

**Note: Ordinance 2018-07 (27 March 2018) significantly revised most of Section 11.04, per 2017 Wisconsin Act 67.**

## CHAPTER 11

### PROCEDURES

- 11.01 Regular zoning permits.
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#### **11.01 Regular zoning permits.**

(1) Applicability. Unless specifically exempted below or elsewhere in this Ordinance, regular zoning permits, certifying that any use, structure, or site complies with the provisions of this Ordinance, shall be required in the following instances:

(a) Construction, reconstruction, location, relocation, erection, extension, enlargement, conversion, or structural alteration of any building, structure, or part thereof, except:

1. Signs.

Commentary: However, many types of signs require a sign permit. Refer to s. 8.09, Permits. (Amended: 29 October 2019; Ord. 2019-13)

2. Structures which are less than six inches in height above preconstruction grade elevation.

3. Stoops which are 25 square feet or less in area. (Amended: 20 Sept. 2016; Ord. 2016-14)

4. Stairways which extend less than 6 feet away from a building and which do not exceed 5 feet in width. (Amended: 20 Sept. 2016; Ord. 2016-14) (Amended: 25 June 1996; Ord. 16-96)

(b) Establishment or expansion of any accessory or principal use, except uses permitted as conditional uses. (Amended: 9 March 1998, Ord. 3-98)

(c) Filling or grading of land if required by s. 3.14, filling and grading. (Amended: 27 May 2014; Ord. 2014-10) (Amended: 20 Sept. 2016; Ord. 2016-14)

(2) Applications.

(a) An application for a regular zoning permit shall be submitted to the Zoning Administrator on forms furnished by the Door County Land Use Services Department and shall include the following information:

1. Name and address of the property owner.
2. Signature of the property owner or agent.
3. Tax parcel number, deed, legal description or other identifier of the subject property.
4. Statement concerning the proposed structure or use of the site.
5. An accurate site plan, drawn at a scale which produces a clearly legible drawing, showing the following:
  - a. Boundaries, dimensions, and area of the subject site.
  - b. The spatial relationship of the subject site to abutting public roads and rights-of-way, private roads, easements, and navigable waters.
  - c. The location and dimensions of any existing or proposed structures or additions and their relationship to abutting public roads and rights-of-way, private roads, property lines, existing and proposed wells and sanitary waste disposal systems, and the ordinary high water mark of navigable waters.
  - d. Location of proposed or existing road access points, parking and loading areas, and driveways.
6. Building plans including all floor plans and at least 2 elevation views.
7. Additional information as may be required by the Zoning Administrator in order to determine the full compliance with the requirements of this Ordinance.
8. Water supply and sewage disposal. Satisfactory evidence that a safe

and adequate supply of water and approved sewage disposal facilities will be provided, in accordance with the requirements of the Door County Sanitary Ordinance, shall be submitted.

9. A pre-construction grade elevation shall be submitted for all principal buildings and structures. The benchmark shall be established on each building site and its location and elevation indicated on the site plan submitted with the zoning permit application. In addition, cross-sections of the principal building or structure shall be submitted indicating the pre-construction grade elevation, and the highest and lowest finished grade elevations. (Added: 8 August 2000; Ord. 15-00)

(b) Fee. All permit applications shall be accompanied by a fee established by the Door County Board of Supervisors.

(c) No application shall be accepted by the Zoning Administrator until complete as judged by the Zoning Administrator and until all fees established by Door County have been paid in full.

(3) Permit issuance or denial. Upon the Zoning Administrator's determination that the proposed use or structure complies with the provisions of this Ordinance, a regular zoning permit shall be issued. The permit shall authorize the applicant to proceed subject to all provisions of the Ordinance and any conditions attached to the permit. An application for a use or structure not in conformity with the provisions of this Ordinance shall be denied a regular zoning permit and the reasons for denial shall be stated. No permit shall be issued for uses or structures involving human occupancy without documentation that provision has been made for safe and adequate water supply and disposal of sewage.

(4) Expiration.

(a) Regular zoning permits to establish a use shall expire 12 months from date of issuance if no action has commenced to establish the use. Any change of land use after the expiration of a zoning permit shall be considered a violation of this ordinance.

