

NOVEMBER 26, 2024
PLAN COMMISSION MEETING

Agenda Item No. 1
CALL MEETING TO ORDER
& ROLL CALL

Agenda Item No. 2
APPROVAL OF AGENDA AS PUBLISHED

Agenda Item No. 3
APPROVAL OF THE MINUTES FOR THE
OCTOBER 22, 2024 MEETING OF THE PLAN
COMMISSION.

Agenda Item No. 4
COMMENTS, CORRESPONDENCE AND CONCERNS
FROM THE PUBLIC



PLAN COMMISSION MEETING AGENDA

Tuesday, November 26, 2024 at 5:30 P.M.

Sister Bay-Liberty Grove Fire Station – 2258 Mill Rd., Sister Bay, WI – Large Meeting Room

To access the meeting electronically, click:

<https://zoom.us/j/4439901723?pwd=yAVpi40M1OlqgNufcVUE8XWCUSkKaH.1&omn=9706363858>

(Please note that this is a new hyperlink.)

Meeting ID: 443 990 1723 Passcode: 304078

To connect by phone: 1-301-715-8592 - Meeting ID 443 990 1723#

For additional meeting information visit: www.sisterbaywi.gov, click 'Agendas and Minutes' or watch the meeting video online.

AGENDA

1. Call to Order & Roll Call
2. Approval of Agenda
3. Approval of October 22, 2024, Meeting Minutes
4. Comments, Correspondence and Concerns from the Public
5. Discussion/Action Items:
 - a. Site Plan Review; Vestibule Addition; CHOP, 2345 Mill Road
 - b. Site Plan Review; Change of Use; Former Aurora Building, Unit 1, 2521 S. Bay Shore Drive
 - c. Proposed Text Amendments; Ch. 66; B-2 Overlay
 - d. Proposed Text Amendments; Ch. 66; B-3 Height
 - e. Proposed Text Amendments; Ch. 66; Open Space
 - f. Proposed Text Amendments; Ch. 50 & 66; Miscellaneous
 - g. Fee Schedule
 - h. Identify Location for Marge Grutzmacher Memorial Little Library
6. Permit Report
7. Administrator's Report
8. Matters to be Placed on a Future Agenda or Referred to a Committee, Official or Employee
9. Next Meeting
 - Regular Monthly Meeting; January 28, 2025, at 5:30 P.M.; Large Meeting Room, Sister Bay-Liberty Grove Fire Station
10. Adjournment

Public Notice

For questions regarding the above agenda items or to review the related files contact Julie Schmelzer, Village Administrator, at julie.schmelzer@sisterbaywi.gov. To submit letters in support or opposition of an agenda item that is *not* part of a public hearing, email janal.suppanz@sisterbaywi.gov by 4:00 pm the day before the meeting; letters regarding a public hearing must be received by 4:00 pm the Thursday before the hearing. It is possible that members of, or quorum of, other governmental bodies may attend the meeting to gather information; no action will be taken by any governmental body other than the body specifically referred to above. Upon reasonable notice, a good faith effort will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aid or accommodation at no cost to the individual. Due to the difficulty in finding interpreters, requests should be made as far in advance as possible, preferably a minimum of 48 hours. For additional information or to request this service, contact the Village Administration Office at 920.854.4118 or in writing to: Village Administration Building, 2383 Maple Dr., PO Box 769, Sister Bay, WI 54234. Copies of reports and other supporting documentation are typically available online and can also be viewed at the Village Administration Office 8 am – 4 pm Monday through Thursday, except holidays.

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POSTED DATE/SIGNATURE _____

VILLAGE OF SISTER BAY
HYBRID PLAN COMMISSION MEETING MINUTES
TUESDAY, OCTOBER 22, 2024
APPROVAL PENDING

1. Call Meeting to Order

Chair Bhirdo called the hybrid meeting to order at 5:30 p.m. at the Sister Bay-Liberty Grove Fire Station.

2. Roll Call

Roll call was taken and a quorum declared.

Commission Members Present: Plan Commission Chair Denise Bhirdo; Village President and Trustee Nate Bell; Trustee Patrice Champeau (virtual); Citizen Members Laurel Harff and Mitch Ohnesorge

Commission Members Excused: Citizen Member Ron Kane

Staff: Village Administrator Julie Schmelzer

Others: Trustee Kurt Harff, John Zacek, Mark Nelson, Rachell Stollenwerk, Skyler Witalison, Steve Musinsky, David Matasek, Mary Deviley, Ed Walchessen, Lissa Parr, Walt Swietlik, Bjorn Johnson (virtual), Sydney Swan of Bay-Lake Regional Planning (virtual). (Others were present but did not identify themselves.)

3. Approval of Agenda

Motion by Bell, second by Harff, to approve the agenda as presented. Motion carried unanimously.

4. Approval of September 24, 2024 Meeting Minutes

Chair Bhirdo found two errors on page 3 of the minutes: An added "as" and unnecessary "as a moratorium is in effect". There was a motion by Bell, second by Harff, to approve the amended minutes. Motion carried unanimously.

5. Comments, Correspondence and concerns from the Public

An email from Steve Musinsky was in the meeting packet; Musinsky appeared in person at the meeting and discussed issues with campfires at short-term rentals. He encouraged the commission to recommend amending the short-term rental rules to require operating rules have a link to the DNR burn ban website.

6. Discussion/Action Items

a. Site Plan Review; Aquatics Facility; Highway 57; Rachel Stollenwerk

Schmelzer shared her staff report and summarized the plans received for the project. Committee members discussed concerns with the number of trees along Highway 57 by the stormwater pond; asked shrubs be dispersed between the pines; and perennials do not include orange daylilies. Stollenwerk indicated the beds will have stone for ease of maintenance, and Skyler Witalison, of Stantec Consulting, indicated he would amend the landscaping plan to add the tree and shrubs requested. In response to other questions raised, Stollenwerk indicated there would be a bike rack for cyclists and no blasting was required for the pools. Most of the conversation focused on the lighting and it was ultimately agreed no outdoor lighting would exceed 3000K, motion detectors would be allowed on the building, but all parking lot lights, and exterior building lights not using a motion sensor, were limited

to the same hours of operation for the business. It was noted Stollenwerk had not selected the color of the outdoor light fixtures for the building, and the commission felt they had sufficient information to recommend approval of a development agreement to the Village Board, and leave the fixture color to Stollenwerk to decide. In reference to conversations from earlier commission meetings that year, Stollenwerk asked if the village was going to require the condition her access be relocated, should the village install a road on the north side of her property, to which members agreed should be a condition of approval.

Motion by Bell, second by Champeau, to recommend to the Village Board approval of a development agreement, to include the standard language required in all of the village's development agreements, but specifically adding the following: Landscaping be per the commission's October 22, 2024 request to add more shrubbery; the outdoor lighting approved shall not exceed 3000k; all lights shall be on a timer and not remain on after or before business hours; motion detection lights are allowed on the building, should the owner want them, but they too are limited to 3000k; the color of the light fixtures shall be up to the owner; Stollenwerk agrees that, if the village opts to locate a road along the north boundary of the property, PCI Holdings, LLC will be required to move the access from the state highway to the village road. Motion carried unanimously.

b. Site Plan Review; Parking Lot; 2669 S. Bay Shore Drive; Open Hearth Lodge

Staff shared the highlights from the staff report and plans submitted noting the request was for an additional parking lot on the south side of the property, parallel to the road. John Zacek of Open Hearth Lodge and Skyler Witalison of Stantec Consulting were present to answer questions about the proposal. Zacek explained they have 55 rooms for rent and 61 parking stalls, and when people have boats or trailers, they end up parking on the road. Bhirdo shared concerns about the lot being close to a curve, the amount of asphalt, the code doesn't allow a parking lot in a front yard, and concern over the water that accumulates in that area and whether the lot would impede the flow of water. Bell thought the lot should have one way traffic and also expressed dislike of parking in the front yard. Zacek explained the pond on the property serves as the retention area for runoff. Witalison explained there are wetlands at the back of the lot, but not where the parking lot would be located, the parking lot will be built up, and any runoff onto the neighboring property would be addressed through a drainage easement. Bhirdo reminded them the code requires all water to be contained onsite, so a drainage easement would not be allowed. The question arose as to how the current lot got approved, and the applicant explained the village approved the addition to the current lot in 2020. Members discussed adding parking to the existing parking lot, along the north lot line, and extending it towards the rear of the lot.

Motion by Bhirdo, second by Bell, to deny the site plan request. Motion carried unanimously.

c. Site Plan Review; Contractor Sales and Service Building; Highway 57; Eagle Mechanical, Inc.

Schmelzer briefly summarized the project and the materials sent to the commission. She also showcased the siding and roofing samples provided by the applicant. Present to answer questions were Mark Nelson, the General Manager for Eagle Mechanical, and Skyler Witalison of Stantec Consulting. Nelson explained a highway access approval was a condition of their purchase of the lot, and the access would need to serve both their business and any future lot they create. There was concern over the amount of asphalt and the location of the lot in that it was slightly closer to the road than the east wall of the showroom, and concern over the trees to be planted and

whether they adequately would screen the building. Nelson explained the lot was as large as it was to allow for delivery trucks, and the stalls were located slightly closer to the highway so customers didn't have to walk around the vehicles to get into the building. He did say however he could shift the parking stalls one to two feet further from the road. Stantec agreed to revise the plan to address concerns, as well as add a medium size tree to the front of the building to address landscaping concerns about the building wall being too visible to passersby. Other items discussed were all exterior lighting be limited to soffit lighting, and members wanted the lighting limited to 3000k, which Nelson agreed to. It was noted the back of the property has sufficient vegetation to screen the development from the residential properties on Northwoods, and any signage would need a permit.

Motion by Bell, second by Ohnesorge, to recommend to the Village Board approval of a development agreement, to include the standard language required in all of the village's development agreements, but specifically adding the following: Landscaping be per the commission's October 22, 2024 request to add another tree, medium in size, and the species at the owner's discretion, to the front of the lot approximately where the '6' is shown on the plan that was presented to them; the parking area be further from the road so no portion extends closer than the wall of the showroom; colors and materials be per the samples reviewed at the meeting; all exterior lighting be limited to soffit lighting, 3000k, and, the lighting be shut off during the hours the business is closed. Motion carried unanimously.

d. Development Agreement Amendment; Reduce No. of STRs; Marina View Condominiums; 10722 N. Bay Shore Drive; Chris Crotty

Crotty was not present but a letter from him was in the meeting packet. The letter explained he would like to sell his unit and asked if the commission would remove the deed restriction from his unit requiring four units to be rented as short-term rentals at least 100 days a year. Walt Swietlik commented that he owned a unit in the condominium and owners should be allowed to do what they want. Members that were on the commission when the Marina View Condominium project was approved shared with the commission the challenges the commission had in approving the condominium project, and said it was not advisable to now start switching the deeds and trying to manage what deeds had restrictions and which didn't, and rather, their original decision should remain and unit buyers should need to comply with the conditions which allowed the project to move forward.

Motion by Bhirdo, second by Champeau, to deny the request. Motion carried unanimously.

e. Comprehensive Plan Working Session.

Sydney Swan of BayLake Regional Planning Commission virtually led the group through the final review of the various draft land use maps. Members then focused on the Future Land Use Map, making many edits to reflect how they envisioned the village developing over the next twenty years. Of discussion was whether to have extraterritorial zoning. Schmelzer explained she has a meeting scheduled with the town and she would discuss the topic with them to see if they would be interested in a joint plan for the extraterritorial areas. Members also briefly discussed the draft plan and noted there were several chapters left to be written and reviewed. A timeframe for adoption was discussed, and it was noted the plan was supposed to be completed by fall and the commission should strive to have the public hearing in January, if possible.

1 *Due to the length of the meeting the commission agreed to postpone action on items f, g and h until the next*
 2 *meeting. Therefore, the discussions on the B-2 and B-3 overlays, and the location for the Grutzmacher Little*
 3 *Library, will be on the November agenda.*

4
 5 **7. Permit Report.**

6 (No discussion.)
 7

8 **8. Administrator's Report**

9 (No discussion.)
 10

11 **9. Matters to be Placed on Future Agenda or Referred to a Committee, Official or Employee**

12 Members agreed they need to finish working on the comprehensive plan to try and get it completed, and
 13 revisit the items they did not have time to address that evening, which were items 6.f., g. and h on the
 14 meeting's agenda. Schmelzer explained CHOP needed approval of a temporary vestibule for the winter
 15 weather, and due to the meeting schedules, they may not get approval before winter, but it would be
 16 discussed in November; members agreed the Chair and staff could review the design, and if acceptable,
 17 allow the temporary vestibule to be erected, and proceed with the hearing thereafter as planned. Also
 18 discussed was scheduling a public hearing to rezone the former Wiltse site, Logerquist site, and some text
 19 amendments that need to be addressed; these items should be brought forward for discussion at the
 20 next meeting.
 21

22 **10. Next Meeting**

23 The members discussed their upcoming schedule and agreed there would be no December meeting, but
 24 they would meet for their regular meeting in November. The meeting was set for November 26, 2024,
 25 at 5:30.
 26

27 **11. Adjournment**

28 Motion by Harff, second by Champeau, to adjourn. Motion carried unanimously. The meeting was
 29 adjourned at 8:18 p.m.
 30

31 **Respectfully submitted,**

32 Julie Schmelzer

33 Acting Recording Secretary

CORRESPONDENCE

At the November 12, 2024, meeting of the Village Hall Planning Task Force, Bjorn Johnson commented on the need to address parking with any land use change at the village hall. The task force referred the matter to the Plan Commission. (This was previously referred to, and briefly discussed by, the Plan Commission.)

November 9, 2024

SUBJECT: “2024-10 Door County Comprehensive and Farmland Preservation Plan 2045”

Dear “To Whom it may Concern,”

I’m confused.

I was looking through the November 12, Door County Board Meeting Packet (2024-11-12 County Board Agenda Packet.pdf) because of an interest in Liberty Grove’s proposed amendment to Heartland-10 zoning. When I came to Agenda Item 16 Ordinances,” and saw it was on the agenda, I also noted that “2024-10 Door County Comprehensive and Farmland Preservation Plan 2045” was also on the agenda.

