

Well Head Protection Ordinance

Town of Liberty Grove, Door County, Wisconsin

November 1, 2009

*******DRAFT*******

Notes:

1. Wisconsin Statutes in Sec. 101 Authority will have to be reviewed and revised to apply to the Town and to County Zoning.
2. In Sec. 108 the adoption date and publication date need to be corrected.
3. As noted in Sec. 345 (e) Exemptions, the Door County Resource Planning Committee will need to review and advise changes needed to accept this as an overlay to Liberty Grove Town Zoning.
4. This ordinance will need to be reviewed by Town counsel for appropriate changes.
5. This version is based on the Village of Sister Bay Zoning Code Sec. 66.0345 WHP Wellhead Protection District.
6. Boat Repair and Storage has been added as a controlled activity.

STATUTORY AUTHORITY AND PURPOSE

Sec. 101 Authority

These regulations are adopted under the authority granted by chapters 60, ~~62.23(7)~~, 62.231 and 87.30 of the Wisconsin Statutes. Therefore, the Town Board of the Town of Liberty Grove, Door County, Wisconsin does ordain as follows:

Sec. 102 Purpose

The purpose of this chapter is to promote the health, safety and general welfare of this community.

Sec. 103 Intent

- (a) It is the general intent of this chapter to assure the protection of groundwater,

- (n) Provide for the administration and enforcement of this chapter and to provide penalties for its violation.

Sec. 104 Abrogation and Greater Restrictions

It is not intended by the provisions of this chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to laws. Except as otherwise provided in this chapter, wherever this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

Sec. 105 Interpretation

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

Sec. 106 Severability

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

Sec. 107 Title

This ordinance shall be known as, referred to or cited as the "WELLHEAD PROTECTION ORDINANCE OF THE TOWN OF LIBERTY GROVE, DOOR COUNTY, WISCONSIN."

Sec. 108 Adoption

This code was adopted as Ordinance No. ~~102-110904 on November 9, 2004~~ and was effective upon publication on ~~November 16, 2004~~.

Sec. 345 WHP Wellhead Protection District

The Wellhead Protection district (WHP) is intended to insure the provision of a safe and sanitary drinking water supply for the ~~Town of Liberty Grove Utility District #1 and the Village of Sister Bay~~ by establishment of a Wellhead Protection Area surrounding the wellheads for all wells which are the supply sources for the ~~Utility District and the Village~~ water system and by the designation and regulation of property uses and conditions which may be maintained within such zones to minimize public and private losses due to contamination of the public water supply. These regulations are established pursuant to the authority granted by the Wisconsin Legislature in 1983, Wisconsin Act 410 (effective May 11, 1994), which specifically added groundwater protection to the statutory authorization for municipal planning and zoning in order to protect the public health, safety, and welfare.

(a) Establishment of wellhead protection area.

There is hereby established a use district to be known as the Wellhead Protection Area, identified and described as all the areas including those of the cone of depression due to the average pumping capacity of the wells, the areas encompassing the zone of contribution for a five year time of travel to the wells, and the recharge areas influencing the wells.

(a)(1) The area(s) designated as the Zone of Influence for the well(s) is hereby known as the Primary Protection Zone(s). It begins at the wellhead and extends radially outward a distance of 500 feet from the well. Additional protection beyond the Primary Protection Zone shall be accomplished by the establishment of Management Zones.

(b) The boundaries of the Primary Management Zone shall begin at a point or points along the outer perimeter of the Primary Protection Zone and extend outward to all points within and including the designated Zone of Contribution for the five-year time of travel to each of the wells. Furthermore, as the annual average pumping capacity of the wells is changed, the Primary Management Zone boundaries shall be changed in like manner.

(b)(1) The boundaries of the Secondary Management Zone shall include all the area extending between the Primary Management Zone outer perimeter and a minimum of one mile radially from any well supplying water to the aforementioned community water system.

(b)(2) Subsequent and additional Management Zones may be established whenever it is found that the Wellhead Protection Zone needs to be expanded to provide adequate protection for the groundwater within and/or adjacent to the Wellhead Protection Area.

(b)(3) Location of requirements. The following protection requirements shall be based upon the location of the Village wells located at the following:

(b)(3) a. Well Number 1: Scandia Road at Bay Shore Drive;

(b)(3) b. Well Number 2: Smith Drive at Highway 57;

(b)(3) c. Well Number 3: Hill Road at North Spring Road.