(b) Except as sub.(5) applies, regular zoning permits for construction of a structure shall expire 12 months from the date of issuance. Any exterior construction after the expiration of a zoning permit shall be considered a violation of this Ordinance.

(5) Renewal. If construction has commenced prior to the expiration of a regular zoning permit, but is not completed prior to such expiration, a 12 month renewal regular zoning permit shall be issued by the Zoning Administrator upon submittal of a renewal application and fee. Additional renewals shall be granted by the

Zoning Administrator upon a finding that progress had been made during the previous year toward completion of the structure. If a 12 month period passes without evidence of progress towards completion, the Zoning Administrator shall advise the Resource Planning Committee of same and the Resource Planning Committee may call a public hearing on the matter and may impose a completion schedule. For purposes of this Ordinance, a structure shall be deemed completed when the roof, exterior walls, doors, windows, and subfloors are in place and finished and the sanitary waste disposal system has been installed.

(6) Termination. If a use or structure does not comply with the issued regular zoning permit or this Ordinance, the permit shall be terminated by the Zoning Administrator. If a use permitted by a regular zoning permit ceases for a period of more than 18 months, the regular zoning permit shall terminate, and all future activity shall require a new zoning permit.

### **11.02 Sign permits.**

(1) Applicability. This section only applies to those signs requiring a sign permit as specified in s. 8.09, permits. (Amended: 29 October 2019; Ord. 2019-13)

(2) Applications.

(a) All applications for sign permits shall be made to the Zoning Administrator on forms furnished by the Door County Land Use Services Department and shall include the following:

1. Name, address, and signature of the applicant.
2. Name, address, and signature of the property owner of the site for the proposed sign, if different from the applicant.
3. Type, description, and dimensions of the proposed sign.
4. Location of building, structure, or lot to which or upon which the sign is to be attached or erected.
5. A plan, drawn at a scale which produces a clearly legible drawing, showing the following:
  - a. The spatial relationship of the proposed sign to abutting public roads and rights-of-way, private roads, and navigable water.
  - b. The spatial relationship of the proposed sign to existing structures and adjacent freestanding or projecting signs.

(b) Fee. All sign permit applications shall be accompanied by a fee established by the County Board of Supervisors.

(c) No application shall be accepted by the Zoning Administrator unless it is complete as judged by the Zoning Administrator and all fees established by Door County have been paid in full. (Amended: 29 October 2019; Ord. 2019-13)

(3) Application processing, permit issuance or denial. (Amended: 29 October 2019; Ord. 2019-13)

(a) Sign permit applications shall be processed in order of acceptance.

(b) The Zoning Administrator will review an accepted sign permit application for compliance with the requirements of this Ordinance. If compliance is found, the sign permit will be issued. If compliance is not found, the sign permit will be denied.

(c) A decision will be made by the Zoning Administrator whether to issue or deny the sign permit within twenty-one (21) days of a sign permit application being accepted.

(d) The Zoning Administrator's decision must be in writing and set forth the grounds for issuance or denial of the sign permit. In the case of permit issuance, the permit itself shall suffice as the written decision.

(4) Expiration. All sign permits shall expire 12 months from the date of issuance. No sign shall be erected, moved, reconstructed, or altered after expiration of a sign permit, unless a new sign permit is obtained.

(5) Termination. If a sign does not comply with the issued sign permit or this Ordinance, the sign permit shall be terminated by the Zoning Administrator.

**11.03 Impervious surface authorization permits.** (Added: 20 Sept. 2016; Ord. 2016-14)

(1) An impervious surface authorization permit shall be required when the property owner seeks to exceed the allowable impervious surface ratio.

(2) Applications.

(a) An application for an impervious surface authorization permit shall be submitted to the Zoning Administrator on forms furnished by the Door County Land Use Services Department and shall include the following information:

1. Name and address of the property owner.
2. Signature of the property owner or agent.

3. Tax parcel number, deed, legal description or other identifier of the subject property.
4. An accurate site plan, drawn at a scale which produces a clearly legible drawing, showing:
  - a. Boundaries, dimensions, and area of the subject site.
  - b. All existing impervious surfaces on the property and the existing impervious surface ratio.
  - c. All proposed impervious surfaces, the resultant impervious surface ratio.
5. A storm water runoff control plan reviewed and approved by the Door County Soil and Water Conservation Department which will treat the impervious surfaces proposed which exceed that allowed.
6. Additional information as may be required by the Zoning Administrator in order to determine the full compliance with the requirements of this Ordinance.