A neighbor had mentioned this ordinance the other day and I briefly looked at the plan. Today I became aware that the Village of Sister Bay Administrator, Julie Schmeltzer, had noted in a letter to the county’s Land Use Department that “the municipal boundaries shown on the plan’s map(s) is inaccurate.”

Because we abut the Village on our farm’s western property line, I endeavored to figure out the reference.

- **Map 9.1(C): Future Land Use Northern Municipalities** Door County Comprehensive and Farmland Preservation Plan 2035
 - Doesn’t call out road names other than 42, 57, and ZZ
 - But as nearly as I can make out, our property at 2165 Hill Road is designated in the key as “Rural Residential” in the Future Land Use Categories.
 - Over the past thirty plus years, two or three residences have been built on some parcels on Hill Road between the village and Old Stage Road. One residence has been leveled. There are several large parcels of 20 to 40 acres, some of which remain agricultural.
 - Just south of our property is a large area designated “Residential” in the Future Land Use Categories. This is an area which was all cherry orchards. It was subdivided into smaller, minimum size parcels prior to the latest major zoning ordinance revision. “Orphan” parcels resulted, and no provisions were made for access to parcels not directly on Scandia Road.

I don’t know whether this undated map is even the correct map being considered in this ordinance adoption. The map legend cautions “This set of maps is a compilation of data gathered for evaluation purposes only.”

Adding to my confusion is the possibility that the Future Land Use Plan maps were first envisioned by persons who:

- believed in the then-accepted spirit of urban development, sometimes referred to by detractors as “urban sprawl,” that new single family homes would radiate out chock-a-block from the village into the surrounding countryside,
- believed municipal sewer and water service areas would move out into the rural areas,

- were aware of the reality of Wisconsin's annexation statutes at that time.

None of those assumptions have remained valid over the ensuing thirty plus years.

I don't know how much of a "deep dive" the authors of the Comprehensive and Farmland Preservation Plan 2045 are doing or did into the "facts on the ground."

But throughout Liberty Grove, there are:

- "forties" which were subdivided into smaller parcels prior to the last major zoning revisions. Will these be addressed to maintain rural areas in keeping with the zoning definitions of areas presently zoned Heartland?
- Substantial homes—some call them "McMansions"--being built on large parcels that do not resemble the small lot, modest home suburbia which may have been envisioned thirty plus years ago.
- Major investments made by property owners to bring POWTs up to current standards including, in Liberty Grove, aggressive inspections of older septic systems, replacements of failing and non-code compliant components, and regular every-three-year reinspection. There have been upgrades of current municipal systems to address system aging and capacity deficiencies, but no substantial extensions of the service areas of current sewer and water areas.

As an aside, the most recent assessments in Liberty Grove have designated many of these parcels without improvements—buildings, POWTs or electric-- as "residential." The methodology which the assessors purport to have taken in their "first acre" approach to these parcels does not hold up under close scrutiny. These anomalies do not appear to be "revenue neutral."

We care because we have placed our farm in a Conservation Easement to preserve in perpetuity our little piece of Door County,

- we have renewed our fifty years of commitment to Wisconsin's Managed Forest Law (MFL) program (197x-2024) by renewing our MFL acreage for another fifty years (2025-2075), and
- the Wisconsin Historical Society has recently awarded a grant to University of Wisconsin consultants to write the application to have our farmstead included in the National Park Service's National Register of Historic Places.

We're doing our small part in farmland preservation

Sincerely,

Carl J and Stephany A Madsen
Hill Road, Sister Bay

AGENDA ITEM NO. 5
DISCUSSION/ACTION ITEMS:

**(a) SITE PLAN REVIEW;
VESTIBULE ADDITION – CHOP
2345 MILL ROAD**



STAFF REPORT – VESTIBULE ADDITION

Date: November 26, 2024

Board/Committee: Plan Commission

Re: CHOP

Author: Julie A. Schmelzer, Village Administrator

Last month I had explained CHOP wanted a winter vestibule, a temporary structure we had to treat as a 'use not listed' and require a conditional use permit. After that meeting Chris Schmeltz clarified the vestibule would remain in place all year, but the sides would be removed during the warmer months. Since the vestibule is permanent it is treated as an addition and requires site plan review. The plans for the 7'6" x 16' vestibule are attached.

The structure meets all setbacks.

The vestibule does not add seating, which means no additional parking is required.

Chris does know the signage, and new signage on the awnings, will require a separate permit.

Do we want a Development Agreement? Staff's recommendation is the structure is minor, and since it doesn't impact seating or parking, no Development Agreement be required.

CHOP winter vestibule- proposed

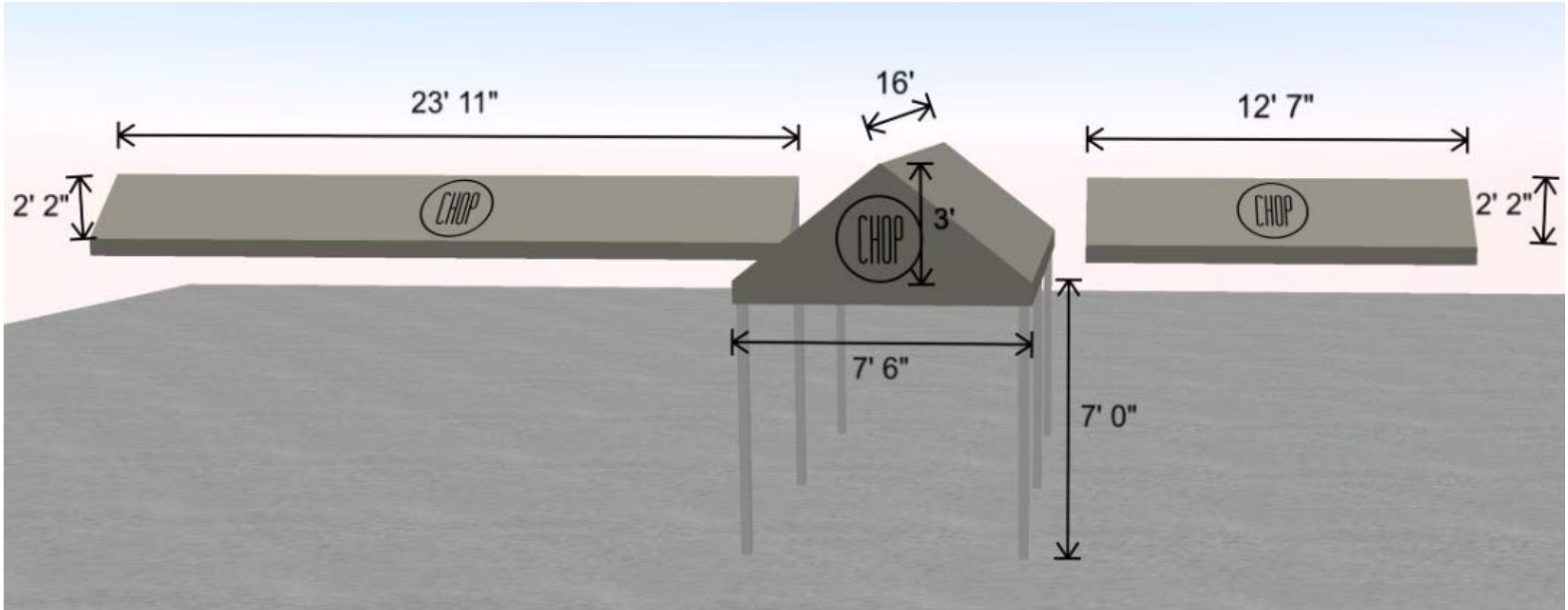
12



Winter - sides on vestibule



April to October the sides of the vestibule will be removed.



AGENDA ITEM NO. 5
DISCUSSION/ACTION ITEMS:

**(b) SITE PLAN REVIEW;
CHANGE OF USE; FORMER AURORA BLDG.
UNIT 1 – 2521 S. BAY SHORE DRIVE**



STAFF REPORT – CHANGE OF USE

Date: November 26, 2024

Board/Committee: Plan Commission

Re: Aurora Building – Unit 1

Author: Julie A. Schmelzer, Village Administrator

Change of Use:

Amanda Zielinski, who we recently approved a change of use request for rooms within Unit 3 in the former Aurora building, is requesting site plan review for seven more rooms in that building (all in Unit 1).

Unit 3 currently houses American Family Insurance (rooms 1 and 2); room 3 we approved for esthetics services; room 4 as a salon providing makeup services; and room 5 for cosmetology. At that time Amanda informed us other uses may be established at a later date. Amanda refers to this unit and its businesses as being located in 'Studio A'. The address is 2525 S. Bay Shore Drive.

The new space (Unit 1) to be occupied is the former clinic portion of the building. There are seven rooms to be rented, as shown on the attached (the actual condo plan was illegible so Amanda drew the floor plan). All seven rooms will be for personal care services (i.e. nails, massage, dietician). The address for this unit is 2521 S. Bay Shore Drive.

Parking:

Approved - Unit 3 (1450 sq. ft.)

Amanda calculated her overall parking need to be as follows:

- American Family – 4 stalls, based on 250 sq. ft.
- An apartment – 2 stalls
- Her Unit 3 Approvals – 7.5 based on 3 rooms at 2.5 stalls each

She also has written the needs for Unit 3 are 11.5 for her portion of Unit 3, which contradicts her number above, and what we reviewed previously (the code requires one stall for each employee and one for each chair, but based on her testimony that there would be six employees and five clients at the peak time, we required parking for eleven vehicles).

Our code requires one space per 200 sq. ft. for American Family, and she has told us their office is just 250 sq. ft. So we would require one, plus one for each employee at the greatest shift (unknown, but for sake of calculations, assume two employees).

We also would calculate two for the apartment (Unit 4, a two-bedroom unit).

Overall, we would require a total of 16 stalls for Unit 3.

Proposed - Unit 1 (2832 sq .ft.)

Amanda calculates her need as 2.5 spots per room (seven rooms), or 17.5 stalls.

We would require one for each employee (seven) and one for each chair/client (seven). There is a reception area however, adding one more employee. And, a waiting room I believe is 200 sq .ft., for which I am assuming the need to be two stalls. Total need for Unit 1 would be 17 stalls.

Other Uses:

Amanda's two units and the apartment will use 33 of the 37 stalls. There is also Unit 2 (2523 S. Bay Shore Drive), which we have not addressed above. That unit originally contained the original Aurora reception and waiting area, an office and two exam rooms. It is 25' x 38' or 950 sq. ft. It is now used for 'health services' (per the sign on the door). Parking requirements would be five patron spaces per doctor, plus one space for each peak employee. Because there are just two exam rooms, I am assuming there is just one provider and one reception employee, or a need for six spaces. If accurate, the overall parking needs for the property is 39 parking spaces.

Parking Credits:

Section 66.0403(10) of the code allows the Plan Commission to provide a parking credit in a B-1 zoning district of three stalls. The credit can only be applied once, meaning for this property they would need 36 stalls. The code reads,

In the B-1, B-2 and B-3 Districts, the number of parking spaces required by this section shall be reduced by a credit of three spaces. In granting the credit, the Plan Commission will take into account, all of the proposed required parking for all of the businesses or uses on the parcel(s) or building(s) that comprise the development. If a single development, building or parcel contains multiple businesses, the three parking space credit shall only be provided once. The credit shall be applicable to future business additions to existing businesses.

Parking Lot:

When we approved Amanda's change of use for Unit 3, staff was instructed to tell the owners of the building that the village would not approve any more changes of use unless they improved their parking lot. I contacted an agent for Aurora at that time and explained our concerns about setbacks, open space, the lack of landscaping, the condition of the surface of the lot, and the nonconforming sign.

The parking lot was pulled further from the lot lines and the previously asphalted area graded to allow proper drainage, striped, and landscaping added. I also asked if they would remove the old 'Aurora' sign by the road; they had concerns about the sign not being able to be replaced someday, so they put a board over the face so the content is blank. They agreed to do everything I requested in regard to the parking lot, except re-asphalt the lot. If you've driven by or pulled into the lot, I think all can agree it is *much better* than what it was. Amanda's application shows the revised parking lot and landscaping. There are 37 stalls.

Other:

Amanda proposes no exterior changes.

Signage will require a separate permit.

Do we want a Development Agreement? Staff's recommendation is that since the parking is in place, and there are no exterior changes to the building, no Development Agreement be required.

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Sister Bay Studio will be taking over the clinic portion of the property. There are 7 rooms that will be rented out as monthly rentals with a year-long lease. The target lessee for these rooms are individuals providing personal services and office space. Personal services to be defined as services that are provided directly to an individual in a one-on-one setting. For example but not limited to salon services(hair, nails, massage, aesthetics, permanent makeup) health and wellness services(therapist, dietitian, wellness coach) . Office space to be defined as individuals who conduct business remotely and require a dedicated workspace for administrative tasks and occasional client meetings. For example but not limited to marketing management, accounting, and insurance agents.

Parking Plan:

I am basing parking requirements for these rooms at 2.5 spots per room totaling a required 17.5 spots for this unit. Studio A has a requirement of 11.5 spots at 2.5 for 3 rooms and American insurance utilizing 250 square ft, requiring 4 spots, the apartment 2 spots. Bringing the parking spot requirements to 31.5. Currently the parking lot has 37 spots plus the additional 3 space credits for business district parking.

The existing lighting, exterior, and interior will be maintained, with updates limited to flooring and paint.