(b)(4) A detailed map of the different zones shall be maintained by the Zoning Administrator and shall be incorporated on the Official Zoning Map of the Village.

(c) Substances regulated.

The materials regulated by this ordinance shall consist of the following:

(c)(1) Petroleum products as defined by any fuels (gasoline, diesel fuel, kerosene and mixtures of these products), lubricating oils, motor oils, hydraulic fluids and other similar products.

(c)(2) Substances listed in the Federal Hazardous Waste List.

(c)(3) Substances other than those listed on the Federal Hazardous Waste List that are determined by State or Federal agencies to pose a significant threat to any community water supply well or well field.

(d) Restrictions within the wellhead protection area.

Restrictions within each Zone of the Wellhead Protection Area shall be determined by the Town Board or their appointee. The Board or their appointee shall conduct a survey of the Wellhead Area and identify the potential sources of contamination therein. After assessing the local groundwater protection needs, the method or combination of management methods shall be submitted for approval. The restrictions within each Zone may be modified periodically to provide additional protection or to prevent future contamination.

(d)(1) The following uses or conditions shall be and are hereby prohibited within the Primary Protection Zone. Existing uses or conditions that are prohibited under this section that desire to continue shall comply with the requirements of section 345(e).

(d)(1) a. Agricultural activities.

(d)(1) b. Feedlots or other concentrated animal facilities.

(d)(1) c. Gas Stations.

(d)(1) d. Vehicle repair establishments, including auto body repair.

(d)(1) e. Junk yards or auto salvage yards.

(d)(1) f. Bus or truck terminals.

(d)(1) g. Impervious surfaces other than roofs of buildings, and streets, parking lots, driveways and sidewalks.

(d)(1) h. Dry cleaning businesses.

(d)(1) i. Any manufacturing or industrial business.

(d)(1) j. Electroplating facilities.

(d)(1) k. Exterminating businesses.

(d)(1) l. Sanitary landfills.

(d)(1) m. Sanitary sewer lines within 100 feet of a wellhead.

(d)(1) n. Animal waste spreading.

(d)(1) o. Septic tanks or drain fields appurtenant thereto.

(d)(1) p. Storm water infiltration basins.

(d)(1) q. Hazardous waste disposal sites.

(d)(1) r. Surface use or storage of hazardous material, including commercial use of agricultural pesticides.

(d)(1) s. Underground storage.

(d)(1) t. Salt storage.

(d)(1) u. Bulk herbicide and/or pesticide storage and use.

(d)(1)v. Boat repair and storage.

(d)(2) The following uses or conditions shall be and are hereby prohibited within Management Zone 1.

(d)(2) a. Junk yards and auto salvage yards.

(d)(2) b. Sanitary landfills.

(d)(2) c. Hazardous waste disposal sites.

(d)(2) d. Storm water infiltration basins.

(d)(3) The following uses or conditions are permitted within Management Zone One only as a special exception. A conditional use permit may be granted to an individual and/or facility to allow a special exception use. In order to

receive a conditional use permit, an individual and/or facility must demonstrate compliance with applicable Federal, State and County requirements.

(d)(3) a. Feedlots or other concentrated animal activities.

(d)(3) b. Gas stations.

(d)(3) c. Vehicle repair establishments, including auto body repair.

(d)(3) d. Bus or truck terminals.

(d)(3) e. Dry cleaning businesses.

(d)(3) f. Any manufacturing or individual business.

(d)(3) g. Electroplating facilities.

(d)(3) h. Exterminating businesses.

(d)(3) i. Animal waste spreading.

(d)(3) j. Septic tanks or drain fields.

(d)(3) k. Bulk salt storage.

(d)(3) l. Surface use or storage of hazardous materials.

(d)(3)m. Boat repair and storage.

(d)(4) The area within Management Zone Two shall be managed by conducting a public education program to inform the property owners of the need for and methods of wellhead protection. If additional management methods are necessary, the appropriate governing bodies with jurisdiction over the area within the Management Zone Two shall be notified.

(e) Exemptions.

Individuals and/or facilities may request the **Door County Resource Planning Committee (RPC)** to issue a conditional use permit for a special exception use in the Wellhead Protection Area. All requests shall be in writing either on or in substantial compliance with forms to be provided by the **RPC** and shall include an environmental assessment report prepared by a licensed environmental engineer. The report shall be forwarded to the **Town's** Engineer and/or designee(s) for recommendation and final decision by the **RPC and County Board**. The individual/facility shall reimburse the **Town** for all consultant fees associated with this review at invoiced amount plus administrative costs. Any uses shall be conditional and may include required environmental and safety monitoring consistent with local, state, and federal requirements, and/or bonds and/or sureties satisfactory to the **Town**.