(b) Fee. All permit applications shall be accompanied by a fee established by the Door County Board of Supervisors.

(c) No application shall be accepted by the Zoning Administrator until complete as judged by the Zoning Administrator and until all fees established by Door County have been paid in full.

(3) Permit issuance or denial. Upon the Zoning Administrator's determination that the proposal complies with the provisions of this Ordinance, an impervious surface authorization permit shall be issued. The permit shall authorize the applicant to proceed subject to all provisions of the Ordinance and any conditions attached to the permit. An application not in conformity with the provisions of this Ordinance shall be denied a regular zoning permit and the reasons for denial shall be stated.

(4) Expiration. Except as (5) applies, impervious surface authorization permits shall expire 12 months from date of issuance if no action has commenced to establish the storm water runoff control system or impervious surfaces in excess of the allowance. Any change to impervious surfaces or the storm water runoff control system after the expiration of a zoning permit shall be considered a violation of this ordinance.

(5) Renewal. If the activities authorized have commenced prior to the expiration of an impervious surface authorization permit but are not completed prior to such expiration, a 12 month renewal permit shall be issued by the Zoning Administrator upon submittal of a renewal application and fee. Additional renewals shall be granted by the Zoning Administrator upon a finding that progress had been made during the previous year toward completion.

(6) Termination. If the impervious surfaces or storm water runoff control system authorized do not comply with the issued impervious surface authorization permit or this Ordinance, the permit shall be terminated by the Zoning Administrator.

#### **11.04 Conditional use permits.**

(1) Applicability. A conditional use permit shall be required for the establishment of each use permitted as a conditional use and for an addition to, or the expansion or intensification of, a nonconforming use. Expansion of a use permitted as a conditional use shall also require a conditional use permit, except that the minor expansion of a building housing a use permitted as a conditional use which would not increase the scale or intensity of that use shall only require a regular zoning permit.

(2) Application.

(a) An application for a conditional use permit shall be submitted to the Zoning Administrator upon forms furnished by the Door County Land Use Services Department. The application shall contain facts and information, other than merely personal preferences or speculation, directly pertaining to the conditions and requirements relating to the conditional use, including the following:

1. All the facts and information required for a regular zoning permit listed in s. 11.01(2)(a), and a completed conditional use permit form addendum. (Amended: 30 September 1997; Ord. 29-97)

2. Upon written request by the Zoning Administrator, such additional facts and information as may be reasonably deemed necessary by the Zoning Administrator in order that the Resource Planning Committee can determine whether or not the application and all requirements and conditions the applicant must meet to obtain a conditional use permit are or will be satisfied. The written request shall contain an explanation of why the additional information is deemed necessary.

3. Water supply and sewage disposal. Where the proposed use involves human occupancy, satisfactory evidence that a safe and adequate supply of water and approved sewage disposal facilities will be provided, in accordance with the requirements of the Door County Sanitary Ordinance, shall be submitted.

(b) Fee. All conditional use permit applications shall be accompanied by a fee established by the County Board of Supervisors.

(c) No application shall be accepted by the Zoning Administrator until complete as judged by the Zoning Administrator and until all fees established by Door County have been paid in full. The applicant bears the burden of ensuring and demonstrating that an application is complete.

(3) Public hearing. A public hearing shall be held by the Resource Planning Committee after a public notice has been given as provided in s. 11.09(1), notice for public hearings. At the public hearing, any party may appear in person or by agent or attorney. The applicant has the burden of proof and must demonstrate that the application and all requirements and conditions established by the county relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence.

(4) Determination. Following review and public hearing, the Resource Planning Committee shall render a decision in writing.

(a) If the application is approved, such decision shall include an accurate and complete description of the use as permitted, including all the conditions and requirements attached thereto.

(b) If the application is denied, the reasons for denial shall be stated in the decision.

(5) Basis of approval or denial.

(a) The Resource Planning Committee shall review each conditional use permit application for compliance with all requirements applicable to that specific use and to all other relevant provisions of this Ordinance. The Committee's decision to approve or deny the conditional use permit must be supported by substantial evidence.