FOR SALE
2521 & 2525 S. BAY SHORE DRIVE, SISTER BAY, WI 54234



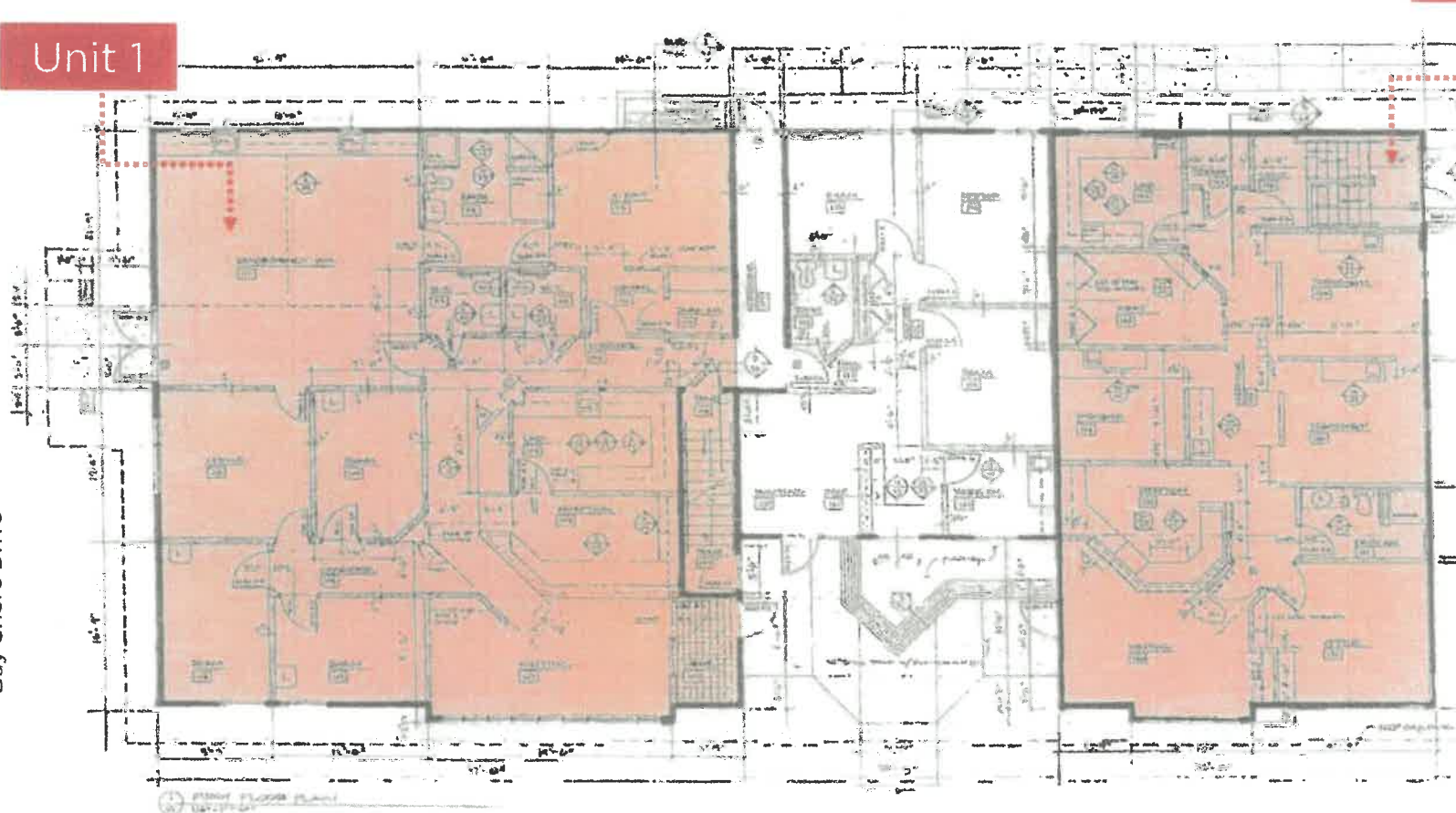
1st FLOOR PLAN

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Unit 3

Unit 1

Bay Shore Drive



2,832 SF

1,450 SF

MIKE KEANE
PRINCIPAL
414.203.3019
mkeane@boerke.com

JACK PRICE
PRINCIPAL
414.203.3013
jprice@boerke.com

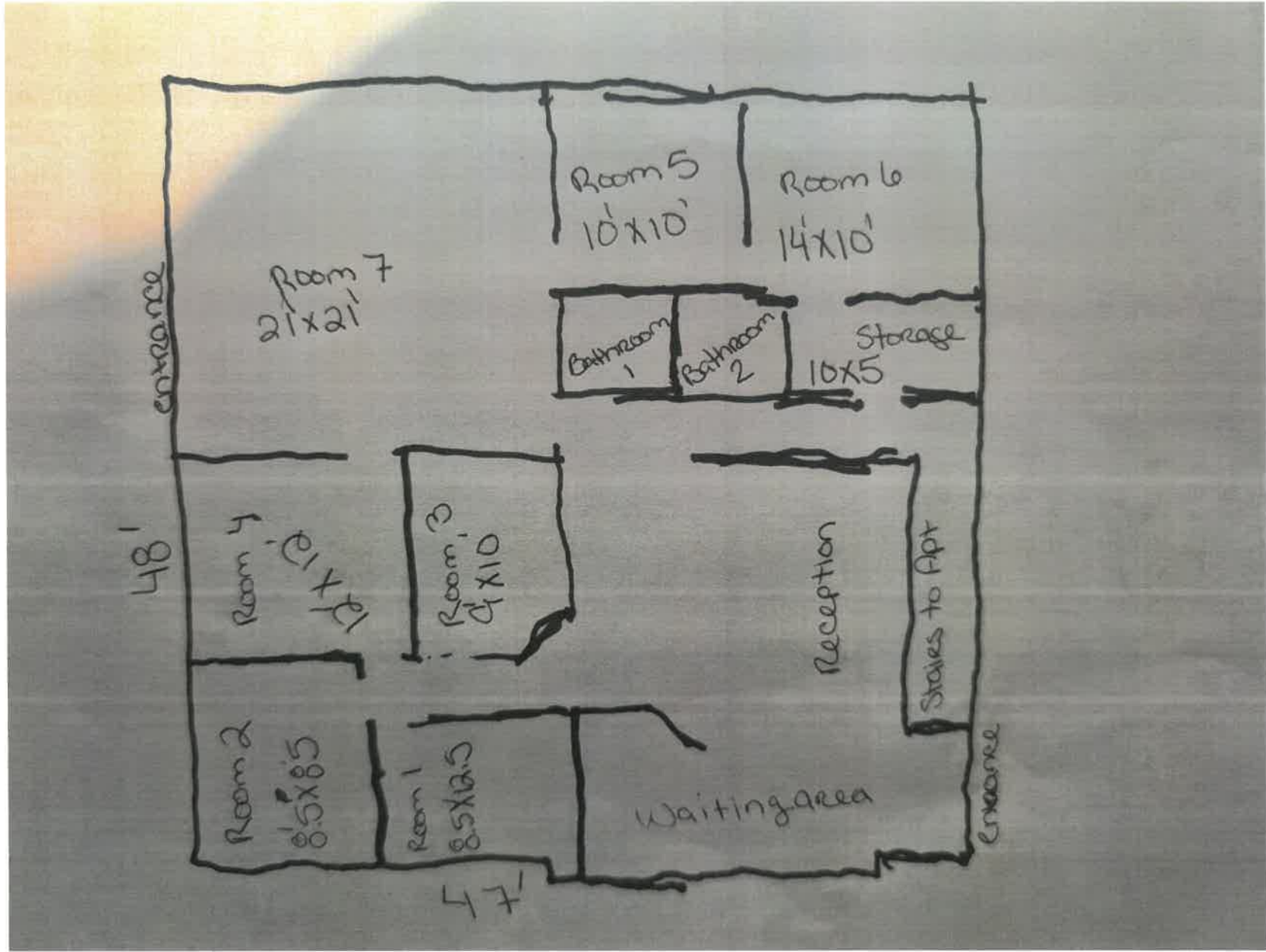
MILWAUKEE OFFICE
731 N Jackson Street
Suite 700
Milwaukee, WI 53202

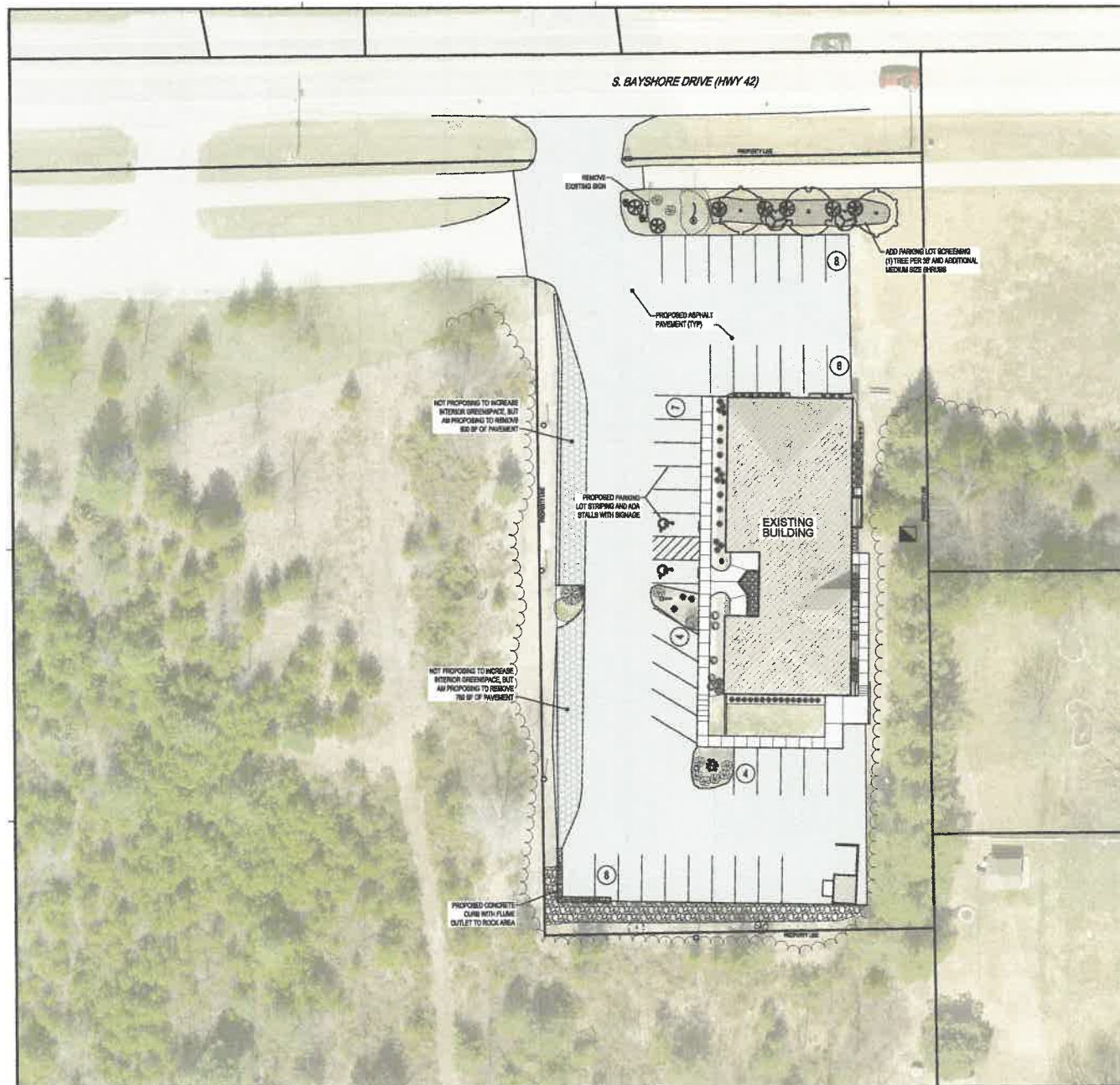
MADISON OFFICE
33 E Main Street
Suite 241
Madison, WI 53703

Boerke.com

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LEGEND	
SYMBOL	DESCRIPTION
	PROPOSED ASPHALT PAVEMENT
	EXISTING BUILDING
	EXISTING LANDSCAPE ROCK
	CONCRETE CURB



SHEET NOT VALID UNLESS THIS TEXT IS COLOR.

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PROJECT
**AURORA BAYCARE
MEDICAL CENTER**

**SISTER BAY
CLINIC**

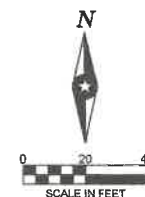
SISTER BAY WISCONSIN

REVISION SCHEDULE		
DATE	DESCRIPTION	BY

PROJECT NO. 24-31287
FILE NAME 31287-C3-SITE
DRAWN BY TMK
DESIGNED BY TMK
REVIEWED BY KBR
ORIGINAL ISSUE DATE 11-1-24
CLIENT PROJECT NO. -

TITLE
**PROPOSED SITE
PLAN**

SHEET
C3-10



RECEIVED NOV 10 2024

AGENDA ITEM NO. 5
DISCUSSION/ACTION ITEMS:

**(c) PROPOSED TEXT AMENDMENTS;
CHAPTER 66 – B-2 OVERLAY DISTRICT**



STAFF REPORT – B-2 OVERLAY

Date: November 26, 2024

Board/Committee: Plan Commission

Re: Draft Code Amendments

Author: Julie A. Schmelzer, Village Administrator

The attached incorporates previous discussions about not pursuing a historic overlay, and rather have an overlay reflect the 'feel' of a historically significant area without restricting uses to those allowed at the turn of the century (which the commission noted is what the code currently predominantly includes, with the exception of housing).

Deleted was the title of 'historic' overlay; the list of uses; and per the committee's request, the architecture section was revised so the code didn't require historic design, but compatibility with adjacent properties (and as the code currently requires, compliance with the current architectural review criteria). I did revise the landscaping section to make it clear the landscaping is to replicate an older neighborhood.

B-2 Overlay

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 provide 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 in the overlay.

Use

The list of permitted and conditional uses in the regular B-2 district, Section 66.0322, are very limiting. However, this overlay allows for additional uses, if developed per this overlay. Uses not listed in 66.0322 shall only be authorized by conditional use permit.

Architecture

No use allowed under this overlay may be established or expanded, or the exterior of a building housing such use, or its accessory use, be established or renovated, prior to receiving a successful Architectural Review by the Plan Commission in compliance with Sec. 66.1055, *Architectural Review Criteria*, and Sec. 4200, *Illustrations*.

Landscaping

With every Architectural Review application, 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 caliper, 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 caliper or greater.
- b) For every development, one hardwood tree, at least six inches in caliper, 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 caliper, 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 plentiful and diverse flowers and greenery and tries to keep a balance of colors and designs. Typical in the English Garden are roses, clematis, delphiniums and wisteria. Colors and textures change with the seasons.

- e) All landscaping plans require review by the Plan Commission and approval via a Development Agreement.
- f) The Village may require a sidewalk be installed, dependent on location.

