

CHAPTER 13**DEFINITIONS**

13.01 Word usage.

13.02 Definitions.

13.01 Word usage. In the interpretation of this Ordinance, the provisions and rules of this chapter shall be observed and applied, except when the context clearly requires otherwise:

(1) Words used or defined in one tense or form shall include other tenses and derivative forms.

(2) Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.

(3) The masculine gender shall include the feminine, and the feminine gender shall include the masculine.

(4) The word "shall" is mandatory.

(5) The word "may" is permissive.

13.02 Definitions. When used in this Ordinance, the following terms shall have the meanings herein assigned to them. Words used in this Ordinance, but not defined herein, shall carry the meanings as defined in Webster's Unabridged Third International Dictionary, or a dictionary based on it.

Abandonment of Nonmetallic Mining Operations: The cessation of nonmetallic mining operations for more than 365 consecutive days where the cessation is not specifically set forth in an operator's application, operation plan or permit, or is not specifically approved by the Resource Planning Committee upon written request. Abandonment of operations does not include the cessation of activities due to labor strikes or natural disasters.

(Amended: 26 June 2001; Ord. 04-01)

Accessory Building: See Building, Accessory.

Accessory Residence: Dwelling unit or units accessory to a nonresidential use on the same lot or building site that provide(s) living quarters for the owner, proprietor, commercial tenant, employee, or caretaker of the nonresidential use.

(Amended: 27 July 2000; Ord. 17-00)

Accessory Structure: See Structure, Accessory.

Accessory Use: See Use, Accessory.

Active Recreation: Recreational uses, areas, and activities oriented toward potential competition or involving special equipment, including, but not limited to, playgrounds, sports fields and courts, zip lines, paint ball facilities, disc golf, bungee jumping, climbing walls or towers, swimming pools, and skating rinks. (Amended: 26 Feb. 2013; Ord. 2013-07)

Agricultural Visitation Facility: Uses including but not limited to: agricultural animal petting zoos or educational displays; living history museums; rural history museums; and demonstrations or displays of past or current farming, logging, sawmilling, or stone crushing techniques and/or equipment. (Added: 26 August 1997; Ord. 21-97)

Agriculture: Uses including but not limited to: the keeping, raising, or propagation of farm livestock, game, or exotic animals; apiculture; dairying; forage crop production; forest crop production; grain production; grazing; orchards; specialty crop production, such as maple syrup, mint, and willow; viticulture; and truck farming. (Added: 26 August 1997; Ord. 21-97)

For purposes of the Exclusive Agricultural zoning district, Agricultural Use shall mean any of the following:

- a. Any of the following activities conducted for the purpose of producing an income or livelihood:
 1. Crop of forage production.
 2. Keeping livestock.
 3. Beekeeping.
 4. Nursery, sod, or Christmas tree production.
 5. Floriculture.
 6. Aquaculture.
 7. Fur farming.
 8. Forest management.
 9. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation program.

- b. Any other use that the Department of Agriculture, Trade or Consumer Protection, by rule, identifies as an agricultural use. (Added: 30 September 2010; Ord. 2010-13)

Agriculture, General: (Deleted: 26 August 1997; Ord. 21-97)

Agriculture, Intensive: (Deleted: 26 August 1997; Ord. 21-97)

Alley: A right-of-way that provides only secondary access to abutting properties and which is not intended for general traffic circulation. (Created: 30 August 2011; Ord. 2011-11)

Amusement Park: A commercially operated facility with various devices for entertainment which are located primarily outdoors, including but not limited to miniature golf, go karts, and water rides. (Amended: 26 Feb. 2013; Ord. 2013-07)

Animal Shelter: A facility for the care and shelter of homeless, stray, or abused animals.

Animal Unit: (Deleted: 26 August 1997; Ord. 21-97)

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 a personal, unanalyzable creative power, not merely expertness in workmanship.

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

Assembly Hall: A facility within which people can congregate for cultural, educational, or social purposes. (Added: 5 Aug 2013; Ord. 2013-13)

Auditorium: A facility open to the public which includes performance and viewing areas. (Added: 25 June 2013; Ord. 2013-12)

Auto Sales and Service Lots: Any establishment where more than 3 automobiles are displayed for sale at any time, or where more than 3 automobiles are sold in any calendar year.

Bed and Breakfast Establishments: Any place of lodging that provides 4 or fewer rooms for rent to transient guests, is the owner's personal residence, is occupied by the owner at 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 4 or less rooms for rent, is the owner's personal residence, and is occupied by the owner at the time of rental.

Boathouse: (Deleted: 20 Sept. 2016; Ord. 2016-14)

Building: An enclosed structure built, maintained, or intended to be used for the protection, shelter, or enclosure of persons, animals, or property. (Amended: 22 Feb. 2000; Ord. 04-00)

Building, Accessory: A building which is:

1. Subordinate to and serves a principal structure or a principal use.
2. Located on the same lot as the principal structure or use served.
3. Customarily incidental to the principal structure or use. A building that is attached to a principal building either by a common wall or by an enclosed structure which serves as an aboveground passageway shall be considered to be a part of the principal building. (Amended: 25 June 1996; Ord. 16-96)

Building Façade, Street Facing: The exposed surface of the side or sides of a building that are located closest to a road. The length of such surface is found by projecting the

extents of the building perpendicularly to the centerline of the road. (Added: 5 October 1998; Ord. 22-98) (Amended: 26 August 2003, Ord. 09-03)

Building Envelope: The three-dimensional space within which a structure is built. (Added: 20 Sept. 2016; Ord. 2016-14)

Building, Principal: A building which houses a principal use of a lot. (Amended: 25 Feb. 1997; Ord. 5-97)

Building Site: A lot on which buildings or structures that are permitted in the applicable zoning district may be placed.

