

## **Sec. 130-6. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

*Above-grade floor area* means the total floor area within the exterior walls and at or above grade level of a building which is habitable as living quarters. Above-grade floor area may be comprised of the floor area of one or more floors. If a floor is partially above the grade level, the floor is counted as above-grade if it has direct doorway access to the outdoors and is habitable as living quarters.

*Accessory building* means any building except the principal building on a lot, which is subordinate in area, extent and purpose to the principle building and contributes to the comfort, convenience or necessity of the occupants of the principal building. An accessory building includes, but is not limited to, the following:

1. A utility shed, garden house or private greenhouse.
2. A children's playhouse, gazebo, dog kennel and run, chicken coop and run.

An accessory building in a residential district shall be limited in area as follows: 150 square feet.

*Accessory structure* means a detached subordinate structure, which is clearly incidental to, and customarily found in connection with, the principle structure or use to which it is related, and which is located on the same lot as the principle structure. An accessory structure includes, but is not limited to, the following:

1. A play structure, detached deck, above and in ground swimming pools and lawn ornament.

*Airport not open to the public* means any airport on privately owned land used solely by the property owner.

*Airport open to the public* means any airport, whether publicly or privately owned, which is open for use by the general public without the necessity of obtaining prior use approval.

*Alley* means a street or thoroughfare less than 21 feet wide and affording only secondary access to abutting properties.

*Applicant* means the owner of the land or his representative. Consent shall be required in writing from the legal owner of the premises.

*Arterial street* means a public street or highway intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways as well as arterial streets, highways and parkways.

*Attached private garage* means a private garage so constructed as to form an integral part of the principal building or portion of the principle building designed, arranged, used or intended to be used exclusively for parking or temporary storage of passenger vehicles, trucks and trailers of the occupant.

*Automotive vehicle* means a vehicle that is self-propelled, except a snowmobile, unless specifically referred to as a motor vehicle in this chapter.

*Basement* means a story partly underground.

*Bed and breakfast establishment* shall be as defined by the state department of health and family services in Wis. Admin. Code § HFS 197.03(3).

*Boardinghouse* means a building other than a hotel where meals or lodging and meals are provided for compensation for three or more persons not members of the owner's family.

*Bond* means any form of security, including a cash deposit, surety bond, collateral, property or instrument of credit, in the amount and form satisfactory to the city council. All bonds shall be approved by the plan commission wherever a bond is required by this chapter.

*Building* means any structure used, designed or intended for the protection, shelter, enclosure or support of persons, animals or property. The term "building" also includes any part thereof.

*Building area* means total ground coverage in square feet of all buildings and structures, including garages, carports and other attached or accessory structures.

*Building height* means the vertical distance from the top of the building roof to the top of the basement or to the foundation, whichever is less.

*Commission* means the city plan commission.

*Common area* means an area or space designed for joint use of tenants or owners residing in a planned unit development.

*Community* means a legal entity organized under appropriate statutory authority as a body corporate which represents a town, village, city or county such as the case may be.

*Conditional use* means a use of land which is of such a special nature, or is so dependent upon contemporary circumstances, as to make impractical the predetermination of permissibility. A conditional use shall be denied unless the applicant can demonstrate that the use will not create major undesirable impacts on nearby properties, the environment, or the community as a whole.

*Density* means the number of dwelling units per acre allowable under a schedule of district regulations.

*Dependent mobile home* means a mobile home which does not have complete bathroom facilities.

*Developer* means the owner of land proposed for subdivision or his representative. Consent shall be required from the legal owner of the premises.

*Development* means any manmade change to improved or unimproved real estate, including but not limited to, the construction of buildings, structures or accessory structures; the construction or additions or substantial alterations to buildings, structures or accessory structures; the placement of buildings or structures; ditching, lagooning,

dredging, filling, grading, paving, excavation or drilling operations; and the deposition or excavation of earthen materials.

*Development guide* means the city master plan (Wis. Stats. § 62.23) or the town's development plan (segment of the county's development plan, Wis. Stats. § 59.97).

*Drive-in establishment* means a place of business in which patrons can be served while remaining in their automobiles.