Parking

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

- a) Nonconforming parking lots may be retained but shall not be reduced in number.
- b) If a property is redeveloped or modified, nonconforming parking lots shall only be retained provided the redevelopment or modification does not increase the floor area of the pre-development land use or result in an increase of 25% or more occupancy.
- c) Any redevelopment or modification that results in an increase in the floor area of the pre-development structure, shall provide additional parking, as directed by the Plan Commission, provided the green space on the lot is 30% or greater. The design of the new parking areas shall be dictated by the Plan Commission, who shall take into account topography, green space, safety, runoff and aesthetics. Unhabitable basements, attics, and open porches or decks shall not be included in the floor area calculation.
- d) For those existing land uses that do not have parking onsite, or sufficient parking onsite for employees, provisions shall be made for employee parking that does not rely on public parking areas. The village may require a per employee fee in lieu of parking, said fee to fund a parking lot for employee use in the Village. As an alternative, the Village may require bicycle racks to encourage non-motorized work trips.
- e) New uses, or the development of a vacant lot, shall have the parking requirements set by the Plan Commission, based on need, lot size, and the practicality of the use generating additional vehicular traffic to the neighborhood.

Setbacks

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

Height

- (1) 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(a), *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 $\frac{3}{4}$ majority vote of the Plan Commission.

(2) Height Limits.

- a) For those properties located in the Bluff Overlay Zone, no structure shall exceed 30' in height.
- b) For those properties located along Parkview Lane and Parkview Drive, structures are limited to 24' in height.
- c) For all other properties in the B-2 overlay, structures shall not exceed 30' and two floor levels; uninhabitable basements and attics shall not be counted as a building floor.

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.

Signage

Each property is allowed one sign indicating the name of the property or business. Said sign shall be free-standing 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 16 square feet; a sign extending from an overhang, roof or porch, shall not exceed 8 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 located within a limestone flower bed and landscaped to match the landscaping on the lot.

Each property is also allowed one wall sign, adjacent to the primary entrance to the building, said sign not to exceed 16 square feet in area. The sign shall be wood or metal. No sign shall be illuminated from within, including 'open' signs.

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.

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.

AGENDA ITEM NO. 5
DISCUSSION/ACTION ITEMS:

**(d) PROPOSED TEXT AMENDMENTS;
CHAPTER 66 – B-3 BUILDING HEIGHT**



STAFF REPORT – B-3 OVERLAY

Date: November 26, 2024

Board/Committee: Plan Commission

Re: Height Amendments

Author: Julie A. Schmelzer, Village Administrator

Last month the committee requested this item be postponed to the November meeting. Last month's staff report read:

Following the July meeting I researched potential codes that would achieve the Commission's goals of making sure the downtown area is not overdeveloped, thereby creating a 'tunnel of tall buildings'. I was unsuccessful finding example code language we could use. However, one suggestion was that no building can be altered or reconstructed unless the height remains the same as the date of the amendment, or lower, and provided any new alteration or reconstruction does not exceed the height of the adjacent buildings

Last month it was also requested the boundaries of the proposed zone be identified on a map, see attached.



AGENDA ITEM NO. 5
DISCUSSION/ACTION ITEMS:

**(e) PROPOSED TEXT AMENDMENTS;
CHAPTER 66 – OPEN SPACE**



STAFF REPORT - OPEN SPACE DISCUSSION

Date: November 26, 2024

Board/Committee: Plan Commission

Re: Ch 66 – Open vs Green

Author: Julie A. Schmelzer, Village Administrator

At the August 2023 Plan Commission meeting it was decided there would be a discussion on the term 'open' vs 'green'. On October 24, 2023, the Commission postponed taking any action until Nate could research the matter further. This item is being proposed for discussion to keep the need for the amendment on the commission's log of amendments needed.

History:

- December 8, 2009 –Definition of 'open space' revised: "A permanently dedicated area of open, undeveloped land consisting of lawns, shrubs, trees or other natural vegetation capable of absorbing storm water. Rain gardens, vegetated wet and dry detention basins and related vegetated drainage swales shall be considered open space."
- November 9, 2021 – Board adopts ordinance deleting definition of 'open space' and adopting a definition of 'green space'. Districts also revised to use term 'green' instead of 'open'.

Current Code:

Green Space: A permanently dedicated area of open, undeveloped land consisting of lawns, shrubs, trees or other natural vegetation capable of absorbing storm water. Rain gardens, vegetated wet and dry detention basins and related vegetated drainage swales shall be considered green space. (Basically, it's the same definition we had for 'open space'.)

Issues:

"Open space" is still used throughout the code (36 times), but no longer defined. Examples:

- Lot Dimensional Standards.

The dimensional standards for lots in each of the Zoning Districts in the Village are delineated in the tables that appear in the applicable sections of this Code.

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 space limitations** in this Code.

- Building Height and Area:

No building or part of a building shall exceed 35 feet in height.

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 space**. 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 space**.

- Used in Park District, Wetland Overlay District, PUD, parking regs, accessory uses and structures, etc.
- Major issue discovered in the R-1 district, where we want the most green space, we require minimal. This should be addressed immediately! See below.

Zoning District	Min. Amount of Green Space Required
R-1	20%
R-2	60%
R-3	80%
R-4	50%
CS-1	90%
B-1	20%
B-2	20%
B-3	10%
P-1	75%

- As you'll see in other proposed amendments, green space, or open space, is to be 'free and clear' yet we allow four feet of roofing to extend into the setback or open area. This is contradictory to the purpose of the open or green space.
- Also, the below, also addressed in other proposed amendments, is contradictory to the intent of open or green space.

Sec. 66.1050 Site Plan and Architectural Review

(3)(i)The required open space shall be designed as an integral part of the site, and may 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.

In conclusion, the commission needs to determine what their intent of open or green space is, and then decide which term they will use in the code. From that point, proposed amendments can be drafted.

AGENDA ITEM NO. 5
DISCUSSION/ACTION ITEMS:

**(f) PROPOSED TEXT AMENDMENTS;
CHAPTERS 50 & 66 –
MISCELLANEOUS PROVISIONS**



STAFF REPORT – MISC AMENDMENTS

Date: November 26, 2024

Board/Committee: Plan Commission

Re: Annual Code Review and Amendments

Author: Julie A. Schmelzer, Village Administrator

Attached are the first of a series of recommended code changes. Any change to Ch. 66 would require a public hearing notice in the paper and a public hearing before the Plan Commission (and Board approval). When we do hold a public hearing, we will also include a hearing on the map amendment changing the former Wiltse site to R-4, and approximately half of the Logerquist site to Institutional.

ADMINISTRATION

Amend Section 1500, *Administration*, to improve processes, be compatible with state statutes, and reflect standards for review commonly used in processing applications. Formatting may need to be revised to be incorporated into the code template. Language between brackets is informational only. Deletions are shown as a strikethrough, additions in red. Changes have been in shown in red for ease of review.

Proposed amendments are as follows:

Sec. 66.1500 Plan Commission.

(1) Composition. [Amend to be consistent with statutes and our adopted bylaws.]

The Village Plan Commission shall consist of ~~seven (7) members, three (3) of which must be residents of the Village. There can be one (1) ex-officio non-voting resident or citizen member with recognized experience and qualifications related to planning and development. Per Board bylaws, the remaining four (4) members shall serve on the Village Board of Trustees. three Trustees, four citizens and one citizen with recognized experience who shall serve as an ex-officio member of the Plan Commission.~~ The ~~Chair~~ ~~shall be the Village President or his/her designee~~ ~~will appoint the Plan Commission Chairperson from its membership,~~ subject to Board approval. The ~~citizen and Trustee~~ members of the Plan Commission shall be appointed by the President, subject to confirmation by the Board of Trustees, for staggered terms of three (3) years commencing on May 1st of each year.

(2) 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 ~~landsplains~~ and wetlands shall be provided to realtors, lenders, and the public. ~~If known, and upon request, a~~All legal descriptions of property containing flood ~~landsplains~~ or wetlands should include information designating the flood ~~landplain~~ or wetland areas when property is transferred.
- (5) Fees necessary to recover the costs of providing information to the public may be established by the Village ~~Board~~.

Sec. 66.1510 Zoning Administrator Designated.

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

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

Sec. 66.1520 Development Agreement Required.

- (1) The Applicant shall **be required to** enter into a Development Agreement with the Village at the time of ~~approval submission~~ of an application for a Zoning Permit for all projects and developments listed below:
 - (a) All new construction other than individual single-family homes, which are not part of an active subdivision **or condominium plat.**
 - ~~(b) All projects that require a conditional use permit.~~
 - (c) Commercial projects, **including those projects** in existing buildings involving a change of use or occupancy, **expansion, or** where the building is non-conforming for setback, height or parking.
 - (d) The Plan Commission shall have the authority to exempt a developer from securing a Development Agreement.**
- (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 ~~D~~development ~~A~~greement 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 ~~A~~greement and a final determination is made in favor of the Village.
- (8) The terms and conditions of the ~~A~~greement 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, t~~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 deem~~ 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 ~~their~~his/her agent has secured a zoning permit, if required, from the Zoning Administrator, or ~~their~~his/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.

A description of the subject site by lot, block and recorded subdivision, or 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 lies.

(3) Plat of Survey.

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

- (a) Location of the lot referenced in the U.S. Public Land Survey.
- (b) North arrow and graphic scale.
- (c) Dimensions of the lot.
- (d) Street names of abutting streets and the name of the nearest intersecting street.
- (e) The distance from the corner of the lot to the nearest intersecting street.
- (f) The widths of abutting streets, sidewalks and alleys.
- (g) Location of easements; their purpose and their width.
- (h) Location and dimensions of all structures on the lot, both existing and proposed.
- (i) Existing lot grade and street grade, referenced to Village of Sister Bay datum.
- (j) Proposed lot grades and structure grades, referenced to Village of Sister Bay datum.
- (k) A pre-construction grade elevation shall be submitted for all principal buildings and structures. Existing elevations, obtained by field observation, shall be provided to adequately portray drainage patterns on and adjacent to the parcel for which the grading plan is submitted. Such existing elevations shall include, at a minimum, a sufficiently tight grid pattern of elevations, existing grades at lot corners, at grade breaks, adjacent top of curbs, ground elevations at on-site and adjacent structure foundations, elevations at least 25 feet outside the parcel alongside and rear lot lines, ditch flow lines and culverts where applicable, and all storm runoff receiving structures and drainage ways. In addition, cross-sections of the principal building or structure shall be submitted indicating the preconstruction grade elevation, and the highest and lowest finished grade elevations. ~~(Amended Ordinance 164-120809)~~
- (l) Setbacks of structures on adjacent lots.
- (m) Existing and proposed driveway locations and widths.
- (n) Existing and proposed street and highway access restrictions.
- (o) Location of existing and proposed parking and loading areas.
- (p) Type of monument at each corner of the lot.
- (q) Watercourses or existing drainage ditches.
- (r) The extent and elevation of floodplains and wetlands on the lot and within 40 feet of the lot.
- (s) Location of hydrants, streetlights and street trees.
- (t) If the property is in an area with a Master Grading Plan, the existing and proposed grades of all corners of the lot and the grade of the structure controlled by such Master Drainage Plan.

- (u) The seal and signature of the surveyor.
 - (v) Location of all trees with a well-defined stem at least three (3) inches in diameter measured at a height 4 ½ feet above the ground, and, which trees are to be removed during construction.
- (4) Plans. Plans shall be drawn to scale and include the scale and dimensions as appropriate or required by the Zoning Administrator. The intended use of all rooms shall be identified on the floor plans.
- (a) A site plan showing the proposed development in relation to all surface water, roads, rights-of-way, easements, and lot lines.
 - (b) All foundation plans, including basement plans and floor plan of said basement.
 - (c) All floor plans.
 - (d) All elevation views, including the height of the building, as measured from finished grade.
- (5) Compliance with building codes; burying utilities.
All construction and remodeling activity that also requires building permits and inspections shall comply with ~~the Chapter 14 of the Municipal Code of Ordinances, and other applicable~~ Village and State building codes. All utilities including electric, telephone, cable television, water and sanitary sewers shall be buried for all new structures. Utilities shall also be buried for remodeling projects where the value of the project is in excess of 50% of the equalized value. ~~No utility shall be buried without the express written approval of the Zoning Administrator or Utilities Director; depending on disturbance activity involved, a permit may be required to bury the utility.~~
- (6) Setback and footing inspection and permit.
The owner, tenant, contractor or agent shall notify the Building Inspector in writing or on forms provided by the Building Inspector 48 hours (excluding Saturdays, Sundays and legal holidays), ~~or as required by the Building Inspector, if different,~~ prior to the pouring of footings so that the Building Inspector may inspect the location of the footings for compliance with the ~~setback provisions of this chapter and zoning permit and compliance with state building codes.~~ No footings shall be poured or otherwise made permanent until such inspection and approval of the footings for compliance ~~with is chapter~~ has been given by the Building Inspector. ~~The Building Inspector shall conduct the setback and footing inspection within 48 hours of being notified. However, if it is shown for good cause that the inspection cannot be made within the 48 hours, the inspection may be delayed by the Building Inspector an additional 48 hours (excluding Saturdays, Sundays and legal holidays) upon verbal or written notification of the owner, tenant, contractor or agent by the Building Inspector. Failure to provide the required notice to the Building Inspector or pouring of footings or otherwise making them permanent without the approval of the Building Inspector shall result in an immediate penalty of \$500.00 in addition to the provisions of Section 66.1550.~~
- (7) Waiver of some requirements.
In the sole discretion of the Zoning Administrator ~~they he/she~~ may waive the requirements for certain plans, specification, data, or the plat of survey when the application is to execute minor alterations or repairs to a building or structure, ~~documentation is already on file at the Village offices, or~~ provided that the proposed construction, alteration, or repair is sufficiently described in the application for the permit.
- (8) Proposed sewage disposal plan if municipal sewerage service is not available.
This plan shall include a copy of the permit issued by the appropriate regulatory agency for the installation of an on-site soil absorption sanitary sewage disposal system, or other appropriate means of waste disposal.
- (9) Proposed water supply plans if municipal water service is not available.
This plan shall be in accordance with ~~state codes chapter NR 112 of the Wisconsin Administrative Code~~ and shall be approved by the Village Engineer ~~or Utilities Director~~ who shall certify in writing that an adequate and safe supply of water will be provided.