Building Zone: The horizontal plane within a lot bounded by all applicable setbacks. (Amended: 23 March 1999; Ord. 4-99)

Burden of Proof: The burden of moving forward with the production of evidence and the burden of persuasion (or risk of non-persuasion). (Added: 27 March 2018; Ord. 2018-07)

Caliper: A measurement of the size of a tree equal to the diameter of its trunk measured 4.5 feet above the ground.

Camp Site: A segment of a campground which is designated for camping by a camping party.

Campground: Any parcel or tract of land owned by a person, the state or a local government unit which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or by one to 3 camping units if the parcel or tract of land is represented as a campground.

Camping: The use of a temporary shelter for sleeping purposes. Examples of shelters used for camping include tents, trailers, motor homes, recreational vehicles, tarpaulins, bed rolls, and sleeping bags. (Amended: 1 December 1996; Ord. 31-96)

Camping Party: Any individual or camping family or a group consisting of not more than 6 persons who are 7 years of age or older provided that such individual, family, or group is engaging in camping.

Camping Unit: Any single temporary shelter, except sleeping bags, bed rolls, and hammocks, used for camping by a camping party.

Canopy Tree: A deciduous tree that would occupy the upper canopy of a woodland in a completely natural situation. These trees are often referred to as shade trees.

Cemetery: Land used for the burial of dead humans, and dedicated for cemetery purposes, including columbaria, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery.

Certificate of Compliance: An official written document, issued by the Zoning Administrator, which certifies that the use or structure complies with all applicable provisions of this Ordinance and the regular zoning permit, sign permit, or conditional use permit issued for that use or structure.

Change of Use: Conversion of a principal use of a lot from one use category, as listed in s. 2.05(3), table of principal uses, to another use category.

Clearcutting: A woodland management technique in which all or most of the trees in a particular woodland area are cut for the purpose of aiding in the regeneration and perpetuation of the woodland.

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

Commercial Fishing Facilities: A commercial establishment and its associated equipment dedicated to the catching and processing of fish for use as human food.

Commercial Riding Stable: See Riding Stable, Commercial.

Community Commercial Kitchen: An establishment where space is leased or otherwise shared by individual entities for short periods of time to process, typically only in small quantities and only periodically, the food that they grow or produce, primarily for purposes of selling or distributing off-site. (Added: 28 May 2012; Ord. No. 2012-13)

Community Living Arrangements: A facility defined as such in s.46.03(22), Wis. Stats.

Conditional Use: A use allowed under a conditional use permit. Specifically, a use whose nature, character, or circumstance is so unique or so dependent upon specific conditions that predetermination of permissibility by right is not practical, but which may be permitted on a case-by-case basis subject to the conditional use permit procedure. (Added: 24 Nov. 1998; Ord. 33-98) (Amended: 27 March 2018; Ord. 2018-07)

Conditional Use Permit: A permit, issued by the Resource Planning Committee, stating that a use permitted as a conditional use may be established, expanded, or enlarged subject to any conditions placed on the authorization and the provisions of this Ordinance. (Added: 24 Nov. 1998; Ord. 33-98) (Amended: 27 March 2018; Ord. 2018-07)

Conservation Subdivision: A development option that offers a density bonus for residential development in exchange for the permanent designation of open, natural or agricultural areas. (Added: 4 April 2011; Ord. 2011-05)

Contractors Establishment: See Trade or Contractors Establishment.

Corner Lot: A lot which occupies the interior angle at the intersection of two road rights-of-way which make an angle of less than 135 degrees with each other. (Added: 22 Jan. 2011; Ord. No. 2011-03)

Day Care Center: A facility, licensed by the Wisconsin Department of Health and Social Services, which provides supervision and care and/or instruction for 4 or more children under the age of 7 for periods of less than 24 hours per day and operates on a regular basis.

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.

Density, Maximum Allowable: The number of dwelling units, excluding secondary dwelling units, allowed within a manufactured home park or conservation subdivision. In computing the maximum allowable density, any fractional dwelling count shall be equal to zero dwelling units. For a manufactured home park, maximum allowable density is calculated by multiplying the density unit per acre by the total site area. For a conservation subdivision, maximum allowable density is calculated by multiplying the density unit per acre by the site area, minus any wetland area. (Added: 17 April 2012; Ord. No. 2012-14)

Department of Natural Resources: The Wisconsin Department of Natural Resources.

Driveway: A means of access to or from a property, site, or use; or a means of circulation within a parking area.

Drumlin: An elongate or oval hill composed partially or entirely of glacial drift.

Dune: A mound, hill, or ridge of sand piled by wind.

Duplex: Two attached dwelling units on a single lot regardless of the form of ownership of the units, with both units meeting the minimum floor area requirements of s.3.11(1). (Amended: 4 April 2011; Ord. No. 2011-04)

Dwelling Unit: A structure, or that part of a structure, which is used, or intended to be used as living quarters. A dwelling unit shall be served by water and a sanitary system, and have finished rooms consisting of, at a minimum, a kitchen, bathroom, and sleeping area. (Amended: 4 April 2011; Ord. No. 2011-04)

Dwelling Unit, Secondary: A dwelling unit that is accessory to the single family dwelling unit. (Added: 4 April 2011; Ord. No. 2011-04)

Dwelling Unit, Single Family: A free-standing building which provides or is intended to provide living quarters exclusively by persons maintaining a common household, to the exclusion of all others, except dwelling units that meet the definition of a manufactured home. (Amended: 4 April 2011; Ord. No. 2011-04)

Effective Date of This Ordinance: The date that this Ordinance takes effect on a given parcel of land as provided in s. 1.06, force and effect, or the date that an amendment to

this Ordinance becomes effective.

Enclosed Structure: A structure consisting of a solid roof, a permanent foundation, a floor, and solid walls extending from the floor to the roof. Solid doors, windows, or other glazing are allowed in the wall segments. Open breezeways or screen walls do not qualify as enclosed structures.