*Driveway* means a minor private way used by vehicles and pedestrians for common access to a lot, small group of lots or facilities.

*Dwelling, multiple-family* means a building or portion thereof designed for or occupied by three or more families or households.

*Dwelling, single-family* means a detached building designed for or occupied exclusively by one family or household.

*Dwelling, two-family* means a building containing two dwelling units that are either vertically stacked one above the other or side-by-side, with a separate entrance to each unit and with yards on all sides of the dwelling.

*Dwelling, two-family twin* means a dwelling designed for or occupied exclusively by one family or household which is attached on one side to another dwelling of the same nature with a common side wall, each of which is located on an individual lot.

*Earthwork* means the moving of more than two cubic yards of any type of soils.

*Easement* means authorization by a property owner for the use by another and for specified purpose of any designated part of his property.

*Emergency shelter* means public or private enclosures designed to protect people from flood, windstorm, fire, riots or invasions, and from aerial, radiological, biological or chemical warfare.

*Essential services* means 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 gas, electricity, steam, water, sanitary sewerage, and stormwater drainage and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catchbasins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but does not include buildings.

*Expressway* means a divided arterial street or highway, either with full or partial control of access, and with or without grade-separated intersections.

*Family* means a group of persons related by blood or marriage and living together as a single housekeeping entity.

*Fence* means a linear structure constructed for aesthetics, as a visual barrier, and/or to control entry or exit into an area. Typical materials include but may not be limited to wood, concrete, metal, wire, masonry, or stacked rocks.

*Floodplain* means the land adjacent to a body of water which is subject to periodic overflow therefrom.

*Floodway* means the channel of a stream and such adjacent portions of the floodplain as are required to accommodate flood flows.

*Floor area* means the area within the exterior walls of a building which is usable as living quarters.

*Freeway* means an expressway with full control of access and with fully grade-separated intersections.

*Frontage* means the side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

*Garage, detached private* means a private garage entirely separated from the principal building.

*Garage, private* means a building or portion thereof used exclusively for parking or temporary storage of passenger vehicles, trucks and trailers.

*Garage, public* means any building or premises, other than a private or storage garage, where motor vehicles are equipped, repaired, serviced, hired, sold or stored.

*Garage, storage* means any building or premises used for storage only of motor vehicles.

*Gas service station* means a business at which the primary activities are the sale of gasoline to the public and the repair and maintenance of motor vehicles. Grocery items may also be sold.

*Green area* means land that is covered by a pervious surface on which vegetation is growing.

*High density* means those residential zoning districts in which the density is greater than one dwelling unit per 8,500 square feet.

*Home occupation* means a small home-based family or professional business where economic activity is performed entirely within a dwelling unit or an attached garage. A home occupation may include, for example, personal and professional services or handicrafts. (See division 9, section 130-531 of this chapter)

*Hotel* means a building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five sleeping rooms, with no cooking facilities in any individual room or apartment.

*Household pet* means tame animals which have been traditionally kept in the home, to include dogs, cats, rabbits, birds, hamsters, and other animals which in their adult life do not exceed 250 pounds, or four feet in height at normal posture.

*Household unit* means the body of persons who live together in one dwelling unit as a single housekeeping unit.

*Intensive soils survey* means the testing of soil at a particular geographic location as to its individual assets and limitations.

*Interchange* means a grade-separated highway intersection with one or more turning lanes for travel between intersecting roads or highways.

*Land division* means the division of a lot, parcel, or tract of land by the owner thereof or his agent, for the purpose of sale or building development, which creates:

- (1) One or more lots, parcels or ownership units; or
- (2) The need for a public dedication of land for public road, parkland, or open space.

*Large farm animal* means any horse, head of cattle, pony, sheep, goat, or hog.

*License* means a written license issued by the city allowing a person to operate and maintain a mobile home park under the provisions of this chapter and regulations issued under this chapter.

*Loading area* means a completely off-street space or berth on a lot for the loading or unloading of freight carriers, having adequate ingress from and egress to a public street or alley.