(b) To aid in the review of and decision-making regarding the proposed conditional use project, the Resource Planning Committee shall evaluate the following specific criteria as applicable, but shall not be limited thereto: (Amended: 30 September 1997; Ord. 29-97)

1. Whether the proposed project will adversely affect property values in the area.
2. Whether the proposed use is similar to other uses in the area.
3. Whether the proposed project is consistent with the Door County Comprehensive and Farmland Preservation Plan or any officially adopted town plan. (Amended: 17 April 2012; Ord. No. 2012-14) (Amended: 20 Sept. 2016; Ord. 2016-14)
4. Provision of an approved sanitary waste disposal system.
5. Provision for a potable water supply.



6. Provisions for solid waste disposal.
7. Whether the proposed use creates noise, odor, or dust.
8. Provision of safe vehicular and pedestrian access.
9. Whether the proposed project adversely impacts neighborhood traffic flow and congestion.
10. Adequacy of emergency services and their ability to service the site.
11. Provision for proper surface water drainage.
12. Whether proposed buildings contribute to visual harmony with existing buildings in the neighborhood, particularly as related to scale and design.
13. Whether the proposed project creates excessive exterior lighting glare or spillover onto neighboring properties.
14. Whether the proposed project leads to a major change in the natural character of the area through the removal of natural vegetation or altering of the topography.
15. Whether, and in what amount and form, financial assurance is necessary to meet the objectives of this ordinance.
16. Whether, and to what extent, site-specific conditions should be imposed to mitigate potentially problematic impacts of the use.
17. The impact of the proposed project on public health, public safety, or the general welfare of the County.

The foregoing criteria are deemed reasonable and, to the extent practicable, measurable.

(c) An applicant's failure to demonstrate, by substantial evidence, that the application and all applicable requirements in this Ordinance and conditions established by the county relating to the conditional use are or will be satisfied shall be grounds to deny the conditional use permit. At all times the burden of proof to demonstrate satisfaction of these criteria remains with the applicant.

(d) In the Exclusive Agricultural district, no conditional use permit shall be granted unless the proposed use is consistent with agricultural use and is found to be necessary in light of the alternative locations available for such use. (Added: 28 March 2000; Ord. No. 05-00)

(6) Conditions and requirements. The Resource Planning Committee may, in approving an application for a conditional use permit, impose such conditions and requirements that it determines are required to prevent or minimize adverse effects from the proposed use or development on other properties in the neighborhood and on the general health, safety, and welfare of the county.

(a) Any conditions or requirements imposed must be:

1. reasonable.
2. measurable, to the extent practical;
3. consistent with this ordinance's general purpose and intent; and
4. based on substantial evidence.

(b) The applicant must demonstrate, by substantial evidence, that all conditions or requirements imposed will be met.

(7) Expiration, Duration, Transfer.

(a) Expiration. All conditional use permits shall expire 12 months from the date of authorization by the Resource Planning Committee where the Resource Planning Committee determines that no action has commenced to establish the authorized use. (Amended: 01 November 1999; Ord. 22-99)

(b) Duration. A conditional use permit will generally remain in effect as long as the conditions and requirements upon which the permit was issued are followed. The Resource Planning Committee may, at its discretion, grant a limited term conditional use permit if a reasonable basis exists for such limitation. Any limited term conditional use permit may be subject to renewal after a re-evaluation of the use via a hearing before the Resource Planning Committee.

(c) Transfer. Subsequent owners of the property are generally allowed to continue the use, subject to conditions and requirements imposed on the original conditional use permit. An affidavit may be required to be recorded with the deed to provide successors in interest notice of the conditional use permit and conditions and requirements. (Amended: 22 Feb. 2022; Ord. No. 2022-03)

(8) Project Completion. All conditional uses authorized by the Resource Planning Committee shall be given a specific amount of time within which the project must be completed. The time limit may be negotiated between the project applicant and the Resource Planning Committee. If the applicant fails to complete the approved project within the designated time period, the permit expires and the applicant must seek a new conditional use permit authorizing the remainder of the project. (Added: 01 November 1999; Ord. 22-99)

(9) Notification.