Escape Balcony: A horizontal platform affixed to the exterior wall of a structure which is readily accessible from an upper story door or window and which serves as a place from which rescue can be achieved in the event of fire or similar hazard with the structure.

Escarpment: A steep slope, or series of cliffs or steep slopes, which faces in one general direction, breaks the continuity of the land by separating two comparatively level or more gently sloping surfaces, and is produced by erosion or by faulting.

Family: A person or group of persons living together as a single housekeeping unit.

Family, Camping: A parent or parents with their dependent children and not more than 2 guests. This definition to be used for camping related purposes only.

Family Day Care Home: A dwelling unit where supervision and care and/or instruction for not more than 8 children under the age of 7 is provided for periods of less than 24 hours per day, and which is licensed by the Wisconsin Department of Health and Social Services.

Farm Consolidation: (Deleted: 24 March 2015; Ord. 2015-02)

Farm Livestock Hutches: Structures that do not exceed 40 square feet in floor area nor 5 feet in height above the grade elevation, and used for keeping of farm livestock. (Added: 25 June 1996; Ord. 16-96)

Farm Market: (Deleted: 22 May 2018; Ord. 2018-11; Effective 2 July 2018)

Farm Related Residence: A dwelling unit to be occupied by a person who, or a family at least one member of which, earns a substantial part of his or her livelihood from farm operations on the parcel, or is a parent or child of the operator of the farm.
(Amended: 11 Dec. 2012; Ord. 2012-25)

Fence: A barrier intended to prevent escape or intrusion, or to mark a boundary. A fence does not include a railing serving a deck, porch, balcony, or similar items.

Ferry Terminal: Either end of a passenger and/or freight ferry line with dock facilities, management offices, storage sheds, maneuvering yards, and stations for processing passengers and/or freight.

Fine Arts Venue: A campus providing facilities for the study, practice, and presentation of visual and performing arts such as painting, sculpture, music, or theater, and which may include on-site lodging and meal preparation for persons directly involved in campus programs. (Added: 28 May 2012; Ord. No. 2012-12)

Finished Grade Elevation: The average elevation around the base of a building or structure where such building or structure meets the surface of the ground upon completion of backfilling and landscaping. (Added: 8 August 2000; Ord. 15-00)

Floodplain: The land which has been or may be hereafter covered by flood water during a regional flood, including the floodway and the flood fringe as defined in Chapter NR 116, Wisconsin Administrative Code. Floodplains are designated as A zones on the Flood Insurance Rate Maps for Door County.

Floor Area: The sum of the gross horizontal areas of the several floors of the building, measured from the outer lines of the exterior walls of the building, except that the floor area of a dwelling does not include space not useable for living quarters, such as attics, unfinished basement rooms, garages, breezeways, and unenclosed porches or terraces. (See also Primary Floor Area)

Footprint, Building: A single horizontal plane bounded by the exterior walls of a building.

Funeral Homes: An establishment, occupied by a professional licensed mortician, with facilities for burial preparation or cremation and funeral services.

Garage: An accessory structure (except for public highway garages) primarily intended for and used for the enclosed storage or shelter of motor vehicles.

Grade Elevation: (Deleted: 8 August 2000; Ord. 15-00)

Greenhouse: A structure used for commercial floriculture and/or horticulture. (Added: 26 August 1997; Ord. 21-97)

Historic Building: A building which is one of the following: (1) listed on, or nominated by the state historical society for listing on, the National Register for Historic Places in Wisconsin; (2) included in a district which is listed on, or nominated by the state historical society for listing on, the National Register for Historic Places in Wisconsin, and which has been determined by the state historical society to contribute to the historic significance of the district; (3) listed on a certified municipal register of historic property; or (4) included in a district which is listed on a certified municipal register of historic property, and which has been determined by the municipality to contribute to the historic significance of the district.

Home Business: A business, profession, occupation, or trade conducted for gain or support in conjunction with a residence and in a manner that meets the requirements

of section 4.04(10) of this ordinance. Examples of businesses that may be permitted as a home businesses include trade or contractors establishments (such as plumbing, heating and air conditioning, excavating, carpentry and woodworking, liquid waste hauling, painting, electrical, and well-drilling), veterinary offices, kennels, and automotive and farm implement repair shops. (Amended: 8 August 2000; Ord. 12-00)

Home Occupation: A business, profession, occupation, or trade conducted for gain or support in conjunction with a residence and in a manner that meets the requirements of section 4.04(9a) of this ordinance. Examples of businesses that may be permitted as home occupations include barber/beauty shops, canning, tailoring, upholstering, picture framing, and professional home offices. (Amended: 8 August 2000; Ord. 12-00)

Home Office/Studio: Home office/studio. A business, profession, occupation, or trade conducted for gain or support in conjunction with a residence and in a manner that meets the requirements of section 4.04(9) of this ordinance. Examples of businesses that may be permitted as home offices/studios include any business where transactions with customers are conducted entirely by telephone, facsimile machine, and computer; or any business where the home serves only as the office or storage space and all services or work is performed off-site. (Added: 8 August 2000; Ord. 12-00)

Impervious Surface Authorization Permit: A permit, issued by the Zoning Administrator, allowing a property owner to exceed the allowable impervious surface ratio on a lot. (Added: 20 Sept. 2016; Ord. 2016-14)

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

Impervious Surface Ratio: A measure of the intensity of use of a parcel of land determined by dividing the total area of all impervious surfaces within the site by the total area of the site. Impervious surface ratio calculations shall exclude roadways as defined in s. 340.01(54), Wis. Adm. Code; sidewalks as defined in s. 340.01(58), Wis. Adm. Code; or any impervious surface where the property owner can show that runoff from the impervious surface will 1) be treated by devices such as storm water ponds, constructed wetlands, infiltration basins, rain gardens, bio-swales, or other engineered systems, or 2) discharge to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil. (Amended: 20 Sept. 2016; Ord. 2016-14)

Impervious Surface, Treated: An impervious surface where runoff from the impervious surface is 1) treated by devices such as storm water ponds, constructed wetlands, infiltration basins, rain gardens, bio-swales, or other engineered systems, or 2) discharged to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil. (Added: 20 Sept. 2016; Ord. 2016-14)

Inoperative Vehicle: Any motor vehicle which lacks a current registration, or 2 or more wheels, or any other component part, which renders the vehicle illegal for use on

highways.

