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WHEREAS, the Village of Sister Bay periodically reviews their ordinances to ensure they comply with the Wisconsin State Statutes and Administrative Code, the intent of adopted village plans, they have a regulatory framework to best protect the environment, they are easy and effective to understand and implement, and they support planning policies and trends; and,

NOW, THEREFORE, after consideration of the code amendments recommended by the Planning Commission, on March 25, 2025, the Village Board of the Village of Sister Bay voted to amend Ch. 66, *Zoning*, as shown below.

SECTION 1. Adoption of Code Amendments. Shown below are the code sections amended, with deletions shown in red font with a strikethrough and additions shown in red font. [Amendments may require amendments to the Table of Contents, Overlay Districts summary, and other areas in Ch. 66 where formatting would be affected.]

I. Create an overlay district within the B-2 zoning district, west of North Bay Shore Drive, to give landowners and developers an alternative to developing their land. This overlay would also encourage development similar to a historic neighborhood.

B-2 HISTORIC OVERLAY DISTRICT

The B-2 zoned area west of North Bay Shore Drive is the one area left in the village with several historic properties. In an attempt to maintain the historic character of the area, while providing for the development of new properties that would be architecturally compatible, the overlay gives landowners the option of developing their properties under the regular B-2 standards, or, developing under the provisions within this overlay.

(a) The list of permitted and conditional uses listed in Sec. 66.0322, the B-2 Downtown Transitional District, shall be allowed in this overlay district, with the exception of physical fitness centers,

professional offices, restaurants and self-service laundry and dry cleaning. Unlike other zoning districts where only the uses listed shall be allowed, this overlay allows for additional uses, if developed per this overlay, and if authorized by conditional use permit upon finding the use would be compatible in the neighborhood.

(b) No use allowed under this overlay may be established or expanded, prior to obtaining a conditional use permit, if required in (a)(1) above; receiving approval from the Plan Commission via a Site Plan Review; and if required by the Plan Commission, a Development Agreement.

(c) Nonconforming uses per Sec. 66.0901, *Existing Non-Conforming Uses*.

(2) Architecture

The exterior of a building housing such use, or its accessory use, cannot be refaced (repainted, resided, the roof pitch altered, new windows or doors) or renovated, prior to receiving a successful Architectural Review by the Plan Commission to determine the compatibility with the historic character of the neighboring properties and compliance with Sec. 66.1055, *Architectural Review Criteria*, and Sec. 4200, *Illustrations*. If the project is for single family residential purposes, no fee is to be charged for the Architectural Review of a refacing or renovation project; short-term rental and all other uses shall be charged a Site Plan Review or Building Plan Review fee.

(3) Landscaping

With every Architectural Review application, except those existing buildings being refaced in Sec. 66.0343(2) above, the applicant shall provide a landscape plan which illustrates the following:

(a) All existing tree canopies shall be preserved; no tree in excess of a twelve-inch diameter, as measured at chest height, shall be removed prior to securing approval from the Plan Commission; all development shall occur in such manner as to not jeopardize the root system of a tree of twelve-inch diameter or greater.

(b) For every development, one hardwood tree, at least six inches in diameter, shall be planted so as to result in one tree being planted or maintained every forty feet along all public rights-of-way and rear lot lines.

(c) In lieu of a hardwood tree every forty feet along the front lot line, the developer may install a white picket fence along the front lot line, provided the fence is flanked by mature trees, at least twelve inches in diameter, at the ends of the fence where the property meets the adjacent neighbor's property line.

(d) All properties shall be developed per a landscaping plan approved by the Plan Commission that integrates Cottage Garden or English Garden landscaping design styles. Cottage Garden design uses a multitude of fragrant flowers in bold and pastel hues, arranged in what appears to be a haphazard manner; the plants are a mix of perennials, annuals, and biennials, creating an on-going and evolving display of color throughout the spring, summer and fall seasons. Typical of the Cottage Garden style are climbing roses, flowering vines, and cascading plants that utilize space and create vertical interest. The feel is relaxed and natural. Cottage Garden design can be described as whimsical, inviting, and romantic. The English Garden is more structured and involves a combination of flowering gardens and well-groomed lawns, pathways, shrubs and trees. The feel of the English Garden is described as 'controlled chaos'. Like the Cottage Garden, it uses

1 plentiful and diverse flowers and greenery and tries to keep a balance of colors and designs.
2 Typical in the English Garden are roses, clematis, delphiniums and wisteria. Colors and textures
3 change with the seasons.

4 (e) All landscaping plans require review by the Plan Commission, if required by the Plan commission,
5 a Development Agreement.

6 (f) The Village may require a sidewalk be installed, dependent on location.

7 (4) Parking

8 Due to the shallow depth of some lots in the B-2 district, it is often difficult to meet current parking
9 standards found in Ch. 66, Sec. 400. Furthermore, it is acknowledged that many of the land uses allowed
10 in this overlay rely on pedestrian traffic, not requiring parking.

11 (a) Nonconforming parking lots may be retained but shall not be reduced in number.

12 (b) If a land use change or expansion requires 25% or fewer additional parking stalls in addition to
13 what is on site at time of permit application, the parking lot shall be increased to provide as many
14 additional stalls as possible, within the dimensional requirements of this code, even if the resulting
15 parking lot cannot provide all required stalls. If the additional parking required exceeds 25% of
16 the available parking spaces on site, the application may be denied, or, the Plan Commission may
17 make a special exception due to unique or unusual circumstances. If the new configuration of the
18 parking lot does not meet setback or other design requirements, a variance shall be required.

19 (c) Any redevelopment or modification that results in an increase in the floor area of the pre-
20 development structure, shall provide additional parking, as directed by the Plan Commission,
21 provided the green space on the lot is 25% or greater. The design of the new parking areas shall
22 be dictated by the Plan Commission, who shall take into account topography, green space, safety,
23 runoff and aesthetics. Unhabitable basements, attics, and open porches or decks shall not be
24 included in the floor area calculation.

25 (d) For those existing land uses that do not have parking onsite, or sufficient parking onsite for
26 employees, provisions shall be made for employee parking that does not rely on public parking
27 areas. The village may require a per employee fee in lieu of parking, said fee to fund a public
28 parking lot in the Village. As an alternative, the Village may require bicycle racks to encourage
29 non-motorized work trips.

30 (e) New uses, or the development of a vacant lot, shall have the parking requirements set by the Plan
31 Commission, based on need, lot size, and the practicality of the use generating additional vehicular
32 traffic to the neighborhood.

33 (5) Setbacks

34 (a) Applicable to existing developments that do not meet the setback provisions in Sec. 66.0322(4):
35 All properties in the B-2 overlay district may be redeveloped utilizing the setbacks of the pre-
36 construction development, provided no development occurs in a public right-of-way, easement,
37 or on an adjacent lot. However, in such scenario, the footprint of the original structure may not
38 be increased. In addition, a public hearing shall be held to ascertain if there are public concerns
39 or objections that may need to be mitigated, or warrant modifications to the proposed project.

40 (b) Applicable to new developments on vacant lots and existing developments that meet the setback
41 provisions in 66.0322(4): The Plan Commission may reduce setbacks to make the new structure
42 appear it was developed approximately the same time as the development of the adjacent

properties. Setback averaging may be used to determine setbacks. Setbacks may be determined by considering existing or desired neighborhood development patterns.

(c) The modifications permitted in Sec. 66.0602, *Setback Modifications*, apply to the B-2 overlay.

(6) Height

(a) How Measured.

The total height of a building is that vertical distance of the front, or roadside, of a structure as measured from pre-existing grade along the roadbed nearest the proposed structure or modification to the highest point on the highest roofline. Said height limit shall exclude the modifications permitted in Sec. 66.0601(1), *Height Modifications*. It is acknowledged that due to topography a structure may be higher in the rear, or the side of the building not facing the road, and in such situation the excessive height shall be mitigated by installing era appropriate fencing and planting additional trees to minimize the view of the back of the structure as seen from adjacent lots, said fencing, canopy size and height to be determined by a ¾ majority vote of the Plan Commission.

(b) Height Limits.

(1) For those properties located in the Bluff Overlay Zone, no structure shall exceed 30' in height.

(2) For those properties located along Parkview Lane and Parkview Drive, structures are limited to 24' in height.

(3) For all other properties in the B-2 overlay, structures shall not exceed 30' and two floor levels; unhabitable basements and attics shall not be counted as a building floor.

(7) Accessory Buildings

With the exception of a singular one-story free-standing garage, accessory buildings shall be prohibited. A free-standing garage shall not exceed 24' x 24' and shall be architecturally compatible with the primary structure on the lot. Said garage requires architectural review by the Plan Commission and is subject to the landscaping requirements above.