(10) Proof of approved access and address assignment.

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

~~[Renumbered, becomes new number 11]~~ Culverts.

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

(11) Condominium declaration.

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

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

(12) Environmental Assessment.

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

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

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

(a) Building construction 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 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, 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~~ is 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 ~~s~~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 (~~i~~9) 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 ~~s~~Section 66.1530(~~€~~3) 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 Manager~~Utilities 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 Ddevelopment Aagreement 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 ~~De~~development ~~A~~greement is required, the permit for a conditional use shall be part of the ~~De~~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 ~~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.

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

(j) ~~Other Factors.~~

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

(11) Public Hearing.

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

(12) Resubmissions.

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

(13) Notice to DNR.

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

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

Conditional use permits to establish a use shall expire **twelve (12)** months from the date of issuance if no action has commenced to establish the use, unless a different time is established as a condition 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 ~~C~~conditional ~~U~~se 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 Commission**~~Village Board~~, the ~~C~~conditional ~~U~~use ~~P~~permit 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 ~~C~~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 violationing of 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.

WATER SETBACK

Issue: The Municipal Code, Chapter 66, Zoning, allows structures in areas with existing development patterns to be as close as 30 feet from the ordinary high-water mark. The code does not define ‘development pattern’, and even a haphazard development pattern is still a ‘pattern’. The code has different setbacks for ‘developed’ and undeveloped’ areas, but these terms are not defined either. This needs to be addressed. In addition, the code allows the structures to be within the area regulated by the shoreland tree cutting regulations, meaning the trees we are trying to preserve cannot serve their purpose of screening vehicles and structures, or protect shoreline beauty, and are disrupted and die (the roots extend into the area they can develop). Staff recommends the village begin allowing water setback averaging to fulfill the code’s intent of a ‘development pattern’.

Current relevant code language:

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.
- (3) Exceptions.
 - (a) Decks. (Decks are allowed provided they do not extend waterward more than 20 percent of the remaining setback.)
 - (b) Boathouses. (Boathouses shall not project 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 as defined in Section 66.0303(i).
 - (f) Signs as permitted starting with Section 66.0701.
- (4) Parking lots. Parking lots shall be set back at least 125 feet from all points along the ordinary high-water mark of Green Bay.

Sec. 66.0202 Compliance

The use of any land or water; the size, shape and placement of lots; the use, size, type and location of structures on lots; the filling and grading of any land; the cutting of shore land cover; the regulation of signs, manufactured homes, trailers and parking lots; the consolidation or splitting of parcels; and the subdivision of lots shall be in full compliance with the terms of this Chapter and other applicable regulations. The construction of buildings and structures, or any addition thereto, and the changing of any land use shall require a Zoning Permit unless otherwise expressly excluded from the requirement of this Chapter. No structure, land, or water shall hereafter be used or developed (as “development” is defined

in Sec. 66.2100 of this Chapter) and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered except in conformity with the regulations herein specified for the district in which it is located; except that in residential districts, a lot of record as of November 16, 1973 even though not meeting the requirements of this Chapter as to area and width, may be used for single family residence purposes.

Sec. 66.2100 Specific Words and Phrases.

Development

Any man-made change to improved or unimproved real estate, including but not limited to construction of or addition or substantial improvements to buildings, other structures, or accessory uses, dredging, filling, grading, paving, excavation or drilling operations, or disposition of materials.

Recommended amendments (in red):

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 allowed in (2) and (3) below, all portions of a structure shall be located at least 75 feet from the ordinary highwater mark.

(2) Setback Averaging. As provided herein, the setback for a principal structure may be reduced. When a lot has a principal structure on the adjacent lot(s), and that structure(s) is less than 75 feet from the ordinary high-water mark, the setback for the lot to be developed with a principal structure may be reduced per the following:

(a) If the wall of the closest principal structure on the adjacent lot(s) in each direction parallel to the shoreline to a proposed principal structure is set back less than 75 feet from the ordinary high-water mark, the setback shall be the average of those distances from the wall of those principal structure(s) to the ordinary high-water mark, but no less than 40 feet.

(b) If a lot to be developed with a principal structure is only bound by a principal structure on one adjacent lot, the setback shall be the average of the distance from the wall of the principal structure to the ordinary high-water on the adjacent lot and 75 feet, but no less than 40 feet.

(c) The setback allowed by averaging, shall be the setback for all portions of a principal structure to be developed, except as exempted in (3) below.

(3) Exceptions.

- (g) ~~Decks.~~ {Decks are allowed provided they do not extend waterward more than 20 percent of the remaining setback.}
 - (h) ~~Boathouses.~~ {Boathouses shall not project **waterward** beyond the ordinary high-water mark.}
 - (i) Stairways, elevated walkways, ramps, lifts, fences, flagpoles, piers, and boat hoists.
 - (j) Utility poles, lines and related equipment without permanent foundations.
 - (k) Structures not buildings as defined in Section 66.0303(i).
 - (l) Signs as permitted starting with Section 66.0701.
- (4) Parking lots. Parking lots shall be set back at least 125 feet from all points along the ordinary high-water mark of Green Bay.

Sec. 66.2100 Specific Words and Phrases.

Adjacent

The lot or tract of land immediately next to another property. The properties may share a lot line or be separated by an easement or public right-of-way.

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.

MISC SETBACKS/LANDINGS

Issue: The Zoning Chapter requires side yards to remain open and free of obstruction, but in conflict allows a four-foot encroachment. Typical roof overhangs do not exceed two feet. Also, no provision exists for emergency ingress and egress.

Current code language:

Sec. 66.0602 Setback Modifications

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

(1) Architectural projections.

Architectural projection, such as eaves, chimneys, bay windows, overhangs, cornices, awnings, canopies and similar architectural features may encroach into setbacks by no more than four feet, subject to compliance with applicable standards of the Building Code and Fire Code. 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 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.

Recommended code language:

Sec. 66.0602 Setback Modifications

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

(1) Architectural projections.

Architectural projection, such as eaves, chimneys, bay windows, overhangs, cornices, awnings, canopies and similar architectural features may encroach into **side yard** setbacks by no more than **four** ~~two~~ feet, subject to compliance with applicable standards of the Building Code and Fire Code. 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, a landing not to exceed sixteen square feet shall be allowed within a required side yard setback.**

RECONSTRUCTION OF NONCONFORMING STRUCTURES

Issue No. 1: The site plan and architectural review section conflicts with the nonconforming structure section of the code. The nonconforming structure section of the code is silent on reconstruction since new construction would require compliance with the code. The nonconforming structure section reads, “non-conforming structures shall not be moved, enlarged or modified unless the structure(s) including the additions and enlargements is/are made to conform in every respect to the requirements of the zone where the structure is located. However, the Plan Commission may approve conditional use permits for the expansion or redevelopment of properties, which have been previously developed and do not conform to the requirements in this Code, provided that the expansion or redevelopment is designed for a permitted use”. And, “existing benign non-conforming structures, which are remodeled or reconstructed shall conform to the established building setbacks, height, parking, loading, and access provisions of this chapter.”

But then the site plan section reads,

Sec. 66.1050 Site Plan and Architectural Review

(3)(i)The required open space shall be designed as an integral part of the site, and may 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.

Recommended Action:

Sec. 66.1050 Site Plan and Architectural Review

(3)(i)The required open space shall be designed as an integral part of the site, and may 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.~~

TREE REMOVAL – SIDE YARD

Issue: The village has lost a lot of its tree canopy and ranks last in Door County’s communities for tree canopy. Trees offset carbon, provide habitat, add natural beauty, screen structures and vehicles, and, the root system can stabilize soil. Despite regulating tree removal along shorelines, bluffs and some inland areas, and requiring a tree every 35 feet or 40 feet along a road, we continue to lose canopy. One area we do not expressly limit tree removal is along side lot lines. As owners try to maximize the area to be developed, buildings are often placed as close to the lot line as possible, or add fill to their lots, resulting in trees being removed or dying.

Current code language with recommended amendments (in red):

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:

1. No more than 30 percent of the length of this strip (as measured along the ordinary high-water mark) shall be clear-cut to the depth of the strip.
2. Provided, further, that cutting of this 30 percent shall not create a clear-cut opening in this strip greater than 30 feet wide for every 100 feet of shoreline measured along the ordinary high-water mark.
3. In the remaining 70 percent length of this strip (distance measured along the ordinary high-water mark), cutting shall leave sufficient cover to screen cars, dwellings, accessory structures, except boathouses, as seen from the water and to control erosion.
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 the adjacent lots.**

(b) Special cutting plan. A special cutting plan allowing greater cutting may be permitted by the Plan Commission by issuance of a conditional use permit. In applying for such a permit, the commission may require the lot owner to submit a drawing of his/her lot including the following information: location of all structures, location of parking, and gradient of the land, existing vegetation, proposed cutting and proposed replanting. The commission may grant such a permit only if it finds that such special cutting plans:

1. Will not cause undue erosion or destruction of scenic beauty.
2. Will provide substantial shielding from the water of dwellings, accessory structures and parking area. The commission may condition such a permit upon a guarantee of tree planting by the lot owner. Such an agreement shall be enforceable in court.
3. Is consistent with accepted forest management practices.

(c) Tree topping. Tree topping which is defined as tree cutting or sculpturing where only a portion of the tree is removed to improve the view is prohibited within the shoreland area of the Village.

(2) Tree cutting regulations beyond the shoreland area.

(a) Purpose. The purpose of these regulations is to provide for the protection and preservation of the trees and woodlands of the Village beyond the shoreland area. The Village recognizes in the Village Comprehensive Plan that woodlands, wetlands and open space areas serve as

wildlife habitat, flood storage areas and provide natural settings for the Village and that they should be protected. In addition, woodlands are an integral and important part of the Village's attractiveness as a residential, recreational and resort community and as such provide an important economic asset to the Village.

- (b) Applicability. These tree-cutting regulations shall apply to that area of the Village in all zoning districts outside of the shore land area and Bluff Overlay District. These regulations shall apply to trees or similar woody vegetation having at least one well-defined stem at least three inches in diameter measured at a height of 4 1/2 feet above the ground. These regulations shall not apply to the removal of dead, diseased or dying trees when removed using accepted forest management practices and sound soil conservation practices or the management of an orchard.
- (c) Tree cutting provisions. Trees or similar woody vegetation shall only be removed if one or more of the following conditions are present:
 - 1. Necessity to remove trees, which pose a safety hazard to pedestrian or vehicular traffic or threaten to cause disruption of public services.
 - 2. Necessity to remove trees which pose a safety hazard to buildings.
 - 3. Necessity to remove diseased trees or trees weakened by age, storm, fire or other injury.
 - 4. Necessity to observe good forestry practices, i.e., the number of healthy trees that a given parcel of land will support.
 - 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.**
 - 6. Necessity for compliance with other ordinances.
 - 7. Necessity to provide access to sunlight for solar collectors.
- (d) Special Cutting plan. As an alternative to the regulations contained in this sub-section, a special cutting plan allowing greater cutting may be permitted by the Plan Commission by issuance of a Conditional Use Permit. In applying for such a permit, the commission shall require the lot owner to submit a drawing of his/her lot, including the following information: location of parking, location of improvements, gradient of the land, existing vegetation, proposed cutting and proposed replanting. The Commission may grant such a permit only if it finds that such special cutting plan:
 - (e) Will not cause undue erosion or destruction of scenic beauty; and
 - (f) Shall be accomplished using accepted forest management practices and sound soil conservation practices.
- (3) Compliance with land use disturbance provisions.
Tree cutting shall comply with the provisions of Sec. 66.1015, Land Disturbance Regulations.

Sec. 66.1015 Land Disturbance Regulations.

- (4) 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:

- (a) Stripping of vegetation, grading or other soil disturbance shall be done in a manner, which will minimize soil erosion.
- (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.**
- (c) Temporary seeding, mulching or other suitable stabilization measures shall be used to protect exposed critical areas during construction or other land disturbance.
- (d) Drainage provisions shall accommodate increased runoff resulting from modified soil and surface conditions during and after development or disturbance. Water from the land disturbing activity shall not create a hazard by exceeding the safe capacity of the receiving water body in the area; shall not cause undue channel erosion or an undue increase in water pollution by increased scour and transport of particles; shall not otherwise endanger the downstream property owners or their property; and shall not cause property damage, nuisance or erosion on adjacent properties. Safe capacity is defined as the rate of flow that can be handled without flooding. Such provisions shall be in addition to all existing requirements. The Village Engineer shall review and approve all storm water and drainage plans for the project.
- (e) Water runoff shall be minimized and retained on the site whenever possible to facilitate groundwater recharge.
- (f) Sediment shall be retained on the site.
- (g) Diversions, sediment basins and similar required structures shall be installed prior to any on-site grading or disturbance.

Sec. 66.0344 BP Bluff Protection Overlay District

The Bluff Protection Overlay District (BP) is hereby established as a district, which overlaps, and overlays existing base zoning districts, the extent and boundaries of which are as indicated on the official zoning map for the Village. Overlay districts provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. The uses of the underlying standard zoning district shall remain in force.

(7) Special requirements:

- (a) No roads or driveways shall be placed on slopes of 30% - 39% unless the roads or driveways are placed parallel to the bluff face. No roads or driveways shall be placed on slopes of 40% or greater.
- (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.

Cant push water onto adjacent lot

TREE REMOVAL – SIZE TO BE PLANTED

TREE REMOVAL – SIDE YARD

FILLING & GRADING – RUNOFF

Issue: The village has lost a lot of its tree canopy and ranks last in Door County’s communities for tree canopy. Trees offset carbon, provide habitat, add natural beauty, screen structures and vehicles, and, the root system can stabilize soil. Despite regulating tree removal along shorelines, bluffs and some inland areas, and requiring a tree every 35 feet or 40 feet along a road, we continue to lose canopy. One area we do not expressly limit tree removal is along side lot lines. As owners try to maximize the area to be developed, buildings are often placed as close to the lot line as possible, or add fill to their lots, resulting in trees being removed or dying. We also don’t address what happens when a property is found to be in violation of the tree cutting regulations. Lastly, we need to make it clear water cannot be displaced onto adjacent lots.

