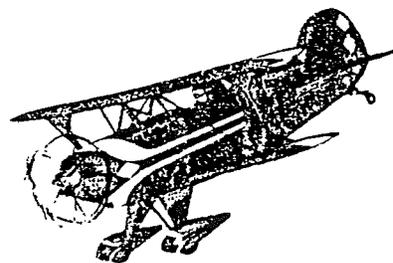


**DOOR
COUNTY
HEIGHT LIMITATION
ZONING ORDINANCE**

DOOR COUNTY BOARD
OF SUPERVISORS



As of September 29, 1977

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Adopted October 20, 1977
Effective November 1, 1977

Published November 1, 1977

Official Detail Height Limitation Map is on file in the Door County Planning Department.

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AN ORDINANCE REGULATING THE HEIGHT OF STRUCTURES AND TREES
AND THE USE OF PROPERTY IN THE VICINITY OF THE DOOR COUNTY-CHERRYLAND
AIRPORT

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

SECTION I: DEFINITIONS

As used in this ordinance, unless the context otherwise re-
quires:

- a) "Airport" means the Door County-Cherryland Airport lo-
cated in Sections 1 and 2, Town 27N, Range 25E, Door County,
Wisconsin.
- b) "Airport hazard" means any structure, object of natural
growth, or use of land which obstructs the air space re-
quired for the flight of aircraft in landing or taking
off at an airport or is otherwise hazardous to such land-
ing or taking off.
- c) "Nonconforming use" means any structure, tree or use of
land which does not conform to a regulation prescribed in
this ordinance or any amendment thereto, as of the effec-
tive date of such regulation.
- d) "Person" means any individual, ~~firm~~, partnership, corp-
oration, company, association, assignee, or other similar
representative thereof.
- e) "Structure" means any object constructed or installed by
man.
- f) "Tree" means any object of natural growth, except farm
crops which are cut at least once a year, and except shrubs,
bushes or plants which do not grow to a height of more than
five feet.
- g) "Runway" means a level portion of an airport having a sur-
face specially developed and maintained for the landing and
take-off of aircraft.

SECTION II: ZONES

All zones established by this section are as shown on the map
dated March 1974 entitled "Official Door County Height Limitation
Zoning Map, Cherryland Airport, Door County, Wisconsin", which is
attached hereto and adopted as part of this ordinance. This official
map shall be kept in the office of the Door County Planning Depart-
ment, County Courthouse, Sturgeon Bay, Wisconsin, and shall be avail-
able for public inspection during regular office hours.

SECTION III: HEIGHT LIMITATION ZONES

Except as otherwise provided in this ordinance, no structure shall be constructed, altered, located or permitted to remain after such construction, alteration or location, and no trees shall be allowed to grow to a height in excess of the height limit indicated on the map referred to in Section II hereof.

- a) Exceptions. The restrictions contained in Section III shall not apply to objects which are less than thirty-five (35) feet in height above ground level at the object site.

SECTION IV: USE RESTRICTIONS

- a) Activities. Notwithstanding the provisions of Section III of this ordinance, no use may be made of land in any zone in such manner as to create electrical interference with radio communication between the airport and aircraft, or make it difficult for pilots to distinguish between airport lights and others, or result in glare in the eyes of pilots using the airport, or impair visibility in the vicinity of the airport or otherwise endanger the landing, taking off or maneuvering of aircraft.

SECTION V: NON-CONFORMING USES

- a) Not Retroactive. The regulations prescribed in Sections II and III of this ordinance shall not be construed to require the removal, lowering or other change or alteration of any nonconforming use, or otherwise interfere with the continuance of any nonconforming use, except as otherwise provided by Section VII (b).
- b) Changes. Nothing herein contained shall require any change in the construction, alteration or intended use of any structure, if the construction or alteration of such was begun prior to the effective date of this ordinance, and if such is diligently prosecuted.
- c) Removal. This section shall not interfere with the removal of nonconforming uses by purchase or the use of eminent domain.