(8) Signage

(a) Each property is allowed one ground or wall sign or projecting sign indicating the name of the property or business. Said sign shall be free-standing, or on the wall of the building, or extend from the overhang or roof of a porch, but not obstruct pedestrian access or travel. A free-standing (ground mounted) sign shall not exceed 8 square feet; a wall sign or sign extending from an overhang, roof or porch, shall not exceed 16 square feet. The sign shall be made of wood, appear woodgrain in texture, be three-dimensional, and have a scroll to the artwork. All such signs require design approval of the Plan Commission Chair. Said signs cannot be located in a public right-of-way, easement, or over a property line. If the sign is a ground mounted sign, the base of the sign shall be landscaped to match the landscaping on the lot. Said sign shall be made of wood or three-dimensional resembling wood; no metal signs shall be allowed.

(b) Each property is also allowed one wall sign, adjacent to the primary entrance to the building, said sign not to exceed 4 square feet in area. The sign shall be made of wood or three-dimensional resembling wood; no metal signs shall be allowed. No sign shall be illuminated from within,

including 'open' signs.

(c) One sandwich board sign is allowed, provided the signboard is slate with a three-dimensional woodgrain trim and does not exceed 6 square feet, including the trim. Said sandwich board sign is not permitted off-site or on a sidewalk.

(d) One sign placed at the entrance of the space for each separate tenant space in multi-tenant buildings may be placed on the building and each directory sign shall not exceed two square feet per side. In lieu of one entrance directory sign for each separate tenant space, a single wall sign may be permitted. The area of the wall sign shall be no larger than the cumulative amount of the permitted separate entrance directory signs. The sign shall be in addition to the signs and size limitations allowed above.

(9) Number of Uses Per Lot

Every current lot that was in existence as of the date the Village of Sister Bay adopted zoning shall be considered a separate, buildable lot, provided a structure thereon can meet setbacks and contains adequate space for a building and required parking. Every such lot shall be permitted one building to house one of the uses listed in the Table of Uses allowed in the B-2 district, or as approved by conditional use permit. A second use in a building may be allowed provided the Plan Commission finds there will be no additional need for parking or the parking demanded can be accommodated on the same property.

II. Amend the Downtown Business District rules to limit the height of buildings on private property on the west (water) side of North Bay Shore Drive to not block the view of the bay from properties on the east side of the road, and, to retain the view of the water as vehicles drive north from the intersection of State Highways 42 and 57.

Amend the table in Sec. 66.0323(3), Principal Structure, Business, Maximum Height and Accessory Structures, Maximum Height, as follows:

<u>Principal Structure, Business</u>	Maximum Height	35 Feet [45]
	Minimum Floor Area	None
<u>Accessory Structures</u>	Maximum Height	35 Feet [5], But Shall Not Exceed Height of Principal Structure

[1] Forty (40) feet from the centerline of the street right-of-way or 20 feet from the property line, whichever is greater.

[2] If the buildings on adjoining lots will abut one another and are visually compatible and complementary, the Plan Commission may allow the affected property owners to enter into a written, recordable agreement that establishes a zero foot side setback. (*Amended Ordinance 161-120809*)

[3] For buildings on through-lots, (lots with front and rear frontage onto a street), front yard setbacks shall apply.

[4] Every development shall provide and maintain a public sidewalk with a minimum width of five (5) feet across the front of the parcel and side yard abutting a public street, as well as an additional three (3) feet of landscaping, and one or more of the "pedestrian amenities" listed in (6)(b).

[5] Applicable to privately owned properties on the west side of North Bay Shore Drive, adjacent to North Bay Shore Drive, north of Bluffside Lane to Post Office Lane: As of the adoption date of the amendment, the height of a building or structure shall not be increased prior to receiving a conditional use permit from the Plan Commission. The Plan Commission shall only approve the conditional use permit if it has been demonstrated the additional height will not be detrimental to the viewshed of properties on the east side of Bay Shore Drive within 300 feet of the building or structure being modified. It shall be the responsibility of the applicant to prove no detriment to the viewshed of the waters of Green Bay.

III. Amend Section 1500, *Administration*, to improve processes, be compatible with state statutes, and reflect standards for review commonly used in processing applications.

Sec. 66.1500 Plan Commission

(1) Powers and Duties:

The Plan Commission shall perform such duties as are prescribed by Wis. Stats., §62.23, and has such further powers as may be delegated to it by the Wisconsin Statutes and Village ordinances. The Plan Commission shall have the duties of making reports and recommendations related to the planning and development of the Village to public officials, agencies, public utility companies, civic, educational, and professional and other organizations, and citizens. The Plan Commission may employ consultants, to the extent that the Village budget allows, who may prepare surveys and studies, prepare plans and recommendations, and perform other duties assigned by the Plan Commission. In general, the Plan Commission shall have such powers as may be necessary to enable it to perform its function and promote municipal planning. ~~Decisions, interpretations, and recommendations of the Plan Commission shall take into account existing local, state and federal ordinances, statutes and regulations, together with recent modifications to those legal sources.~~

Sec. 66.1505 Public Information

To the fullest extent possible, the Plan Commission and Zoning Administrator shall make available to the public, all reports and documents concerning the Village Comprehensive Plan and any component thereof. In addition:

- (1) All available information in the form of reports, bulletins, maps and engineering data shall be readily available and widely distributed.
- (2) Where ~~useful~~practical, marks on bridges or buildings or other markers may be set to show the depth of inundation during the 100-year recurrence interval floodplain at appropriate locations within the floodplain.
- (3) ~~Where useful~~When practical, wetland boundaries may be staked in the field and said boundaries may be identified on a plat of survey.
- (4) Information regarding the location of flood ~~lands~~plains and wetlands shall be provided to realtors, lenders, and the public. ~~If known, and upon request, a~~All legal descriptions of property containing flood ~~lands~~plains or wetlands should include information designating the flood ~~land~~plain or wetland areas when property is transferred.
- (5) Fees necessary to recover the costs of providing information to the public ~~may~~ shall be established by the Village ~~Board~~.

Sec. 66.1510 Zoning Administrator Designated

1 The Village Zoning Administrator, or designee, is hereby designated as the administrative and
2 enforcement officer for the provisions of this chapter. The duty of the Zoning Administrator, or designee,
3 shall be to interpret and administer this chapter and to:

- 4 (1) Maintain permanent and current records of all approvals and other actions, including, but not
5 limited to, all maps, zoning ordinance amendments, zoning permits, conditional use permits,
6 planned unit development approvals, temporary use approvals, sign permits, site plans, certificates
7 of compliance, variances, appeals, interpretations, and applications~~therefore~~.
- 8 (2) Determine that all zoning permit applications and their constituent plans~~;~~ certificate of ~~occupancy~~
9 ~~compliance requests~~~~applications;~~ sign permit applications and their constituent plans~~;~~ and ~~other~~
10 ~~applications and site~~ plans comply with all the provisions of this chapter.
- 11 (3) Make interpretations regarding the provisions of this chapter.
- 12 (4) ~~If requested or helpful, r~~Receive, file and forward (to the appropriate person, committee or
13 agency) all ~~completed~~ applications for any permit or procedure provided for in this chapter.
- 14 (5) Inspect all structures, lands and waters as often as necessary, to assure compliance with this
15 chapter.
- 16 (6) Issue permits as required by this chapter. ~~Issuance may include conditions, as deemed necessary~~
17 ~~to insure compliance with this chapter.~~
- 18 (7) ~~Upon receipt of a survey from the property owner or their agent, r~~Record the lowest floor
19 elevations of all structures erected, moved, altered or improved in the flood-land ~~districts~~~~areas~~.
- 20 (8) Investigate all complaints made relating to the location of structures and the use of structures,
21 lands and waters, give notice of all violations of this chapter to the owner, resident, agent, or
22 occupant of the premises.
- 23 (9) Is permitted access to premises and structures during reasonable hours to make those inspections
24 as deemed necessary by the Zoning Administrator to ensure compliance with this chapter. If,
25 however, he/she is refused entry after presentation of ~~their~~ identification, he/she may procure a
26 special inspection warrant in accordance with Wis. Stats., §66.122.
- 27 (10) Prohibit the use or erection of any structure until they have inspected and approved such use or
28 erection.
- 29 (11) Institute, in the name of the Village, any appropriate action or proceeding against a chapter
30 violator, as provided by law.
- 31 (12) Request Assistance and cooperation from the Door County Sheriff's Department and Village
32 Attorney as deemed necessary.
- 33 (13) Attend all meetings of the Plan Commission and the Village Zoning Board of Appeals.

34 **Sec. 66.1520 Development Agreement Required**

- 35 (1) The Applicant shall ~~be required to~~ enter into a Development Agreement with the Village at the time
36 of ~~approval submission~~ of an application for a Zoning Permit for all projects and developments listed
37 below:
 - 38 (a) All new construction other than individual single-family homes, which are not part of an active
39 subdivision ~~or condominium plat~~.
 - 40 (b) ~~All projects that require a conditional use permit.~~
 - 41 (c) Commercial projects, ~~including those projects~~ in existing buildings involving a change of use
42 or occupancy, ~~expansion, or~~ where the building is non-conforming for setback, height or
43 parking.