Current code language with recommended amendments (in red):

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:

1. No more than 30 percent of the length of this strip (as measured along the ordinary high-water mark) shall be clear-cut to the depth of the strip.
2. Provided, further, that cutting of this 30 percent shall not create a clear-cut opening in this strip greater than 30 feet wide for every 100 feet of shoreline measured along the ordinary high-water mark.
3. In the remaining 70 percent length of this strip (distance measured along the ordinary high-water mark), cutting shall leave sufficient cover to screen cars, dwellings, accessory structures, except boathouses, as seen from the water and to control erosion.
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.**

(b) Special cutting plan. A special cutting plan allowing greater cutting may be permitted by the Plan Commission by issuance of a conditional use permit. In applying for such a permit, the commission may require the lot owner to submit a drawing of his/her lot including the following information: location of all structures, location of parking, and gradient of the land, existing vegetation, proposed cutting and proposed replanting. The commission may grant such a permit only if it finds that such special cutting plans:

1. Will not cause undue erosion or destruction of scenic beauty.
2. Will provide substantial shielding from the water of dwellings, accessory structures and parking area. The commission may condition such a permit upon a guarantee of tree planting by the lot owner. Such an agreement shall be enforceable in court.
3. Is consistent with accepted forest management practices.

(c) Tree topping. Tree topping which is defined as tree cutting or sculpturing where only a portion of the tree is removed to improve the view is prohibited within the shoreland area of the Village.

- (d) Violations. Anyone found in violation of the tree cutting regulations shall pay two times the price of a citation for a violation of the zoning code, plus court costs if applicable, and shall revegetate the cleared site to the same density as prior to the violation occurring. 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.
- (a) Purpose. The purpose of these regulations is to provide for the protection and preservation of the trees and woodlands of the Village beyond the shoreland area. The Village recognizes in the Village Comprehensive Plan that woodlands, wetlands and open space areas serve as wildlife habitat, flood storage areas and provide natural settings for the Village and that they should be protected. In addition, woodlands are an integral and important part of the Village's attractiveness as a residential, recreational and resort community and as such provide an important economic asset to the Village.
- (b) Applicability. These tree-cutting regulations shall apply to that area of the Village in all zoning districts outside of the shore land area and Bluff Overlay District. These regulations shall apply to trees or similar woody vegetation having at least one well-defined stem at least three inches in diameter measured at a height of 4 1/2 feet above the ground. These regulations shall not apply to the removal of dead, diseased or dying trees when removed using accepted forest management practices and sound soil conservation practices or the management of an orchard.
- (c) Tree cutting provisions. Trees or similar woody vegetation shall only be removed if one or more of the following conditions are present:
1. Necessity to remove trees, which pose a safety hazard to pedestrian or vehicular traffic or threaten to cause disruption of public services.
 2. Necessity to remove trees which pose a safety hazard to buildings.
 3. Necessity to remove diseased trees or trees weakened by age, storm, fire or other injury.
 4. Necessity to observe good forestry practices, i.e., the number of healthy trees that a given parcel of land will support.
 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.**
 6. Necessity for compliance with other ordinances.
 7. Necessity to provide access to sunlight for solar collectors.
- (d) Special Cutting plan. As an alternative to the regulations contained in this sub-section, a special cutting plan allowing greater cutting may be permitted by the Plan Commission by issuance of a Conditional Use Permit. In applying for such a permit, the commission shall require the lot owner to submit a drawing of his/her lot, including the following information: location of parking, location of improvements, gradient of the land, existing vegetation, proposed cutting

and proposed replanting. The Commission may grant such a permit only if it finds that such special cutting plan:

1. Will not cause undue erosion or destruction of scenic beauty; and
2. Shall be accomplished using accepted forest management practices and sound soil conservation practices.

(e) Violations. Anyone found in violation of the tree cutting regulations shall pay two times the price of a citation for a violation of the zoning code, plus court costs if applicable, and shall revegetate the cleared site to the same density as prior to the violation occurring. 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.

(3) Compliance with land use disturbance provisions.

Tree cutting shall comply with the provisions of Sec. 66.1015, Land Disturbance Regulations.

Sec. 66.1015 Land Disturbance Regulations.

(4) 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:

- (a) Stripping of vegetation, grading or other soil disturbance shall be done in a manner, which will minimize soil erosion.
- (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.
- (c) Temporary seeding, mulching or other suitable stabilization measures shall be used to protect exposed critical areas during construction or other land disturbance.
- (d) Drainage provisions shall accommodate increased runoff resulting from modified soil and surface conditions during and after development or disturbance. Water from the land disturbing activity shall not create a hazard by exceeding the safe capacity of the receiving water body in the area; shall not cause undue channel erosion or an undue increase in water pollution by increased scour and transport of particles; shall not otherwise endanger the downstream property owners or their property; and shall not cause property damage, nuisance or erosion on adjacent properties. Safe capacity is defined as the rate of flow that can be handled without flooding. Such provisions shall be in addition to all existing requirements. The Village Engineer shall review and approve all storm water and drainage plans for the project.
- (e) Water runoff shall be minimized and retained on the site whenever possible to facilitate groundwater recharge.
- (f) Sediment shall be retained on the site.
- (g) Diversions, sediment basins and similar required structures shall be installed prior to any on-site grading or disturbance.

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

Sec. 66.0344 BP Bluff Protection Overlay District

The Bluff Protection Overlay District (BP) is hereby established as a district, which overlaps, and overlays existing base zoning districts, the extent and boundaries of which are as indicated on the official zoning map for the Village. Overlay districts provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. The uses of the underlying standard zoning district shall remain in force.

(7) Special requirements:

- (a) No roads or driveways shall be placed on slopes of 30% - 39% unless the roads or driveways are placed parallel to the bluff face. No roads or driveways shall be placed on slopes of 40% or greater.
- (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 two times the price of a citation for a violation of the zoning code, plus court costs if applicable, and shall revegetate the cleared site to the same density as prior to the violation occurring. 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~~ ~~vistas~~ scenic 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 or ditch 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.

TEMPORARY SIGN CONFLICTS

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. All buildings, tents, equipment, supplies and debris shall be removed from the site within 48 hours following the temporary activity.

Sec. 66.0722 Other On/Off-Premise Signs with Permit

- (3) Temporary Signs- Other Events. [Aside from village events]
The temporary use of banners, balloons, streamers, pennants, and other similar signage in any district may be allowed provided that the media will not be located on any sidewalk or bikeway if one is present or in any public right-of-way. The signs cannot be erected more than 7 days before the event and must be removed within 1 day after the event. The property owner must grant permission in writing for the placement of the sign/media. The sign/media, will not be located closer than ten feet to an adjacent property; driveway, and will not cause a hazard to traffic or adjoining properties. This type of sign/media shall require a permit and shall not exceed 12 square feet in area on one side or 24 square feet on all sides.

Rhetorical Questions

Question 1: Is a permit required for the temporary sign that measures 24 sq. ft. (Paragraph 1)? We do require a permit for the temporary sign associated with a temporary event in the second scenario, and limit that sign to 12 sq. ft. Should both signs be allowed the same size signs?

Question 2: Why not exempt all temporary signs provided they do not exceed a certain size, limit their time, and if you want a bigger sign, then you get a permit and pay the \$100 permit fee?

Potential Amendments

Create a definition for Sign, Temporary. A sign, banner, flag is not erected more than 7 days before an event and must be removed within 1 day after the event.

Exempt temporary signs from permit requirements provided they do not exceed 12 square feet per face, banner or flag side.

ADDRESSING

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 ~~VillageZoning~~ 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 ~~VillageZoning~~ 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(~~a~~1). Address numbers shall not be assigned until a driveway location has been determined.

Sec. 66.1039 County Administration of Village Numbering

The Door County ~~PlanningLand Use Services~~ Department shall maintain a record of all assigned addresses and of all road names and their locations. The Door County ~~PlanningLand 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.~~

DEFINITIONS

Issue: The Zoning Chapter, Sec. 66.2100, *Specific Words and Phrases*, does not address how to define words or phrases not defined in a dictionary. Also, some definitions need clarification.

Current code language:

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.

Recommended code language:

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.

Driveway

An access point connecting t~~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.**

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.

***This is added to be consistent with Wis. Stats. 62.23(7)(h) *Nonconforming uses*.** The continued lawful use of a building, premises, structure, or fixture existing at the time of the adoption or amendment of a zoning ordinance may not be prohibited although the use does not conform with the provisions of the ordinance. The nonconforming use may not be extended. The total structural repairs or alterations in such a nonconforming building, premises, structure, or fixture shall not during its life exceed 50 percent of the assessed value of the building, premises, structure, or fixture unless permanently changed to a conforming use. If the nonconforming use is discontinued for a

period of 12 months, any future use of the building, premises, structure, or fixture shall conform to the ordinance.

(hb) *Repair, rebuilding, and maintenance of certain nonconforming structures.*

1. In this paragraph:

a. “Development regulations” means the part of a zoning ordinance that applies to elements including setback, height, lot coverage, and side yard.

b. “Nonconforming structure” means a dwelling or other building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform with one or more of the **development regulations** in the current zoning ordinance.

2. An ordinance may not prohibit, or limit based on cost, the repair, maintenance, renovation, or remodeling of a nonconforming structure.

Add, **‘Development Regulations’**

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

HEIGHT

Issue: The Municipal Code, Chapter 66, Zoning, limits the height of a building to 35 feet. In all zoning districts and in Planned Unit Developments, the height of a principal building is limited to 35 feet in height. Sec. 66.0601 does allow some exceptions. The issue comes with how height is measured. The *General Definitions* section of the chapter, Sec. 66.2100, *Specific Words and Phrases*, dictates how to measure the height of a building. It has been argued that on a sloping lot, like we often see along the rocky shorelines/bluffs, buildings, by the definition of how height is measured, can exceed 35 feet in height. If the intent of the code is no building exceed 35 feet in height, this definition needs to be corrected.

Current relevant code language:

Building Height

The vertical distance above the finished lot grade at the front of the building measured to the highest 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.

Alleged interpretation: The back of the home can exceed 35 feet in height. For example, on a sloped lot, the front of the home may appear one story, but the rear of the home can exceed 35 feet.

Recommended amendments (in red):

Building Height

The vertical distance above the finished lot grade ~~at 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.

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.

GARBAGE AMENDMENT

Issue: The Business Regulation Code, Chapter 18, Article IV, requires ‘door-to-door’ refuse and recycling service. This was enacted due to refuse and recycling bins being left at the road beyond the time periods allowed by code. We have encountered a situation whereby an operator believes they should not have to pay for this service the months they are not renting on a short-term basis. The village has no way to track when a property is rented, and, the refuse company shouldn’t be expected to know what days, weeks, or months to stop and start service, alter their routes, or alter their billing on a continually changing basis. Condominiums that allow more than 25% of their units to be rented on a short-term basis pay extra for service, as do hotels and motels, so it is only fair all short-term rental properties be bound by similar rules—you pay a service fee whether all or some rooms are rented. Staff believes the current codes are self-explanatory, but propose an amendment to Chapter 50 to alleviate any confusion and make the Municipal Code easier to interpret.

Current relevant language in Chapter 18, Business Regulation:

Sec. 18.57 Operation of a Short-Term Rental.

Q. Every Operator, or if authorized by the Operator, their Resident Agent, shall contract for refuse and recycling collection and disposal services that are tailored to the property to ensure compliance with Chapter 50 of the Municipal Code related to Health and Sanitation, garbage and recycling in particular. Said contract shall specify the collection of refuse and recycling will not be at the curb, but at the home itself to comply with the Municipal Code. Be advised a violation of Chapter 50, during the rental period or not, shall be deemed a violation of this Article.

Chapter 50 relevant language and proposed change (in red):

Sec. 50.43 Solid Waste Collection and Disposal Services.

- (a) Single Family, Duplex and Three-plex Dwellings. The Village through its Contractor is providing a weekly garbage collection service utilizing one sixty (60) gallon roll out container. Any additional containers or capacity shall be paid for by the occupant. **For those dwellings licensed as a short-term rental, they shall subscribe for door-to-door service, whether occupied as a rental on a daily basis or not.**
- (b) Multifamily Dwelling Units and Residential Condominiums. Multi-family dwelling units (apartments) and residential condominiums (a property where more than 75% of the units are owner occupied and the casual non-commercial use does not exceed thirty (30) days per year per unit) shall be provided the same volume of garbage collected for residential customers. Residential condominiums shall through their association certify in writing that the property or complex in its entirety complies with the 75% standard above on an annual basis in order to qualify for the residential level of service.
- (c) Commercial establishments, Hotels, Motels and Condominium Hotels. The Village through its Contractor is providing a weekly garbage collection service utilizing one yard of capacity in either a dumpster or pair of ninety (90) gallon containers. The commercial establishment or condominium hotel may elect to have bi-weekly collection provided by the Village instead of weekly collection. Any additional containers or capacity shall be paid for by the occupant. Hotels, motels and condominium hotels (a property where more than 25% of the units are available for rent for more than thirty (30) days a year or on a commercial transient basis) shall be considered a commercial establishment.

- (d) Other Haulers. Single family, duplex and three-plex dwellings shall use the Village Contractor for all solid waste disposal services. Commercial establishments, hotels, motels and condominium hotels may elect to use another waste hauler besides the Contractor. If another waste hauler is selected the Village will not provide or pay for any portion of the cost.
- (e) Facilities Exempt from Village Provided Service. Tax exempt entities, non-profit businesses that do not pay any property taxes and government facilities shall properly dispose of all solid waste materials and not receive solid waste collection services paid for by the Village through its Contractor.
- (f) Provision of Weekly Service. The Village through its contractor is providing weekly garbage collection services. The number of collections or volume shall not be aggregated and used at a later date. The only exception to this provision is the allowance for the one yard of service provided to commercial establishments may be collected on a bi-weekly basis.
- (g) Voluntary Volume Reduction. Multi-family dwelling units, residential condominiums and commercial establishments may elect in writing to receive a lower volume of garbage collection service on a weekly basis. The forgone volume cannot be aggregated and collected at a later date.