*Lodginghouse* means a building other than a hotel where lodging only is provided for compensation for not more than 12 persons not members of the owner's family.

*Lot.* A tract of land, designated by metes and bounds, land survey, minor land division or plat, and recorded in the office of the county register of deeds.

*Lot area* means the total area reserved for exclusive use of the owners of a particular piece of real property.

*Lot, corner* means a lot abutting on two or more streets at their intersection.

*Lot depth.* The mean horizontal distance between the front lot line and rear lot line, or, in the case of a lot with two front lot lines, the mean horizontal distance between the front lot lines.

*Lot line, front.* The boundary of a lot which abuts a public or private street. In the case of a corner lot, the front lot line shall be the shortest dimension along the street, unless otherwise specified by the Zoning Administrator based upon site conditions. Any such decision by the Zoning Administrator shall account for the impact of the decision on surrounding lots and be kept on file at City Hall. Lots that are not corner lots that abut more than one street frontage shall be considered to have two front lot lines.

*Lot line, rear.* The boundary of a lot which is opposite the front lot line. If the rear lot line is less than ten feet in length, or if the lot forms a point at the rear, the rear lot line shall be aligned ten feet in length within the lot, connecting the side lot lines and parallel to the front lot line.

*Lot line, side.* Any boundary of a lot that is not a front, rear, or street side lot line.

*Lot line, street side.* The boundary of a lot that fronts a public street that is not a front lot line.

*Lot width.* The horizontal distance between the side lot lines measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required front setback line for the principal building. *Low density* means those residential zoning districts in which the density is over 12,000 square feet per dwelling unit.

*Master plan* means a comprehensive plan for development of the local government, prepared and adopted by the local government, pursuant to state law, and including any part of such plan separately adopted in any amendment to such plan, or parts thereof.

*Medium density* means those residential zoning districts in which the density is over 8,500 and up to and including 12,000 square feet per dwelling unit.

*Minor structure* means any small, movable accessory structure or construction, such as birdhouses, tool houses, pet houses, play equipment, arbors, and walls and fences under four feet in height.

*Mobile home* means a structure which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway, and is designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; and includes any additions, attachments, annexes, foundations and appurtenances.

*Mobile home lot* means a parcel of land designed for the placement of a single mobile home and for the exclusive use of its occupants.

*Mobile home park* means a parcel of land under single ownership designed, maintained, intended or used for the purpose of providing a location and accommodations for two or more mobile homes, including 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 mobile home park or its facilities; except that a mobile home subdivision shall not be deemed a mobile home park.

*Mobile home stand* means that part of an individual lot which has been reserved for the placement of one mobile home unit.

*Mobile home subdivision* means a parcel of land subdivided into lots, each lot individually owned and utilized as the site for placement of a single mobile home and its facilities.

*Motel* means a series of attached, semi-attached or detached sleeping units for the accommodation of transient guests.

*Nonconforming structure* means a building or premises lawfully used, occupied or erected at the time of the passage of the ordinance from which this chapter is derived or at the time of an amendment thereto, which does not conform to the regulations of this chapter with respect to frontage, width, height, area, yard, parking, loading or distance requirements.

*Nonconforming use* means the use or occupancy of a building or premises, which is lawful at the time of enactment of the ordinance from which this chapter is derived or at

the time of enactment of amendments thereto, but which use or occupancy does not conform to the provisions of this chapter or any amendments thereto.

*Nondependent mobile home* means a mobile home which has complete bathroom facilities.

*Occupied*, as applied to any land or building, shall be construed to include the words "intended, arranged or designed to be used or occupied."

*Ordinance* means any legislative action, however nominated, of a local government which has the force of law, including any amendment or repeal or any ordinance.

*Owner* means any person, group of persons, firm, corporation, or other legal entity having legal title to or sufficient proprietary interest in the land.

*Park management* means the person who owns or has charge, care or control of a mobile home park or travel trailer park.

*Park street* means a private way which affords the principal means of access to individual mobile home lots, travel trailer spaces or auxiliary buildings.

*Permitted use.* Uses listed under this heading are permitted as of right. This means that an applicant for a building permit shall be given a permit if he meets the other requirements of the chapter, e.g., yards, setbacks and so forth.