- (d) The Plan Commission shall have the authority to exempt an applicant from securing a Development Agreement with a $\frac{3}{4}$ majority vote of the Plan Commission.
- (2) Applicants shall agree to reimburse the Village for all costs incurred by the Village for engineering, inspection, planning, legal and administrative expenses in:
- (a) Processing, reviewing, revising, and approving conceptual, preliminary or final development plans, including meeting time, regardless of whether the developer attended or participated in the meeting; and,
 - (b) Processing, reviewing, revising, drafting and approving any agreements, easements, deed restrictions or other documents associated with the proposed use; and,
 - (c) Inspection and approval of construction and installation of all improvements provided for in the development, including but not limited to, consultation reasonably required to address issues and problems encountered during the course of design and construction of the development. Such costs shall include the costs of Village consultants, including engineers, attorneys, inspectors, planners, ecologists, agents, sub-contractors and the Village's own employees. Such costs shall also include those for attendance at meetings. The cost for outside services shall be the direct costs incurred by the Village. The cost for Village employees' time shall be based upon the classification of the employee and the rates established by the Village Board, from time to time, for each such classification.
- (3) ~~At the time of filing of the application, the Applicant shall deposit with the Village Treasurer the sum of Two Thousand Dollars (\$2,000.00) in the form of cash. The Village shall apply such funds toward the payment of the above costs. If at any time the deposit becomes insufficient to pay expenses incurred by the Village for the above costs, the Applicant shall deposit required additional amounts within fifteen (15) days of written demand by the Village Administrator. Until the required funds are received, no additional work or review will be performed by the Village as to the plan under consideration.~~
- (4) ~~Within 60 days after any final action by the Village and execution of any documents by all parties, or upon abandonment of the plan, the Village shall furnish the Applicant with a statement of all such costs incurred by it with respect to such plan. Any excess funds shall be remitted to applicant, and any costs in excess of such deposit shall be paid by the applicant. Any interest earned on the deposit shall remain the property of the Village to partially offset administrative expenses associated with planning and development.~~
- (5) Failure to sign a Development Agreement within six (6) months of approval by the Village Board shall be deemed a forfeiture of the Agreement offered and any future land disturbance, development, or use of the building or property shall be in compliance with this chapter. After the proposed development agreement offer has expired, should a landowner wish to proceed with the project in the future, they shall begin the application process anew.

Sec. 66.1525 Terms of Development Agreement

The Development Agreement shall, at a minimum, also include the following terms and conditions:

- (1) The site plan, parking plan, trail locations or future trail easements, grading plan, lighting plan, stormwater management plan, landscaping plan, building architectural plans, phasing plan and such other requirements as established by the Plan Commission.
- (2) Any necessary streets and appurtenances thereto, including sidewalks or trails, shall be constructed at the expense of the Applicant in as required by the Plan Commission, or in accordance with the provisions of Chapter 54 of the Municipal Code of Ordinances, which are in effect at the time of such construction.

- (3) Sanitary and water mains and laterals, and storm water drainage facilities, and any related off-site improvements shall be paid for, constructed and installed by Applicant as required by the Village, and the provisions of Chapter 62 of the Municipal Code of Ordinances at applicant's expense.
- (4) Assignment of culvert and landscape maintenance responsibilities to the owner(s) of the property in accordance with the submitted site plan and landscape plan and the ability of the Village to conduct such work and charge all costs incurred by the Village as a special charge against the real estate upon owner's failure to maintain.
- (5) Applicant shall agree to indemnify and hold the Village and its agents harmless from and against claims related to the performance of work at or for the site.
- (6) Applicant's principals shall be personally responsible for reimbursement of costs to the Village in the event the Applicant does not proceed with the actual installation as approved by the Village.
- (7) Applicant shall be responsible for payment of the Village's costs, disbursements and attorney's fees to draft and review the Development Agreement and in the event the Village brings legal action to enforce compliance with this Agreement and a final determination is made in favor of the Village.
- (8) The terms and conditions of the Agreement shall extend to the heirs, administrators, successors in title and assigns of the applicant, including personal liability. However, Applicant may not assign its rights, duties and responsibilities under this Agreement to any other third party without first obtaining the prior written consent of the Village.
- (9) If acceptable to the Village, the Applicant shall convey all necessary easements to the Village.
- ~~(10) As a condition precedent to the execution of the Development Agreement, the Applicant shall post a cash deposit or file a letter of credit with the Village guaranteeing compliance with the Village Ordinances and provisions of the Development Agreement. The security shall be such amount as to cover 100% of the estimated costs of storm water drainage, lot grading, landscaping, and any street construction work as provided for under the Development Agreement. The estimated costs shall be provided by the Applicant or his engineer and shall be subject to the approval of the Village.~~
- (11) Other terms that the Village and Applicant shall agree to be deemed appropriate.

Sec. 66.1530 Zoning Permit Required

All zoning permits for new construction, expansion, reconstruction and remodeling, and change of use are issued under the condition that such construction shall comply with all applicable state and federal standards and local building codes. Acceptance of a permit shall deem acceptance of all conditions imposed upon the permit. No structure shall hereafter be located, erected, moved, reconstructed, extended, enlarged, or structurally altered, or the use changed, until after the owner or theirhis/her agent has secured a zoning permit, if required, from the Zoning Administrator, or theirhis/her designee, unless otherwise exempted pursuant to Section 66.0501 of this Chapter. Applications for a zoning permit shall be made in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the non-refundable fee established by resolution of the Board of Trustees and all required plans. No permit application will be processed until the Zoning Administrator has received a completed application which contains the following, where applicable:

- (1) Names and addresses.
Names and addresses of the applicant, the owner of the site, the architect, the professional engineer and the contractor.
- (2) Lot description.

1 A description of the subject site by lot, block and recorded subdivision, or metes and bounds; address
2 of the subject site; type of structure; existing and proposed operation or use of the structure or site;
3 number of employees; and the zoning district within which the subject site lies.

4 (3) Plat of Survey.

5 A plat of survey prepared by a registered land surveyor showing the following information:

6 (v) Location of all trees with a well-defined stem at least three (3) inches in diameter measured at
7 a height 4 ½ feet above the ground, and, which trees are to be removed during construction.

8 (4) Plans. Plans shall be drawn to scale and include the scale and dimensions as appropriate or required
9 by the Zoning Administrator. The intended use of all rooms shall be identified on the floor plans.

10 (a) A site plan showing the proposed development in relation to all surface water, roads, rights-
11 of-way, easements, and lot lines.

12 (b) All foundation plans, including basement plans and floor plan of said basement.

13 (c) All floor plans.

14 (d) All elevation views, including the height of the building, as measured from finished grade.

15 (5) Compliance with building codes; burying utilities.

16 All construction and remodeling activity that also requires building permits and inspections shall
17 comply with ~~the Chapter 14 of the Municipal Code of Ordinances, and other applicable~~ Village and
18 State building codes. All utilities including electric, telephone, cable television, water and sanitary
19 sewers shall be buried for all new structures. Utilities shall also be buried for remodeling projects
20 where the value of the project is in excess of 50% of the equalized value. No utility shall be buried
21 without the express written approval of the Zoning Administrator or Utilities Director; depending
22 on disturbance activity involved, a permit may be required to bury the utility.

23 (6) Setback and footing inspection and permit.

24 The owner, tenant, contractor or agent shall notify the Building Inspector in writing or on forms
25 provided by the Building Inspector 48 hours (excluding Saturdays, Sundays and legal holidays), ~~or~~
26 ~~as required by the Building Inspector, if different,~~ prior to the pouring of footings so that the
27 Building Inspector may inspect the location of the footings for compliance with the ~~setback~~
28 ~~provisions of this chapter and zoning permit and compliance with state building codes.~~ No footings
29 shall be poured or otherwise made permanent until such inspection and approval of the footings
30 for compliance ~~with is chapter~~ has been given by the Building Inspector. ~~The Building Inspector shall~~
31 ~~conduct the setback and footing inspection within 48 hours of being notified. However, if it is shown~~
32 ~~for good cause that the inspection cannot be made within the 48 hours, the inspection may be~~
33 ~~delayed by the Building Inspector an additional 48 hours (excluding Saturdays, Sundays and legal~~
34 ~~holidays) upon verbal or written notification of the owner, tenant, contractor or agent by the~~
35 ~~Building Inspector. Failure to provide the required notice to the Building Inspector or pouring of~~
36 ~~footings or otherwise making them permanent without the approval of the Building Inspector shall~~
37 ~~result in an immediate penalty of \$500.00 in addition to the provisions of Section 66.1550.~~

38 (7) Waiver of some requirements.

39 In the sole discretion of the Zoning Administrator ~~they he/she~~ may waive the requirements for
40 certain plans, specification, data, or the plat of survey when the application is to execute minor
41 alterations or repairs to a building or structure, ~~documentation is already on file at the Village~~
42 ~~offices, or~~ provided that the proposed construction, alteration, or repair is sufficiently described in
43 the application for the permit.

44 (8) Proposed sewage disposal plan if municipal sewerage service is not available.

45 This plan shall include a copy of the permit issued by the appropriate regulatory agency for the
46 installation of an on-site soil absorption sanitary sewage disposal system, or other appropriate
47 means of waste disposal.

1 (9) Proposed water supply plans if municipal water service is not available.