Institutional Recreation Camp: An area containing one or more permanent buildings used periodically for the accommodation of members of associations or groups for recreational purposes.

Institutional Residential: Convents, monasteries, sheltered care facilities, nursing homes, and protective living facilities where the residents live in an institutional environment. The residents may be members of an institution, or would have institutional care, or would be treated by staff.

Intensive agriculture: See Agriculture, Intensive.

Junk Material: Any inoperable motor vehicles, used tires which are not being put to a use, unusable household appliances, or unusable parts of motor vehicles.

Kennel: Any establishment wherein or whereon 8 or more dogs over the age of 5 months are kept for breeding, sale, or sporting purposes, or where boarding care is provided for compensation.

Land Disturbance: Any filling, grading, dredging, excavating or similar activity which alters the surface of a site for the purposes of preparing a site for development, creating ponds, or altering the topography of a site. Activities which meet the definition of nonmetallic mining or solid waste facility shall not be considered as a land disturbance.

Land Use Services Department: Door County Land Use Services Department. (Added: 27 March 2018; Ord. 2018-06)

Land Use Services Director: An authorized representative of the Resource Planning Committee appointed by the County of Door to supervise the operation of the Land Use Services Department and to carry out, or to delegate carrying out, the assigned responsibilities of this Ordinance. (Added: 27 March 2018; Ord. 2018-06)

Landing: A horizontal platform, the purpose of which is to provide a turn or resting place in a stairway.

Livestock: Any bovine, sheep, goat, pig, elk or other deer, llama, alpaca, or domestic fowl, including game fowl, raised in captivity, except that the keeping of up to eight chickens, excluding roosters, for personal use shall not be considered the keeping of livestock. (Added: 26 August 1997; Ord. 21-97) (Amended: 17 April 2012; Ord. 2012-14)

Living Quarters: A building or a portion of a building which provides, as a minimum, an area equipped or furnished for sleeping purposes, or those finished portions of a building in which normal residential activities occur. (Amended: 4 April 2011; Ord. No. 2011-04)

Lot: A continuous parcel of land, not divided by a public right-of-way, occupied or intended to be occupied by a principal structure or use and the accessory structures or

uses permitted thereto, and sufficient in size to meet the lot width and lot area provisions of this ordinance.

Lot Area: The area of a horizontal plane bounded by the front, side, and rear lot lines of a lot, but not including the area of any land below the ordinary high water mark of navigable waters.

Lot Line: A line bounding a lot which divides one lot from another lot or from a street or road.

Lot Line, Front: The lot line nearest to the centerline of the public or private road from which the lot takes access, except that for essentially rectangular lots abutting cul de sacs, the front lot line shall be that lot line which is generally parallel and closest to the centerline of the access road. (Amended: 23 March 1999; Ord.4-99)

Lot Line, Rear: In the case of rectangular or most trapezoidal shaped lots, that lot line which is generally parallel to and most distant from the front lot line of the lot. In the case of an irregular or triangular lot, a line 20 feet in length, entirely within the lot, parallel to, and at the maximum possible distance from, the front lot line.

Lot Line, Side: Any lot line other than a front or rear lot line.

Lot of Record: Any lot, the description of which is properly recorded with the Door County Register of Deeds, which at the time of its recordation complied with all applicable laws, ordinances, and regulations.

Lot Width: The shortest distance between side lot lines, measured through the midpoint of the shortest line that can be drawn between the front lot line and the rear lot line. (Amended: 23 March 1999; Ord. 4-99)

Manufactured Home: A dwelling unit which is, or was as originally constructed, designed to be transported after fabrication on its own wheels, or by a motor powered vehicle, arriving at a site where it is to be occupied as a residence (whether occupied or not) complete and ready for occupancy (with or without major appliances and furniture) except for minor and incidental unpacking and hook-up operations, and designed, equipped and used primarily for living quarters or is intended to be so used, and includes any additions, attachments, annexes, foundations, and appurtenances. (Amended: 4 April 2011; Ord. No. 2011-04)

Structures which are delivered to the site in halves or other modular arrangements (consisting of complete wall sections or large units fabricated off-premise by the manufacturer of the basic unit and designed and intended to be attached to the basic unit) and which when joined together exceed 18 feet in width throughout, meet minimum floor area requirements of this Ordinance, have a length to width ratio of not more than 2.5 to one (with length measured along the center of the longest roof axis and width measured perpendicular to the above at the completed unit's most narrow span), and which are placed upon a permanent foundation are considered single family residences

or single family dwelling units.

Manufactured Home Park: Any plot or plots of land designed, maintained, intended or used for the purpose of supplying a location or accommodations for more than two manufactured homes on a year-round basis and shall include all buildings used or intended for use as part of the equipment thereof, whether or not a charge is made for the use of the manufactured home park and its facilities. Manufactured home parks shall not include automobile or manufactured home sale lots on which unoccupied manufactured homes are parked for the purposes of inspection and sale.

Marina: A place for docking or storage of pleasure boats or providing services to pleasure boats and the occupants thereof, including minor servicing and repair to boats, sale of supplies or fuel, or provision of food, beverages, and entertainment at on-shore facilities. If the docking of boats and provision of services thereto is purely incidental to other uses or activities, it shall not be considered a marina, nor shall docks or piers which are accessory to a dwelling unit be considered a marina, provided no boat related services are rendered.

