



## PLAN COMMISSION REPORT

Proposal: Plan Commission Discussion

Description: Review draft amendments to Chapter 10: Accessory Uses and Structures & Chapter 18: Definitions of the Village of Caledonia Zoning Code. The proposed amendments are intended to clarify and refine terminology and definitions related to accessory uses and structures.

Applicant(s): Village of Caledonia

Address(es): N/A

**Suggested Motion:** That the Plan Commission directs staff to proceed with drafting a zoning code text amendment to Chapter 10 and Chapter 18 and advance the proposal to a public hearing.

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Owner(s): Village of Caledonia

Tax Key(s): N/A

Lot Size(s): N/A

Current Zoning District(s): N/A

Overlay District(s): N/A

Wetlands:  Yes  No      Floodplain:  Yes  No

Comprehensive Plan: N/A

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**Background:** In 2022, Village staff undertook an effort to simplify and consolidate the Zoning Code by merging the 2005 Racine County Code with the Village’s adopted amendments. Since that time, the Village has continued to make targeted modifications to address specific local issues, including off-street parking and accessory building regulations. As new development and enforcement issues arise, additional updates are necessary to address gaps in definitions and correct internal inconsistencies within the Zoning Code.

### Identified gaps

Staff has drafted a text amendment to address the following issues:

1. *Undefined status of the term “under construction”, mentioned in Sec. 16-10-1(b).* Sec. 16-10-1(b) provides that accessory structures are not permitted on a property until a principal structure is present or “under construction”. However, the term “under construction” is not defined within

the Zoning Code, creating uncertainty regarding when an accessory structure may be permitted. In the absence of a definition, it is unclear whether a principal structure with an expired building permit may still be considered “under construction” for the purposes of this section. The proposed amendment establishes a definition that requires both a valid building permit and substantial construction activity, providing a clear standard for the administration of accessory building permits.

*2. “Accessory structure or use” definition*

The Village has recently received many inquiries regarding Accessory Dwelling Units (ADUs), commonly referred to as mother-in-law suites. While the zoning code does not currently allow ADUs, the existing definition of “Accessory structure or use” is broad and does not expressly address whether an accessory structure may be used or occupied as a dwelling. The proposed amendment aims to limit the permitted uses of accessory structures without restricting the Village’s ability to consider and regulate ADUs in the future.

*3. “Building height” definition conflict*

The zoning code currently contains two conflicting definitions of “Building height”, as described in Sec. 16-5-3(a)(3) and in Sec. 16-18-1(a). Staff have historically applied the definition in Sec. 16-5-3(a)(3), which measures the total height of a structure “from the mean finished lot grade along the street yard face of the structure to the highest point of a roof.” The definition in Chapter 18, however, allows measurement to the average height of a pitched roof. The proposed amendment eliminates this inconsistency by establishing a single method of measuring building height, aligned with the provisions of Chapter 5.

**Conclusion**


The proposed amendments outlined above are intended to improve the consistent application of the zoning code by addressing definition gaps and eliminating conflicting provisions. The amendments are not intended to make substantial changes to the Zoning Code but rather to clarify existing standards and improve their application.

If the Plan Commission is comfortable with the proposed draft amendments to Chapter 10 & 18 of the Zoning Code, staff has drafted a suggested motion to proceed with a public hearing on a text amendment for further review and consideration.