2 This plan shall be in accordance with ~~state codes chapter NR 112 of the Wisconsin Administrative~~
3 ~~Code~~ and shall be approved by the Village Engineer or Utilities Director who shall certify in writing
4 that an adequate and safe supply of water will be provided.

5 (10) Proof of approved access and address assignment.

6 If no approved village access to a site exists, prior to development, the landowner shall secure a
7 driveway permit. The driveway permit shall only be issued if the culvert size, surface, width, and
8 setbacks meet the provisions of this chapter. Driveway permits are required for access to all roads,
9 regardless of jurisdictional authority. Before a zoning permit can be issued the landowner shall
10 secure an address assignment in accord with this chapter. Driveway permits are valid for one year;
11 if no action commences to physically install the access point within twelve (12) months of permit
12 issuance, the permit shall be deemed expired.

13 [Renumbered, becomes new number 11] Culverts.

14 No zoning permit shall be issued for the erection or construction of any building or structure on
15 platted or unplatted land along a public or private street with roadside ditches, unless the owner or
16 agent has arranged, with the Village Engineer, for the installation of a culvert of such size and length
17 to preserve the capacity and grade of any drainage ditch laid alongside the public street or public
18 service drive abutting the property. The Village engineer shall determine the size and length of the
19 culvert required, but in no case shall the culvert extend beyond the width of the driveway. ~~be less~~
20 ~~than 18 inches in diameter and less than 15 feet longer than the width of the driveway on which it~~
21 ~~is installed.~~ A driveway permit shall be required for the installation of the culvert.

22 (11) Condominium declaration.

23 Any developer of land in the Village who elects to create a condominium pursuant to chapter 703
24 of the Wisconsin Statutes shall submit a copy of the Condominium Declaration, and any amendment
25 thereto, to the Zoning Administrator to be attached to the file copy of the Zoning Permit application
26 or other application required by this chapter.

27 ~~(10) Estimate of the cost of completing the site plan improvements including, but not limited to,~~
28 ~~landscaping, paving, drainage facilities, sign installation, and lighting.~~

29 (12) Environmental Assessment.

30 The developer shall provide an evaluation of the site for wetlands, woodlands, ridges or swales,
31 natural landforms or other natural areas if so directed by the Zoning Administrator. ~~For those~~
32 ~~properties in a Bluff Protection Overlay, or adjacent to said overlay, the Zoning Administrator may~~
33 ~~require evidence from a professional engineer that the project will not jeopardize the integrity of~~
34 ~~the escarpment or cliff face or result in undue water that could result in dissolution of the karst~~
35 ~~feature. The Zoning Administrator may also request an environmental assessment or impact~~
36 ~~assessment to ensure the integrity of the escarpment is not diminished; there are no rare,~~
37 ~~endangered or threatened species present; or there are no cultural or historical resources present.~~

38 (13) Grading Plan Review. [Renumbered and as amended in other amendment proposed]

39 A grading plan is an important element in preventing property damage, flooding and view vistas.
40 A grading plan takes into account the existing topography of the development and its relationship
41 with adjacent properties. Proper grading avoids the need for retaining walls, storm drainage
42 systems, swales on the development and adjacent properties.

43 (a) Building construction projects that have less than a two-foot change in elevation between the
44 preconstruction grade and finished grade are not required to have engineering review of the
45 grading plan.

(b) Building construction projects that are not otherwise exempt shall have a grading plan prepared by a qualified professional engineer. The proposed project shall comply with the Village's Grading Standards as developed by the Village Engineer. A zoning permit shall not be issued for a project requiring a grading plan until it is approved by the Village Engineer.

(14) Additional information.

Additional information, such as a traffic impact analysis, or acoustics report, as may be required by the Plan Commission, Village Engineer, Zoning Administrator, ~~Wastewater Superintendent~~ Utilities Director, or Fire Inspector.

(15) [Culvert section moved to new number 11]

(16) Outstanding fees and assessments; violations.

No zoning permit shall be issued until the Village has investigated the fact that all outstanding connection and development fees, ~~and citations~~, or special assessments levied against the property have been fully paid or an agreement for payment to the Village by the property owner has been executed, ~~and all known violations have been resolved.~~

(17) Zoning permit for use expiration.

~~Unless part of a Development Agreement, r~~Regular zoning permits to establish a use shall expire ~~twelve 24~~(12) months from the 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 chapter. ~~Provided there has been substantial progress towards the establishment of the use, the permit can be renewed for one (1) twelve (12) month period. Subsequent renewals shall not be allowed, and the project will require the authorization of a new permit and associated permit processes, such as site plan review and if required, Development Agreement. If part of a Development Agreement, permit expiration shall be as described in the Development Agreement.~~

(18) Zoning permit for construction expiration.

Regular zoning permits for construction of a structure shall expire ~~twelve 24~~(12) months from the date of issuance or at the same time as the building permit, ~~or, if part of a Development Agreement, as described in that Development Agreement.~~ Any exterior construction after the expiration of a zoning permit shall be considered a violation of this chapter. ~~Provided construction has been started within the initial twelve (12) months following permit issuance, and there has been substantial progress towards completion of the structure, then the permit may be renewed for one (1) twelve (12) month period. Subsequent renewals shall not be allowed, and the project will require the authorization of a new permit and associated permit processes, such as site plan review and if required, Development Agreement.~~

(19) Action in writing.

A zoning permit shall be granted or denied in writing by the Zoning Administrator or designee. ~~For purposes of providing a land use decision, written notification may be provided electronically; a copy of said decision shall be retained in the file.~~

(20) Resubmission.

No regular zoning permit application that has been denied shall be resubmitted or processed within twelve (12) months of said denial unless substantial changes have been made to the application that could result in the potential issuance of a permit. A new completed application is required with each resubmission.

Sec. 66.1531 Zoning Permit Not Required

No zoning permit shall be required for any of the following activities; provided that any work that does qualify for an exemption under this section shall be required to comply with the applicable setback, height, and other requirements set forth in this chapter:

(1) Accessory structures shall require a regular zoning permit except: minor structures such as birdhouses, yard light poles, birdbaths, doghouses (housing dogs which are licensed as the personal pets of the residents of the property), tree houses, children's play apparatus, functional home heating oil storage tanks, clothesline poles, lawn ornaments, flag poles, mailboxes, garbage containers (storage containers or fences to conceal refuse and recycling receptacles from public view shall require a zoning permit), and ice fishing shanties. Accessory buildings greater than 120 square feet in area shall also require the issuance of a building permit.

(2) For minor repairs, as determined by the Zoning Administrator, that do not alter the size or position of an existing structure on a lot.

Sec. 66.1532 Certificates of Occupancy and Compliance Required

(1) Certificate of occupancy.

No vacant land shall be occupied or used; and no building or premises shall be erected, altered, or create a change in use; and no non-conforming use shall be changed, or extended until a certificate of occupancy has been issued by the Building Inspector, Zoning Administrator or designee. Such certificate shall show that the building, premises or part thereof complies with the provisions of this chapter the applicable state codes. Such certificate shall be applied for prior to the time of occupancy of any land and/or building.

(2) Certificate of compliance.

No building or land authorized for development for which a permit or other approval has been issued by the Zoning Administrator, Plan Commission or Village Board shall be used for such purpose until located in a business district and used for business purposes shall have the use changed without the issuance of a new a certificate of compliance has been issued by the Zoning Administrator or designee. Such certificate shall show that the building or premises or part thereof are in compliance with the provisions of the Zoning Code, Building Code, Electrical Code, Fire Prevention Code and the Plumbing Code of the Village and State of Wisconsin. Application for a certificate of compliance shall be made in the same manner as for a zoning permit pursuant to section 66.1530 of this chapter. It shall be the responsibility of the landowner to obtain the certificate of compliance.

Sec. 66.1535 Conditional Use Permit

~~(Note: This section was amended in its entirety by Ordinance 173-081010)~~

The Village Board has may authorized the Zoning Administrator to issue a conditional use permit for a conditional use after a upon review and recommendation approval by the Plan Commission following a public hearing, or, if required, a Development Agreement approved by the Village Board. The request for a permit for a conditional use shall be filed with the Zoning Administrator on an official completed application form and shall be accompanied by the required non-refundable fee and detailed written and graphic materials fully explaining the proposed development. The applicant shall explain in writing why a conditional use permit should be issued addressing the criteria in subsection (i9) below. A public hearing shall be conducted by the Plan Commission.

(1) Applicant.

Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor and all opposite and adjacent abutting property owners of record.

(2) Project Description.

Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site is located.

(3) Plat of Survey.

Plat of survey prepared by a registered land surveyor showing all of the information required under Section 66.1530(e3) for a zoning permit and, in addition, the ordinary high-water mark, and existing and proposed landscaping.

(4) Additional Information Required.

Additional information as may be required by the Plan Commission, Village Engineer, Zoning Administrator, Utility ManagerUtilities Director, or Fire Inspector.

(5) Conditional Uses Will be Reviewed as to Intent.