(e)(1) The following activities or uses are exempt from the provision of this chapter.

(e)(1) a. The transportation of any hazardous substance through the wellhead protection area provided the transporting vehicle provides adequate primary and secondary containment and is in-transit.

(e)(1) b. The use of herbicides and pesticides is allowed within the Management Zones, provided best management practices are used or it is determined that the use of such herbicides and pesticides does not pose a serious threat to the groundwater.

(e)(1) c. The use of any hazardous substance solely as fuel in a vehicle fuel tank or as a lubricant in a vehicle.

(e)(1) d. Fire, police, emergency medical services, emergency management center facilities or public utility transmission facilities.

(e)(1) e. Retail sales establishments that store and handle hazardous substances for resale in their original unopened containers.

(e)(1) f. Consumer products limited to use at a facility solely for janitorial or minor maintenance purposes.

(e)(1) g. Consumer products located in the home, which are used for personal, family or household purposes.

(e)(1) h. The storage and use of hazardous substances as fuel or lubricant to provide auxiliary power for emergency use to the well field provided an enclosed secondary containment system be provided for the substance.

(e)(1) i. Any water treatment chemicals connected with the operation of the wells.

(e)(1) j. Storm water retention ponds constructed in a manner approved by the **Town** and/or **Town's** Engineer may be placed in the management zone. The soil beneath the retention pond shall have a low rate of water transmission, less than 0.15 inches per hour.

(f) Requirements for existing facilities.

The following requirements are to be met by existing facilities wishing to continue with activities prohibited under section

(c).

(f)(1) Facilities shall provide copies of all federal, state and county operation approvals or certificates and ongoing environmental monitoring results to the **Town**.

(f)(2) Facilities shall provide additional environmental or safety structures/monitoring as deemed necessary by the **Town**, which may include but are not limited to storm water runoff management and monitoring.

(f)(3) Facilities shall replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence.

(f)(4) Facilities shall have the responsibility of devising and filing with the **Town** a contingency plan satisfactory to the **Town** for the immediate notification to **Town** officials in the event of an emergency.

(g) Penalties.

In the event of the release of any contaminants, which endanger the Wellhead Protection Area, the activity causing said release shall cease immediately and a cleanup satisfactory to the **Town** shall occur. The individual/facility participating in such activity shall be responsible for all costs of cleanup, **Town** consultant fees at the invoice amount plus administrative costs for oversight review, and documentation. These costs may include but are not limited to:

(g)(1) The cost of **Town** employees' time associated in any way with the cleanup based on the hourly rate paid to the employee multiplied by a factor determined by the **Town** representing the **Town's** cost for expenses, benefits, insurance, sick leave, holidays, overtime, vacation, and similar benefits.

(g)(2) The cost of **Town** equipment employed.

(g)(3) The cost of mileage reimbursed to **Town** employees attributed to the cleanup.

DEFINITIONS

Sec. 1401 General Definitions

For the purpose of this **ordinance**, 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 **ordinance** 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 **ordinance** shall be presumed to have their customary dictionary definitions.

Sec. 1402 Specific Words and Phrases

Amusement Park. A commercially operated facility with various devices for entertainment, which are located

primarily outdoors, including miniature golf.

Animal Hospital. A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

Aquifer. A geologic formation, group of formations, or part of a formation that contains sufficient saturated, permeable material to yield significant quantities of water to wells and springs.

Art Gallery. An institution or business exhibiting or dealing with works of art.

Art Studio. An establishment engaged in the sale or exhibit of art works such as paintings, sculpture, macramé, knitted goods, stitchery or pottery. Art studios are also engaged in the creations of such art works and often offer instruction in their creation.

Art. The conscious use of skill, taste and creative imagination in the production of objects whose primary or sole value is intended to be aesthetic. Art is distinct from other forms of production by its application of personal, un-analyzable creative power, not merely expertness in workmanship.

Automotive Body Repair. Activities involving the repair, painting or undercoating of the body or frame of vehicles with a gross vehicle weight of 10,000 pounds or less. Body and frame repair does not include mechanical engine or power train repair.