AGENDA ITEM NO. 5
DISCUSSION/ACTION ITEMS:

(g) FEE SCHEDULE



STAFF REPORT – FEE SCHEDULE

Date: November 26, 2024

Board/Committee: Plan Commission

Re: Semi-Annual Fee Review

Author: Julie A. Schmelzer, Village Administrator

Its time to look at our fee schedule and make recommendations to the Board. We do this twice a year. Attached is the fee schedule.

Staff's recommended change/discussion

Currently a sign permit is \$100, even if a temporary banner.

Also, a special event fee is \$100, unless you are a non-profit organization.

Would the Plan Commission consider waiving the temporary banner fee for charitable events that require a banner, such as the banners associated for collecting toys for 'Toys for Tots'?

Regardless of a banner being for a charitable event, would the Plan Commission also support lowering the fee for a banner to \$50?

ATTACHMENT A
VILLAGE OF SISTER BAY FEE SCHEDULE
Effective July 1, 2024
(Fees Are Per Code Unless Listed Herein)

ZONING AND DEVELOPMENT

Preliminary Subdivision Plats	\$1000 plus \$50 per lot
Final Plat	\$1000
Residential Condominium Plat	\$500 plus \$50 per lot
Final Plat	\$1000
Commercial Condominium Plat	\$500 plus \$50 per business unit
Final Plat	\$1000
Certified Survey Maps	\$500
Final Map	No Charge
Driveway Approach Permits	\$150
Land Disturbance	\$500 plus \$1000 retainer to ensure completion
Plan Comm. Site Plan and Building Plan Review	\$1500
Plan Comm. Preliminary/Courtesy Review	\$500
Change Plans After Initial Review	\$200 each new staff review required/\$500 each new Plan Comm review required
Landscaping Plan Review (if not part of Site Plan Review)	\$500 max (hourly)
Parking Plan Review (if not part of Site Plan Review)	\$500 max (hourly)
Festival and Tent Permit	\$25
Sign Permit	\$100
Sandwich Board Sign	\$50
Special Event or Fundraising	\$100 (no fee to VOSB non-profit organizations)
Special Plan Commission or Board Meeting	\$750 min (fee based on actual costs)
STR Plan Commission Request	\$500
Official Map Amendment	\$1500
Plan Amendment	\$2000
Zoning Code Text Amendment	\$1500
Conditional Use Permit - Residential	\$500
Conditional Use Permit -Commercial	\$1000
Amendment to Conditional Use Permit	\$500
Reconsideration of Plan Commission	\$1000
Planned Unit Development	\$2,000 min + \$50 per unit
Appeal to Zoning Board of Appeals	\$1000
Appeal STR Decision to Board	\$500
Standard Zoning Permit	\$500
Zoning Permit Accessory Use Structure	\$100
Floodplain Zoning Permit	\$500
Engineering Analysis	Cost
Village Property Status Reports	\$50
Development Agreement	\$1000
Fee in Lieu of Parking	\$3,000 per land use change
Road Cut Fee	\$300 plus \$2000 retainer to ensure completion
Work in Right-of-Way	\$300 plus \$2000 retainer to ensure completion
Razing Permit	\$200
Project Started or Completed w/o Permit	Double permit fee

BUILDING INSPECTION FEES**Contractor: Brett Guilette****A. RESIDENTIAL - 1 & 2 Family**

1. New Structure 1 & 2 Family Homes:
Fees include building, electric, plumbing, HVAC and erosion
(Fees based on sq. ft. of all living area, full basement, deck, and garage)

0 - 1499 sq. ft.	\$850.00
1500 – 1999 sq. ft.	\$1000.00
2000 – 2499 sq. ft.	\$1100.00
2500 – 3000 sq. ft.	\$1150.00
>3000 sq. ft.	\$1150.00 + \$.10 per sq. ft. > 3000 sq. ft.
- Manufactured Dwellings (modular) \$500.00 + any additions or garage per
- #3 State Seal \$35.00 (all new homes)
- Community Development Fee \$300/occupancy unit
2. Additions/Remodeling/ Alterations:

Building	\$.11 sq. ft. (all areas)	\$75.00 minimum
Electric, Plumbing, HVAC	0 to 500 sq. ft.	\$50.00 (each)
	501 to 1000 sq. ft.	\$60.00
	(each) 1001 to 1300 sq. ft.	\$75.00
	(each) 1301 to 2000 sq. ft.	\$100.00
	(each) 2001 to 2500 sq. ft.	\$125.00
	(each)	
	> 2500 sq. ft.	\$.05 per sq. ft. (each)
- Erosion \$40.00 additions only (below grade > 400 sq. ft.)
- Community Development Fee \$300/additional occupancy unit
3. Electric Service \$75.00 Residential
4. Manufactured Homes \$200.00 (fee includes slab, electric service, occupancy) (HUD homes or house trailers)
- Community Development Fee \$300/additional occupancy unit
5. Temporary Occupancy \$50.00
6. Early Start \$50.00 (footing and foundation only)

B. ACCESSORY STRUCTURES - Detached Garages, Storage Buildings & Decks (all sizes)

Building	\$0.10 per sq. ft.	\$50.00 minimum
Electric, Plumbing, HVAC	\$0.05 per sq. ft.	\$40.00 minimum (each)

C. COMMERCIAL - Non-State Reviewed Plans

1. New buildings, additions, alterations, remodels:

Building	\$0.12 per sq. ft.	\$75.00 minimum
Electric, plumbing, HVAC	0 to 600 sq. ft.	\$60.00 (each)
	601 to 1250 sq. ft.	\$75.00 (each)
	1251 to 1700 sq. ft.	\$100.00 (each)
	1701 to 2100 sq. ft.	\$125.00 (each)
	2100 to 2500 sq. ft.	\$150.00 (each)
	>2500 sq. ft.	\$0.06 per sq. ft. (each)
- Storage buildings, warehouse, detached garage \$.10 per sq. ft.
- Community Development Fee \$500/occupancy unit
2. Temporary Occupancy, Change of Use, Occupancy. \$50.00
3. Early Start \$100.00
4. Electric Service \$75.00
5. Erosion Control \$75.00

6. Plan Review (plans that do not require state review) \$100.00

D. COMMERCIAL - State Reviewed Plans Only

Building	\$0.20 per sq. ft.	\$200.00 minimum
Electric, Plumbing, HVAC	\$0.10 per sq. ft.	\$75.00 minimum (each)
Community Development Fee	\$500/occupancy unit	

E. MISCELLANEOUS

Re-inspection fee		\$30.00
Failure to call for inspection		\$30.00
Double fees are due if work is started before permit is issued		
Extension to permit (permits are valid for 24 months)		25% of original
fees Agricultural buildings	\$.05 per sq. ft.	\$50 minimum

(Fees continued on next page...)

COMMERCIAL PLAN REVIEW FEES

Contractor: E-Plan Exam

(Per Contract Dated 12/22/22, Amended 1/17/23)

COMMERCIAL PLAN REVIEW FEE SCHEDULE – BUILDING/HVAC/FIRE ALARM/FIRE SUPPRESSION				
1. New construction, additions, alterations and parking lots fees are computed per this table.				
2. New construction and additions are calculated based on total gross floor area of the structure.				
3. A separate plan review fee is charged for each type of plan review.				
Area (Square Feet)	Building Plans	HVAC Plans	Fire Alarm System Plans	Fire Suppression System Plans
Less than 2,500	\$300	\$180	\$100	\$100
2,500 - 5,000	\$350	\$250	\$100	\$100
5,001 - 10,000	\$600	\$350	\$150	\$150
10,001 - 20,000	\$800	\$450	\$200	\$200
20,001 - 30,000	\$1,200	\$600	\$250	\$250
30,001 - 40,000	\$1,600	\$900	\$400	\$400
40,001 - 50,000	\$2,100	\$1,200	\$550	\$550
50,001 - 75,000	\$2,900	\$1,600	\$800	\$800
75,001 - 100,000	\$3,600	\$2,200	\$1,100	\$1,100
100,001 - 200,000	\$6,000	\$2,900	\$1,400	\$1,400
200,001 - 300,000	\$10,500	\$6,700	\$3,300	\$3,300
300,001 - 400,000	\$17,500	\$9,800	\$4,800	\$4,800
400,001 - 500,000	\$18,500	\$12,000	\$6,300	\$6,300
Over 500,000	\$20,000	\$13,500	\$7,100	\$7,100
Note:	1. A Plan Entry Fee of \$200.00 shall be submitted with each submittal of plans in addition to the plan review and inspection fees. 2. At the sole discretion of the Supervisor of Building Inspection and Plans Examiner; Fees may be modified, reduced or waived based on scope of services, project type, or other relevant factors.			
Determination of Area	The area of a floor is the area bounded by the exterior surface of the building walls or the outside face of columns where there is no wall. Area includes all floor levels such as subbasements, basements, ground floors, mezzanines, balconies, lofts, all stories, and all roofed areas including porches and garages, except for cantilevered canopies on the building wall. Use the roof area for free standing canopies.			
Structural Plans and other Component Submittals	When submitted separately from the general building plans, the review fee for structural plans, precast concrete, laminate wood, beams, cladding elements, other facade features or other structural elements, the review fee is \$250.00 per plan with an additional \$200.00 plan entry fee per each plan set.			
Accessory Buildings	The plan review fee for accessory buildings less than 500 square feet shall be \$125.00 with the plan entry fee waived.			
Early Start	The plan review fee for permission to start construction shall be \$125.00 for all structures less than 2,500 sf. All other structures shall be \$200.00. The square footage shall be computed as the first floor of the building or structure.			
Plan Examination Extensions	The fee for the extension of an approved plan review shall be 50% of the original plan review fee, not to exceed \$3,000.00.			
Resubmittals & revisions to approved plans	When deemed by the reviewer to be a minor revision from previously reviewed and/or approved plans, the review fee shall be \$75.00. Any significant changes or alterations beyond minor amendments as determined by the Plans Examiner and Building Inspection Department may result in additional charges as appropriate.			

Submittal of plans after construction	Where plans are submitted after construction, the standard late submittal fee of \$500.00 will be assessed per each review type that occurred after construction. This is in addition to any other plan entry fees, structural components and base fees applied to a project.			
Expedited Priority Plan Review	The fee for a priority plan review, which expedites completion of the plan review in less than the normal processing time when the plan is considered ready for review, shall be 200% of the fees specified in these provisions.			
COMMERCIAL PLAN REVIEW FEE SCHEDULE – PLUMBING				
1. New construction, alterations and remodeling fees are computed per the following table				
2. New construction fee is calculated based on square footage of the area constructed.				
3. Alterations and remodeling fee is based on the number of plumbing fixtures.				
Area (Square Feet) (New Construction & Additions)	Plumbing Plan Review Fee		Number of Fixtures (Alteration, Remodeling, and Site Work)	Plumbing Plan Review Fee
Less than 3,000	\$300		<15	\$200
3,001 - 4,000	\$400		16-25	\$300
4,001 - 5,000	\$550		26-35	\$450
5,001 – 6,000	\$650		36-50	\$550
6,001 – 7,500	\$700		51-75	\$800
7,501 – 10,000	\$850		76-100	\$900
10,001 – 15,000	\$900		101-125	\$1,050
15,001 – 20,000	\$950		126-150	\$1,150
20,001 – 30,000	\$1,100		>151	\$1,150
30,001 – 40,000	\$1,250		Plus \$160 for each additional 25 fixtures (rounded up) beyond 150 Fixtures	
40,001 – 50,000	\$1,550			
50,001 – 75,000	\$2,100			
Over 75,000	\$2,500			
Plus \$0.0072 per each additional sq. ft. over 75,000 sq. ft.				
Note:	1. A Plan Entry Fee of \$200.00 shall be submitted with each submittal of plans in addition to the plan review and inspection fees.			
	2. At the Sole discretion of the Supervisor of Building Inspection and Plans Examiner; Fees may be modified, reduced or waived based on scope of services, project type, or other relevant factors.			
Determination of Area	The area of a floor is the area bounded by the exterior surface of the building walls or the outside face of columns where there is no wall. Area includes all floor levels such as subbasements, basements, ground floors, mezzanines, balconies, lofts, all stories, and all roofed areas including porches and garages, except for cantilevered canopies on the building wall. Use the roof area for free standing canopies.			
Resubmittals & revisions to approved plans	When deemed by the reviewer to be a minor revision from previously reviewed and/or approved plans, the review fee shall be \$75.00. Any significant changes or alterations beyond minor amendments as determined by the Plans Examiner and Building Inspection Department may result in additional charges as appropriate.			
Submittal of plans after construction	Where plans are submitted after construction, the standard late submittal fee of \$500.00 will be assessed per each review type that occurred after construction. This is in addition to any other plan entry fees and base fees applied to a project.			
Expedited Priority Plan Review	The fee for a priority plan review, which expedites completion of the plan review in less than the normal processing time when the plan is considered ready for review, shall be 200% of the fees specified in these provisions.			