(a) (Deleted: 25 June 2013; Ord. 2013-11)

(b) Pursuant to NR 115.05(4)(h), Wis. Admin. Code, a copy of any conditional use decision which affects shorelands shall be provided to the district office of the Department of Natural Resources within 10 days of the date such decision is rendered. (Amended: 27 May 2014; Ord. 2014-10)

(10) Revocation and Termination.

(a) Revocation. A conditional use permit may be revoked by the Resource Planning Committee after a hearing, if it is determined that the requirements and conditions upon which the permit was issued have not been followed. Revocation of a conditional use permit is not considered a taking without just compensation because a conditional use permit is a type of zoning designation and not a property right.

(b) Termination. If an established use listed as a conditional use in 2.05(3) ceases for a period of more than 18 months, any future activity shall require a new permit. If requested by the Zoning Administrator, the Resource Planning Committee shall make a determination as to whether or not the use is to be considered ceased. (Amended: 01 November 1999; Ord. 22-99)

(11) Resubmission. A conditional use permit application that has been heard and decided shall not be eligible to be resubmitted during the 6 months following the decision. The 6 month period may be waived by the Resource Planning Committee, provided that the applicant submits a written report identifying how the new application differs materially from the previous application 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 Committee might consider changing the previous decision.

**11.05 Certificate of compliance.** No land shall be occupied or used and no building or structure hereafter erected, altered or moved shall be occupied until a certificate of compliance is issued by the Zoning Administrator documenting that the use, building or structure conforms with the provisions of this Ordinance.

**11.06 Variance from the requirements of this Ordinance.**

(1) Petition. A petition for a variance shall be filed by the property owner, or the owner's agent, using forms furnished by the Door County Land Use Services Department. Such petition shall include the following:

- (a) Name and address of the property owner and petitioner (if different).
- (b) Signature of petitioner.
- (c) Location of property involved in the petition.
- (d) Proposed use or structure in question, including a site plan showing the

preferred arrangement for which the variance is sought.

(e) Sections(s) of this Ordinance from which a variance is requested.

(f) Details as to the narrowness, shallowness, shape, topography, or other characteristics of the land or the physical conditions applying to the building, structure, use or intended use which make it not merely inconvenient but extremely difficult, if not impossible, to comply with the provisions of the Ordinance.

(g) A statement that the conditions detailed above are unique to this property and are not generally existing on other properties in the same zoning district.

(h) A statement that the unnecessary hardship was not caused by the applicant nor by any persons still having an interest in the property.

(i) Fee. A petition for a variance shall be accompanied by a fee established by the County Board of Supervisors.

(2) Processing.

(a) 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 by attorney.

(b) Decision. The Board of Adjustment decision on the variance shall be rendered in writing within 30 days after the public hearing. (Amended: 30 Sept. 2003; Ord. No. 17-03)

1. A variance granted shall be the minimum to permit a use of the property and may contain conditions or guarantees attached thereto by the Board of Adjustment, including an expiration date by which action authorized by the variance must be commenced and/or completed. (Amended: 27 Sept. 2012; Ord. No. 2012-22)

2. A variance denied shall be accompanied by the reasons for denial.

(3) Standards for variance. The Board of Adjustment shall consider the following standards for granting a variance. The burden of proof at all times remains with the applicant to establish that the proposed variance meets the following standards:

(a) Unnecessary hardship. That there are present actual physical conditions applying to the lot, parcel, building, structure, use or intended use on that parcel which are creating the unnecessary hardship in the application of this Ordinance, as distinguished from a mere inconvenience to the owner if the strict letter of the regulations are required.

(b) Unique condition. That the conditions described in par. (a) are unique, exceptional, extraordinary, or unusual circumstances applying only or primarily to the property under consideration and are not of such a general or recurrent nature elsewhere in the same zoning district as to suggest or establish the basis for Ordinance changes or amendments, or of having that effect if relied upon as the basis for granting the variance.

(c) Conditions not self-created. That the condition creating the hardship or difficulty was not caused by the petitioner nor by any person still having an interest in the property.

(d) Public interest. That in granting the variance there will not be a substantial detriment to neighboring property and the grant of variance will not be contrary to the purpose of this Ordinance and the public interest.

(e) Effect on uses. No variance shall have the effect of allowing in any district a use not permitted in that district.