Automotive Mechanical Repair. Activities involving the maintenance, servicing or repair of automotive engines, power train, suspension and exhaust system on vehicles with a gross vehicle weight of 10,000 pounds or less. Mechanical repair does not include body and frame repair, painting or undercoating.

Automotive Sales and Service. Any building, land area, or other premises for the display and sale of new or used automobiles, pickup trucks or vans, lawn and garden implements, trailers, boats, or other recreational vehicles and including any warranty repair work and other repair service conducted as an accessory use.

Bed and Breakfast. Any place of lodging that provides four or fewer rooms for rent for more than 10 nights in a 12-month period, is the owner's personal residence, is occupied by the owner during the time of rental, and in which the only meal served to guests is breakfast.

Boardinghouse. A place in which lodging, with or without meals, is offered for compensation to non-transient guests, that provides four or less rooms for rent, is the owner's personal residence, and is occupied by the owner during the time of rental.

Buffer Yard. An area of land containing sufficient area and width, landscape plantings, earth berms, fencing, walls, or other visual and/or sound barriers intended to eliminate or minimize land use conflicts between adjacent land uses.

Buildable Area. The area of the lot remaining after the minimum front setback, side setbacks, rear setback, and other open space requirements, such as wetlands, have been met.

Camping. The placement of a temporary shelter used as, or designed to be used for sleeping purposes. Examples of shelters used for camping include tents, trailers, motor homes, recreational vehicles, tarpaulins, bedrolls and sleeping bags.

Car or Truck Wash. Any facility used for the washing of vehicles requiring the installation of special equipment.

Casual non-commercial use. Transient rental of property for periods of 30 days or less, not to exceed 16 weeks per calendar year. One day of rental in a period of a week shall count as a full week of rental.

Channel. Those flood lands normally occupied by a stream, lakebed, or other body of water under average annual high-water flow conditions while confined within generally well established banks.

Clearing. The act of removing trees or brush from any part of a wooded lot for the purpose of building development or the creation of non-wooded areas.

Business Site. A tract consisting of one or more contiguous lots or parts of lots which are used for inter-dependent ingress and egress of vehicles and containing one or more off-street loading or parking facilities; or any business site having five or more parking stalls.

Commercial Transient Lodging. The provision of furnished lodging on a transient basis as defined for state sales tax purposes, that is, occupancy for periods of 30 days or less. Rental on a casual, non-commercial basis of residential dwelling units is not considered commercial transient lodging.

Commercial Vehicle Sales and Service. Any building, land area, or other premises for the display and sale of large trucks and equipment, typically used in commercial operations, and including any warranty repair work and other repair service conducted as an accessory use. For the purpose of this chapter, commercial trucks are trucks with a gross vehicle weight in excess of 10,000 pounds.

Community Water System. A public water system that serves at least fifteen service connections used by year-round residents or regularly serves at least twenty-five year round residents.

Community-based Residential Facility. A place where three or more unrelated adults reside in which care, treatment or services above the level of room and board but not including nursing care are provided to persons residing in the facility as a primary function of the facility.

Conditional Uses. Uses of a special nature as to make impractical their predetermination as a permitted use in a district. Conditional uses have been used in zoning ordinances as flexible devices, which are designed to cover situations where a particular use, although not inherently inconsistent with the use classification of a particular zoning district, may create special problems and hazards if allowed to develop and locate as a matter of right in a particular zoning district. Conditional uses are issued to properties, not individuals, and their continued use runs with the property, not with the owner.

Condominium, Hotel/Motel. A condominium ownership property where more than 25 percent of the units are available for rent for more than 30 days per year or on a commercial transient lodging basis.

Condominium, Residential. A condominium ownership property where more than 75 percent of the units are owner occupied and the casual non-commercial use does not exceed 30 days per year per unit.

Cone of Depression. A depression in the water table that occurs when a pumping well withdraws water as a rate faster than the aquifer can supply water to the well.

Convenience Food Store. A retail establishment of less than 3,000 square feet in area where food products and related household products are sold.

Cutting plan. A plan for the removal of vegetation including any proposed replanting of vegetation.

Day Care Center. See "Family Day Care Home" and "Group Day Care Center."

Deck. An unenclosed, unroofed exterior platform structure, with or without railings, which is elevated above preconstruction grade, is typically of wood construction, either attached to a building or freestanding. A deck shall be considered a structure not building.