*Person* means any individual, firm, trust, partnership, public or private association, such as, but not limited to, clubs or corporation.

*Principal building* means the building of primary importance or permitted use on a parcel of land, in contrast to those which are accessory or of secondary importance.

*Retail store* means any place that offers merchandise for sale to the general public.

*Roominghouse* means a building other than a hotel where lodging only is provided for compensation for three or more persons not members of the owner's family.

*Service building* means a structure housing toilet, washing and bathing facilities and such other facilities as may be required by this chapter.

*Setback.* The minimum distance by which the principal building or structure must be separated from a right-of-way or lot line, excluding uncovered steps.

*Sign* means a structure or device on which advertising is displayed, or by which attention is directed to advertising on the same or any other structure, by any means visible to the eye.

*Standard soils survey* means a soils survey of the county by the Soil Conservation Service, U.S. Department of Agriculture.

*Standards* means the setbacks, using vision corners, sideline requirements, height limitations, square footage requirements and other specifications as required by this chapter.

*Story* means that portion of a building included between the floor and the surface of the floor next above it, or the space between the floor and the ceiling next above it, if

there is not a floor above it. A basement or cellar having one-half or more of its height above grade is a story for purposes of height regulation.

*Story, half* means the space under any roof except a flat roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story.

*Street* means all property dedicated or intended for public or private street purposes or subject to public easements 21 feet or more in width.

*Street right-of-way line* means the dividing line between a lot, tract or parcel of land and an abutting street.

*Structural alteration* means any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders, or any substantial change in the roof structure or in the exterior or interior walls.

*Structure* means anything constructed or erected having location on the ground. The term "structure" also includes any part thereof.

*Subdivision* means a division of a lot, parcel or tract of land by the owner thereof or his agent, for the purpose of sale of building development, where:

- (1) The act of division creates five or more parcels or building sites.
- (2) Five or more parcels or building sites are created by successive divisions from the original parent parcel.

*Taper* means the point at which the access road to or from a highway interchange meets another intersecting road.

*Temporary structure* means a removable structure not designed for human occupancy or for the protection of goods or chattels and not forming an enclosure.

*Tenant storage area* means an enclosed space designed to provide auxiliary general storage space for the occupants of an individual mobile home.

*Tourist camp or court* means a tract of land of at least one acre upon which two or more camp cottages are located or where temporary accommodations are provided for two or more trailers or house cars, open to the public either free or for a fee.

*Trailer space* means a parcel of land in a travel trailer parking area for the placement of a single trailer and the exclusive use of its occupants.

*Travel trailer* means a vehicular, portable unit designed as a temporary living unit for travel, recreation and vacation, which may take one of the following forms, or a similar form:

- (1) A unit built on a chassis, having a body width not exceeding eight feet and body length not exceeding 32 feet;
- (2) A unit designed to be mounted on a truck chassis;
- (3) A unit constructed as an integral part of a self-propelled vehicle; or

(4) A canvas folding unit mounted on wheels.

*Travel trailer camp* means a parcel of land in which two or more spaces are occupied, or intended for occupancy, by travel trailers for transient dwelling purposes.

*Turning lanes* means an existing or proposed connecting roadway between an arterial street and any other street. Turning lanes include grade-separated interchange ramps.

*Usable open space* means land which is drainable, not covered by buildings and not dedicated to vehicular or utility uses, but can be part of a required setback.

*Use (land use)* means that which is customarily or habitually done, may include seasonal uses, and need not have extended to the entire tract of land at the time of the adoption of the ordinance from which this chapter is derived.

*Used*, as applied to any land or building, shall be construed to include the words "intended, arranged or designed to be used or occupied."

*Variance* means authority granted to the owner to use his property in a manner which is prohibited by this chapter. A variance is a departure from the terms of this chapter where it is shown that unique physical circumstances applying to a land parcel causes a hardship to the owner and that the condition permitted by the departure still will be in fundamental harmony with surrounding uses.