(4) Department of Natural Resources notification. (Amended: 27 May 2014; Ord. 2014-10)  
(Deleted: 20 Sept. 2016; Ord. 2016-14)

(5) Resubmission. A variance petition that has been heard and decided shall not be eligible to be resubmitted during the 6 months following the decision. The 6 month period may be waived by the Board of Adjustment provided that the petitioner submits a written report identifying how the new petition differs materially from the previous petition or identifying substantial new evidence that will be offered and provided that the Board of Adjustment votes by simple majority that the changes or new evidence would be of such significance that the Board might consider changing the previous decision.

(6) Road projects. When a structure becomes a nonconforming structure as to setback from a road, because the road was widened or relocated by the county, a town, or the Wisconsin Department of Transportation, such structure shall not require a variance and shall not be considered a nonconforming structure in regards to setback from a road or highway. However, no such structure shall thereafter be enlarged or rebuilt in such a manner that it will be closer to the right-of-way of the road.

(7) Repairs, restoration, and reconstruction. A structure that was authorized by a variance may be repaired, restored, or reconstructed with the issuance of a regular zoning permit provided the repair, restoration, or reconstruction of the structure conforms fully to the structure authorized by the variance, except that structures located in the floodplain may be elevated as necessary to comply with floodplain zoning requirements. (Added: 25 June 1996; Ord. 16-96) (Amended: 20 Sept. 2016; Ord. 2016-14)

**11.07 Appeals.**

## (1) General provisions.

(a) Where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator, Land Use Services Director, or Resource Planning Committee, an appeal may be taken to the Board of Adjustment by any person aggrieved, or by any officer, department, board, or bureau of the municipality affected.

(b) Such appeals shall be filed with the Land Use Services Department within 30 days after the date of written notice of the decision or order of the Zoning Administrator, Land Use Services Director, or Resource Planning Committee.

(c) Stays. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken shall certify to the Board of Adjustment, after the notice of appeal shall have been filed, that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order, which may be granted by the Board of Adjustment or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.

## (2) Processing an appeal.

(a) Petitions for appeals shall include:

1. Name, address, and signature of the appellant.
2. Location of property affected by the appeal.
3. The decision being appealed and the grounds claimed for the appeal.  
(Amended: 24 March 2015; Ord. 2015-02)
4. Such additional information as may be required by the Board of Adjustment.

(b) Fee. An appeal shall be accompanied by a fee established by the County Board of Supervisors.

(c) For appeals of Zoning Administrator or Land Use Services Director decisions, or Resource Planning Committee decisions other than conditional use permit application decisions, the Door County Land Use Services 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 Land Use Services Department shall

forthwith transmit to the Board of Adjustment the appeal, the conditional use permit application in question, and any supplementary materials developed by Land Use Services Department staff regarding the conditional use permit application. (Amended: 24 March 2015; Ord. 2015-02)

(d) Public hearing. (Amended: 24 March 2015; Ord. 2015-02) (Amended: 29 October 2019; Ord. 2019-13)

1. The Board of Adjustment shall hold a public hearing in accordance with §59.694, Wis. Stats., and this Ordinance.
2. The Board of Adjustment shall, after receipt of a completed and executed petition for appeal and payment of the associated fee, fix a reasonable time for the hearing of the appeal.
3. In the case of an appeal of the issuance or denial of a sign permit, the hearing of the appeal will be held within sixty (60) days of receipt of a completed and executed petition for appeal and payment of the associated fee.
4. At the hearing any party may appear in person or by agent or attorney.
5. 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.

(e) Decision. The Board of Adjustment decision of the appeal shall be rendered in writing within 30 days after the public hearing. Such decision shall:

1. State the specific facts which are the basis for the Board's decision.
2. Either affirm, reverse, vary, or modify the order, requirement, decision or determination appealed from. The Board may also dismiss the appeal for lack of jurisdiction.

Commentary: An appeal decision made by the Board of Adjustment may be further appealed to a court of law.

