

1 **ORDINANCE NO. 2026-003**

2 **AMENDING CH. 66 REGARDING NONCONFORMING USES AND STRUCTURES,**
3 **FIRE WALL REQUIREMENTS, FAMILY LIVING ARRANGEMENTS, CREATING A**
4 **WOODLAND OVERLAY, SUBSTANDARD LOTS, AND OTHER MISCELLANEOUS**
5 **AMENDMENTS**

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

11 **WHEREAS**, on January 27, 2026, the Plan Commission held a public hearing on amendments to Chapter 66
12 of the Municipal Code, *Zoning*, to make their nonconforming uses and structures language consistent with
13 state statutes, remove fire wall regulations which conflict with the state’s building codes, make their family
14 living arrangement language consistent with state statutes, create a Woodland Overlay to ensure their
15 zoning ordinance was consistent with the adopted comprehensive plan, revise substandard lot language to
16 increase the availability of substandard lots for development, and other miscellaneous amendments; and,

17 **WHEREAS**, upon review of the statutes and public comment, the Plan Commission recommended the Village
18 Board amend Chapter 66 to address the inconsistencies and amendments necessary to ensure the zoning
19 code was consistent with state statutes, state building codes, and the comprehensive plan, and there would
20 be regulations in place to increase the availability of lots for development, among other miscellaneous
21 amendments.

22 **NOW, THEREFORE**, after consideration of the code amendments recommended by the Plan Commission,
23 on February 17, 2026, the Village Board of the Village of Sister Bay voted to amend Ch. 66, *Zoning*, as
24 shown below.

25 **SECTION 1. Adoption of Code Amendments.** Shown below are the amendments to the code, with deletions
26 shown with a red strikethrough and additions shown in red font.

27 **I. Fire Walls**

28 Amend various sections which conflict with the building codes enforced by the Building Inspector:

29 **Sec. 66.0311 R-1 Single-Family Residence District**

30 (4) Dimensional Lot Standards.

R-1 District Dimensional Lot Standards Table	
Minimum Setbacks	
Front Yard (on public street)	70 feet from centerline of street right-of-way
Front Yard (not on public street)	40 feet from edge of easement or edge of pavement
Side Yard	10 feet one side; 25 feet total [2]
Rear Yard	40 feet
From Principal Structure, Accessory Structure 120 Square Feet or Less	5 feet [3]

From Principal Structure, Accessory Structure in Excess of 120 Square Feet	10 feet
Side Yard	10 feet one side; 25 feet total [2]
Rear Yard	40 feet
a. Excluding attached garages. b. Where a side-entry garage exists, the setback shall be at least 27 feet in width as measured from the closest point of the garage door opening that is perpendicular to the side lot line. c. If constructed with a 1-hour fire rating per ILHR 21.08, or its successor code. Without the 1-hour fire rating, the minimum setback from principal structure shall be 10 feet.	

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2 **Sec. 66.0312 R-2 Multiple-Family Residence District**
3 (4) Dimensional Lot Standards.

R-2 District Dimensional Lot Standards Table	
Minimum Area	20,000 square feet
Minimum Width (interior lot)	75 feet
Minimum Width (corner lot)	110 feet
Minimum Green Space	40% of lot must be left as green space
Structure Standards	
Maximum Height	35 feet
Minimum Width	24 feet [1]
Minimum Floor Area (one bedroom)	900 square feet
Minimum Floor Area (two bedrooms)	1,000 square feet
Minimum Floor Area (three or more bedrooms)	1,200 square feet
Minimum Setbacks	
Front Yard (on public street)	60 feet from the centerline of street right-of-way
Front Yard (not on public street)	40 feet from edge of easement or edge of pavement
Side Yard	10 feet one side; 25 feet total [2]
Rear Yard	30 feet
From Principal Structure, Accessory Structure -- 120 Square Feet or Less	5 feet [3]
From Principal Structure, In Excess of 120 Square Feet	10 feet
Side Yard	10 feet one side; 25 feet total [2]
Rear Yard	30 feet
1. Excluding attached garages. 2. Where a side-entry garage exists, the setback shall be at least 27 feet in width as measured from the closest point of the garage door opening that is perpendicular to the side lot line.	

3. ~~If constructed with a one-hour fire rating per ILHR 21.08, or its successor code. Without the one hour fire rating, the minimum setback from principal structure shall be 10 feet.~~

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Sec. 66.0313 R-3 Large Lot Residence District

(5) Dimensional Lot Standards.

R-3 District Dimensional Lot Standards Table	
Minimum Area	5 acres
Minimum Width (interior lot)	300 feet
Minimum Width (corner lot)	90 feet
Minimum Green Space	80% of the lot must be left as green dpace
Structure Standards	
Maximum Height	35 feet
Minimum Width	24 feet [1]
Minimum Floor Area (one bedroom)	900 square feet
Minimum Floor Area (two bedrooms)	1,000 square feet
Minimum Floor Area (three or more bedrooms)	1,200 square feet
Minimum Setbacks	
Front Yard (on public street)	80 feet from centerline of street right-of-way
Side Yard	10 feet one side; 25 feet total [2]
Rear Yard	50 feet
From Principal Structure, Accessory Structure 120 Square Feet Or Less	5 feet [3]
From Principal Structure, In Excess of 120 Square Feet	10 feet
Side Yard	10 feet one side; 25 feet total [2]
Rear Yard	50 feet
1. Excluding attached garages. 2. Where a side-entry garage exists, the setback shall be at least 27 feet in width as measured from the closest point of the garage door opening that is perpendicular to the side lot line. 3. If constructed with a one-hour fire rating per ILHR 21.08, or its successor code. Without the one hour fire rating, the minimum setback from principal structure shall be 10 feet.	

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Sec. 66.0314 R-4 Small Lot Residence District

4) Dimensional Lot Standards.

R-4 District Dimensional Lot Standards Table		
Lot	Minimum Area	5000 square feet
	Minimum Width (interior lot)	60 feet

	Minimum Width (corner lot)	75 feet
	Minimum Green Space	20% of lot must be left as green space
Structure Standards		
Principal Structure	Maximum Height	35 feet
	Minimum Width	24 feet [1]
Principal Structure	Minimum Floor Area (one bedroom)	700 square feet
	Minimum Floor Area (two bedrooms)	900 square feet
	Minimum Floor Area (three or more bedrooms)	1,000 square feet
Accessory Structures	Maximum Height	Shall not exceed height of principal structure
Minimum Setbacks		
Principal Structure	Front Yard (on public street)	10 feet from furthest extension to right-of-way (e.g. the porch); 20 feet from the wall to right-of-way
	Front Yard (not on public street)	20 feet from edge of road easement; if no easement, measured from edge of pavement
	Side Yard (from wall)	8 feet one side; 16 feet total [2]
	Rear Yard	25 feet
Accessory Structures	From Principal Structure, Accessory Structure 120 Square Feet Or Less	5 feet [2]
	From Principal Structure, In Excess of 120 Square Feet	10 feet
	Side Yard, Accessory Structure <120 Square Feet	5 feet one side; 20 feet total [2]
	Side Yard, Accessory Structure >120 Square Feet	8 feet one side; 16 feet total
	Rear Yard	15 feet
<ol style="list-style-type: none"> Excluding attached garages. If constructed with a one hour fire rating per ILHR 21.08. Without the one hour fire rating the minimum setback from the principal structure shall be 10 feet. 		