Maximum Allowable Density: See Density, Maximum Allowable. (Added: 17 April 2012; Ord. No. 2012-14)

Mining Site Enlargement: Any horizontal increase beyond dimensions of the original application for the project site.

Model Home: A single family dwelling unit which is used as a model for inspection by prospective home buyers and is unoccupied as a residence, but is intended for eventual use as a single family residence and which may or may not contain a home sales office.

Multiple Occupancy Development: A development on a single lot wherein a building is provided with 3 or more occupancy units, or wherein 2 or more detached buildings are provided with 2 or more occupancy units, regardless of the characteristics of the user(s) of the occupancy units and regardless of the ownership of the building(s) or of the occupancy units. A single family residence with a secondary dwelling unit and/or living quarters in accessory structures shall not be considered to be a multiple occupancy development. (Amended: 4 April 2011; Ord. No. 2011-04) (Amended: 20 Sept. 2016; Ord. 2016-14)

Natural Feature: A geologic formation, vegetative area, or other feature of the landscape which is protected by regulations in this Ordinance.

Navigable Water: Lake Michigan, Green Bay, all natural inland lakes, all streams, ponds, sloughs, flowages and other waters within Door County which are navigable under the laws of the State of Wisconsin. Wisconsin's Supreme Court has declared navigable bodies of water that have a bed differentiated from adjacent uplands and levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis (Muench vs. Public Service Commission, 26 Wis. 492 (1952) and DeGaynor and Co., Inc., vs. Department of Natural Resources, 70 Wis. 2d 936 (1975)).

For example, a stream which is navigable by skiff or canoe during normal spring high water is navigable, in fact, under the laws of this state though it may be dry during other seasons.

Nonconforming Lot: An existing lot of record which, in its most recent configuration, does not contain sufficient area and/or width to meet the criteria of s. 3.02(3), table of district requirements, s. 3.04(5), lots created prior to the effective date of this Ordinance, or as applicable, s.3.15, special development requirements. (Amended: 17 April 2012; Ord. 2012-14) (Amended: 27 May 2014; Ord. 2014-10) (Amended: 20 Sept. 2016; Ord. 2016-14)

Nonconforming Sign: Any sign, legally established prior to the effective date of this Ordinance or subsequent amendments thereto, which does not fully comply with the requirements imposed by this Ordinance.

Nonconforming Structure: Any building or structure, other than a sign, legally established prior to the effective date of this Ordinance or subsequent amendments thereto, which does not fully comply with the requirements imposed by the individual sections of this Ordinance that pertain to the size, height, location, setback, and similar characteristics of structures.

Nonconforming Use: Any use of structures, land, or water which was lawfully established at the time of the effective date of this Ordinance or subsequent amendments thereto, which does not fully comply with the use requirements imposed by this Ordinance.

Nonfarm Residential Lot: A lot that is intended to contain a single-family residence in the Exclusive Agricultural zoning district which fails to meet the definition of a farm residence per s.91.01(19), Wis. Stats. (Added: 11 Dec. 2012; Ord. 2012-25)

Nonresidential Use: Any use other than those uses listed under residential uses in s. 2.05(3), table of principal uses.

Nonmetallic Mining/Nonmetallic Mining Operation: Operations or activities for the extraction from the earth for sale or use by the operator of mineral aggregates such as stone, sand, gravel and nonmetallic minerals such as asbestos, beryl, clay, feldspar, peat, talc; topsoil and related processes such as crushing, screening, scalping, dewatering and blending. Nonmetallic mining or nonmetallic mining operation does not include or allow the following activities or uses by way of illustration which include, but are not limited to: manufacture of concrete building blocks or other similar products, asphalt or hot blacktop mixing and production of ready mix concrete. (Amended: 26 June 2001; Ord. 04-01)

Nonmetallic mining does not include the following activities:

- (a) Excavations or grading by a person solely for domestic use at his or her residence.
- (b) Excavations or grading conducted for highway construction purposes within the highway right-of-way.
- (c) Grading conducted for farming, preparing a construction site or restoring land following a flood or natural disaster.

- (d) Excavations for the foundation of structures provided that such excavation does not exceed a volume of material 1.5 times the volume of the polyhedron bounded by the natural grade, the bottom of the footings, and the exterior of the foundation walls.
- (e) Minor land disturbances such as installation of utilities, walks and driveways, sanitary waste disposal systems, or fuel storage tanks.
- (f) Any mining operation, the reclamation of which is required in a permit obtained under ss. 144.80 to 144.94, Wis. Stats.
- (g) Any activities conducted at a solid or hazardous waste disposal site required to prepare, operate or close a solid waste disposal facility under ss. 144.435 to 144.445 or a hazardous waste disposal facility under ss. 144.60 to 144.74, Wis. Stats., provided, however, that section applies to activities related to solid or hazardous waste disposal which are conducted at a nonmetallic mining site separate from the solid or hazardous waste disposal facility such as activities to obtain nonmetallic minerals to be used for lining, capping, covering or constructing berms, dikes or roads.
(Amended: 25 June 1996; Ord. 16-96)
- (h) Any nonmetallic mining site or portion of a site which is subject to permit and reclamation requirements of the Department of Natural Resources under ss. 30.19, 30.195 and 30.20, Wis. Stats.
- (i) Nonmetallic mining at nonmetallic mining sites that affect less than one (1) acre of total area over the life of the mine. (Added: 26 June 2001; Ord. 04-01)

Commentary: Mines of less than one (1) acre shall be subject to the provisions of Sections 3.14 and 3A.06, Filling and Grading. (Added: 26 June 2001; Ord. 04-01)(Amended: 27 May 2014; Ord. 2014-10)

Nonmetallic Mining Refuse: Waste soil, rock, mineral, liquid, vegetation and other waste material resulting from a nonmetallic mining operation. This term does not include merchantable byproducts resulting directly from or displaced by the nonmetallic mining operation.

