

CHAPTER 1

TITLE; AUTHORITY; AND GENERAL PROVISIONS

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The County Board of Door County, Wisconsin does ordain as follows:

1.01 Title. This Ordinance shall be known as the "Door County Comprehensive Zoning Ordinance", hereinafter referred to as "this Ordinance." (Amended: 20 Sept. 2016; Ord. 2016-14)

1.02 Authority. This Ordinance is enacted pursuant to the authority granted by §§ 59.69 and 59.692, Wis. Stats.; additionally, it employs those powers or provisions provided for in § 59.694, Ch. 91, and § 281.31, Wis. Stats. This Ordinance shall constitute a comprehensive revision, as described in § 59.69(5)(d), Wis. Stats., of the 1968 Door County Zoning Ordinance. (Amended: 27 May 2014; Ord. 2014-10) (Amended: 20 Sept. 2016; Ord. 2016-14)

Commentary: (Added: March 1998) (Deleted: 20 Sept. 2016; Ord. 2016-14)

1.03 Contents. This Ordinance consists of two distinct but inseparable and integrated parts: written text and zoning maps. The written text and zoning maps taken together constitute this Ordinance and, therefore, shall at all times be considered as interrelated and inseparable parts of a whole. In addition, other maps and materials referenced in the text are used to support this Ordinance.

1.04 Purpose. (Deleted and recreated: 20 Sept. 2016; Ord. 2016-14) The purposes of this Ordinance include:

- (1) to promote the public health, safety, convenience, and general welfare;
- (2) to encourage planned and orderly land use development;
- (3) to protect property values and the property tax base;
- (4) to permit the careful planning and efficient maintenance of highway systems;
- (5) to ensure adequate highway, utility, health, educational, and recreational facilities;

- (6) to recognize the needs of agriculture, forestry, industry, and business in future growth;
- (7) to encourage uses of land and other natural resources which are in accordance with their character and adaptability;
- (8) to provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems;
- (9) to encourage the protection of groundwater resources;
- (10) to preserve wetlands;
- (11) to conserve soil, water, and forest resources;
- (12) to protect the beauty and amenities of landscape and man-made developments;
- (13) to provide healthy surroundings for family life; and
- (14) to promote the efficient and economical use of public funds.

To accomplish these, and other purposes, the County Board may plan for the physical development and zoning of territory within Door County.

1.05 Compliance.

- (1) No land or water shall hereafter be used and no structure or part thereof shall hereafter be used, located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without full compliance with the provisions of this Ordinance.
- (2) Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this Ordinance and obtain all necessary permits in areas under the jurisdiction of this Ordinance.

Construction undertaken by the State of Wisconsin (hereafter "state") is, pursuant to § 30.12(4), Wis. Stats., subject to this ordinance. This includes every building, structure, or facility that is constructed for the benefit of or use of the state. (Amended: 20 Sept. 2016; Ord. 2016-14)

1.06 Force and effect.

- (1) Applicability. This Ordinance, unless otherwise provided herein, is applicable to and effective within Door County in areas outside of the limits of incorporated villages and cities. (Amended: 20 Sept. 2016; Ord. 2016-14)
- (2) Full Force and Effect. (Deleted and recreated: 20 Sept. 2016; Ord. 2016-14)
 - (a) This ordinance will, unless otherwise provided herein, be in full force and effect as provided in §§ 59.69(5)(c),(d), & (e), Wis. Stats.

(b) The provisions of this Ordinance apply to, and are in full force and effect:

1. within the shorelands of any unincorporated area within Door County that has approved this ordinance or any amendment hereto per §§ 59.69(5)(c),(d), & (e), Wis. Stats.; and
2. within annexed or incorporated shoreland areas, as provided in §§ 61.353 and 62.233, Wis. Stats., within Door County; and
3. as otherwise authorized by law, including §§ 59.692(1c) & (1d), Wis. Stats., and Ch. V., Door County Shoreland Zoning Ordinance.

