

**CHAPTER 10****ADMINISTRATION**

- 10.01 Resource Planning Committee.
  - 10.02 Zoning Board of Adjustment.
  - 10.03 Land Use Services Director.
  - 10.04 Zoning Administrator.
- (Amended: 27 March 2018; Ord. 2018-07)

**10.01 Resource Planning Committee.**

- (1) The Resource Planning Committee, created by the County Board of Supervisors, shall be the designated county zoning agency pursuant to s. 59.69(2), Wis. Stats.
- (2) The Resource Planning Committee shall adopt and follow any governing rules of procedure as specified in s. 59.69(2) Wis. Stats., and shall comply with the Wisconsin Open Meeting Law as specified in ss. 19.81 through 19.98, Wis. Stats.
- (3) Duties and powers. In administering this Ordinance, the duties and powers of the Resource Planning Committee shall be as follows:
  - (a) Supervise the administration of this Ordinance.
  - (b) Exercise those duties and powers specified in s. 59.69, Wis. Stats.
  - (c) Hold public hearings as required by this Ordinance, by Wisconsin Statutes, or by its own motions.
  - (d) Submit recommendations to the County Board of Supervisors for or against proposed zoning text and map amendments.
  - (e) Issue or deny conditional use permits, and establish any conditions for such permits.
  - (f) (Deleted: 27 May 2008; Ord. 2008-04)
  - (g) Any other duties determined by the County Board of Supervisors.
- (4) Financial sureties.
  - (a) The Resource Planning Committee may require that a performance bond or letter of credit be provided for the benefit of the County and filed with the County so as to ensure compliance with the terms of this Ordinance or required permit.

(b) Failure to provide or maintain such bond or letter of credit shall invalidate any permit.

### **10.02 Zoning Board of Adjustment.**

(1) Establishment. There is hereby established a Board of Adjustment for the County of Door as authorized by s. 59.694, Wis. Stats.

(2) Membership.

(a) Size and appointment. The Board of Adjustment shall consist of 5 regular members and up to two alternate members, all appointed by the chair of the County Board of Supervisors with the approval of the County Board of Supervisors.

(b) Eligibility. Members of the Board of Adjustment shall reside in the unincorporated areas of Door County. No 2 members of the Board of Adjustment shall reside in the same town.

(c) Terms of office. The term of office shall be 3 years. However, these terms of office shall be staggered such that no more than 2 members' terms of office are expired in any one year. Each term shall begin July 1st.

(d) Officers. The Board of Adjustment shall choose its own chairperson and vice-chairperson. (Amended: 30 Sept. 2003; Ord. No. 17-03)

(e) Removal. Members may be removed by the chairperson of the County Board of Supervisors for cause upon written charges. Cause may include excessive absenteeism.

(3) Operation and rules.

(a) The Board of Adjustment shall adopt rules for the conduct of its business which shall be in accordance with the provisions of this Ordinance and s. 59.694, Wis. Stats.

(b) Call to meetings. The Board of Adjustment shall meet at the call of the chair, and at such other time as the Board of Adjustment may determine, at a fixed time and place.

(c) Open meetings. All meetings of the Board of Adjustment shall be open to the public, unless otherwise authorized by Wisconsin law.

(d) Minutes. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to

vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be public record.

(e) (Deleted: 30 Sept. 2003; Ord. 17-03)

(f) Quorum. The quorum for any meeting shall consist of 3 members.

(g) The chair may administer oaths and compel the attendance of witnesses.

(4) Powers. The Board of Adjustment shall have the following powers:

(a) Appeals. To hear and decide appeals, pursuant to s. 59.694, Wis. Stats., where it is alleged that there is error in any order, requirement, decision or determination made by the Land Use Services Director, the Zoning Administrator, or the Resource Planning Committee. In exercising the above-mentioned powers, the Board of Adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination which is the subject of the appeal, and to that end shall have all the powers of the officer from whom the appeal is taken. (Amended: 27 March 2018; Ord. 2018-07)

(b) Variances. To hear and authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and substantial justice done. Such variance shall not have the effect of permitting in any district a use that is prohibited in that district.

(c) To grant variances for renewable energy resource systems as provided in s. 59.694(7)(d), Wis. Stats.

**10.03 Land Use Services Director.** In administering this Ordinance, the Land Use Services Director shall possess the following duties and powers: (Amended: 27 March 2018; Ord. 2018-07)

(1) Oversee the Zoning Administrators in carrying out the assigned responsibilities of this Ordinance. (Amended: 20 Sept. 2016; Ord. 2016-14)

(2) Make necessary studies relevant to deliberations regarding conditional use permits, as directed by the Resource Planning Committee.

(3) (Deleted: 27 May 2008; Ord. 2008-04)

(4) Recommend to the Resource Planning Committee amendments necessary to make this Ordinance more effective or more consistent with applicable state statutes and codes. (Amended: 20 Sept. 2016; Ord. 2016-14)

(5) Decide on granting of waivers where this Ordinance gives specific authority for such waivers.

**10.04 Zoning Administrator.** The Zoning Administrator shall possess the following duties and powers:

(1) Administer and enforce this Ordinance as the authorized representative of the Resource Planning Committee.

(2) Provide to the public the necessary permit application forms and variance and appeals forms. Assist the public in preparing permit applications and variance and appeal petitions.

(3) Conduct all necessary on-site inspections and investigations of structures, lands, and waters to certify compliance with this Ordinance.

(4) Issue or deny regular zoning permits and sign permits.

(5) Suspend or revoke zoning permits and sign permits and/or issue cease and desist orders upon noncompliance with the terms of the permit and/or this Ordinance.

(6) Issue, deny, or revoke certificates of compliance.

(7) Investigate alleged zoning violations and give notice of all violations of this Ordinance to the owner, resident, agent, or occupant of the premises.

(8) Report uncorrected violations to the Corporation Counsel and assist the Corporation Counsel in initiating enforcement proceedings.

(9) Gain entry to premises, buildings, and structures during reasonable hours for the purpose of investigating applications for permit and for the purpose of determining compliance with this Ordinance or with any issued permit. If entry is refused after presentation of proper identification, a special inspection warrant may be procured in accordance with s. 66.122, Wis. Stats.

(10) Record all permits issued, inspections made, work approved, and all other official actions.

(11) Assist in giving all legal notices required by State Statutes or this Ordinance.

(12) Recommend to the Land Use Services Director any amendments necessary to make the operation of this Ordinance more effective. (Amended: 27 March 2018; Ord. 2018-07)

(13) When necessary, provide technical and clerical assistance during hearings conducted by the Board of Adjustment or the Resource Planning Committee.

(14) Make referrals and recommendations to the Land Use Services Director and the Resource Planning Committee in accordance with this Ordinance. (Amended: 27 March 2018; Ord. 2018-07)