- (1) *Area variance* means one which does not involve a use which is prohibited by this chapter. Area variances involve matters such as setback lines, frontage requirements, height limitations, lot size restrictions, density, density regulations and yard requirements.
- (2) *Use variance* means one which permits a use of land other than that which is prescribed by this chapter, except that such term does not refer to variances for utility purposes as provided for in Wis. Stats. § 62.23(7)(e)7. It is primarily a grant to erect, alter or use a structure for a permitted use in a manner other than that prescribed by this chapter. A use variance shall not be granted under this chapter.

*Vision clearance triangle* means an unoccupied triangular space at a corner lot which is bounded by the street lines and a setback line connecting points determined by measurement from the corner of each street line.

*Waterline* means the shortest straight line at the waterfront end of a stream lot that lies wholly within the lot, provided that not less than 75 percent of the length of such waterline shall be either on or on the landward side of the normal high-water mark of such stream.

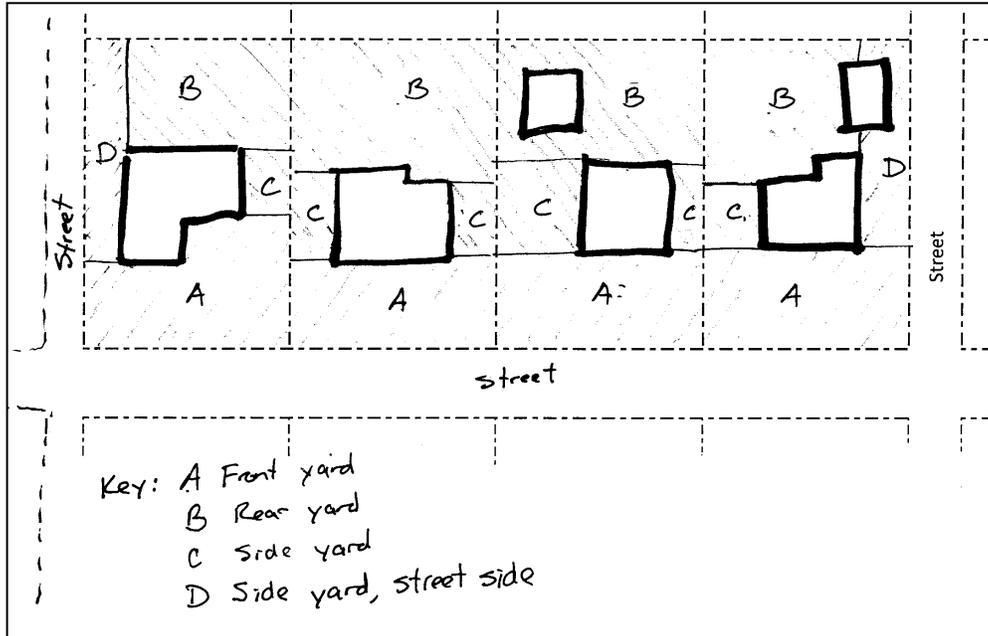
*Yard.* Open space on a lot between the principal building and any lot lines, unoccupied and unobstructed from the ground upward, except as otherwise provided in this code.

*Yard, front.* A yard extending the full width of the lot between the front lot line and the principal building (Exhibit 1).

*Yard, rear.* A yard extending the full width of the lot between the rear lot line and the principal building, excluding only such projections as are permitted in this chapter. When there is a street side yard present, the rear yard extends only to the street side yard, and not the full width of the lot (Exhibit 1).

*Yard, side.* A yard extending from the front yard to the rear yard, between the side lot line and the principal building (Exhibit 1).

*Yard, street side.* A yard extending along a street side lot line from the front yard to the rear lot line, between the street side lot line and the principal building.



**Exhibit 1. Front, Side, and Rear Yards in Various Settings**

*Zoning administrator* means the city administrator or designees of the city administrator.

(Code 1986, § 17.06; Ord. No. 2002-4, §§ 2--6, 4-9-2002, Ord. 2006-25, Ord 2007-10, Ord. 2007-21, Ord. 2012-02, Ord. 2012-15, Ord. 2016-18)

**Cross references:** Definitions generally, § 1-2.