Density. A number expressing the relationship of the number of dwelling units to land area.

Development Project. Any residential, commercial, business or mixed-use subdivision plan or development plan submitted to the **RPC** for approval.

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, mining, dredging, filling, grading, paving, excavation or drilling operations, or disposition of materials.

District, Overlay. Overlay districts provide for the possibility of superimposing certain additional requirements upon a basic zoning district.

Drive-in/Drive-through Restaurant. A freestanding establishment used for the sale, dispensing or serving of food, refreshments, or beverages where customers may be served in an automobile and may eat and drink the food, refreshments, and beverages on or off the premises.

Dwelling. A building designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotels, tents, cabins, or travel trailers.

Environmental Contractor. Offices, laboratories and support facilities for the testing or evaluation of soil, air or water, not including any on-site storage or remediation of materials.

Environmental Control Facility. Any facility, temporary or permanent, which is reasonably expected to abate, reduce or aid in the prevention, measurement, control or monitoring of noise, air or water pollutants, solid waste or thermal pollution, radiation or other pollutants, including facilities installed principally to supplement or to replace existing property or equipment not meeting or allegedly not meeting acceptable pollution control standards or which are to be supplemented or replaced by other pollution control facilities.

Essential Services. Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead facilities such as gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, detention basins, drainage channels, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings.

Facility. A building or buildings, appurtenant structures, and surrounding land used by a single business, private entity, or governmental unit or sub-unit at a single location or site.

Family Day Care Home. A dwelling licensed as a day care center by the State of Wisconsin pursuant to section 48.65 of the Wisconsin Statutes, where care is provided for not more than eight children under the age of 7 years for less than 24 hours per day. All structures shall be located a minimum of 100 feet from any residentially zoned property.

Family. The group of persons related by blood, marriage or adoption, or not more than four unrelated persons who live together in one dwelling unit as a single housekeeping entity.

Farm. A parcel of land used for agricultural activities including, but not limited to, the raising and harvesting of field crops; the raising of livestock; and the raising and harvesting of trees, orchards, or vineyards.

Farmers' or Growers' Market is defined as a public market place where fresh foods are sold by the residents of Door County who have grown, gathered, raised or produced them. Markets where crafts and other items are sold can be eligible as farmers' markets, as long as the total number of craft vendors does not exceed the total number of farmers.

Five-Year Time of Travel (TOT). The five-year time of travel is the recharge area up gradient of the cone of depression, the outer boundary of which it is determined or estimated that groundwater and potential contaminants will take five years to reach a pumping well.

Flea Market. Any premises where the principal use is the sale of new or used household goods, personal effects, tools, art work, small household appliances, and similar merchandise, equipment or objects, in small quantities, in broken lots or parcels, not in bulk, for use or consumption by the immediate purchaser. Flea markets may be conducted within a structure or in the open air. Rummage sales and garage sales are not considered flea markets.

Foster Home. Any facility operated by a person required to be licensed by section 48.62 that provides care and maintenance for no more than four children unless all children are siblings.

Freeboard. A flood protection elevation requirement designed as a safety factor, which is usually expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for the effects of any factors that contribute to flood heights greater than those calculated. These factors include, but are not limited to, ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of urbanization on the hydrology of a watershed, loss of flood storage areas due to development and aggregation of the river or stream bed.

Garage Sale. See "Rummage Sale."

Garage, Public or Commercial. A structure or portion thereof, other than a private garage, used primarily for the parking and storage of motor vehicles and available to the public. A public garage may or may not charge a fee for such use.

Garage, Repair. See "Automobile Body Repair" and "Automobile Mechanical Repair."

Gasoline Service Stations. Any building, land area, or other premises, or portion thereof, used or intended to be used for the retail dispensing and sales of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries and similar accessories. Contemporary service stations may specialize in a singular service such as providing fast oil changes. Contemporary services may also be associated with another principal use such as a convenience food store. In such instance, the facility is to comply with both the service station and food store requirements of this chapter.

Grocery Store. A retail establishment of at least 25,000 square feet in area, where food products and related household products are sold.

Groundwater Divide. A ridge in the water table, or potentiometric surface, from which groundwater moves away at right angles in both directions. Line of highest hydraulic head in the water table or potentiometric surface.

Groundwater. The water in a saturated zone or stratum beneath the surface of land or water, whether or not it is flowing through known and definite channels.

