Statutes, does hereby ordain amendments to various sections of the Door County
3 Zoning Ordinance regarding various shoreland zoning provisions of the Door County
4 Zoning Ordinance to read as follows:

5
6
7 *See Attachment A, incorporated by reference herein as if fully set forth.*

8
9
10 Pursuant to Section 59.69(5)(e)6, Wisconsin Statutes, this ordinance shall become
11 effective upon passage.

**SUBMITTED BY:
Resource Planning Committee**

Kenneth Fisher, Chair

David Enigl

Susan Kohout

David Lienau

Don Sitte

BOARD ACTION

Vote Required: Majority Roll Call Vote of a Quorum

Motion to Approve Adopted

1st _____ Defeated

2nd _____

Yes: _____ No: _____ Exc: _____

Reviewed by:

_____, 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
County Clerk, Door County

COUNTERSIGNED

Chairman, Dan Austad
Door County Board of Supervisors

Effective Date March 24, 2015

**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.

**REPORT TO THE DOOR COUNTY BOARD OF SUPERVISORS:
VARIOUS "CLEAN-UP" ZONING ORDINANCE TEXT AMENDMENTS**

1 This report is submitted pursuant to Section 59.69(5)(e), Wisconsin Statutes.
2

3 **REQUESTED:**
4

5 The Resource Planning Committee petitions for text amendments to various sections of the Door County Zoning
6 Ordinance to clean up various sections of the ordinance.
7

8 **EXPLANATION:**
9

10 The eight proposed amendments serve to bring the ordinance into compliance with state statutes, ensure internal
11 consistency due to previous amendments, or clarify ordinance administration processes.
12

13 **HEARING AND NOTICE:**
14

15 The Resource Planning Committee held a public hearing concerning this petition on March 5, 2015 at the Door County
16 Government Center, Sturgeon Bay, WI. Notice of the public hearing, notice to all county board supervisors, and notice
17 to all town clerks has been given in accordance with Chapter 59.69, Wisconsin Statutes. Proof of the giving of such
18 notice is available upon request from the Planning Department.
19

20
21 **RECOMMENDATION:**
22

23 The Resource Planning Committee hereby recommends approval of the zoning amendment petition and the enactment
24 of Amendatory Zoning Ordinance No. 2015 - 02.

RESOURCE PLANNING COMMITTEE

Kenneth Fisher, Chair

David Enigl

David Lienau

Susan Kohout

Don Sitte



DOOR COUNTY

**AMENDATORY ZONING ORDINANCE 2015 - 02
VARIOUS "CLEAN-UP" ZONING ORDINANCE TEXT AMENDMENTS**

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

1 The Door County Board of Supervisors, pursuant to Section 59.69(5)e, Wisconsin
2 Statutes, does hereby ordain amendments to various sections of the Door County
3 Zoning Ordinance regarding various provisions of the Door County Zoning
4 Ordinance to read as follows:

5
6
7 *See Attachment A, incorporated by reference herein as if fully set forth.*
8

9
10 Pursuant to Section 59.69(5)(e)6, Wisconsin Statutes, this ordinance shall become
11 effective upon passage.

**SUBMITTED BY:
Resource Planning Committee**

Kenneth Fisher, Chair

David Enigl

Susan Kohout

David Lienau

Don Sitte

BOARD ACTION

Vote Required: Majority Roll Call Vote of a Quorum

Motion to Approve Adopted

1st _____ Defeated

2nd _____

Yes: _____ No: _____ Exc: _____

Reviewed by: _____, 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
County Clerk, Door County

COUNTERSIGNED

Chairman, Dan Austad
Door County Board of Supervisors

Effective Date March 24, 2015

11.07 Appeals.

(2) Processing an appeal.

(a) Petitions for appeals shall include:

3. The decision being appealed and the grounds claimed for the appeal. ~~The burden of proof at all times remains with the appellant.~~ (Move struck sentence to section 11.07(2)(d), adding the language shown below.)

(c) For appeals of Zoning Administrator or Planning Director decisions, or Resource Planning Committee decisions other than conditional use permit application decisions, ~~the~~ Door County Planning Department shall forthwith transmit to the Board of Adjustment the appeal and all the documents constituting the record upon which the action appealed from was taken. For appeals of Resource Planning Committee conditional use permit application decisions, the Door County Planning Department shall forthwith transmit to the Board of Adjustment the appeal, the conditional use permit application in question, and any supplementary materials developed by Planning Department staff regarding the conditional use permit application.

(d) Public hearing. The Board of Adjustment shall hold a public hearing in accordance with s. 59.694, Wis. Stats., and after a public notice has been given as provided in s. 11.09(1), notice for public hearings. At the hearing any party may appear in person or by agent or attorney. The burden of proof at all times remains with the appellant, except that in appeals of Resource Planning Committee conditional use permit decisions, the Board of Adjustment will conduct a "de novo" hearing, meaning that the conditional use permit applicant has the burden of proof.

Delete section 11.08(4)(b):

~~(b) Conversion Fee. The person who petitions Door County to rezone properties out of the Exclusive Agricultural zoning district, shall pay the County of Door a conversion fee as specified in Section 91.48(1)(b), Wis. Stats.~~

~~(Added: 30 September 2010, Ord. No. 2010-13)~~

Delete the definition of "farm consolidation" found in s. 13.02:

~~**Farm Consolidation:** The combination of 2 or more farms to create a smaller number of farms. (Added: 28 March 2000, Ord. No. 05-00)~~