SECTION VI: ADMINISTRATION

It shall be the duty of Door County to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Zoning Administrator upon a form furnished by him. Applications which are by this ordinance to be decided by the Zoning Administrator shall be granted or denied within fourteen (14) days of the date of filing of the application, unless Federal Aviation Administration approval is requested. Applications requesting action by the Door County Board of Adjustment shall be forthwith transmitted by the Zoning Administrator to the Board for hearing and decision. Permit and Appeal fees shall be required in the same amount and manner as provided in the Door County Zoning Ordinance.

SECTION VII: PERMITS

- a) Future Uses. No structure shall hereafter be constructed, erected or installed, or be permitted to remain in any zone created by Section II of this ordinance until the owner or his agent shall have applied in writing for a permit therefor and obtained such permit from the Zoning Administrator, except structures less than thirty-five (35) feet in height above the ground. Said permit shall be posted in a prominent place on the premises prior to and during the period of construction, erection, installation or establishment. Application for such permit shall indicate the use with sufficient particularity to permit the Zoning Administrator to determine whether such use would conform to the regulations herein prescribed. If such determination is in the affirmative, the Zoning Administrator shall issue the permit applied for. In no event will this permit have the affect of negating any other applicable zoning, building or other like permit.
- b) Existing Uses. Before any nonconforming structure may be replaced, altered, or rebuilt, a permit shall be applied for and secured in the manner prescribed by paragraph a) authorizing such change, replacement or repair. No such permit shall be denied if the structure will not become a greater hazard to air navigation than it was on the effective date of this ordinance, or than it was when the application for permit was made.

SECTION VIII: HAZARD MARKING AND LIGHTING

Any permit or variance granted under Section VII or X may, if such action is deemed advisable by the approving authority to effectuate the purpose of this ordinance and if such is reasonable in the circumstances, be so conditioned as to require the owner of the structure or trees in question to permit the County of Door, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to the flyers the presence of an airport hazard.

SECTION IX: BOARD OF ADJUSTMENT

The Door County Board of Adjustment, as provided in Section VIII.A. of the Door County Zoning Ordinance, shall have the responsibility of considering any appeals or request for grants of variance as provided in this ordinance.

SECTION X: APPEALS AND REVIEW

- a) Variances. Upon appeal the Board of Adjustment may, after investigation and public hearing, grant such variances from the terms of this ordinance as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of this ordinance would result in unnecessary hardship, and such relief will do substantial justice and be in accord with the spirit of this ordinance, and does not

create a hazard to the safe, normal operation of aircraft.

- b) Aggrieved Person. Any person aggrieved or affected by any decision or action of the Zoning Administrator made in his administration of this ordinance may appeal such decision or action to the Board of Adjustment. Notice of such appeal shall be filed in the office of the Zoning Administrator on forms provided by him within thirty (30) days of the date of mailing of said decision. Included therein shall be stated the grounds of the appeal.

- c) Procedure. Any appeal taken pursuant to this action shall be in conformity with the procedure established by Section 59.99, Wisconsin Statutes.

SECTION XI: PENALTIES

Any person violating any of the provisions of this ordinance shall, upon conviction, forfeit not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) for such offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the county jail until said forfeiture and costs are paid, but not to exceed thirty days for each violation. Each day that a violation continues to exist shall constitute a separate offense.

SECTION XII: SEVERABILITY

If any of the provisions of this ordinance or the application thereof to any persons or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION XIII: PASSAGE AND PUBLICATION

This Ordinance shall be in force and effect after its passage and publication.

A printed copy of this Ordinance published in a newspaper or in a book form purporting to be published by authority of the County Board of Supervisors shall be prima facie evidence of its passage and publication.

Dated at Sturgeon Bay, Wisconsin, this 20th day of October, 1977

Proposed by

Orville Voeks
Chairman of the Door County
Board of Supervisors,
County of Door

Attest:

I, Norman Stegmann, County Clerk of the County of Door, Wisconsin, do hereby certify that the above Ordinance was properly introduced and passed at a regular meeting of the Door County Board of Supervisors this 20th day of October, 1977.

NORMAN STEGMANN
County Clerk
County of Door, Wisconsin

Officially published the 1st day of November, 1977.