Prepared by:

  
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Respectfully submitted:

  
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Development Director

**CHAPTER 10**

**Accessory Uses and Structures**

<i>Section Number</i>	<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
16-10-1	General Requirements		
16-10-2	Home Occupations		
16-10-3	Accessory Uses and Structures	2024-16	11/12/24
16-10-4	Various Performance Standards		
16-10-5	Other Temporary and Accessory Use Restrictions		

**SEC. 16-10-1 GENERAL REQUIREMENTS**

- (a) Any accessory use (“accessory use”) or structure shall conform to the applicable regulations of the district in which it is located except as specifically otherwise provided.
- (b) Accessory uses and structures are permitted in any district, but not until their principal structure is present or “under construction”, as defined by Section 16-18-1, except as provided in agricultural districts.
- (c) Accessory structures may be permitted in the agricultural districts prior to the presence of the principal structure provided that the parcel on which the accessory structure will be located is ten (10) contiguous acres in size or larger, the accessory structure is intended for an agricultural use, the proposed accessory structure meets the setback requirements needed for a principal structure in that district, and the accessory structure is at least one hundred (100) feet from any existing residence on abutting parcels.
- (d) No accessory use or structure shall be permitted that by reason of noise, dust, odor, appearance, or other objectionable factor creates a nuisance or substantial adverse effect on the property value or reasonable enjoyment of the surrounding properties.
- (e) No accessory use or structure shall be permitted without a principal use on a property except as specifically otherwise provided or approved by the Plan Commission or as part of an allowed use in an agricultural district.
- (f) Except for signs and towers for broadcast facilities and/or wind energy, which are regulated separately, any detached accessory structure less than thirty-six (36) square feet in area is exempt from the requirement for obtaining a Building Permit. In addition, any temporary, seasonal outdoor above-ground swimming pool, hot tub, or whirlpool bath that does not remain erected on the same lot for more than one hundred twenty (120) consecutive days is exempt from the requirement for obtaining a Building Permit.

**SEC. 16-10-2 HOME OCCUPATIONS**

- (a) Home Occupations are permitted Accessory Uses in any residential district, not requiring a building permit, subject to the provisions of this Section.

- (b) Regulations Applicable to Home Occupations:
- (1) The primary use of the structure shall be as a dwelling unit.
  - (2) No person other than a resident of the dwelling unit shall be engaged or employed in the home occupation on the premises.
  - (3) No mechanical equipment shall be utilized except that which is necessarily, customarily, or ordinarily used for household or leisure purposes.
  - (4) No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive, or other restricted materials shall be used or stored on the site except those which are necessarily, customarily, or ordinarily used for household or leisure purposes.
  - (5) There shall be no outside operations, storage, or display of materials or products.
  - (6) Total storage of materials or products used in the business shall not exceed 128 cubic feet in volume.
  - (7) No alteration of the residential appearance of the premises shall occur, including the creation of a separate entrance for the home occupation.
  - (8) No process shall be used which is hazardous to public health, safety, morals, or welfare.
  - (9) Visitors, customers, or deliveries shall not exceed that normally and reasonably occurring for a residence including not more than two business visitors per hour, not to exceed a total of eight visitors per day, and not more than two deliveries of product or material per week.
  - (10) The home occupation shall not displace or impede use of required parking spaces, including any business storage in required garage parking areas.
  - (11) No advertisement shall be placed in any media containing the address of the property.
  - (12) No activity related to a home occupation shall be conducted in any detached structure or in any attached garage. On-site tune-up, servicing, repair, salvage, wrecking, or painting services for non-property owner automobiles, trucks, boats, trailers, snowmobiles, recreational vehicles, or other motorized vehicles shall be prohibited as a home occupation.

### SEC. 16-10-3 ACCESSORY USES AND STRUCTURES

- (a) **RESIDENTIAL (“R” DISTRICT) ACCESSORY STRUCTURES:** Accessory buildings such as detached garages, gazebos, garden or utility sheds shall be subject to the following regulations:
- (1) **Size:**
    - a. Parcels Less Than 5 Acres. The area of an accessory structure shall not exceed 1,500 square feet.
    - b. Parcels 5 Acres or Greater. The area of an accessory structure shall not exceed 3% of the acreage of the parcel.
  - (2) **Aggregate Total Footprint Area for All Accessory Buildings.** The following is the maximum square footage allowed for all accessory buildings for a stated lot size, exclusive of road right-of-way:
    - < 10,000 square-foot lot = 1,050 square feet
    - ≥ 10,000 square-foot to 20,000 square-foot lot = 1,500 square feet