~~A conditional use is development, which would not generally be appropriate within a district, but might be allowed in certain locations within the district, if specific requirements are met. The compatibility must be judged on the basis of the particular circumstances and may require the imposing of conditions before the use, development or occupancy is permitted. The intent is to allow a reasonable degree of discretion to the Plan Commission in determining the suitability of a particular use or development at a specific location. A conditional use permit application will be reviewed for compliance with the purpose and intent of the ordinance, as described in Section 100 of this chapter. Any conditions imposed shall serve the purpose of reinforcing code requirements and furthering the purpose and intent of this chapter.~~

(6) Plan Commission Action.

~~The Plan Commission encourages all applicants to present their conceptual plans or land use proposal to the Commission prior to filing for the conditional use permit. Such preliminary review may minimize the need for changes later, save time and money for the applicant, and avoid a denial or delay in review. The Plan Commission is empowered to recommend to the Village Board approval of the permit and approval of a Development Agreement for a conditional use if the following requirements are met. Uses, which require such a permit, are identified in the respective district regulations. The Plan Commission may make such recommendation as it deems appropriate regarding approval of the request. The Board of Trustees shall approve or deny all conditional use permits and related development agreements as submitted.~~

(7) Conditions.

~~Conditions imposed on a permit must be related to the purpose and intent of the ordinance and be based on substantial evidence and must be reasonable and to the extent practicable and measurable. For purposes of conditions imposed on a conditional use permit, substantial evidence means facts, and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion. Acceptance of the conditional use permit shall be deemed acceptance of all conditions contained therein.related to landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting,~~

~~fencing, operational control, hours of operation, traffic circulation, deed restrictions, access restrictions, setbacks and yards, sewerage disposal, water supply, storm water management and parking requirements may be required by the Village Plan Commission upon its finding that such conditions are necessary to fulfill the purposes and intent of this chapter.~~

(8) Issuance and Safeguards.

If a ~~D~~development ~~A~~greement is required, the permit for a conditional use shall be part of the ~~D~~development ~~A~~greement, and shall be attached thereto. In ~~recommending approving~~ any conditional use, the Plan Commission may prescribe appropriate conditions and safeguards in conformity with this chapter. The Plan Commission may request that the Village be provided with either a surety bond, cash escrow, certificate of deposit, securities, or cash deposit prior to issuance of the conditional use permit. The security shall be used to guarantee compliance with the conditions of the permit and shall be returned to the developer when an ~~an occupancy permit certificate of~~ compliance is issued.

(9) Decision Criteria.

In making a determination on an application for a conditional use, the Plan Commission shall consider all relevant factors specified in other sections of this chapter including standards for specific requirements for certain land uses and activities. The Plan Commission shall consider the following criteria:

(a) Compatibility.

The compatibility of the proposed use with existing development within ~~the area. 300 feet of the proposed use and within 500 feet along the same street and development anticipated in the foreseeable future within the neighborhood and conditions, which would make the use more compatible.~~

(b) Health and safety.

The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

(c) Consistency with the Comprehensive Plan.

The relationship of the proposed use to the objectives of the Village of Sister Bay comprehensive plan. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

(d) Importance of Services to the Community.

The importance of the services provided by the proposed use to the community, if any, and the requirements of the use for certain locations, if any, and without undue inconvenience to the developer and the availability of alternative locations equally suitable.

(e) Neighborhood Protections.

The sufficiency of the terms and conditions proposed to protect and maintain the uses in the surrounding neighborhood. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property values within the surrounding area.

(10) Conformance with other Requirements of the Chapter.

1 The conditional use shall in all other respects conform to the applicable regulations of the district in
2 which it is located, including but not limited to parking, landscaping, setbacks and other dimensional
3 criteria. ~~and the Plan Commission shall find that there is a public necessity for the conditional use.~~

4 ~~(j) Other Factors.~~

5 ~~Other factors pertinent to the proposed use, site conditions or surrounding area considerations,~~
6 ~~which the Plan Commission feels, are necessary for review in order to make an informed and just~~
7 ~~decision.~~

8 (11) Public Hearing.

9 Whenever a conditional use permit is requested and the required public hearing is scheduled and
10 noticed by the Village as a Class 2 notice, the Village shall give notice, by regular mail, of the proposed
11 conditional use to all property owners whose property lies within 300 feet measured in a straight
12 line from the exterior boundary of the property subject to the proposed conditional use permit. The
13 notice shall be mailed at least ten days prior to the hearing; however, failure of a neighboring
14 property owner to receive such mailed notice shall not invalidate a public hearing. If action ~~on the~~
15 ~~application~~ is delayed more than 120 days from the date of public hearing, a new public hearing shall
16 take place. ~~If the delay is the result of the action of the Plan Commission, the new hearing fee is~~
17 ~~waived; however, if the new hearing is the result of a delay on the applicant's part, the applicant~~
18 ~~shall pay for a new permit fee, which is used to cover the costs of a new public hearing. In addition~~
19 ~~to the notification requirements listed above, applicant shall post signage visible to every facing~~
20 ~~street at least ten days prior to the hearing. The signage shall identify the property as being the~~
21 ~~subject of a public hearing and identify the appropriate Village office that may be contacted for~~
22 ~~information.~~

23 (12) Resubmissions.

24 A conditional use permit application that has been heard and denied shall be eligible to be
25 resubmitted only if the applicant submits an affidavit to the Plan Commission identifying how the
26 new application materially differs from the previous application or identifying substantial new
27 evidence that will be offered. The Plan Commission shall review the affidavit and then vote by simple
28 majority of the members present on the question of whether the changes or new evidence would be
29 of such significance that the Plan Commission may consider changing the previous decision. If the
30 resubmission is accepted, the Plan Commission shall schedule a hearing on the entire resubmitted
31 application. If the Plan Commission rejects the resubmitted application, a new application shall not
32 be submitted during the following ~~twelve (12)~~ months.

33 (13) Notice to DNR.

34 The Plan Commission shall transmit a copy of each application for a wetland conditional use in the
35 W-1 district to the Wisconsin Department of Natural Resources (DNR) by certified mail at least ten
36 ~~(10)~~ days prior to the public hearing. Final action on the application by the Village Board shall not be
37 taken for thirty ~~(30)~~ days from the date the DNR receives notice of public hearing by certified mail or
38 until the DNR has made its recommendation, whichever comes first. A copy of all wetland conditional
39 use decisions shall be transmitted to the DNR within ten ~~(10)~~ days following the decision.

40 (14) ~~Expiration of Conditional Use Permit That Was Issue for a "Use".~~ Conditional Use for Use Expiration.

41 Conditional use permits to establish a use shall expire ~~twelve (12)~~ months from the date of issuance
42 if no action has commenced to establish the use, unless a different time is established as a condition
43 of granting the conditional use permit ~~or established in the Development Agreement.~~ Any change of

land use after the expiration of a conditional use permit shall be considered a violation of this chapter.

(15) Conditional Use for Construction Expiration.

Conditional use permits for construction of a structure shall expire **twelve (12)** months from the date of issuance, unless a different time period is established as a condition of granting the conditional use permit **or per the signed Development Agreement**. Any exterior construction after the expiration of a conditional use permit shall be considered a violation of this chapter and shall warrant consideration for revocation of the **Conditional Use** permit in accordance with section 66.1535**(15)** of this chapter.

(16) Amendments.

Changes subsequent to the initial issuance of a conditional use permit, which would substantially affect the conditions listed in section 66.1535**(e7)** of this chapter, shall require an amendment to the conditional use permit. The process for amending a permit shall generally follow the same procedures as those required for granting a conditional use permit as set forth in this section **including filing a new conditional use permit application and non-refundable fee and public hearing:**

(17) Revocation of Conditional Use Permit.

Should a permit applicant, their heirs or assigns, fail to comply with the conditions of the permit issued by the Zoning Administrator or should the use or characteristics of the use be changed without prior approval by the **Plan CommissionVillage Board**, the **Conditional Use P**ermit may be revoked. The process for revoking a permit shall generally follow the same procedures as those required for granting a conditional use permit as set forth in this section.

(18) Existing Conditional Uses.

All uses existing on the effective date of this chapter, which would be classified as conditional uses in the particular districts concerned, if they were to be established after the effective date of this chapter, are hereby declared conforming conditional uses. Any proposed change or expansion, including signage and parking, of the existing operation shall be subject to the conditional use procedures and regulations in this section, as if such use was being newly established.

Sec. 66.1540 Other Permits

It is the responsibility of the permit applicant to secure all other necessary permits required by **the Village**, **or** any state, federal, or county agency. This includes, but is not limited to, a water use permit pursuant to **Chapter 30** of the Wisconsin Statutes, a water quality certification pursuant to Chapter NR 103 of the Wisconsin Administrative Code, or a wetland fill permit pursuant to section 404 of the Federal Water Pollution Act.