1 **Sec. 66.0315 CS-1 Countryside District**
 2 (4) Dimensional Lot Standards.

CS-1 District Dimensional Lot Standards Table		
Lot	Minimum Area	10 acres
	Minimum Width	300 feet
	Minimum Green Space	90% of lot shall be left as green space
Structure Standards		
Principal Structure	Maximum Height	35 feet
	Minimum Width	24 feet [1]
	Minimum Floor Area (one bedroom)	900 square feet
	Minimum Floor Area (two bedrooms)	1,000 square feet
	Minimum Floor Area (three or more bedrooms)	1,200 square feet
Minimum Setbacks		
Principal Structure	Front Yard (farm buildings)	50 feet from centerline of street right-of-way
	Front Yard (all other buildings)	80 feet from edge of easement or edge of pavement
	Side Yard	10 feet one side; 25 feet total [2]
	Side Yard (churches)	100 feet
	Rear Yard	50 feet
Accessory Structures	From Principal Structure (structure <120 square feet)	5 feet [3]
	From Principal Structure (structure >120 Square Feet)	10 feet
	Side Yard	10 feet one side; 25 feet total [2]
	Side Yard (churches)	100 feet
	Rear Yard	50 feet
1. Excluding attached garages. 2. Where a side-entry garage exists, the setback shall be at least 27 feet in width as measured from the closest point of the garage door opening that is perpendicular to the side lot line. 3. If constructed with a one-hour fire rating per ILHR 21-08. Without the one-hour fire rating the minimum setback from principal structure shall be 10 feet.		

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 4 **Sec. 66.0320 B-1 General Business District**
 5 (4) Dimensional Lot Standards.

B-1 District Dimensional Lot Standards Table		
Lot Served by Public Sewer [1]	Minimum Area	20,000 square feet
	Minimum Width (interior lot)	60 feet
	Minimum Width (corner lot)	110 feet
Lot Served by Public Sewer [1]	Minimum Green Space	20% of lot shall be left as green space
	Minimum Area	25,000 square feet

Lot Not Served by Public Sewer [1]	Minimum Width (interior lot)	100 feet
	Minimum Width (corner lot)	110 feet
Lot Not Served by Public Sewer [1]	Minimum Green Space	20% of lot shall be left as green space
Structure Standards		
Principal Structure	Maximum Height	35 feet
Minimum Setbacks		
Principal Structure	Front Yard (on public streets)	45 feet from centerline of street right-of-way
	Front Yard (not on public street)	40 feet from edge of easement or edge of pavement
	Side Yard	10 feet [2] - the setback area must be green space
	Rear Yard	20 feet - the setback area must be green space
Accessory Structures	From Principal Structure, (structure < 120 square feet)	5 feet [3]
	From Principal Structure (structure > 120 square feet)	10 feet
	Front Yard (on public street) [4]	45 feet from centerline of street right-of-way
	Front Yard (not on public street) [4]	40 feet from edge of easement or edge of pavement
	Side Yard	10 feet [2] - the setback area must be green space
	Rear Yard	20 Feet - the setback area must be green space
<ol style="list-style-type: none"> 1. Lots shall have sufficient area and width for the principal structure(s) and its accessory structures, off-street parking and loading areas, and required setbacks. 2. May be increased by Village Engineer in order to accommodate required grading between properties. 3. If constructed with a one hour fire rating per ILHR 21-08. Without the one hour fire rating the minimum setback from principal structure shall be 10 feet. 4. Accessory structures located in front yard require a C.U.P. 		

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Sec. 66.0501 Accessory Uses and Structures

(2) Setback Requirements.

- (b) (c) All accessory buildings for all zoning districts shall comply with the following setback requirements.
1. *Setback From Easements.*
 - a. No accessory building shall be placed over an easement that prohibits such placement. No accessory building shall encroach into the public right-of-way. No accessory building shall encroach upon the street yard of a corner lot.
 2. ~~Setback From Principal Buildings. [And renumber]~~

- 1 a. ~~An accessory building of 120 square feet or less may be erected, altered or moved~~
2 ~~to a location that is not less than 5 feet from the nearest wall of a principal building~~
3 ~~if it is constructed with a one-hour fire rating per ILHR 21.08. Without the one-hour~~
4 ~~fire rating, the minimum separation shall be 10 feet.~~
5 b. ~~An accessory building over 120 square feet may be erected, altered or moved to a~~
6 ~~location within 10 feet of the nearest wall of the principal building.~~
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8 II. Substandard Lots

9 Amend the substandard lot regulations to be consistent with 2017 Wisconsin Act 67 which prohibits
10 a zoning ordinance from prohibiting the conveyance or development of legal nonconforming lots or
11 requiring a merger of adjacent lots owned by the same property owner without the property owner's
12 permission. This will also create the availability of lots for development. See Wis. Stats. §66.10015(4)
13 for full statutory language.

14 Amend **Sec. 66.0303 Site and Lot Restrictions**, as follows,

- 15 (4) Sub-Standard Lots. ~~Any lot that does not meet the required lot width and area requirements~~
16 ~~of this chapter, but is at least 65' in width at the building line and 10,000 square feet in area~~
17 ~~if two or more sub-standard lots have the same ownership~~ as of November 16, 1973, ~~the lots~~
18 ~~involved~~ shall be considered an individual parcel for the purposes of this chapter ~~and may be~~
19 ~~utilized for development provided all setback and green space requirements can be satisfied.~~
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21 Amend **Sec. 66.0920 Existing Non-Conforming Lots**, as follows,

22 A lot which is located in the B-1 Business District or the R-1, R-2 or R-3 Residential Zoning Districts
23 which does not contain sufficient area to conform to the dimensional ~~requirements standards~~ of
24 this chapter, but which is at least 65 feet in width at the building line and 65 feet in width at the
25 ordinary high-water mark or rear lot line, and which is 10,000 square feet in area, may be used as
26 a building site provided that the use is permitted in the zoning district, ~~and~~ the lot is on record in
27 the Door County Register of Deeds Office prior to November 16, 1973, ~~and the lot is in separate~~
28 ~~ownership from abutting lands~~. All lots in the R-4 Small Lot Residence District, regardless of the
29 date of creation, shall conform to the dimensional standards in Sec. 66.0314(4).
30

31 Lastly, correct the spelling of 'substandard' where found throughout the code.
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33 III. Nonconforming Uses and Structures

34 A few years back the state removed the ability of a community to regulate repairs to a nonconforming
35 structure to 50% of the structure's equalized assessed value over the lifetime of the structure. As
36 such, the village removed all references, presumably not understanding some limitations were still
37 allowed. Specifically, statutory provisions limiting repair or maintenance of a structure *containing a*
38 *nonconforming use* to 50 percent of assessed value, and providing that discontinuance of a
39 nonconforming use for 12 months causes the nonconforming use to lose its legal status, are still in
40 effect. See Wis. Stats. §62.23(7)(h) for stator language. It is critical therefore to make sure the code is
41 clear on the distinction between 'use' and 'structure'. In simple terms, a 'nonconforming use' is one
42 not allowed in that zoning district or doesn't meet the use provisions in the code (e.g. a second
43 principal structure on a lot where only one home is allowed, living quarters in an accessory building).
44 A 'nonconforming structure' doesn't meet the dimensional ~~provisions standards~~ in the code.