- ≥ 20,000 square-foot to < 1 acre lot = 2,000 square feet
- 1 acre to < 2-acre lot = 4,000 square feet
- 2 acres to < 3-acre lot = 5,000 square feet
- 3 acres to < 4-acre lot = 6,000 square feet
- 4 acres to < 5-acre lot = 7,500 square feet
- 5 acres to < 10-acre lot = 4% of lot area
- ≥ 10-acre = 5% of lot area

- (3) **Height.**
- a. **Parcels Less Than 5 Acres.** Buildings shall not exceed 17 feet in height.
  - b. **Parcels 5 Acres or Greater.** Buildings shall not exceed in height twice the distance from the nearest lot line
- (4) **Location:** Detached structures are permitted in the rear and side yards only and shall not be closer than ten (10) feet to a principal structure or five (5) feet to a side or rear lot line. Structures greater than 1,500 square feet shall not be closer than ten (10) to a side or rear lot line. When the street yard setback of a principal structure exceeds the required setback for the particular district in question, a detached accessory structure may be permitted in the street yard provided the street yard setback of the accessory structure is not less than the required setback for the district or the average street yard setback of principal structures on abutting parcels, if any, whichever is greater.
- (5) **Patios** constructed at or below yard grade, may be installed in the rear or side yard adjacent to the principal structure without the issuance of a building permit; and shall not be located closer than five (5) feet to a lot line.
- (6) **Decks** located adjacent to or attached to a principal structure shall not be closer to the lot line than the required side setback and rear setback for principal structures for the district in which they are located. Freestanding decks surrounding private swimming pools shall be located at least ten (10) feet from the principal structure and shall be located at least five (5) feet from a side or rear lot line. All decks shall require the issuance of a building permit.
- (7) **Residential Air Conditioning Condensers / Power Generators** may be located adjacent to a residence in the rear yard and side yard, provided that all condensers and generators shall be located at least five (5) feet from a side or rear lot line. Residential air conditioning condensers and power generators shall not be located in the street yard.
- (8) **Private Swimming Pools** are permitted as accessory uses in the rear yard in any district; except the C-1 Resource Conservation District; however, the swimming pool shall be located at least eight (8) feet from the principal structure, be located at least three (3) feet from any side or rear lot line, and be installed in accordance with the City building, plumbing, and electrical codes, including the issuance of all required permits.
- (9) **Private Tennis Courts / Basketball Courts** are permitted as accessory uses in the rear yard in any district, except the C-1 Resource Conservation District. A Building Permit is required for all tennis/basketball courts and:
- a. All tennis courts shall be surrounded by a fence not less than ten (10) feet in height.

- b. No lighting installed around a tennis court or basketball court shall project onto adjacent properties; and
  - c. No private tennis court or basketball court shall be located closer than five (5) feet to a lot line.
- (10) **Residential Ground Solar Power Arrays.** Solar power arrays shall be located in the side or rear yard in all residential districts; located a minimum of ten (10) feet from the principal structure and; five (5) feet from a side or rear lot line. Solar power arrays are prohibited in the street yard.
- (b) **AGRICULTURAL DISTRICT ACCESSORY STRUCTURES:**
- (1) **Height:** Shall not exceed in height twice their distance from the nearest lot line.
  - (2) **Area:** The aggregate total floor area shall not exceed three (3) percent of the total lot area, except that on agriculturally zoned parcels, ten (10) acres or more in area, the accessory building areas may be greater than the three (3) percent limit when used solely for the pursuit of agriculture; in all non-residential and non-agricultural districts accessory building areas greater than three (3) percent are allowed, when approved by the Planning Commission as part of a Building, Site, and Operation Plan review, and where said buildings are used solely accessory to the principal use on said lot.
  - (3) **Size:** Parcels 3 acres or less and zoned Agricultural shall limit the size of an accessory structure not to exceed 1,500 square feet.
- (c) **SHORELAND DISTRICT:** Within the shoreland wetland overlay district, accessory uses and detached accessory structures are permitted in the street yard portion of waterfront lots provided that such uses or structures shall not be closer than twenty-five (25) feet to the street right-of-way.
- (d) **FENCES:** Per the requirements found in Title 15 Chapter 5 of the Village of Caledonia ordinances
- (e) **FLAGPOLES:** are permitted as accessory uses in all yards of any zoning district.
- (f) **MUNICIPALLY-OWNED EMERGENCY SIRENS:** are permitted as accessory structures in all yards on any property in any zoning district with or without an existing principal structure or use.