Group Day Care Center. An establishment providing care and supervision for four or more persons under the age of seven and licensed by the State of Wisconsin pursuant to section 48.65 of the Wisconsin Statutes.

Group Home. Any facility operated by a person required to be licensed by the State of Wisconsin pursuant to section 48.62 of the Wisconsin Statutes for the care and maintenance of five to eight children.

Hazardous Substance. Any waste or material which because of its quantity, concentration or physical chemical or infectious characteristics may: cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or Pose a substantial present or potential hazard to human health or to the environment when improperly treated, stored, transported, disposed of or otherwise managed.

Home Occupation. Any occupation for financial gain or support conducted entirely within the premises by resident occupants; which is customarily incidental to the principal use of the premises.

Hotel. An establishment, licensed pursuant to Chapter 50 of the Wisconsin Statutes, wherein sleeping accommodations are offered for pay to transients, in five or more rooms, and all places used in connection therewith. The terms "Hotel," "Motel," and "Inn" are synonymous.

Impervious Surface. Surfaces which do not absorb precipitation including buildings, structures, parking lots, driveways, roads, sidewalks and any areas in concrete, asphalt or packed stone.

Junk or Salvage Yard. An area consisting of buildings, structures, or premises where junk, waste, and discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including automobile wrecking yards and house wrecking and structural steel materials and equipment yards, but not including the purchase or storage of used furniture and household equipment or used cars in operable condition.

Kennel, Private. A place where no more than two dogs are housed for personal use.

Kennel. Any establishment wherein or whereon eight or more dogs over the age of five months are kept for breeding, sale, sporting purposes or where boarding care is provided for compensation. All structures associated with kennels shall be a minimum of 100 feet from side and rear property lines.

Land Disturbance Use or Activity. Any land alterations or disturbances which may result in soil erosion, sedimentation and/or the increase in runoff, including but not limited to tilling, removal of ground cover, grading, excavating and filling of land, except that the term shall not include such minor land disturbing activities as home gardens. Additionally, this term does not include agricultural land uses.

Landscaping. Alteration of the natural terrain and cover, including the planting of trees, grass, shrubs and ground cover.

Lot. A designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon.

Machine Shops. Establishments where various types of materials are subjected to drilling, boring, turning, milling, grinding or EDMs to create a component or end product.

Major Recreational Equipment. Means and includes travel trailers, pickup campers or coaches, motorized dwellings, tent trailers, boats and boat trailers, snowmobiles and snowmobile trailers and the like.

Management Zones. A zone or zones established to provide protection to the area surrounding a well or well field from potential contaminant sources. Management options may include limits on certain activities, more stringent design and operating standards, strict monitoring of potential pollution sources, promoting best management practices, and/or implementing education programs. Multiple protection zones may be established for different management strategies based on proximity to the well field.

Mobile Home Park. A parcel of land which has been developed for the placement of mobile homes and is owned by an individual, firm, trust, partnership, public or private association, or corporation. Individual lots within a mobile home park are rented to individual mobile home users.

Mobile Home. A vehicle designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid un-collapsible construction. A mobile home exceeding statutory size limits under section 348.07(2) of the Wisconsin Statutes shall be considered a primary housing unit. A mobile home not exceeding the statutory size under section 348.07(2) shall be considered a touring or recreational vehicle. [SOURCE: section 340.01(29), Wis. Stat.]

Motor Home. A vehicle designed to be operated upon a highway or as a temporary or recreational dwelling and having the same internal characteristics and equipment as a mobile home.

Natural Feature. A geologic formation, vegetative area or other feature of the landscape, which is protected by this chapter or state statute.

Navigable Water. Lake Michigan, Green Bay and all natural inland lakes within Wisconsin, and all rivers, streams, ponds, sloughs, flowages, and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state.

Neighborhood Food Store. A retail establishment of at least 3,000 square feet in area, but less than 25,000 square feet in area, where food products and related household products are sold.

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 **February 28, 1995** which does not conform to the regulations of this **ordinance** or amendments thereto. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading or distance requirements shall be considered a non-conforming structure and not a non-conforming use.

Nuisance. Anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.

Nursing Home. Any facility which provides 24 hour services, including room and board, to three or more unrelated residents; who because of their mental or physical condition require nursing care or personal care in excess of seven hours a week.

Obstruction to Flow. Any development, which physically blocks the conveyance of floodwaters such that this development by itself or in connection with any future similar development will cause an increase in regional flood height.