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2 2005 Wisconsin Act 112 allows nonconforming *structures* damaged or destroyed by specified natural
3 causes on or after March 2, 2006, to be rebuilt. The replacement structure may be larger than the one
4 destroyed *if necessary for the structure to comply with applicable State or Federal requirement* (e.g.
5 removing it from a wetland or floodway). This has not been addressed in the village code.
6 The code makes a distinction between ‘detrimental nonconformities’ and ‘benign nonconformities’.
7 This isn’t addressed in statutes, and is subject to interpretation, which often opens the village up for
8 litigation. The amendment would remove this irregularity and ensure the code is consistent with
9 statutes and easier to interpret.

10
11 Amendments are shown below.

12 **Sec. 66.0900 Non-Conforming Use Definitions**

13 The following definitions and categories shall apply to non-conforming uses and structures.

- 14 ~~• Detrimental Non-Conformities are those that have a negative impact on the health and safety~~
15 ~~of the public. Detrimental non-conformities have the potential for harm.~~
16 ~~• Benign Non-Conformities are those that do not have a negative impact on the health and safety~~
17 ~~of the public, but may have a negative impact on public welfare.~~
18 • Nonconforming Use means a use of land, water, building or structure that existed lawfully
19 before November 15, 1973, or prior to an amendment thereto, that does not conform with the
20 use restrictions in the current ordinance.
21 • Health and Safety of the Public is the protection from injury, illness, danger and other harm.
22 • Public Welfare is the protection from nuisances, economic interest, convenience,
23 community character and the vision expressed in the Village’s Smart Growth Plan.
- 24 (1) ~~Detrimental Non-Conforming Uses. Detrimental non-conforming uses are those non-conforming~~
25 ~~uses, which are not compatible with permitted uses in the zoning district and which, if permitted to~~
26 ~~continue or expand, would have a detrimental effect on those uses permitted in the zone.~~
27 ~~Detrimental non-conforming uses shall include the following:~~
28 (a) ~~Commercial and industrial uses in residential and institutional zones.~~
29 (b) ~~Industrial uses in commercial zones.~~
30 (c) ~~In commercial zones, residential uses not specifically permitted in those zones.~~
31 (c) ~~Benign Non-Conforming Uses. Benign non-conforming uses are those uses other than detrimental~~
32 ~~non-conforming uses, which are generally not detrimental in the zone where they are located and~~
33 ~~include the following:~~
34 (a) ~~In residential zones, those non-conforming residential uses which do not conform to the~~
35 ~~population density standards for the zone in which they are located.~~
36 (b) ~~In commercial zones, those non-conforming uses which are of the same general type as~~
37 ~~those uses permitted in the zone and are determined by the Plan Commission to not be~~
38 ~~incompatible with permitted uses.~~

39 **Sec. 66.0901 Existing Non-Conforming Uses [Renumber]**

40 ~~The lawful non-conforming use of land or water; or a lawful non-conforming use on a conforming or non-~~
41 ~~conforming lot which existed at the time of the adoption or amendment of this chapter may~~ A lawful
42 **nonconforming use** may be continued, although the use does not conform with the provisions of this
43 chapter; however,

- 44 (a) Expansion of the Non-Conforming Use Prohibited. Only that portion of the land or water **or building**
45 **or structure** in actual use may be so continued and the use may not be extended, enlarged,

1 substituted or moved; except when required to do so by law or order or so as to comply with the
2 provisions of this chapter. The expansion of parking or loading space to conform to the code is
3 permitted.

4 ~~(b)~~ Repairs and Structural Alterations. The total structural repairs or alterations in such a nonconforming
5 building, premises, or structure shall not during its life exceed 50 percent of the assessed value of
6 the building, premises, or structure unless permanently changed to a conforming use. The village
7 uses county equalized assessed valuations to determine value.

8 ~~(c)~~ Discontinuance. If such non-conforming use is discontinued or terminated for a period of twelve (12)
9 consecutive months, any future use of the land or water or building or structure shall conform to the
10 provisions of this chapter. ~~When a portion of a non-conforming use ceases on a portion of the land
11 or water, that portion of the non-conforming use shall be terminated.~~

12 (d) Burden of Proof. The owners of property claiming to have a legal non-conforming use or a lawful
13 conditional use have the burden to prove that such use is in fact a non-conforming use or lawful
14 conditional use in accordance with Sec. 66.0922, *Interpretation and Proof of Uses*.

15 (e) Changes and Substitutions. A non-conforming use of land or water or building or structure may be
16 changed to a less intense non-conforming use with the approval of a Conditional Use Permit by the
17 Plan Commission when it can be demonstrated that the new use is in fact less detrimental to the
18 other uses in the area.

19 (a) Once a non-conforming use has been changed to conform, it shall not revert to a non-
20 conforming use.

21 (b) Once the Plan Commission has permitted the substitution of a less restrictive non-conforming
22 use for an existing non-conforming use, the substituted use shall lose its status as a legal non-
23 conforming use and become subject to all the conditions required by the Plan Commission.

24 (f) Multiple Occupancy Developments (MODs). MODs are a grouping of residential rental units on the
25 same lot that pre-dated the Village adopting zoning regulations and do not meet the definition of
26 the terms hotel, motel or condominium. These uses are not listed in a specific zoning district and
27 are regulated by Conditional Use Permit. There are two types of multiple occupancy developments:

28 (a) Multiple Occupancy Development, Short-Term. Units are rented on a transient basis; and,

29 (b) Multiple Occupancy Development, Long-Term. Units are rented for periods of thirty (30)
30 consecutive days or more.

31 a. Short-Term MODs. All units in Short-Term Multiple Occupancy Developments which
32 predated zoning, and in which such rentals were not discontinued for twelve (12)
33 months or more can continue to be rented, but any expansion of the use may only
34 be authorized by Conditional Use Permit. Said units can continue to be rented as
35 they were prior to Act 59, but proof of said rental history shall be provided to the
36 Village so as to determine the intensity of the non-conforming use. Since the use
37 cannot be enlarged or extended, the number of days the development can be rented
38 is limited to the number of days in a calendar year it was rented prior to the adoption
39 of Act 59. The non-conforming use must still comply with Chapter 18 of the
40 Municipal Code, *Business Regulation*.