**SEC. 16-10-4 VARIOUS PERFORMANCE STANDARDS**

- (a) **Water Quality Protection:** No residential, commercial, industrial, institutional or recreational use shall locate, store, discharge or permit the discharge of any treated, untreated or inadequately treated liquid, gaseous or solid materials of such nature, quantity, obnoxiousness, toxicity or temperature that might run off, seep, percolate or wash or be harmful to human, animal, plant or aquatic life. This section shall not apply to uses other than those enumerated in it.
- (b) **Noise:** At no point on the boundary of a Residence or Business district shall the sound intensity level of any individual operation (other than the operation of motor vehicles or other mobile equipment) exceed 62 dBA, respectively, during normal operations.
- (c) **Exterior Lighting:** Any lighting source on a lot or parcel which is for the purpose of illuminating any structure exterior, sign, parking lot or outdoor area shall be established in a manner which satisfies the following conditions:

- (1) The maximum allowable light trespass shall be 0.5 horizontal footcandles four feet above ground. The point of measurement of this offending light shall be at the property line for residential, commercial, industrial, institutional or public use. The measurement shall not include any ambient natural light.
- (2) Light sources shall be shielded or installed so that there is not a direct line of sight between the light source or its reflection and at a point five (5) feet or higher above the ground of adjacent property and public streets. The light source shall not be of such intensity so as to cause discomfort or annoyance
- (d) **Maintenance:** Any fence, wall, hedge, yard space or landscaped area required by this chapter or grant of variance or conditional use shall be kept free of an accumulation of refuse or debris. Plant materials must be well kept in a healthy, growing condition; and structures, such as walls and fences, shall be maintained in good repair and appearance at all times.
- (e) **Odors:** No residential, commercial, industrial, institutional or recreational use shall emit an odor of such nature or quantity as to be offensive or unhealthful which is detectable at the lot line.

**SEC. 16-10-5 OTHER TEMPORARY AND ACCESSORY USE RESTRICTIONS**

- (a) Temporary uses may be permitted by the Zoning Administrator for a period of 14 days or as hereinafter provided. Temporary use permits for longer periods may be issued by the Village Plan Commission after review of site and operation plans. Special requirements may be imposed for parking, sanitary facilities, lighting, and hours of operation. Temporary uses permitted under this section may be allowed one (1) temporary sign not to exceed 32 square feet in area on one side and 64 square feet in area on all sides. All buildings, tents, equipment, supplies, and debris shall be removed from the site within ten (10) days following the temporary activity.
  - (1) Christmas tree sales may be permitted in the commercial and manufacturing districts, but not exceed 42 days.
  - (2) Farmers markets may be permitted in all commercial and manufacturing districts.
- (b) Regulation on Rummage/Garage Sales
  - (1) Definitions.
    - a. Rummage/Garage Sale. Rummage/Garage Sale shall mean any sale of personal property, which is not exempted as per 7-16-1 (d), conducted on any residentially zoned property within the Town, irrespective of what the sale is designated as by the seller.
    - b. Personal Property. Personal Property shall mean and include any property, other than real estate, which is acquired in the course of living in or maintaining a dwelling unit.
    - c. Residentially Zoned Property. Residentially zoned property shall mean any property zoned as R-1, R-2, R-3, R-4, RD-1, or RM-1.
  - (2) Application. The purpose of this ordinance is to restrict the frequency of rummage/garage sales at a residential property. This ordinance does not affect or impact the applicability of health ordinances, nuisance ordinances, zoning ordinances, business and licensing ordinances or any other ordinance of the Town.
  - (3) Restrictions.