(3) (Deleted: 20 Sept. 2016; Ord. 2016-14)

1.07 Abrogation and greater restrictions.

(1) Except as provided in s. 1.06(3) of this Ordinance, the Door County Zoning Ordinance of 1968, as amended, is hereby repealed.

(2) Except as this Ordinance may conflict with Ch. 91, Wis. Stats., Farmland Preservation, wherever this Ordinance permissibly imposes greater restrictions than other similar regulations, the provisions of this Ordinance shall govern. Wherever the provisions of this Ordinance conflict with the provisions of Ch. 91, Wis. Stats., Farmland Preservation, the provisions of Ch. 91 shall prevail. (Amended: 19 December 1995, Ord. 20-95) (Amended: 20 Sept. 2016; Ord. 2016-14)

(3) It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easement, covenant, deed restriction, or agreement. Door County shall not enforce any easement, covenant, deed restriction, or agreement to which it is not a party.

Enforcement of any such covenant, deed, easement, or restriction via the County's zoning authority would constitute an impermissible delegation of the County's authority and power. [See: "Sills v. Walworth County" (Wis. App., 2002) 254 Wis.2d. 538]. (Added: 20 Sept. 2016; Ord. 2016-14)

(4) It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any permit previously issued pursuant to law.

1.08 Interpretation and application.

(1) In its interpretation and application, this ordinance shall be liberally construed in favor of Door County, and shall not be construed to limit or repeal any powers possessed by the County. (Added: 20 Sept. 2016; Ord. 2016-14)

(2) The provisions of this Ordinance shall be construed, if and to the extent permissible, to be minimum requirements. (Amended: 20 Sept. 2016; Ord. 2016-14)

(3) Interpretation and application of the provisions of this Ordinance shall take into account the purposes of this Ordinance and any adverse effects that an interpretation may have upon such purposes. (Amended: 20 Sept. 2016; Ord. 2016-14)

(4) Any reference to the Wisconsin Statutes or Wisconsin Administrative Code herein include the Statutes and Code that were in full force and effect at the time this Ordinance is enacted or as the Statutes or Code are thereafter revised. (Added: 20 Sept. 2016; Ord. 2016-14)

1.09 Severability. If any section, paragraph, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. If any application of this Ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgement shall not be applicable to any other structure, land, or water not specifically included in said judgement.

1.10 Warning and disclaimer of liability. This Ordinance shall not create a liability on the part of, or a cause of action against, Door County or any office or employee thereof for any damages that may result from reliance on this Ordinance.

1.11 Vesting of rights. No rights to any particular use vest in any property owner simply because the use is permitted by this Ordinance. Such use may be prohibited by future amendment to this Ordinance. However, the approval and issuance of a permit shall vest in the property owner the right to use the property in the manner specifically approved by the permit, unless and until the permit expires. No amendment to this Ordinance which prohibits a particular use shall be applicable to any property developed under a previously issued permit, except to the extent that such use is rendered nonconforming.

A property owner obtains no vested rights in a particular type of zoning solely through reliance on the zoning, but only acquires vested rights after the submission of a complete permit application that conforms to the zoning, building, and other code requirements in effect at the time of the application. (Added: 20 Sept. 2016; Ord. 2016-14).

1.12 Withdrawal by zoned towns. Pursuant to s. 59.69(5)(d), Wis. Stats., a town board may withdraw from county zoning jurisdiction within a year of a “comprehensive revision” to this Ordinance. (Amended: 24 March 2015; Ord. 2015-02) (Amended: 20 Sept. 2016; Ord. 2016-14)

1.13 Commentary. Throughout this Ordinance, insertions prefaced "Commentary:" are included. They are intended to give information, or to explain certain provisions in this Ordinance. They are not by themselves regulatory provisions and shall not be used thusly.

1.14 Headings. Headings are used throughout this Ordinance to assist users of this Ordinance. If a heading should conflict with the text in interpreting this Ordinance, the text shall control.