Open Parking Facilities. Shall mean a parking facility without an overhead covering and shall include the roof level of a multilevel parking structure or ramp.

Open Space. An area on a lot that is open to the sky and contains no structures, parking, driveways or other impervious surface.

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 surveyor.

Outdoor Merchandising. Shall mean car sales lots, equipment sales lot, retail gasoline stations, garden centers and other similar areas where products are permanently displayed or dispensed outdoors.

Parking Lot. An off-street, ground level area, usually surfaced and improved, for the temporary storage of motor

vehicles.

Parking lots includes rows of parking spaces, the aisles from which motor vehicles enter and leave the spaces. Ingress and egress drives from the parking lot to the public street are not part of the parking lot.

Parking Space. An all-weather area not in a street or alley right-of-way, exclusive of driveways, permanently reserved for the temporary storage of one motor vehicle, and connected with a street or alley by a driveway which provides ingress and egress for a motor vehicle without requiring another vehicle to be moved.

Performance Standard. A criterion to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, glare or heat, and lighting intensity or spill-over generated by or inherent in uses of land and buildings.

Person. Shall mean any individual, tenant, lessee, owner operator or any public, private, nonprofit or commercial entity including, but not limited to, a firm, business, partnership, joint venture, association, corporation, municipality, agency or governmental agency.

Personal service. Exclusively indoor uses of which their primary function is the provision of nonprofessional services directly to an individual on a walk-in or on-appointment basis. Examples include barbershops, beauty shops, tanning salons and the like.

Petroleum Product. Any fuels (gasoline, diesel fuel, kerosene and mixtures of these products), lubricating oils, motor oils, hydraulic fluids and other similar products.

Planned Residential Unit Development. A form of development characterized by a united site design for a number of housing units, clustering buildings and providing common open space, density increases and a mix of residential building types and residential uses, having a minimum size **as specified for the zoning district**.

Potable Water. Any water that is satisfactory for drinking, culinary and domestic purposes meeting current State and Federal drinking water standards.

Premises. A lot, parcel, tract or plot of land together with the buildings and structures thereon.

Primary Containment. The first level of product tight containment, i.e., the inside portion of that container which comes into immediate contact on its inner surface with the hazardous material being contained.

Primary Protection Zone. An area calculated as the zone of influence characteristic to each individual well supplying potable water to any community water system.

Principal Use. See "Use, Principal."

Professional Home Offices. Residences of clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, real estate agents, artists, teachers, authors, musicians, or persons in other recognized professions used to conduct their professions where the office use is incidental to the residential use of

the premises.

Public Utility. Any utility (gas, water, sewer, electrical, telephone, cable television, etc.) whether publicly owned or privately owned.

Publishing House. A facility where books, magazines, periodicals, maps, etc. are printed and issued.

Recharge Area. An area in which water reaches the zone of saturation by surface infiltration and encompasses all areas or features that supply groundwater recharge to a well.

Recreational Vehicle. A vehicular, portable structure built on a chassis which can be self-transported or by any motor vehicle and is designated to be used as a temporary dwelling for travel, recreation and vacation use, which does not fall within the definition of a manufactured/mobile home.

Regulatory Agency. Any governmental agency with jurisdiction over hazardous waste as defined herein.

Residential Site. A single parcel in a residential zone containing a residential structure with one or more dwelling units with parking areas for one or more cars.

Right-of-way. A strip of land acquired by a public entity and intended to accommodate a specific public purpose or use.

Roadside Stand. A farm building used or intended to be used solely by the owner or tenant of the farm on which such building is located for the sale of farm products raised on such farm.

Rummage Sale. The occasional sale of personal property at a residence conducted by one or more families in a neighborhood. Rummage sales are also known as "garage sales." Flea markets, defined elsewhere in this section, are not rummage sales.

Sanitary Landfill. A disposal site where solid wastes, including putrescible wastes, or hazardous wastes, are disposed of on land by placing earth cover thereon.

Secondary Containment. The level of product tight containment external to and separate from the primary containment. Secondary containment shall consist of leak-proof trays under containers, floor curbing or other containment systems and shall be an adequate state-approved size and design to handle all spills, leaks, overflows, specific design and election of materials shall be sufficient to preclude any substance loss. Containment systems shall be sheltered so that the intrusion of precipitation is effectively prevented.