41 b. Long-Term MODs. Units in Long-Term Multiple Occupancy Developments cannot
42 be rented for periods of time less than thirty (30) consecutive days, but if a primary
43 dwelling exists within the development, that one dwelling alone can be utilized as a
44 short-term rental. If more than one unit in a long-term multiple occupancy
45 development were to be rented for periods of less than thirty (30) days, the entire
46 property would have to transition to a Short-Term Multiple Occupancy
47 Development.

1 **Sec. 66.0902 Conforming Structures on Non-Conforming Lots**

- 2 (a) Continued Use Allowed. The use of a conforming structure existing at the time of the adoption or
3 amendment of this chapter may be continued although the lot area or lot width does not conform
4 to the requirements of this chapter.
- 5 (b) Additions and Enlargements. Additions and enlargements to the conforming structures are
6 permitted and shall conform to the established building setback, height, parking, loading and access
7 and other ~~dimensional, provisions standards~~ of this chapter **unless a variance is granted from the**
8 **Board of Appeals.**
- 9 (c) Existing Structures on Non-Conforming Lots. Existing conforming structures on non-conforming lots,
10 which are damaged or destroyed by fire, explosion, flood, or other calamity, may be reconstructed
11 and shall conform to the established building setback, height, parking, loading, and access provisions
12 of this chapter **unless a variance is granted from the Board of Appeals.**

13 **Sec. 66.0910 Non-Conforming Structure Definitions**

14 The following definitions and categories shall apply to non-conforming structures:

- 15 • ~~Detrimental Non-Conformities are those that have a negative impact on the health and safety~~
16 ~~of the public. Detrimental non-conformities have the potential for harm.~~
- 17 • ~~Benign Non-Conformities are those that do not have a negative impact on the health and~~
18 ~~safety of the public, but may have a negative impact on public welfare.~~
- 19 • Nonconforming Structure means a dwelling, or other building or structure that existed
20 lawfully before November 15, 1973, or prior to an amendment thereto, that does not conform
21 with one or more development regulations in the current zoning ordinance.
- 22 • Health and Safety of the Public is the protection from injury, illness, danger and other harm.
- 23 • Public Welfare is the protection from nuisances, economic interest, convenience, community
24 character and the vision expressed in the Village’s Smart Growth Plan.
- 25 • ~~Detrimental Non-Conforming Structures are those designed for detrimental uses not~~
26 ~~permitted in a zone and cannot be reasonably structurally altered to house a conforming use.~~
27 ~~Such structures include the following:~~
- 28 ~~▪ In residential and institutional zones, commercial and industrial buildings.~~
- 29 ~~▪ In commercial zones, industrial buildings.~~
- 30 ~~▪ In commercial zones, residential buildings not specifically permitted in the zone.~~
- 31 • ~~Benign Non-Conforming Structures are those structures other than detrimental non-~~
32 ~~conforming structures, which are generally not detrimental in the zone where they are~~
33 ~~located and include the following:~~
- 34 ~~▪ In residential zones, buildings that are non-conforming by reason of being~~
35 ~~designed for residential uses which are not permitted in the zone in which they~~
36 ~~are located.~~
- 37 ~~▪ Any building other than a detrimental non-conforming building, which does not~~
38 ~~conform to the height, yard, setback, parking loading, and green space~~
39 ~~requirements of the zone where it is located.~~

41 **Sec. 66.0911 Non-Conforming Structures [Renumber]**

42 The use of **dwelling, building or a** structure existing at the time of the adoption or amendment of this
43 chapter may be continued although the structure’s size or location does not conform to the established
44 building setback, height, **floor area, green space,** parking, loading, ~~and/or~~ access ~~and/or~~ other **dimensional**
45 **provisions standards** of this chapter.

- 46 (–) ~~Discontinuance. If the use of a non-conforming structure is discontinued or terminated for a period~~
47 ~~of twelve (12) consecutive months, any future use of the structure shall conform to the provisions~~

1 ~~of this chapter. When the use of a portion of a non-conforming structure ceases, that portion of~~
2 ~~the non-conforming use shall be terminated.~~

3 (a) Burden of Proof. The owners of property claiming to have a legal non-conforming structure ~~or a~~
4 ~~lawful conditional use,~~ have the burden to prove that such ~~use structure~~ is in fact a non-conforming
5 structure ~~or lawful conditional use~~ in accordance with ~~Sec. 66.0922~~ of this chapter.

6 (b) Additions and Enlargements To Existing ~~Detrimental~~ Non-Conforming Structures. ~~Detrimental~~
7 ~~Non-conforming structures shall not be moved, enlarged, remodeled or modified except where~~
8 ~~necessary to bring the structure more into conformance with this chapter. All additions,~~
9 ~~modifications, or relocations shall meet the dimensional standards of this chapter unless a petition~~
10 ~~for grant of variance has been approved by the Zoning Board of Appeals. for the purpose of making~~
11 ~~them suitable for a conforming use. A detrimental non-conforming structure may be modified to~~
12 ~~permit a less intense non-conforming use with the approval of a conditional use permit by the Plan~~
13 ~~Commission when it can be demonstrated that the new use is in fact less detrimental to the other~~
14 ~~uses in the area .~~

15 ~~(c) Additions and Enlargements To Existing Benign Non-Conforming Structures. Benign non-conforming~~
16 ~~structures shall not be moved, enlarged or modified unless the structure(s), including the additions~~
17 ~~and enlargements, is/are made to conform in every respect to the dimensional requirements of the~~
18 ~~zone where the structure is located. However, the Plan Commission may approve a Conditional Use~~
19 ~~Permits for the expansion or redevelopment of properties which have been previously developed~~
20 ~~and do not conform to the requirements in this Code, provided that the expansion or redevelopment~~
21 ~~is designed for a permitted use. The conditional use permits may permit deviation from the~~
22 ~~regulations, including parking requirements, when it can be found that:~~

- 23 ~~(a) Strict conformance to the Zoning Code requirements would preclude viable expansion or~~
24 ~~redevelopment of the site.~~
25 ~~(b) Strict conformance to the Zoning Code would result in disorderly or illogical transitions~~
26 ~~between existing and expanded areas of the site.~~
27 ~~(c) Deviation from the Zoning Code regulations would not jeopardize the public health, safety and~~
28 ~~welfare and would produce a quality built environment.~~
29 ~~(d) Deminimis deviations from a dimensional requirement or standard would not have a negative~~
30 ~~impact on neighborhood character.~~

31 (d) Damage to Existing Non-Conforming Structures. Existing ~~benign~~ non-conforming structures which
32 are damaged by fire, explosion, flood, or other calamity after March 2, 2006, may be restored to, or
33 replaced at, the size, location, and use it had immediately before the damage or destruction
34 occurred. The replacement structure may only be larger in footprint or floor area than the original
35 nonconforming structure only if necessary for the structure to comply with applicable State of
36 Federal requirements. If reconstruction or enlargement is not necessary, and the structure is in need
37 of repair only, said repairs are allowed provided:

- 38 (a) The use of the building does not change in scope.
39 (b) No walls are reconstructed; new siding is permissible.
40 (c) No new roof structure is allowed; roof repair is allowed, new roofing materials are permissible
41 as long as the truss system is not rebuilt.
42 (d) No plumbing is added to a building that otherwise had no plumbing.