Nonmetallic Mining Site: The location where a nonmetallic mining operation is conducted or is proposed to be conducted, including all surface areas from which minerals are removed, related storage and processing areas, areas where nonmetallic mining refuse is deposited, and areas disturbed by the nonmetallic mining operation by activities such as the construction or improvement of roads or haulageways.

Occupancy Unit: A room, or interconnected rooms, consisting of living quarters physically separated from any other unit in the same building. The unit may include facilities for cooking, eating, and other facilities convenient to human living.

Open Fence: A fence whose entire length is not greater than 50% opaque and whose individual elements or sections are also not greater than 50% opaque.

Open Space: Area on a lot that is open to the sky, contains no structures, parking, driveways, or other impervious surfaces, and contains no nonmetallic mining uses. (See

also Preserved Open Space.)

Ordinary High Water Mark: The landwardmost line along the bank of the shore of navigable water up to which the presence and action of surface water is so continuous as to leave a distinct mark on the bank. Such distinct mark may be the result of erosion, cobble deposition, water staining, destruction of terrestrial vegetation, total or virtual absence of terrestrial vegetation, and/or other easily recognized characteristics.

Outdoor Active Recreation Facility: A commercially operated facility with one or more outdoor active recreation uses. (Added: 26 February 2013; Ord. 2013-07)

Park: An area of land kept for purposes of active recreation, relaxation, leisure, or ornament, and/or kept in its natural state. (Amended: 27 May 1997; Ord. 15-97)

Personal Service Establishment: A use which is any of the following: clothing and shoe repair or rental shops, barber/beauty shops, portrait/photography studios, home appliance or electronics repair shops, travel agencies, or similar uses. (Amended: 30 January 2003; Ord. 01-03)

Planned Residential Development: (Deleted: 4 April 2011; Ord. 2011-05).

Planning Department: (Deleted and replaced with Door County Land Use Services Department; 27 March 2018; Ord. 2018-06)

Planning Director: (Deleted and replaced with Door County Land Use Service Director; 27 March 2018; Ord. 2018-06)

Pound: An enclosure for stray, unlicensed, or unwanted animals operated pursuant to s. 174.046, Wis. Stats. Pound services include the collection, care, and disposing of animals.

Pre-construction grade elevation: The elevation of the highest point of the surface of the ground within the building footprint of the proposed building or structure. Pre-construction grade elevation shall not include any fill placed on the property. (Added: 8 August 2000; Ord. 15-00)

Preserved Open Space: Open space which has been permanently preserved in conjunction with a conservation subdivision or manufactured home park. (Amended: 4 April 2011; Ord. 2011-05)

Primary Floor Area: The floor area of a building for purposes of determining required parking ratios for certain uses, such area to include only that portion of the total floor area devoted to customer service, sales and office space and not to include warehouses, utility, hallways and other accessory space, except as they generate parking demand.

Principal Building: See Building, Principal.

Principal Structure: See Structure, Principal.

Principal Use: See Use, Principal.

Private Riding Stable: See Riding Stable, Private.

Processing Plant: A food manufacturing facility which starts with raw foodstuffs to produce more satisfactory or desirable food products.

Professional Home Office: A portion of a dwelling unit of a doctor of medicine, dentist, clergyman, architect, landscape architect, professional engineer, registered land surveyor, lawyer, artist, teacher, author, musician, real estate broker, professional photographer, insurance agent, and related professionals used to conduct their profession.

Public Boat Launching Facilities: Facilities which provide access to navigable water for boats and other recreational craft, available to the general public, with or without support services, whether owned or operated by a governmental entity or not.

Reader Board: A blank sign, either permanently mounted or on a portable stand, allowing letters to be affixed to its face so that messages may be changed by manual replacement of the letters.

Rear Lot Line: See Lot Line, Rear.

Rear Yard: See Yard, Rear.

Recreation Camp: See Institutional Recreation Camp.

Residence: The use of premises for the act or fact of dwelling.

Residence, Single Family: The use of premises for the act or fact of dwelling in a single family dwelling unit.

Residential Use: Any listed under residential uses in s. 2.05(3), table of principal uses.

Retreat Center: An establishment providing a place for a period of withdrawal for prayer, meditation, study, and/or instruction. Such establishments shall be distinguished from public and private schools by their emphasis on holistic experiences that typically include on-site lodging and meal preparation. (Amended: 18 December 1998; Ord. 40-97)

Ridges: See Ridges and Swales Complex.

Ridges and Swales Complex: A landform consisting of a series of elongated mounds of fine sand (the ridges) separated by a series of elongated depressions (the swales). The ridges are usually dry. The alternating ridges and swales form a concentric pattern which closely parallels a nearby shoreline. The depressions are usually wet, appearing

as water-filled sloughs or moist sedge meadows, or populated with moisture-loving trees and shrubs. Ridges and swales complexes are distinguishable from dune formations by (1) the presence of the wet elongated depressions separating the drier, sandy elongated mounds and (2) a clearly evident concentric pattern on the ground resulting from the alternating ridges and swales arrangement.

Riding Stable, Commercial: Any establishment where horses are kept for commercial riding or recreation. (Amended: 15 April 1997; Ord. 11-97)

Riding Stable, Private: Any establishment where horses are kept for private riding or recreation. (Amended: 15 April 1997; Ord. 11-97)

Road: A right-of-way that provides vehicular access to lots, but not including alleys or driveways. (Created: 30 August 2011; Ord. 2011-11)

Roadside Stand: A use or structure involving only the display and sale of unprocessed farm products and plants produced, at least in part, on the premises. (Amended: 22 May 2018; Ord. 2018-11; Effective 2 July 2018)

Rockhole: Any depression or opening in the ground surface through which gathered surface water enters bedrock and eventually joins groundwater. These features are also locally known as sinkholes.