Sec. 66.1545 Permit Fees

All persons, firms, or corporations performing work, which by this chapter requires the issuance of a permit **or planning review**, shall pay a **non-refundable** fee for such permit **or review** to the Village **Clerk at time of application** to help defray the cost of administration, investigation, advertising, **hearings**, and processing of permits and variances **and other required processes**. The permits **and processes** for which a fee is required are **identified on the resolution adopted by the Village Board that sets the fee schedule the Building Permit, Certificate of Occupancy, Conditional Use Permit and Sign Permit. A fee shall also be required for a zoning text or map amendment, and zoning appeal or variance. The fees shall be set forth in the Municipal Code of the Village, or by Resolution as amended from time to time.**

Sec. 66.1550 Violations

It shall be unlawful to construct or use any structure, land or water in violation of any of the provisions of this chapter. Failure to secure the necessary permits prior to commencing construction or land use activity shall also constitute a violation. In case of any violation, the Village Board, the Zoning Administrator, the Plan Commission or any property owner who would be specifically damaged by such violation may institute appropriate action or proceedings to enjoin or abate a violation of this chapter. Every day of violation shall constitute a separate offense.

Sec. 66.1560 Remedial Action

Whenever an order of the Village Board, Plan Commission or Zoning Administrator has not been complied with within 30 days after written notice has been mailed or emailed to the owner with a successful read receipt to the owner, resident agent, or occupant of the premises, the Village Board, the Plan Commission, the Zoning Administrator, or the Village Attorney may institute appropriate legal action or proceedings to prohibit such owner, agent, or occupant from using such structure, land, or water; and to cause to remove such structure or use.

Sec. 66.1570 Penalties

Penalties for violating the provisions of this chapter shall be in accordance with the provisions of the Municipal Code.

Sec. 66.1575 Renewal of Permits

If construction has commenced prior to the expiration of a regular zoning permit or conditional use permit, but is not completed prior to such expiration, a twelve (12) month renewal regular zoning permit shall be issued by the Zoning Administrator upon submittal of a renewal application and fee. Additional renewals may only be granted by the Plan Commission. ~~shall be granted by the Zoning Administrator upon a finding that substantial progress had been made during the previous year toward completion of the structure. If a 12-month period passes without evidence of substantial progress towards completion, the Zoning Administrator shall advise the Plan Commission of such fact and the Plan Commission may call a public hearing on the matter and may impose a completion schedule.~~ A structure shall be deemed completed when the roof, exterior walls, doors, windows and sub-floors are in place and finished and utility connections have been made and required landscaping and site improvements have been made.

IV. The current code uses the terms both 'open space' and 'green space' interchangeably, and has errors in the amount of green space allowed in zoning districts. The amendments clarify the term to be used shall be 'green space', corrects the district tables, and makes sure lower density districts, and districts intended for less development, require more green space than certain other districts intended to be developed at a higher density or lot coverage.

Amend Sec. 66.0303(5): No Village Board approved public improvement on private land, installed after the adoption of this section of the Code, shall deem the lot nonconforming in size as a result of the public improvement, nor shall any publicly installed impervious surface be counted toward the impervious surface or ~~open~~green space limitations in this Code.

Amend Sec. 66.0311(4) (R-1):

Minimum Green Space	2050% of Lot Must Be Left As Green Space
---------------------	--

Amend Sec. 66.0312(4) (R-2):

Minimum Green Space	6040% of Lot Must Be Left As Green Space
---------------------	--

Create Sec. 66.0314(4) (R-4):

Minimum Green Space	20% of Lot Must Be Left As Green Space
---------------------	--

Amend Sec. 66.0331: The P-1 Park District is intended to provide for areas where the ~~open~~green space and recreational needs of the citizens of the Village can be met without undue disturbance of natural resources and adjacent uses.

Amend Sec. 66.0331(4)(b): The total of the floor area on all floors of the principal building and all accessory buildings including the required parking, driveways and sidewalks shall not exceed 25 percent of the lot area, which shall be left as ~~open~~green space. (Amended Ordinance 159-120809) However, for public historic sites with more than one principal building, it shall be the footprint of all buildings, parking, driveways and sidewalks that shall not exceed 25 percent of the lot area, which shall be left as ~~open~~green space.

Amend Sec. 66.0340: The purpose... and protect the water based recreation and ~~open~~green space resources of the Village.

Amend Sec. 66.0340(2)(a): The construction of streets which are necessary for the continuity of the Village street system, are necessary for the provision of essential utility and public safety services, or are necessary to provide access to permitted ~~open~~green space uses...

Amend Sec. 66.041: ... Such developments are intended to provide a safe and efficient system for pedestrian and vehicle traffic; to provide attractive recreation and ~~open~~green spaces as integral parts of the developments...

Amend Sec. 66.0341(1): Uses permitted in a PUD District shall conform to uses permitted in the underlying basic use district. Individual structures shall comply with the specific building area and height requirements of the underlying basic use district. All ~~open~~green space and parking requirements of the underlying basic use district shall be complied with either individually or by providing the combined ~~open~~green space and parking space required for the entire development in one or more locations within the development.

Amend Sec. 66.0341(3)(b)1.a: Total area to be included in the PUD, area of ~~open~~green space...

Amend Sec. 66.0341(3)(b)1.f.iv: The location of institutional, recreational and ~~open~~green space areas and areas reserved or dedicated for public uses, including schools, parks and drainage ways.

Amend Sec.66.0341(6)(a)9.: Adequate guarantee must be provided for permanent preservation of ~~open~~green space areas as shown on the approved site plan either by private reservation and maintenance or by dedication to the public.

Amend Sec. 66.0341(b)3: Each residential planned unit development, having more than one property owner involved and featuring common ~~open~~green space or...

Amend Sec. 66.0341(c)4: Each business planned unit development featuring common ~~open~~green space or other common improvements shall be managed by a Property Owner's Association...

Amend Sec. 66.0404: ...to avoid construction of unnecessarily large storm water management facilities, and to provide more landscape areas and ~~open~~green space on business sites. To achieve these purposes...

1 Amend Sec. 66.0404(4): The site plan for the business use in the R-2, B-1, P-1 and I-1 Districts shall be
2 designed to provide sufficient **opengreen** space on the subject site to accommodate the additional
3 parking spaces otherwise required by this chapter. Such **opengreen** space shall be in addition to
4 required yards, setbacks, driveways, private streets, loading and service areas. Sufficient **opengreen**
5 space shall be provided...

6 Amend Sec. 66.404(8)(b) and (c): (b) A calculation would be done to determine the amount of parking
7 required to achieve compliance with the **opengreen** space and related requirements.
8 (c) The business shall be given the option of installing the required parking or leaving the equivalent
9 area as landscaped **opengreen** space except for...

10
11 Amend Sec. 66.0405(2)(f): No recreational vehicles or equipment shall be stored in any **opengreen** space
12 outside a building unless such equipment...

13
14 Amend Sec. 66.0501(4): ...The permitted area of an accessory buildings listed below is also subject to the
15 respective zoning district **opengreen** space requirements.

16 Amend Sec. 66.0910(6)(b): Any building other than a detrimental non-conforming building, which does
17 not conform to the height, yard, setback, parking loading, and **opengreen** space requirements of the
18 zone where it is located.

19 Amend Sec. 66.0923: ...such as non-conforming driveways, parking areas, signs, landscaping, **opengreen**
20 space, or other non-conformities shall be...

21 Amend Sec. 66.1000(2)(a): ...Village Comprehensive Plan that woodlands, wetlands and **opengreen** space
22 areas serve as...

23 Amend Sec. 66.1025(4): ...Commission may give consideration to offsetting some of the required
24 **opengreen** space to a maximum credit of 5% if employee housing dwelling units are created on site.

25 Amend Sec. 66.1050(3)(i): The required **opengreen** space shall be... the minimum amount of **opengreen**
26 space may not be...

27 Amend Sec. 66.1050(2): The Plan Commission shall impose time schedules for the completion of buildings,
28 parking areas, **opengreen** space utilization...

29 Amend Sec. 66.1060(12)(f): The Plan Commission shall impose time schedules for the completion of
30 buildings, parking areas, **opengreen** space utilization, and landscaping.

31 Amend Sec. 66.1060(14): ...All landscaped and **opengreen** space areas shall be continually maintained in
32 accordance...

34 **V. Amend the code to allow for safe ingress and egress from second floors.**

35 **Sec. 66.0602 Setback Modifications**

36 The setback requirements included elsewhere in this chapter may be modified as follows:

37 (1) Architectural projections.

38 Architectural projection, such as eaves, chimneys, bay windows, overhangs, cornices, awnings,
39 canopies and similar architectural features may encroach into **side yard** setbacks by no more than
40 ~~four~~ **two** feet, subject to compliance with applicable standards of the Building Code and Fire Code.
41 Eaves, overhangs, cornices, awnings, canopies and similar architectural features may encroach into

the right-of-way subject to conditional use approval by the Plan Commission. Walls ~~which are not part of a building~~ and fences may be placed on the property line, subject to the requirements of standards on Landscaping and Fences and Walls.

(2) Essential services.

Essential Services, utilities and electric power and communication transmission lines are exempt from the setback requirements of this chapter.

(3) Emergency Ingress and Egress. In the absence of a deck or other structure to provide safe ingress and egress to a second story or higher floor in a building existing at time of this amendment, a landing not to exceed sixteen square feet shall be allowed within a required side yard setback. The burden of proof to illustrate a second or story higher floor had a pre-existing ingress or regress shall be upon the applicant.