43 ~~(e) May be reconstructed and insofar as is practicable shall conform with the established building~~
44 ~~setback lines along streets and the yard, as well as the height, parking, loading, and access~~
45 ~~provisions of this chapter. Existing detrimental non-conforming structures which are damaged by~~
46 ~~fire, explosion, flood, or other calamity to the extent that such damage is more than fifty percent~~
47 ~~(50%) of the current equalized assessed value of the structure shall not be reconstructed.~~

- 1 (f) Remodeling Existing Non-Conforming Structures. Existing ~~benign~~ non-conforming structures ~~which~~
2 ~~are remodeled or reconstructed shall conform to the established building setbacks, height, parking,~~
3 ~~loading, and access provisions of this chapter.~~ may be remodeled-provided:
4 (a) The use of the building does not change in scope.
5 (b) The floor area or footprint of the building does not change.
6 (c) No new foundation is installed.
7 (d) No exterior walls are reconstructed; repair is allowed of individual wall segments, new siding
8 is permissible.
9 (e) No new roof structure is allowed; roof repair is allowed, new roofing materials are permissible
10 as long as the truss system is not rebuilt.
11 (f) No plumbing is added to a building that otherwise had no plumbing.
12

13 Amend **Sec. 2000 General Definitions**, as follows,

14 ~~Non-Conforming, Uses or Structures~~

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

20 ~~Nonconforming Structure~~ means a dwelling, or other building or structure that existed lawfully before
21 November 15, 1973, or prior to an amendment thereto, that does not conform with one or more
22 development regulations in the current zoning ordinance.
23

24 ~~Nonconforming Use~~ means a use of land, water, building or structure that existed lawfully before
25 November 15, 1973, or prior to an amendment thereto, that does not conform with the use restrictions
26 in the current ordinance.
27

28 Lastly, correct the spelling of ‘~~nonconforming~~’ where found throughout the code.
29

30 **IV. Woodland Overlay**

31 The comprehensive plan adopted in 2025 identified woodland areas of significance to protect (see
32 Comprehensive Land Use Plan, page 41; goals set on page 45; and the Future Land Use Map). This is
33 done by not allowing clearcutting and requiring selective tree removal and addressing site
34 preparation. To do so, those areas identified in the plan, and identified on the zoning map, will be
35 regulated by a Woodland Overlay, one of several overlays in the code to protect environmentally
36 sensitive areas, such as the Wetland Overlay, Bluff Protection Overlay, Ridges and Swales Overlay, etc.

37 **Create Sec. 66.0347, Woodland Overlay District [And add to the Table of Contents]**

38 This district serves to protect the village’s tree canopy from destruction, aid in climate regulation, air and
39 water purification, soil conservation, provide essential habitat and food sources for wildlife, and enhance
40 the natural beauty of the village.

41 (1) Determination. The location of the woodlands in the Woodland Overlay District are those
42 woodlands identified on the Future Land Use Map in the village’s comprehensive plan.

43 (2) Requirements.

- 1 (a) Buildings and structures shall not be placed, to the greatest practical extent, on those
2 portions of a lot designated Woodland Overlay District. If there is not a building site, that
3 meets setback requirements, on the lot outside the woodland area, a portion of the
4 woodland area may be used for development upon approval of the Plan Commission upon
5 finding no practical building site exists outside the woodland area.
- 6 (b) If, upon approval by the Plan Commission in sub. (a) above, development is allowed in a
7 woodland overlay area, no trees may be removed beyond the edge of the tree canopy
8 adjacent to the building or structure.
- 9 (c) No roads or driveways shall be installed in the Woodland Overlay District except those
10 necessary to serve an approved building site. In the event such road or driveway is
11 necessary, the road or driveway shall not exceed the minimum width required by this code,
12 and no trees beyond the minimum width of the road or driveway shall be removed, unless
13 such tree removal has been approved by the Plan Commission. The Plan Commission may
14 consult with a registered professional forester, certified forester, or registered landscape
15 engineer to determine if tree removal is required, how to protect the tree canopy or root
16 structure, or other information necessary to allow the road or driveway to be installed while
17 protecting the woodland cover; the applicant shall pay the costs of such consultation.
- 18 (d) Woodlands shall not be clear cut, thinned, uprooted, removed or topped except as allowed
19 above or as recommended to prevent disease, the spread thereof, or to control invasive
20 species. A special cutting plan prepared by a registered professional forester, certified
21 forester, or registered landscape engineer shall be submitted to the village and approved by
22 village staff prior to removing woodland vegetation to address disease and invasive species
23 concerns.
24

25 Amend **Sec. 66.030 Establishment**, to correct the number of Overlay Districts: *[And add the Historic*
26 *District Overlay and Woodland Overlay to the text box]*

27 **Sec. 66.0300 Establishment**

28 For the purpose of this chapter, the Village of Sister Bay is hereby divided into ten (10) basic use
29 districts and ~~seven~~ (7-9) overlay districts. The names of those districts follows

30
31 **V. Family Living Arrangements**

32 Wis. Stats. §62.23(7)(i) addresses ‘Community and Other Living Arrangements’. Wis. Stats.
33 §62.23(7)(i)2r.3 states ‘Community and Other Living Arrangements’, and includes ‘Adult Family
34 Homes’, with 8 or fewer residents, is allowed to locate in *any* residential zone, without a special permit
35 (sub 7 defines that to include ‘conditional use permit’); 2r.4 says 9-15 residents is entitled to locate in
36 any R-1 or R-2 zone, by special permit (conditional use); 2r.5 says 16 or more residents is allowed in
37 residential zones by special permit (conditional use). (There are further restrictions so the reader is
38 encouraged to review the statutes.)

39 Furthermore, Stats. §46.03(22) defines ‘Community Living Arrangement for Adults’; §48.743(1)
40 defines ‘Community Living Arrangement for Children’; §48.02(6) defines ‘Foster Home’; and ‘Adult
41 Family Home’, is defined in §50.01(1).

42 Foster homes that are the primary domicile of the foster parent are allowed in all residential zones;
43 adult family homes are allowed in all residential zones without special permit (conditional use). But
44 statutes do say when its 8 or more, they need the special permit.

1 Here's the issue(s): i. We define 'Community Living Arrangements', so first off, we should make our
2 terminology consistent with state statutes and wherever 'Community Living Arrangements' appear in
3 the code, it should be rewritten as 'Community *and Other* Living Arrangements'. ii. Our definition
4 does not include 'Adult Family Homes' (and we do not allow them anywhere), so we need to include
5 them in the definition and allow them in the code. iii. Where we allow them is inconsistent with
6 statutes, so that needs to be corrected.