CITATIONS (VIOLATIONS OF MUNICIPAL CODE)

	Basic Deposit (Forfeiture)	Penalty Surcharge (26%)	Jail Surcharge & Crime	Automation, Court Support & Justice Info Fees	Court Costs (Clerk's Fee)	Total Deposit
Disorderly Conduct	\$100.00	\$26.00	\$23.00	\$89.50	\$25.00	\$263.50
Parking Citations (First Offense)	\$55.00	\$14.30	\$23.00	\$89.50	\$25.00	\$206.80
Parking Citations (Second Offense)	\$75.00	\$19.50	\$23.00	\$89.50	\$25.00	\$232.00
Park Regulation Violations	\$55.00	\$14.30	\$23.00	\$89.50	\$25.00	\$206.80
Zoning Violations (Citation increases by \$50 for second and subsequent offenses of the same code section)	\$250.00	\$65.00	\$23.00	\$89.50	\$25.00	\$452.50
Sign Violations	\$250.00	\$65.00	\$23.00	\$89.50	\$25.00	\$452.50
Land Division Violations	\$50-200.00	\$Varies	\$23.00	\$89.50	\$25.00	\$Varies
Nuisance Code Violations (First Offense)	\$100.00	\$26.00	\$23.00	\$89.50	\$25.00	\$263.50
Nuisance Code Violations (Second Offense)	\$250.00	\$65.00	\$23.00	\$89.50	\$25.00	\$452.50
Other Violations	\$25.00	\$6.50	\$23.00	\$89.50	\$25.00	\$169.00
Negligent or Willful Septage Discharge	\$250.00	\$65.00	\$23.00	\$89.50	\$25.00	\$452.20
Short-Term Rental Violation Forfeitures per Ord No. 2023-006 plus surcharges and fees above						

LICENSES & MISCELLANEOUS FEES

Licenses

Dog License - Unaltered	\$10
Dog License – Spayed or Neutered	\$5
Dog License – Late Fee (After March 31)	\$25
Operator's License – 1 year	\$15
Operator's License – 2 year	\$25
Short-Term Rental License	\$1500 initial license; \$1000 if licensed previous year + \$150 every time an application must be returned for completion or additional information
Mobile Food Vendor License	\$500
Tobacco License	\$50
Temporary Class "B" Beer (Picnic) License	\$10
Class "A" Beer License	\$100
Class "A" Liquor License	\$500
Class "B" Beer License	\$100
Class "B" Liquor License	\$500
Class "C" Wine License	\$100
300- Seat Class "B" Liquor License*	\$500
(*Subject to licensing criteria and initial fee)	
Initial Issuance Fee -Reserve Liquor Licenses	\$20,000
Liquor License Publication Fee	\$30

Fees & Taxes

Register of Deed Recording Fees	\$75 minimum (varies by document type, pages, county recording fees, staff time, mileage)
Copies of Recorded Documents	County fee plus staff time and mileage – minimum of \$2 first page, \$1 each additional page above county fee
Notary Services	\$5/document
Public Records Copying Fee	\$0.25/page, plus postage, if applicable (research fee may be applied if the record is not readily available)
Fax Charge	\$0.25/page
Public Records Requests	\$0.25/page, plus postage and staff time (hourly rate, deposit required)
Special Assessment Letter Request – Village	\$30
Special Assessment Letter Request – Utilities	\$30
Sales Tax	5.50%
Room Tax	8.00%
Premier Resort Area Tax	0.05%
Nonsufficient Fees Charge	\$25

Rental Fees (Security deposit may be required; rates include sales tax)

Facility Rentals:

Village Hall	\$30/hr. or \$200/day
Gazebo	\$75/day
TKH Building	\$75/day
Sports Complex Pavilion	\$150/day
Sports Complex Ball Fields	\$50/day
Sports Complex Tennis/ Pickleball Courts	\$10/2 hr. time block
Fire Station – Lg. Meeting Rm	\$50/day
Fire Station – Sm. Meeting Rm	\$25/day

Park/Special Rentals: (Cost is Friday-Monday to accommodate tent rental companies)

Waterfront Park	\$1900
(May, June, Sept, Oct.)	
Waterfront Park	\$3500
(July & August)	
Marina Park	\$1500
(May, June, Sept, Oct.)	
Marina Park	\$2500
(July & August)	
Ice Rink Tournaments	\$1500 plus \$1000 retainer for clean-up and repair

SEWER & WATER

As prescribed by the Public Service or Commission or adopted by the Sewer and Water Utility Committee in the preceding summer. Refer to Committee minutes for most recent rate schedule.

MARINA

Launch Fees:

Daily Launch Pass	\$10.00
Non-Commercial Seasonal Launch Pass	\$100.00
Commercial Seasonal Launch Pass	\$300.00

Dockage Rates:

Seasonal Slip - Sister Bay Property Owner	\$149.00/ft. of slip
Seasonal Slip – Non-Sister Bay Prop. Owner	\$157.00/ft. of slip
In-Season Transient dockage (Based on Length of boat) - May 15-Oct. 17	\$2.65 + tax/per foot 20'-39' \$2.75 + tax/per foot 40'-49' \$2.85 + tax/per foot 50'-59' \$2.95 + tax/per foot 60'-69' \$3.05 + tax/per foot 70'+
Late Season Transient dockage – Lmted. Avail. Su-Th ONLY, weekends are regular rates Sept. 15-Oct. 15	\$35.00/day (Su-Th ONLY)
Failure to Remove Boat at Close of Season (Oct. 15 is Marina Closing)	\$2.50/ft. per day, 20' minimum

Commercial Vendor Fees:

1.5 x Seasonal Property Owner Rate for 2024

Miscellaneous:

Sanitary Pump Out	\$25.00 (up to 60 gallons) – PAY IN ADVANCE
Ice – 7.5 lb. bag	\$2.50
Ice – 10 lb. block	\$3.50
Water & Gatorade	\$2.00
Candy	\$2.00
Washer/Dryer Use	Washer \$2.00 per load/Dryer \$2.00 per load
Laundry Detergent, Fabric Sheets	\$1.00

All fees are due upon receipt of service unless alternate arrangements have been made with the Marina Manager. Late payment charge of 1%, but not less than \$0.50, applies and will be assessed on a monthly basis.

AGENDA ITEM NO. 5
DISCUSSION/ACTION ITEMS:

**(h) IDENTIFY LOCATION FOR
THE “LITTLE LIBRARY” THAT WILL BE
ERECTED TO RECOGNIZE MARGE GRUTZMACHER’S
SERVICE TO THE COMMUNITY**



STAFF REPORT – GRUTZMACHER APPRECIATION

Date: November 26, 2024

Board/Committee: Plan Commission

Re: Little Library

Author: Julie A. Schmelzer, Village Administrator

Postponed from last month: As discussed, we would like to erect a little library (free little library on a post where people can drop off or pick up a book at random) in honor of Marge's service to the community. I still have to reach out to Marge to determine what the design would look like. The Parks Committee referred this matter to the Plan Commission to decide where it should be located. We should check with Marge to get her thoughts on the location before finalizing the location.

AGENDA ITEM NO. 6
ZONING & SIGN PERMITS
ISSUED REPORT



**ZONING & SIGN PERMITS ISSUED OR PLAN COMMISSION APPROVALS GRANTED
FROM OCTOBER 18, 2024 THROUGH NOVEMBER 14, 2024**

<u>Property Owner's Name/Project Loc.</u>	<u>Type of Application Submitted/Status</u>	<u>Project Description</u>
<u>Andrew Torcivia - TORCH BROTHERS, LLC</u> 10553 Country Walk Drive	PLAN COM. REVIEW, DEV. AGREEMENT & ZONING PERMIT APPLICATION	Change of Use – Conversion To Office/Pizzeria
<u>Virginia McFarland - Apollo Imaging</u> <u>On Behalf of NAWA SUBEDI</u> 2579 S. Bay Shore Drive	ZONING & SIGN PERMIT APPLICATIONS	Shell Gas Pricing Signage & Replacement of Fascia on Fueling Island For "Country Walk BP"
<u>Karl Bradley - THYME MARKET & CATERING</u> 10588 Country Walk Drive, Suite 16	SIGN PERMIT APPLICATION	Sign Permit For THYME MARKET & CATERING
<u>ANNA ODEMCIUC</u> 10518 Cherrywood Court	ZONING PERMIT APPLICATION	Garden Shed

NUMBER OF ZONING PERMITS ISSUED FROM 10/18/24 – 11/14/24:	<u>3</u>
NUMBER OF SIGN PERMITS ISS. FROM 10/18/24 – 11/24/24:	<u>1</u>
TOTAL:	<u>4</u>

AGENDA ITEM NO. 7
ADMINISTRATOR'S REPORT



ADMINISTRATORS REPORT

Date: November 26, 2024

Board/Committee: Plan Commission

Re: Monthly Highlights/Updates

Author: Julie A. Schmelzer, Village Administrator

Workspace Project

As requested I met with the town of Liberty Grove to discuss a joint workspace project. They recently had asked the county to allow them to have trade and contractor facilities in their Heartland-10 zoning district, which covers the majority of their town, but their request was denied. I am working with them on some other ideas. Location is the challenge in that the land the village or the town owns in the town is limited.

Night Sky

I met with Brian Grube of Newport State Park to discuss the night sky. Proposed code amendments to reduce the glow of the village as seen from the park will be recommended. We are concerned about the park losing their Night Sky Designation someday, so hopefully we can be aggressive in our timeline for making code changes, if appropriate.

Other Upcoming Amendments

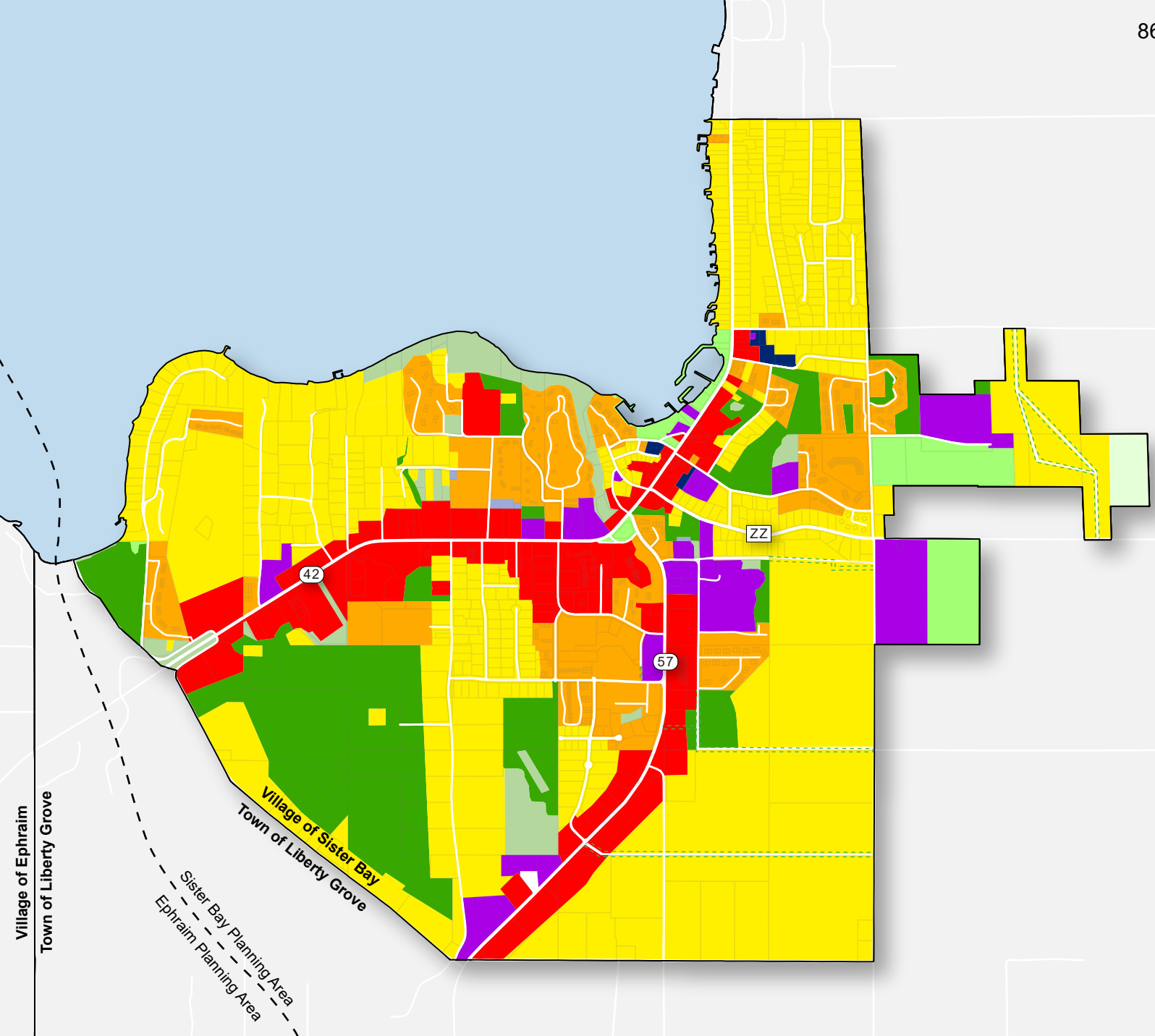
I have other proposed amendments for the commission to consider, but they were not ready by the time I prepared the meeting packet. Amendments include housing, permitting utilities in a right-of-way, open space relative to the Historical Society, community gardens, fundraising signs and others. Other sections need attention too but cannot be presented at this time.

Comprehensive Plan

BayLake RPC did not have a final draft of the plan ready for review by the time the meeting packet was assembled, so we will be reviewing the draft in January.

Housing Committee

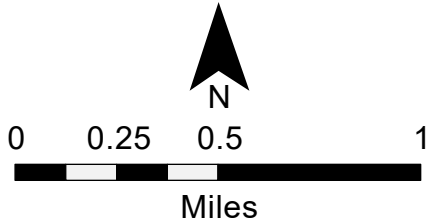
The Housing Committee has been meeting at least two times a month to develop a model and site plan for the former Wiltse site as well as other initiatives. If you are interested in following their processes, please listen in on the meetings or read the minutes.



Future Land Use

Village of Sister Bay Comprehensive Plan

- | | |
|--------------------------|--------------------|
| Agricultural | Open Lands |
| Commercial | Residential |
| Communication/Utilities | Right-of-Way |
| Institutional/Government | Transportation |
| Parks and Recreation | Woodlands |
| Multi-Family | Municipal Boundary |
| Natural Areas | Planning Area |
| | Approx. Future ROW |



Sources: Door County, 2023, 2024; Village of Sister Bay, 2024; Bay-Lake RPC, 2024.
Disclaimer: This map is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data used for reference purposes only. Bay-Lake RPC is not responsible for any inaccuracies herein contained.

AGENDA ITEM NO. 8

**MATTERS TO BE PLACED ON A FUTURE
AGENDA OR REFERRED TO A COMMITTEE,
OFFICIAL OR EMPLOYEE**

AGENDA ITEM NO. 9.

- ***DUE TO THE HOLIDAYS THERE WON'T BE ANY
PLAN COMMISSION MEETINGS CONDUCTED IN
DECEMBER, 2024.***
- **NEXT REGULAR MONTHLY MEETING –
TUESDAY, JANUARY 28, 2025 AT 5:30 P.M.
(LARGE MEETING ROOM – SBLGFD)**

AGENDA ITEM NO. 10.
ADJOURNMENT