Rockhole Channel: A linear depression in the ground surface through which water flows, intermittently or continuously, into a rockhole depression or rockhole opening.

Rockhole Channel Cross-Sectional Area: The amount of surface of a two-dimensional vertical plane within a rockhole channel positioned perpendicular to the centerline of the rockhole channel. The uppermost extent of the plane shall be a line extending between 2 associated rockhole channel edges.

Rockhole Channel Edge: The uppermost continuous mark on the ground surface resulting from an abrupt change in the slope of the ground surface caused by removal of soil particles by water moving toward and discharging into a rockhole depression or rockhole opening.

Rockhole Depression: A depression in the ground surface through which gathered surface water enters the underlying bedrock and eventually joins groundwater.

Rockhole Opening: An opening in the uppermost surface of bedrock through which gathered surface water enters the bedrock and eventually joins groundwater.

Salvage Yard: Any land or structure where waste or scrap materials including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, glass, and inoperable vehicles or appliances, are either bought, sold, exchanged, baled, packed, disassembled, or hauled for compensation.

Setback: The minimum horizontal distance from the centerline of a road, or from the

edge of the right-of-way of a road, or from the ordinary high water mark or wetland boundary to a structure or use. (Amended: 24 March 2015; Ord. 2015-02)

Shoreland Setback Area: (Added: 18 April 2000; Ord. 07-00) (Amended: 27 May 2014; Ord. 2014-10) (Deleted: 20 Sept. 2016; Ord. 2016-14)

Shorelands: Those lands which are located within 1000 feet of the ordinary high water mark of a navigable lake, pond, or flowage; or within 300 feet of the ordinary high water mark of a navigable river or stream, or to the landward side of the floodplain of the river or stream, whichever distance is greater.

Shrubbery: Woody vegetation which is less than a height of 15 feet and is generally incapable of attaining such height.

Side Yard: See Yard, Side.

Sign: Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify a person or entity, or to communicate information of any kind to the public and which is intended to be visible from any road or from navigable water.

Sign, Abandoned: A sign which advertises a use that has ceased, or relates to an individual, firm, or association, profession, business, commodity, or product that no longer exists, or relates to an activity or purpose that is no longer applicable.

Sign, Advertising: A sign used to arouse a desire to buy a commodity or product or to patronize a business or to identify a business. (Amended: 25 June 1996; Ord. 16-96)

Sign, Awning: A sign which is constructed into, drawn on, or otherwise affixed onto an awning. (Added: 15 June 1996, Ord. 16-96)

Sign, Directional: An off-premise sign not greater than 3 square feet in sign face area intended solely for the purpose of directing people to an establishment that is not located on a state highway. Such signs which exceed 3 square feet in sign face area shall be considered advertising signs. (Amended: 25 June 1996; Ord. 16-96)

Sign Face Area: The entire surface area of a sign display face upon which copy could be placed; or, if no background or frame, the total area of the smallest rectangle or rectangles, which can encompass all words, letters, figures, emblems, and any other element of the sign's message. When a sign has more than one display face, the combined surface area of all display faces that can be viewed simultaneously shall be considered the sign face area.

Sign, Freestanding: Signs which have their own base of support from the ground and are not attached to a building.

Sign, Off-Premise: A sign which is not located on the lot on which the individual, firm,

association, profession, business, commodity, or product promoted on the sign is located.

Sign, On-Premise: A sign located on the same lot on which the individual, firm, association, corporation, profession, business, commodity or product promoted on the sign is located.

Sign Permit: A permit, issued by the Zoning Administrator, stating that a sign may be established, located, or altered subject to any conditions placed on the authorization and the provisions of this Ordinance.

Sign, Projecting: A sign, generally oriented perpendicular to the face of a building wall, which is attached to a building and which extends more than 6 inches from a building wall, typically having two viewable sides.

Sign, Wall: A sign painted on a building wall and all other signs, oriented parallel to the face of a building wall, which are attached to a building wall and where no part of the structure of the sign extends more than 6 inches out from a wall as measured near the points of attachment to the building, nor above the roof of the building, nor beyond the end of a wall.

Single Family Dwelling Unit: See Dwelling Unit, Single Family.

Single Family Residence: See Residence, Single Family.

Site Area: The total area devoted to a conservation subdivision or of a manufactured home park development. (Amended: 4 April 2011; Ord. 2011-05)

Slope: The relationship of the change in vertical distance to the change in horizontal distance, expressed as a percentage.

Solid Waste Facility: A facility or land for solid waste treatment, solid waste storage, or solid waste disposal, and includes commercial, industrial, municipal, state and federal establishments or operations such as, without limitation because of enumeration, sanitary landfills, dumps, incinerators, land disposal sites, transfer stations, storage facilities, collection and transportation services and processing, treatment and recovery facilities. Solid waste facility does not include a salvage yard, nor does it include "clean" dredge spoils, as determined by the Wisconsin Department of Natural Resources (WI DNR), or dredge spoils that have received "Low Hazard Exemption" from the WI DNR. (Amended: 27 March 2018; Ord. 2018-07)

Spa: A facility providing treatments for the human body including such things as steam, sauna, mineral pools, whirlpools, massage and facials, body wraps, scrubs, and salons. (Added: 30 January 2003)

Special Exception: (Deleted: 24 Nov. 1998; Ord. 33-98)

Special Exception Permit: (Deleted: 24 Nov. 1998; Ord. 33-98)

Stoop: A platform or entrance stair at a door to a building. (Added: 25 June 1996; Ord. 16-96)

Story: That part of a building included between the surface of a floor and the surface of the next floor above it, or, if there is no floor above it, then the space between the floor and the ceiling above it.