7 Where the code allows or does not allow them compared to statutes:

8
9 • Ch. 66 allows them in R-1, R-2, R-3, and CS-1 if <8 as a permitted use, but we need to
10 include that in R-4.

11 • Those same districts also allow 9-20 persons, by conditional use permit. First, that
12 needs to be changed to 9-15, and just be allowed, by conditional use, in R-1 and R-2.

13 • We do not address 16 or more, but statutes say this is allowed in any residential zone,
14 by special permit (conditional use), so this needs to be added to R-1, R-2, R-3, R-4 and CS-1.

15 Our definition for 'Family Day Care Home' is also inconsistent with statutes and needs to be corrected.
16

17 Amend **Sec. 2000 General Definitions**, as follows:

18 Adult Family Home

19 A private residence to which all of the following apply:

- 20 (1) Care and maintenance above the level of room and board but not including nursing care are provided
21 in the private residence by the care provider whose primary domicile is this residence for 3 or 4
22 adults, or more adults if all of the adults are siblings, each of whom has a developmental disability,
23 as defined in Wis. Stats. §51.01(5), or, if the residence is licensed as a foster home, care and
24 maintenance are provided to children, the combined total of adults and children so served being no
25 more than 4, or more adults or children if all of the adults or all of the children are siblings; and,
26 (2) The private residence was licensed under Wis. Stats. §48.62 as a foster home for the care of the
27 adults specified in sub(a) at least 12 months before any of the adults attained 18 years of age.

28 ~~And also includes a place where 3 or 4 adults who are not related to the operator reside and receive care,~~
29 ~~treatment or services that are above the level of room and board and that may include up to 7 hours per~~
30 ~~week of nursing care per resident.~~

31 Community and Other Living Arrangements

32 ~~Means any of the following facilities: child welfare agencies group home for children and community-~~
33 ~~based residential facilities; but does not include adult family homes, day care centers, nursing homes,~~
34 ~~general hospitals, special hospitals, prisons and jails.~~ The location of a community living arrangement for
35 adults as defined in Wis. Stats. §46.03(22); a community living arrangement for children, as defined in
36 §48.743(1); a foster home, as defined in in §48.02(6); or an adult family home, as defined in §50.01(1), or
37 their successor statutes.

38 Community Living Arrangement for Adults

39 A community-based residential facility as defined in Wis. Stats. §50.01(g) or its successor statute.

40 Community Living Arrangement for Children

1 As defined by Wis. Stats. §48.743(1) or its successor statute, a residential care center for children and
2 youth or a group home

3 **[Realphabetize]** Community Based Residential Facility (CBRF)

4 As defined in Wis. Stats. §50.01 or its successor statute as a ~~A~~ place where 5 or more unrelated ~~people~~
5 adults who are not related to the operator or administrator who do not require care above intermediate
6 level nursing care reside and receive care, treatment or services that are above the level of room and
7 board but that include no more than ~~live together in a community setting. Services provided include room~~
8 ~~and board, supervision, and support services, and may include up to~~ 3 hours of nursing care per week per
9 resident.

10 Family Day Care Home

11 A dwelling licensed as a day care center by the State of Wisconsin pursuant to Wis. Stats. §48.65, where
12 care is provided for ~~4 or more~~ children ~~not more than eight children~~ under the age of 7 years for less than
13 24 hours per day. All structures shall be located a minimum of 100 feet from any residentially zoned
14 property.

15 Foster Home

16 Any facility operated by a person required to be licensed by ~~section~~ Wis. Stats. §48.62, or its successor
17 statute, that provides care and maintenance for no more than four children ~~unless all children are siblings~~
18 ~~or, if necessary to enable a sibling group to remain together, for no more than 6 children or, if the state~~
19 ~~rules permits a different number of children.~~

20

21 Amend **Sec. 66.0311**, (R-1) as follows: *[And realphabetize]*

22 (1) Permitted Uses.

- 23 (a) Single-family dwellings, including short-term rentals.
- 24 (b) Licensed community and other living arrangements, which have a capacity for eight (8) or
25 fewer persons, subject to the limitations set forth in Wis. Stats. §62.23(7)(i).
- 26 (c) ~~Licensed foster family homes subject to the regulations set forth in Wis. Stats.~~
27 ~~§48.62. [Because they are allowed under (b) above.]~~
- 28 (d) Public parks.
- 29 (e) Essential services, municipal buildings and facilities.

30 (2) Permitted Accessory Uses.

31 *[See Sec. 66.0501, Accessory Uses and Structures]*

- 32 (a) Detached garages shall not be used, rented or leased to any individual who is not the property
33 owner or an occupant residing on the property.
- 34 (b) Ground-mounted and building-mounted earth station dish and terrestrial antennas.
- 35 (c) Home occupations and professional home offices. *[See Sec. 66.0501(4)]*
- 36 (d) Private swimming pools.
- 37 (e) Private tennis courts.
- 38 (f) Solar collectors attached to the principal structure.
- 39 (g) Any use customary and incidental to the above permitted uses as determined by the Zoning
40 Administrator and the Plan Commission Chair.

41 (3) Conditional Uses.

- 42 (a) Bed and breakfast establishments as provided for in Wis. Stats. §50.51(b) and Chapter HSS 197
43 of the Wisconsin Administrative Code, or its successor code.
- 44 (b) Licensed community ~~and other living arrangements based residential living facilities~~, which
45 have a capacity of at least nine (9) ~~but no more than twenty (20)~~ persons.

1 (c) Private parks and playgrounds.

3 Amend Sec. 66.0312, (R-2) as follows: *[And realphabetize]*

4 (1) Permitted Uses.

- 5 (a) Single-family dwellings, including short-term rentals.
- 6 (b) Licensed community and other living arrangements, which have a capacity for eight or fewer
- 7 persons, subject to the limitations set forth in Wis. Stats. §62.23(7)(i).
- 8 (c) ~~Licensed foster family homes subject to the regulations set forth in Wis. Stats. §48.62.~~
- 9 (d) Public parks.
- 10 (e) Essential services, municipal buildings and facilities.
- 11 (f) Residential condominiums, and multiple family dwelling units.
- 12 (g) Boarding houses.
- 13 (h) Licensed family day care homes subject to the regulations set forth in Wis. Stats. §48.65.
- 14 (i) Duplexes.

15 (2) Permitted Accessory Uses.

16 *[See Sec. 66.0501, Accessory Uses and Structures]*

- 17 (a) Detached garages shall not be used, rented or leased to any individual who is not the property
- 18 owner or an occupant residing on the property.
- 19 (b) Ground-mounted and building-mounted earth station dish and terrestrial antennas.
- 20 (c) Home occupations and professional home offices. *[See Sec. 66.0501(d)]*
- 21 (d) Private swimming pools.
- 22 (e) Private tennis courts.
- 23 (f) Solar collectors attached to the principal structure.
- 24 (g) Any use customary and incidental to the above-mentioned permitted uses as determined by
- 25 the Zoning Administrator and the Plan Commission Chair.