Shopping Center. A group of business establishments planned, constructed and managed as a total entity with ample customer and employee parking provided on-site, with provision for goods delivery separated from customer access, and with aesthetic considerations and protection from the elements.

Shorelands. Those lands lying within the following distances from the ordinary high-water mark of navigable waters: 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream; or to the landward side of the floodplain, whichever distance is greater. Shorelands shall not include those lands adjacent to farm drainage ditches where (a) such lands are not adjacent to a navigable stream or river; (b) those parts of such drainage ditches adjacent

to such lands were non- navigable streams before ditching or had no previous stream history; and (c) such lands are maintained in non- structural agricultural use.

Stream Reach. A longitudinal segment of a stream generally including those flood lands wherein flood stages are primarily and commonly controlled by the same manufactured or natural obstructions to flow.

Street. A public right-of-way not less than 50 feet wide providing primary vehicular access to abutting properties.

Strip Shopping Center. A complex of buildings containing business development located on property along one or both sides of a street that is generally one lot in depth and is has multiple and relatively closely spaced driveways, low open space and landscaping ratios, and high floor area ratios.

Structure. Anything erected or constructed, such as buildings, prefabricated or pre-built buildings, towers, masts, poles, booms, signs and carports. Appurtenances constructed at or below grade such as patios, driveways, or sidewalks are not considered to be structures.

Sustained Yield Forestry. Management of forested lands to provide annual or periodic crops of forest products.

Swimming Pool. An outdoor structure containing a body of water in a receptacle or other container having a depth for water of 18 inches or more with a minimum surface of 48 square feet, located above or below the surface of ground elevation and includes all structural facilities, appliances, appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a pool.

Temporary. A period defined as no more than 45 days in a calendar year unless a shorter period is specified in the section.

Tower. A structure that is intended to support equipment used to receive and/or transmit electromagnetic waves. Design examples of towers include (a) self-supporting lattice, (b) guyed and (c) monopole.

Truck Sales and Service. See "Commercial Vehicle Sales and Service."

Unnecessary Hardship. The circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with the restrictions governing dimensional standards (such as lot area, lot width, setbacks, yard requirements, or building height) unnecessarily burdensome or unreasonable in light of the purpose of this chapter.

Use, Abandonment of. The relinquishment of a property, or the cessation of a use or activity by the Owner or Tenant for a period of twelve months, excluding temporary, short-term interruptions for the purpose of remodeling, maintaining, or otherwise improving or rearranging a facility. A use shall be deemed abandoned when such use is suspended as evidenced by the cessation of activities or conditions constituting the principle use of the property.

Use, Accessory. A use customarily incidental to the principal use and on the same lot as the principal use. In buildings, customary family occupations and workshops not conducted for compensation shall be deemed accessory uses.

Use, Conditional. A use, which, because of its unique characteristics and impact upon the environment, cannot be properly classified as a permitted use.

Use, Principal. The main use of land, or land and buildings in combination, as distinguished from a secondary or accessory building, including, but not limited to, a house in a residential district, a store in a business district, or crops or farm buildings in an agricultural district. Within the zoning districts in this chapter, the principal use is also referred to as the "permitted use."

Use. The purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Utilities. Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, municipal warehouses, municipal shops, and municipal storage yards.

Variance. An authorization granted by the **Door County** Zoning Board of **Adjustment** to construct or alter a building or structure in a manner that deviates from the dimensional standards of this chapter. A variance may not permit the use of a property that is otherwise prohibited by this chapter or allow floodland construction that is not protected to the flood protection elevation.

Well. Any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of such excavation is to conduct groundwater from an aquifer system to the surface by pumping or natural flow, or to monitor the characteristics of groundwater within an aquifer system.

Wellhead Protection area. The surface or subsurface area surrounding a water well or well field, supplying a public water system, an area through which contaminants are reasonably likely to move toward and reach such water well or well field.

Wellhead. The upper terminal of a well, including adapters, ports, seals, valves, and other attachments.

Wetland. An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.

Woodland. An area of wooded land at least one acre in size and containing deciduous or coniferous trees; that, at least 50 percent of which are either 20 feet or more in height or have a trunk diameter, six inches above the ground, of at least four inches.

Zone of Contribution. The land area over which water can infiltrate and move toward the well.

Zone of Influence. The land area above the cone of depression that results after thirty days of continuous pumping of a well.

Zoning Map. The map showing the location and boundaries of the zoning districts established by this **ordinance**.