(3) Department of Natural Resources notification. (Amended: 27 May 2014; Ord. 2014-10)  
(Deleted: 20 Sept. 2016; Ord. 2016-14)

### **11.08 Amendments.**

(1) The County Board of Supervisors may amend this Ordinance in accordance with 59.69(5), Wis. Stats., 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. (Amended: 20 Sept. 2016; Ord. 2016-14)

(2) Petition. A petition for an amendment to this Ordinance shall be submitted to the Door County Land Use Services Department using forms furnished by the Land Use Services Department. Such petition shall include the following:

(a) Name and address of the petitioner.

(b) Signature of the petitioner.

(c) If the petition is for a zoning text amendment, the proposed text changes including reference(s) to the affected section(s) of this Ordinance.

(d) If the petition is for a zoning map amendment, a description of the affected property, the current zoning district classification(s), and the proposed zoning district classification(s)

(e) Fee. A petition for an amendment shall be accompanied by a fee established by the County Board of Supervisors. (Amended: 25 June 199;, Ord. 16-96)

(3) Rezoning of wetland. A wetland, or a portion of a wetland, in a Wetland district shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:

(a) Storm or flood water storage capacity.

(b) Maintenance of dry season stream flow, discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland.

(c) Filtering or storage of sediments, nutrients, heavy metals, or organic compounds that would otherwise drain into navigable waters.

(d) Shoreline protection against soil erosion.

(e) Fish spawning, breeding, nursery, or feeding grounds.

(f) Wildlife habitat.

(g) Areas of special recreational, scenic, or scientific interest, including scarce wetland types.

(4) Zoning amendments in the Exclusive Agricultural district.

(a) Door County may approve petitions for rezoning areas zoned Exclusive Agricultural (EA) only after findings are made based upon the requirements of s. 91.48(1), Wis. Stats. (Amended: 30 September 2010; Ord. 2010-13)



(b) (Deleted: 24 March 2015; Ord. 2015-02)

(5) Previous zoning amendments involving wetlands. If, under the 1968 Door County Zoning Ordinance, property was rezoned by action of the County Board of Supervisors from a Shoreland-Wetland or Conservancy zoning district to another zoning district, that rezoning shall remain intact. Due to limitations created by zoning map scales, the property might not be identified on the zoning map. This provision shall not preclude such property from being placed in any other zoning district, except Wetland district, unless the physical conditions of such properties subsequently change to truly Wetland characteristics.

Commentary: The intent of this provision is to not force property owners to apply a second time for a rezoning of property from a wetland zoning district into another zoning district. This provision is not intended to guarantee that the zoning district classification of affected properties will remain the same indefinitely.

(6) Department of Natural Resources notification. (Amended: 27 May 2014; Ord. 2014-10) (Deleted: 20 Sept. 2016; Ord. 2016-14)

(7) 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.

**11.09 Public hearings.** When public hearings are required by this Ordinance or by Wisconsin Statutes, the following shall apply:

(1) Notice for public hearings.

(a) Notice of any public hearing which the Resource Planning Committee or Board of Adjustment is required to hold shall be given by publishing in the county a Class 2 notice in accordance with Ch. 985, Wis. Stats. The notice shall specify the time and place of such hearing.

(b) If the public hearing involves a petition for a zoning amendment, a copy of the hearing notice shall be mailed by registered mail to the town clerk of each town affected by the proposed amendment at least 10 days prior to the date of such hearing.

(c) If the public hearing involves a variance or an appeal before the Board of Adjustment, the Board of Adjustment shall give due notice to the parties in interest.

(d) (Amended: 25 June 1996; Ord. 16-96) (Deleted: 20 Sept. 2016; Ord. 2016-14)

Commentary: As a matter of practice, in addition to the parties identified in pars. (b) and (c), an earnest effort will be made to send by regular mail a copy of the notice for public hearing to the town board chair of each affected town, to the applicant or petitioner, or their agent, and to the property owners (as recorded in the Door County Real Property Listing Office) of all lands located within 300 feet of any part of the parcel or parcels included in the conditional use permit application, zoning amendment petition, variance petition, or appeal. The failure to mail a notice to the above parties or the failure of such notice to reach any of the above parties does not invalidate any public hearing nor any decision of the Resource Planning Committee or Board of Adjustment. (Amended: 20 Sept. 2016; Ord. 2016-14)

(2) Public hearing procedures. The Resource Planning Committee or Board of Adjustment may adopt any formal or informal public hearing procedures.