26 (3) Conditional Uses.

- 27 (a) Bed and breakfast establishments as provided for in Wis. Stats. §50.51(b) and Chapter HSS 197
- 28 of the Wisconsin Administrative Code, or its successor code.
- 29 (b) Licensed community ~~and other living arrangements -based residential facilities~~ which have a
- 30 capacity of at least nine (9) ~~but no more than twenty (20)~~ persons.

32 Amend Sec. 66.0313, (R-3) as follows: *[And realphabetize]*

33 (1) Permitted Uses.

- 34 (a) Single-family dwellings, including short-term rentals.
- 35 (b) Licensed community and other living arrangements, which have a capacity for eight (8) or
- 36 fewer persons, subject to the limitations set forth in Wis. Stats. §62.23(7)(i).
- 37 (c) ~~Licensed foster family homes subject to the regulations set forth in Wis. Stats. §48.62.~~
- 38 (d) Public parks.
- 39 (e) Essential services, municipal buildings and facilities.

40 (2) Permitted Accessory Uses.

41 *[See Sec. 66.0501, Accessory Uses and Structures]*

- 42 (a) Detached garages shall not be used, rented or leased to any individual who is not the property
- 43 owner or an occupant residing on the property.
- 44 (b) Ground-mounted and building-mounted earth station dish and terrestrial antennas.
- 45 (c) Home occupations and professional home offices. *[See Sec. 66.0501(4)]*
- 46 (d) Private swimming pools.

- 1 (e) Private tennis courts.
- 2 (f) Solar collectors attached to the principal structure.
- 3 (g) Any use customary and incidental to the above permitted uses as determined by the Zoning
- 4 Administrator and the Plan Commission Chair.
- 5 (3) Conditional Uses.
- 6 (a) Bed and breakfast establishments as provided for in Wis. Stats. §50.51(b) and Chapter HSS 197
- 7 of the Wisconsin Administrative Code, or its successor code.
- 8 (b) Licensed community based residential living facilities, which have a capacity of at least ~~nine (9)~~
- 9 ~~sixteen (16)~~ but no more than twenty (20) persons.
- 10 (c) Licensed family day care homes subject to the regulations set forth in Wis. Stats. §48.65.
- 11

12 Amend **Sec. 66.0314**, (R-4) as follows:

- 13 (1) Permitted Uses.
- 14 (a) Single-family dwellings.
- 15 (b) Public parks.
- 16 (c) Essential services, municipal buildings and facilities.
- 17 (d) The R-4 Zoning District shall consist of single family, duplex, townhouse and apartment
- 18 dwelling units or any combination thereof at a percentage mix as permitted by the Plan
- 19 Commission. Transient housing is not permitted.
- 20 (e) ~~Licensed community and other living arrangements, which have a capacity for eight (8) or~~
- 21 ~~fewer persons, subject to the limitations set forth in Wis. Stats. §62.23(7)(i).~~
- 22 (2) Permitted Accessory Uses.
- 23 *[See Sec. 66.0501, Accessory Uses and Structures]*
- 24 (a) Detached garages shall not be used, rented or leased to any individual who is not the property
- 25 owner or an occupant residing on the property.
- 26 (b) Ground-mounted and building-mounted earth station dish and terrestrial antennas.
- 27 (c) Home occupations and professional home offices. *[See Sec. 66.0501(4)]*
- 28 (d) Solar collectors attached to the principal structure.
- 29 (e) Any use customary and incidental to the above permitted uses as determined by the Zoning
- 30 Administrator and the Plan Commission Chair.
- 31 (3) Conditional Uses.
- 32 (a) Private parks and playgrounds.
- 33 (b) Utility substations, municipal wells, pumping stations and towers [Must be a minimum of 50
- 34 feet from any side or rear lot line.]
- 35 (c) Solar energy collectors erected as an accessory structure.
- 36 (d) Utilities requiring a building.
- 37 (e) Antennas over 35 feet tall.
- 38 (f) ~~Licensed community based residential living facilities, which have a capacity of at least sixteen~~
- 39 ~~(16) but no more than twenty (20) persons.~~
- 40

41 Amend **Sec. 66.0315**, (CS-1) as follows: *[And realphabetize]*

- 42 (1) Permitted Uses.
- 43 (a) Single-family dwellings, including short-term rentals.
- 44 (b) Licensed community-based residential living facilities, which have a capacity for eight (8) or
- 45 fewer persons, subject to the limitations set forth in Wis. Stats. §62.23(7)(i).
- 46 (c) ~~Licensed foster family homes subject to the regulations set forth in Wis. Stats. §48.62.~~

- 1 (d) Public parks.
- 2 (e) Essential services, municipal buildings and facilities.
- 3 (f) General farming, including but not limited to apiculture, floriculture, forage crop production,
- 4 forestry, grain production, grazing, orchards, vineyards and truck farming.
- 5 (g) Horse stables.
- 6 (h) Tree farms and woodlots.
- 7 (i) Existing dwellings not accessory to any farm operation or a dwelling remaining after farm
- 8 consolidation.
- 9 (j) Indoor institutional uses.
- 10 (k) Churches.
- 11 (l) Keeping and raising of domestic stock for agribusiness, show, breeding, boarding, or other
- 12 purposes incidental to the principal use of the premises shall be limited to no more than three
- 13 (3) non-domestic animals per acre.

14 (2) Permitted Accessory Uses.

15 *[See Sec. 66.0501, Accessory Uses and Structures]*

- 16 (a) Detached garages and storage sheds. Detached garages shall not be used, rented or leased to
- 17 any individual who is not the property owner or an occupant residing on the property.
- 18 (b) Ground-mounted and building-mounted earth station dish and terrestrial antennas.
- 19 (c) Home occupations and professional home offices. *[See Section 66.0501(4)]*
- 20 (d) Private swimming pools.
- 21 (e) Private tennis courts.
- 22 (f) Solar collectors attached to the principal structure.
- 23 (g) Any use customary and incidental to the above permitted uses as determined by the Zoning
- 24 Administrator and Plan Commission Chair.
- 25 (h) One roadside stand, no larger than 200 square feet in area, for the sale of farm products
- 26 produced on the premises. Any such stand shall conform to the farm stand setbacks set forth
- 27 in Sec. 66.0315(6)(a) and to the sign, parking and other provisions of this Zoning Code.

28 (3) Conditional Uses.

- 29 (a) Assembly Halls.
- 30 (b) Bed and breakfast establishments as provided for in Chapter HSS 197 of the Wisconsin
- 31 Administrative Code, or its successor code.
- 32 (c) Licensed community and other living arrangements, which have a capacity of at least ~~nine (9)~~
- 33 ~~sixteen (16)~~ but no more than twenty (20) persons.
- 34 (d) Licensed family day care homes subject to the regulations set forth in Wis. Stats. §48.65.