VI. Correct conflicting language between the nonconforming structure regulations and Sec. 66.1050 Site Plan and Architectural Review.

Sec. 66.1050 Site Plan and Architectural Review

(3)(i)The required open[green] space shall be designed as an integral part of the site, and ~~may~~ shall not include those areas required for parking, loading or other impervious surfaces. ~~This requirement does not apply to the redevelopment of sites, including, but not limited to, the construction of a new building, additional buildings, a building addition or expanded parking lot, which do not meet this minimum requirement at the time of the adoption of this ordinance. In those cases, the minimum amount of open space may not be reduced beyond that which exists on the property at the time of the adoption of this ordinance.~~

VII. With the depletion of our tree canopy, efforts need to be made to preserve the trees we have, and make sure property owners and developers understand the important role trees play in our community. Such amendments directly support the draft comprehensive land use plan as well. Amendments also address fill that may result in flooding adjacent properties.

Sec. 66.1000 Tree Cutting Regulations

(1) Tree cutting regulations:

Outside of the area delineated as the Bluff Overlay district, the purpose of tree cutting regulations applicable to the shorelands area are to protect scenic beauty, control erosion and reduce effluent and nutrient flow from the shore land.

(a) Tree cutting. Tree cutting in a strip paralleling the shoreline and extending 350 feet inland from all points along the normal high-water mark of the shoreline shall be limited in accordance with the following:

4. Sufficient vegetation shall be left between all side lot lines and development (as defined in Sec. 66.2100) to screen the development from view from adjacent lots.

(d) Violations. Anyone found in violation of the tree cutting regulations shall pay the greater of two times the price of a citation for a violation of the zoning code, plus court costs if applicable, or, the value of the tree as determined by a qualified Forester of the Village's choice. The violator shall pay the cost of the Forester to conduct their valuation. Additionally, they shall revegetate the cleared site to the same density as prior to the violation occurring, as determined by the Plan Commission. Every day of violation shall constitute a separate offense. Trees to be planted to rectify the violation shall be of such size, density, and variety so as to screen buildings. A revegetation plan shall be submitted to the Zoning Administrator by a

professional landscape engineer and the trees planted by a landscape firm registered in the state of Wisconsin to conduct business. The Zoning Administrator reserves the right to require the violator to apply for a conditional use permit and appear before the Plan Commission to have the revegetation plan approved.

(2) Tree cutting regulations beyond the shoreland area.

(c) Tree cutting provisions. Trees or similar woody vegetation shall only be removed if one or more of the following conditions are present:

5. Necessity to remove trees in order to construct permitted structures and other approved development (as defined in Sec. 66.2100) because of the need for: access around the proposed structure for construction equipment; access to the building site for construction equipment; essential grade changes, surface water drainage and utility installations. Only those areas approved for the placement of a physical improvement may be cleared of trees. Sufficient vegetation shall be left between all side lot lines and development to screen the development from view from the adjacent lots.

(e) Violations. Anyone found in violation of the tree cutting regulations shall pay the greater of two times the price of a citation for a violation of the zoning code, plus court costs if applicable, or, the value of the tree as determined by a qualified Forester of the Village's choice. The violator shall pay the cost of the Forester to conduct their valuation. Additionally the violator shall revegetate the cleared site to the same density as prior to the violation occurring, as determined by the Plan Commission. Every day of violation shall constitute a separate offense. Trees to be planted to rectify the violation shall be of such size, density, and variety so as to screen buildings. A revegetation plan shall be submitted to the Zoning Administrator by a professional landscape engineer and the trees planted by a landscape firm registered in the state of Wisconsin to conduct business. The Zoning Administrator reserves the right to require the violator to apply for a conditional use permit and appear before the Plan Commission to have the revegetation plan approved.

Sec. 66.1015 Land Disturbance Regulations.

(3) General design principles.

Control measures shall apply to all aspects of the proposed land disturbance use or activity and shall be in operation during all stages of the disturbance activity. The following principles shall apply to soil erosion and sediment control:

- (b) No site shall be cleared of topsoil, trees and other natural features before the zoning and building permits are issued. Whenever feasible, natural vegetation shall be retained and protected. Only those areas approved for the placement of physical improvements may be cleared. The extent of the disturbed area and the duration of its exposure shall be kept within practical limits. Sufficient vegetation shall be left between all side lot lines and development (as defined in Sec. 66.2100) to screen the development from view from the adjacent lots.

(h) No filling shall be allowed that will result in water being dispersed onto adjacent lots.

Sec. 66.0344 BP Bluff Protection Overlay District

(7) Special requirements:

- (b) The clearing of trees, shrubbery, undergrowth, and other ground cover located within bluff protection areas shall be permitted for:

1. Building footprints.
2. Sites for wastewater disposal systems.
3. Driveways, not to exceed 20 feet in width.

4. The area on a lot, excluding the bluff crest and face, extending not more than 15 feet from the exterior walls of principal buildings and ten feet from accessory buildings. In addition, sufficient vegetation shall be left between all side lot lines and development (as defined in Sec. 66.2100) to screen the development from view from the adjacent lots.

- (c) Violations. Anyone found in violation of the tree cutting regulations specified in sub. (b) shall pay the greater of two times the price of a citation for a violation of the zoning code, plus court costs if applicable, or, the value of the tree as determined by a qualified Forester of the Village's choice. The violator shall pay the cost of the Forester to conduct their valuation. Additionally, they shall revegetate the cleared site to the same density as prior to the violation occurring, as determined by the Plan Commission. Every day of violation shall constitute a separate offense. Trees to be planted to rectify the violation shall be of such size, density, and variety so as to screen buildings. A revegetation plan shall be submitted to the Zoning Administrator by a professional landscape engineer and the trees planted by a landscape firm registered in the state of Wisconsin to conduct business. The Zoning Administrator reserves the right to require the violator to apply for a conditional use permit and appear before the Plan Commission to have the revegetation plan approved.

Sec. 66.1530 Zoning Permit Required

(18) Grading Plan Review.

A grading plan is required for all sites where a building with a slab or other foundation is to be erected, or for a new hard surface, expansion of a hard surface, or improvement so as to result in a hard surface. Examples of hard surfaces include but are not limited to parking lots and tennis courts. The plan shall show preconstruction grade and final grade of the site, noting any changes to be made to the grade. The plan is an important element in preventing property damage, flooding and view ~~vistasscenic~~ beauty. A grading plan takes into account the existing topography of the site and development and its relationship with adjacent properties. The plan shall show the directional flow of water across the surface of the property, and how that water will be maintained onsite to prevent property damage, including flooding and erosion. Under no circumstance shall water be displaced onto adjacent properties or roadways that do not have a storm sewer, ditch, natural waterway or manmade ditch which predated the adoption of zoning capable of transporting the increase in water. Proper grading avoids the need for retaining walls, storm drainage systems, swales on the development and adjacent properties.

- (a) Building construction and hard surface projects that have less than a two-foot change in elevation between the preconstruction grade and finished grade are not required to have engineering review of the grading plan.

- (b) Building construction and hard surface projects that ~~are not otherwise exempt~~ are on a lot with a grade change of two percent or more in elevation between the preconstruction grade and finished grade shall have a grading plan prepared by a qualified professional engineer. The proposed project shall comply with the Village's Grading Standards as developed by the Village Engineer. A Zoning Permit shall not be issued for a project requiring a grading plan until it is approved by the Village Engineer; the cost of the Village Engineer's time to review the plan shall be bore by the applicant.

VIII. Currently water setback is based on 'developed' and 'undeveloped' areas, yet there are no code definitions for 'developed' vs. 'undeveloped'. It has been decided one consistent setback from the ordinary highwater mark would be easier for owners and contractors to understand, and for the village

to regulate. In addition, the current setbacks allow buildings within the tree protection area, meaning the trees along the shoreline are often removed to accommodate building, and, building is also allowed over the root system, often resulting in the trees not surviving after construction. To be compatible with the Wisconsin Administrative code tree protection standards, and to protect our own tree canopy, and reduce the threat of erosion, a uniform setback for all shoreland areas, outside the tree protection area, will help the village meet their environmental goals while still allowing for the development and enjoyment of the shoreline.

Sec. 66.0304 Setback Requirements from the Water

For lots that abut on navigable waters, there shall be setbacks from the ordinary high-water mark of such waters.

~~(1) Applicability in developed areas. In areas with existing development patterns, structures close to the ordinary high water mark, except as provided in (3) and (4) below, shall be set back at least 30 feet from all points along the ordinary high water mark. The lowest floor level of all structures shall be elevated at least two feet above the ordinary high water mark. All structures, boathouses, and accessory buildings allowed in (3) and structures that are not considered buildings shall comply with the applicable district side yard setbacks.~~

~~(2) Applicability in undeveloped areas. In areas with no development pattern, structures close to the ordinary high water mark, except as provided in subsection (3) and (4) below, shall be set back at least 75 feet from all points along the ordinary high water mark. The lowest floor level of all structures shall be elevated at least two feet above the ordinary high water mark. All structures, boathouses, and accessory buildings allowed in (3) and structures that are not considered buildings shall comply with the applicable district side yard setbacks.~~

(1) Setback from Ordinary High-Water Mark. Except as restricted in NR 117, shoreland-wetland areas, and except as allowed in (2) below, all portions of a structure shall be located at least 50 feet from the ordinary highwater mark.