Structural Alterations: Any change in the supporting members of the exterior portions of a building or structure, such as foundations, load-bearing walls, columns, sills, and rafters, or any change in the dimensions or configuration of the roof or exterior walls.

Structural Repairs: Any repairs of the supporting members of the exterior portions of a building or structure, such as foundations, load-bearing wall columns, sills, and rafters.

Structure: Anything constructed, erected, or manufactured and placed on or in the ground. (Amended: 22 Feb. 2000; Ord. 04-00)

Structure, Accessory: A building or other structure which is customary, incidental, and subordinate to a permitted principal use of a lot and located on the same lot as the principal use, and does not meet the definition of a principal structure.

Structure, Permanent: (Deleted 22 Feb. 2000; Ord. 04-00)

Structure, Principal: A building or other structure which houses a principal use of a lot, including any functional appurtenances, such as decks, stairways, and balconies, which are attached to, or located within 3 feet of, said building or structure.

Substantial evidence: 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. (Added: 27 March 2018; Ord. 2018-07)

Swale: See Ridges and Swales Complex.

Telecommunications Towers: (Deleted: September 2015; Ord. 2015-09; Effective 9 November 2015)

Temporary Accessory Unit: A temporary dwelling unit installed on the same lot as a single family residence and used to provide independent, but supervised, housing for disabled or infirm dependent(s).

Temporary Use: See Use, Temporary.

Topsoil: Soil material (normally the A horizon and upper part of the B horizon of a soil profile) which is acceptable for respreading on the surface of regraded areas to provide a medium which sustains a dense plant growth capable of preventing wind and water erosion of the topsoil and other materials beneath.

Trade or Contractors Establishment: Uses such as plumbers, heating and air conditioning contractors, excavators, carpenters, painting contractors, wastewater treatment system contractors, electricians, well drillers, and similar uses.

Trailer: A portable structure built on a chassis which can be towed by an appropriate motor vehicle and is designated to be used as a temporary dwelling for travel, recreation, or vacation use, and which does not fall into the definition of a manufactured home.

Trailer Camp: Any privately or publicly owned parcel or tract of land designed, maintained, intended, or used for the purpose of supplying accommodations for use by trailers or recreational vehicles on a temporary basis, open to the public and designated as a trailer camp area.

Transient: A person who travels from place to place away from his or her permanent address for vacation, pleasure, recreation, culture, or business.

Tree: Woody vegetation that is, or is capable of attaining, a height of at least 15 feet.

Unincorporated Area: All lands and waters located within Door County which are located outside the municipal boundaries of a village or city.

Use: The purpose or activity for which a parcel of land, or structure(s) thereon, is designed, arranged, intended, occupied, or maintained.

Use, Accessory: A use subordinate to and customarily incidental to a permitted principal use of a lot and located on the same lot as the principal use.

Use, Principal: The basic use of a lot or structure, or one of the basic uses of a lot or structure where more than one basic use exists on a lot. Principal uses are those listed as such in s. 2.05(3), table of principal uses.

Use Permitted As A Special Exception: (Deleted: 24 Nov 1998; Ord. 33-98)

Use, Temporary: A use which is conducted for a limited period of time within a calendar year. (Amended: 15 April 2014; Ord. 2014-05; Effective 27 May 2014)

Use Consistent With Agricultural Use: (Deleted: 30 September 2010; Ord. 2010-13)

Utility Facilities - Type A: Any structure or equipment used or designed for the production, transmission, delivery, or furnishing of heat, light, water, power, or sewer services either directly or indirectly to or for the public, where the land area bounded by the location of such structure or equipment is 1,000 square feet or less. (Amended: 30 Sept. 2010; Ord. 2010-13)(Amended: 29 Sept. 2015; Ord. 2015-09; Effective 9 Nov. 2015)

Utility Facilities - Type B: Any structure or equipment, used or designed for the production, transmission, delivery, or furnishing of heat, light, water, power, or sewer services either directly or indirectly to or for the public, where the land area bounded by the location of such structure or equipment is more than 1,000 square feet. (Amended: 30

Sept. 2010; Ord. 2010-13) (Amended: 29 Sept. 2015; Ord. 2015-09 Effective 9 Nov. 2015)

Variance: An authorization, granted by the Board of Adjustment, to depart from the literal requirements of this Ordinance.

Walkway: An unenclosed, unroofed exterior platform structure, with or without railings, not exceeding 60 inches wide. (Amended: 20 Sept. 2016; Ord. 2016-14)

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

Woodland: Land covered with trees, not including orchards, tree plantations, or nursery trees. (Amended: 26 March 2019; Ord. 2019-02)

Woodland Area: Any area that was a woodland on the effective date of this Ordinance.

Yard: A required area on a lot, unoccupied by buildings and open to the sky, extending along a lot line to a specified depth or width.

Yard, Front: A yard extending along an entire front lot line from the front lot line to the depth or width specified in the yard requirements for the applicable district.

Yard, Rear: A yard extending along an entire rear lot line from the rear lot line to the depth or width as specified in the yard requirements for the applicable district.

Yard, Side: A yard extending along an entire side lot line from the side lot line to the depth or width specified in the yard requirements for the applicable district.

Commentary: It should be noted that on portions of lots side yards coincide with front yards and rear yards. This does not affect application of the provisions of this Ordinance, however.

Zoning Administrator: An authorized representative of the Resource Planning Committee appointed by the County of Door for the purpose of carrying out the terms of this Ordinance.

Zoning Map: The series of maps showing the location and boundaries of the zoning districts established by this Ordinance.

Zoning Permit, Regular: A permit, issued by the Zoning Administrator, stating that a use or a structure, except a sign or use permitted as a conditional use, may be established, expanded, or enlarged subject to any conditions placed on the permit and the provisions of this ordinance.