36 **VI. Miscellaneous**

37 Other miscellaneous amendments address lighting; a need to amend the Site Plan and Architectural
 38 Review section to reduce the permitting process for retail shops in a retail center; make code language
 39 consistent with statutes as to what body is the 'Zoning Board'; and to clarify the CS-1 district is a
 40 residential zone, which illustrates compatibility with the future land use map adopted by the Board in
 41 early 2025.

42 Amend **Sec. 66.0809 Outdoor Lighting**, as follows:

43 (2) General Requirements.

- 44 (a) All outdoor lighting fixtures installed by November 13, 2004, and thereafter maintained upon
- 45 private or public residential, business, and institutional property shall comply with the
- 46 following standards:

- 1 1. The maximum allowable light trespass shall be 0.5 horizontal foot-candles 4 feet above
2 ground. The point of measurement of this offending light shall be at the property line for
3 residential, commercial, institutional or public use. The measurement shall not include
4 any ambient natural light.
- 5 2. Light sources shall be shielded or installed so that there is not a direct line of sight
6 between the light source and its reflection and at a point five feet or higher above the
7 ground of adjacent property and public streets. The light source shall not be of such
8 intensity to cause discomfort or annoyance.
- 9 3. Any outdoor lighting fixture installed on a parking lot shall ~~use metal halide lamps~~ use
10 dark sky approved lighting, in particular a hood and lens that are shielded to direct light
11 downward.

12 Amend **Sec. 66.1050 Site Plan and Architectural Review**, as follows:

- 13 (b) For the purpose of promoting compatible development, stability of property values, and to
14 prevent impairment or depreciation of property values, no person shall commence any use
15 or erect any structure without first obtaining the approval of detailed site and architectural
16 plans, as set forth in this section prior to the issuance of a Zoning Permit. ~~Except those uses~~
17 ~~in the Country Walk Shops commercial center development where a use is changed solely~~
18 ~~to a retail use,~~ the Plan Commission shall review architectural plans and site plans
19 showing existing and proposed structures, neighboring uses, parking areas, driveway
20 locations, sidewalk widths and locations, loading and unloading areas, highway access,
21 traffic generation and circulation, drainage, the utilization of landscaping, existing natural
22 resources and the proposed operation in all districts. However, this process shall not be
23 required in the CS-1 District, unless the development site contains wetlands as shown on
24 either the July 1, 1992, Final Wetlands Inventory Map issued by the Wisconsin Department
25 of Natural Resources, ~~or its successor map,~~ or wet areas as shown on the Village's latest
26 topographic maps or woodlands ~~(this is not the same as the Woodland Overlay District)~~ as
27 shown on the most recent aerial photos of the Village. Single-family and two-family
28 dwellings shall not be subject to site plan and architectural review by the Plan Commission,
29 however, if in the opinion of the Zoning Administrator, such residential plans exhibit design
30 or appearance characteristics to require architectural review, the Zoning Administrator
31 shall refer the application and such written opinion to the Plan Commission for review.

32 Amend **Sec. 66.1520 Development Agreement Required**, as follows:

- 33 (1) The applicant shall be required to enter into a Development Agreement with the
34 Village at the time of approval of an application for a Zoning Permit for all projects and
35 developments listed below:
 - 36 (a) All new construction other than individual single-family homes, which are not
37 part of an active subdivision or condominium plat.
 - 38 (b) Commercial projects, including those projects in existing buildings involving a
39 change of use or occupancy, expansion, or where the building is non-conforming
40 for setback, height or parking. ~~This does not include those uses in the Country~~
41 ~~Walk Shops commercial center development where a use is changed solely to a~~
42 ~~retail use, or, existing nonconforming commercial buildings which elect to~~
43 ~~replace siding and existing windows or install new window openings.~~

1 (c) The Plan Commission shall have the authority to exempt an applicant from
2 securing a Development Agreement with a three-fourths (3/4) majority of the Plan
3 Commission.

4 Amend **Sec. 66.1500 Plan Commission**, as follows:

5 (1) Composition. The Village Plan Commission shall consist of three (3) Trustees,
6 four (4) citizens and one (1) citizen with recognized experience who shall serve as an ex-officio
7 member of the Plan Commission. The Village President will appoint the Plan Commission
8 Chairperson, subject to Board approval. The citizen and Trustee members of the Plan
9 Commission shall be appointed by the President, subject to confirmation by the Board of
10 Trustees, for staggered terms of three (3) years commencing on May 1st of each year.

11 (2) Powers and Duties. The Plan Commission shall perform such duties as are prescribed
12 by Wis. Stats. §62.23, and to that extent are deemed the Zoning Board, and has such further
13 powers as may be delegated to it by the Wisconsin Statutes and Village ordinances. (Please note
14 the Zoning Board is different from the Zoning Board of Appeals.) The Plan Commission shall have
15 the duties of making reports and recommendations related to the planning and development of
16 the Village to public officials, agencies, public utility companies, civic, educational, and
17 professional and other organizations, and citizens. The Plan Commission may employ
18 consultants, to the extent that the Village budget allows, who may prepare surveys and studies,
19 prepare plans and recommendations, and perform other duties assigned by the Plan
20 Commission. In general, the Plan Commission shall have such powers as may be necessary to
21 enable it to perform its function and promote municipal planning. Decisions, interpretations, and
22 recommendations of the Plan Commission shall take into account existing local, state and federal
23 ordinances, statutes 65 and regulations, together with recent modifications to those legal
24 sources.
25

26 Amend **Sec. 66.0315, CS-1 Countryside District**, as follows:

27 **Sec. 66.0315 CS-1 Countryside District**

28 The Countryside (CS-1) District provides for the continuation of low-density residential housing and
29 general, non-intensive, agricultural and related use in those areas suited to farming. The intent is to
30 conserve areas with adequate soil types, drainage and topography for low-density residential use and to
31 preserve the rural landscape from an uneconomical scattering of residential development in such
32 areas. This district may appear as a residential land use on the comprehensive plan's Future Land
33 Use Map.
34

35 **SECTION 2. Available for Inspection.**

36 A copy of this ordinance shall be permanently on file and open to public inspection in the Village
37 Administration Office two weeks prior to its adoption and after its enactment.
38

39 **SECTION 3. Ordinances in Conflict.**

40 All other ordinances in conflict herewith be, and the same hereby are repealed.
41

42 **SECTION 4. Effective Date.**

43 This ordinance shall take effect and be in full force from and after February 18, 2026.
44

1 **SECTION 5. Severability.**

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

6 **VILLAGE OF SISTER BAY**

7 By:

8 

9 Nate Bell, Village President

13 ATTEST:

14 
15 Julie Thyssen, Village Clerk

16 Ayes: 4 Nays: 2

17 Filed/Posted: ___ February 18, 2026 ___
18 Village Administration Office, 2383 Maple Drive
19 Sister Bay Post Office, 10685 N Bay Shore Drive
20 Sister Bay Liberty Grove Library, 2323 Mill Road
Effective Date: February 18, 2026

Draft Date: JAS/12/31/2025