(2) Exceptions.

- (a) ~~Decks.~~ Decks are allowed provided they do not extend waterward more than 20 percent of the remaining required setback and no trees are removed to accommodate the erection of the deck.
 - (b) ~~Boathouses.~~ Boathouses shall not project waterward beyond the ordinary high-water mark.
 - (c) Stairways, elevated walkways, ramps, lifts, fences, flagpoles, piers, and boat hoists.
 - (d) Utility poles, lines and related equipment without permanent foundations.
 - (e) Structures not buildings exempt from setbacks per as defined in Section 66.0303(i).
 - (f) Signs as permitted starting with Section 66.0701.
- (3) Parking lots. Parking lots shall be set back at least 125 feet from all points along the ordinary high-water mark of Green Bay.

IX. Amend the definition section to make definitions used above easier to understand. Also, amend Sec. 66.2001, the general information section, to explain how words or phrases are defined in the absence of the word or phrase being defined in the code.

Sec. 66.2001 General Definitions. For the purpose of this Chapter, certain words or phrases shall have meanings that either vary somewhat from their customary dictionary meanings or are intended to be interpreted to have a specific meaning. Words used in the present tense in this chapter include the future. The word "person" includes a firm, association, partnership, trust, company, or corporation as well as an

individual. The word “he” includes the word “she.” The word “shall” is mandatory, the word “should” is advisory and the word “may” is permissive. Any words not defined in this section shall be presumed to have their customary dictionary definitions; in the absence of a definition or the absence of a definition consistent with land use law, words and phrases shall have the definition found in Black’s Law Dictionary or as established by case law. Definitions shall be interpreted in favor of the village.

Building Height

The vertical distance above the finished lot grade along the foundation of a building at the front of the building measured to the highest exterior point of the coping of a flat roof. or to the deck line of a mansard roof or to the average height between the eaves and the ridge of the highest gable, hip or gambrel roof. The finished lot grade shall be the average grade across the front of the building measured five feet away. The height of a stepped or terraced building is the maximum height of any segment of the building. Not included in the maximum height are chimneys, bell towers, steeples, roof equipment, flagpoles and similar features, which are not for human occupancy. In measuring building height, average measurements along a foundation or along the finished lot grade are not allowed, rather no point of the building shall exceed the allowed height, unless exempted in this chapter, regardless of where measured along the finished lot grade.

Development Regulations

The regulations within this chapter apply to elements including setback, height, lot coverage, and side yard.

Driveway

An access point connecting the area used for vehicular travel on a parcel that leads to a public or private the street right-of-way, and the surface area occupied by that vehicular travel.

Finished Lot Grade

The elevation or elevations of the surface of the ground after completion of final grading. When determining finished lot grade adjacent to a building, finished lot grade is the elevation of the ground adjoining the building or structure.

Non-conforming Lot

A lot, which does not contain sufficient area and/or width to meet the requirements of the zoning district in which it is located.

Non-conforming Uses or Structures

Any structure, land or water lawfully used, occupied or erected before November 15, 1973, which does not conform to the regulations of this chapter or amendments thereto. Any such structure conforming in respect to use but not in respect to development regulations such as frontage, width, height, area, yard, parking, loading or distance requirements shall be considered a non-conforming structure and not a non-conforming use.

Ordinary High-water Mark

The point on the bank or shore of a body of water up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic. The ordinary high-water mark shall be established by a professional land surveyor.

X. Other amendments address the village addressing regulations, clarify a permit is needed for a temporary sign, and makes the fee in lieu of parking language consistent with a fee recently adopted by the Board of Trustees.

Sec. 66.1035 Property Addressing

(1) Purpose.

The purpose is to establish the procedures used to implement and administer a uniform addressing system in Village of Sister Bay that utilizes address numbers determined by the Door County ~~Planning Land Use Services~~ Department. The basis for the assignment of property address numbers shall be the Door County baseline system. ~~(Sections 66.1035-1025)~~

(2) Responsibilities.

The Door County ~~Planning Land Use Services~~ Department shall be responsible for assigning all property addresses upon submission of the necessary information from the ~~Village Zoning~~ Administrator.

(6) Property Address Application.

All requests for property addresses shall be ~~completed on a Building Address Permit application in writing and provided by~~ to the ~~Village Zoning~~ Administrator.

Sec. 66.1036 Criteria for Address Number Assignment.

(2) Accessory Building Addressing.

New numbers will generally not be assigned to new buildings accessory to the principal use (i.e., a new house will be assigned a number, but a detached garage or storage building will not be assigned a number). Accessory buildings may be assigned a separate address if accessed by a separate ~~legal~~ driveway or if accessed by the principal driveway, but housing a separate use.

(4) Driveways.

(a) Address numbers are generally required when there is a driveway (existing or proposed) that serves or will serve a principal use or accessory use, as described above in 66.1036(a1). Address numbers shall not be assigned until a driveway location has been determined.

Sec. 66.1039 County Administration of Village Numbering

The Door County ~~Planning Land Use Services~~ Department shall maintain a record of all assigned addresses and of all road names and their locations. The Door County ~~Planning Land Use Services~~ Department may adopt policies and practices as necessary to manage the County addressing system and to ensure fulfillment of the purpose of the Uniform Addressing System Ordinance.

Sec. 66.1040 Property Address Reassignment Implementation

(1) Any new building addresses assigned after the effective date of this ordinance shall be based upon the County numbering system.

(2) ~~Existing properties with addresses assigned to buildings shall be converted to the County numbering system no later than April 1, 2008. Door County shall provide the Village with electronic data file incorporating the existing property address, proposed property address and mailing address for each property in the Village with an existing property address no later than August 1, 2007. Door County will be responsible for all notifications to businesses—and agencies affected by the wholesale conversion of Village addresses.~~

[Temporary Signs]

Sec. 66.0302 Use Restrictions

(4) The following are examples of temporary uses that may be permitted by the Zoning Administrator, the Plan Commission Chair and/or the Village President for a period of 14 days or as hereinafter

provided. Temporary use permits for longer periods may be issued by the Plan Commission after review of site and operation plans. Special requirements may be imposed, but not limited to ensuring that there is sufficient parking, the provision of sanitary facilities, lighting, and hours of operation. No temporary use listed herein shall be conducted within the street right-of-way. Temporary uses permitted under this section may be allowed one temporary sign not to exceed 24 square feet in area on one side and 48 square feet in area on all sides; ~~a permit is required and the sign; it shall not be located in a public right-of-way.~~ All buildings, tents, equipment, supplies and debris shall be removed from the site within 48 hours following the temporary activity.

[Fee in Lieu of Parking]

Sec. 66.0404 Adjustments to Required Parking

(2) Fee In Lieu of Creating Parking Spaces.

A developer who chooses to not construct the required parking spaces on the parcel may be allowed to pay to the Village ~~a one-time fee~~ a fee in lieu of parking at a rate of \$1000 per stall per year paid into a fund established by the Village to construct and maintain common transition parking spaces. A developer who cannot construct the required spaces on the parcel shall as a condition of approval pay to the Village ~~a one-time fee~~ a fee in lieu of parking at a rate of \$1000 per stall per year paid into a fund established by the Village to construct and maintain common transition parking spaces. The payment of the fee to the Village in either instance shall absolve the developer from constructing the required number of spaces on their property. ~~The fee shall be established annually by the Village Board of Trustees and reflect the cost of constructing and maintaining public parking lots.~~

SECTION 2. Available for Inspection.

A copy of this ordinance shall be permanently on file and open to public inspection in the Village Administration Office two weeks prior to its adoption and after its enactment.

SECTION 3. Ordinances in Conflict.

All other ordinances in conflict herewith be, and the same hereby are repealed.

SECTION 4. Effective Date.

This ordinance shall take effect and be in full force from and after April 1, 2025.

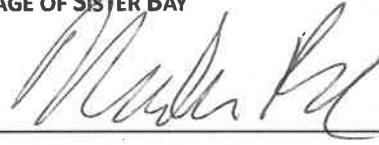
SECTION 5. Severability.

If a court of competent jurisdiction adjudges any section, clause, provision, or portion of this ordinance unconstitutional or invalid, the remainder of this ordinance shall not be affected thereby.

[Signature page follows]

VILLAGE OF SISTER BAY

By:



Nate Bell, Village President

ATTEST:



Heidi Teich, Village Clerk

Ayes: 16 Nays: 0

Filed/Posted: Mar. 26, 2025

Village Administration Office, 2383 Maple Drive

Sister Bay Post Office, 10685 N Bay Shore Drive

Sister Bay Liberty Grove Library, 2323 Mill Road

Effective Date: April 1, 2025