- a. It shall be unlawful for any person or party to sell other than personal property at a Rummage/Garage Sale.
  - b. It shall be unlawful for any person or party to hold or permit to be held a Rummage/Garage Sale on more than nine (9) calendar days, whether or not consecutive, within any calendar year.
  - c. It shall be unlawful for any person or party to hold or permit to be held a Rummage/Garage Sale during the hours of 8:00 p.m. to 8:00 a.m. on any day.
- (4) Exceptions.
- a. Farm produce. The sale of farm produce on property zoned R-1 shall not constitute Rummage/Garage Sale and shall not be regulated by Section 7—16-1
  - b. Juvenile Beverage Stands. The sale of beverages and/or snacks by a juvenile shall not constitute a Rummage/Garage Sale and shall not be regulated by Section 7-16-1.
  - c. Single Article Sales. The offering for sale of not more than one article of personal property, such as the sale of a single car, boat, snowmobile, bicycle, snow blower, etc., shall not be regulated by Section 7-16-1.
  - d. Licensed Sales. Any sale which is otherwise licensed by the Town of Caledonia shall not be regulated by Section 7-16-1.
- (5) Penalties. Penalties and restrictions as per Sec. 1-1-6 "General Penalty" shall apply to violations of this Section.
- (c) “Portable Storage Structure” is any container, storage unit, shed-like container or portable structure, other than an accessory building or shed complying with all building codes and land use requirements, that can or is used for the disposal or storage of personal property of any kind and which is located for such purposes outside an enclosed building.
- (1) The use of portable storage structures is allowed under the following conditions.
- a. There must be no more than one (1) portable structure per property.
  - b. The portable storage structure must be no larger than ten (10) feet wide, twenty (20) feet long, and ten (10) feet high.
  - c. A portable storage structure must not remain on the property in any zoning district in excess of thirty (30) consecutive days in any calendar year.
  - d. Portable structures associated with construction at a site where a building permit has been issued are permitted for the duration of construction and must be removed from the site within fourteen (14) days of the end of the construction. Portable storage structures associated with construction are exempt from the aforementioned conditions.
- (d) Ponds, impoundments and similar bodies are permitted in all zoning districts provided that:
- (1) To the maximum extent possible, all excavated material shall remain on site and shall be integrated into the restoration of the pond area.
  - (2) Detailed plans (site plan, cross section, depth, area, location and disposition of spoils, timing) of the proposed pond excavation and restoration shall be submitted to the planning and development department for review and approval.
  - (3) A permit is required for such pond construction prior to any excavation.

- (4) Except as discussed below, these provisions apply to all ponds, including, but not limited to, those utilized for the following purposes: drainage, recreation, aesthetics, sediment control, fish management. Stormwater ponds done by drainage districts according to district plans, ponds which have been previously reviewed and approved as part of an erosion control plan and existing ponds are exempt from such provisions.
  - (5) Borrow pits for public facility construction, such as for public roads, are subject to review and approval by the planning and development department.
  - (6) Ponds to be constructed in the shoreland or floodplain areas remain subject to the shoreland, wetland and/or floodplain provisions of this chapter which may limit such construction and will require a shoreland conditional use permit.
  - (7) Ponds should be constructed in conformance with the standards of the soil conservation service.
  - (8) If the excavated material from the project site is sold, given away, or is otherwise removed from the site in a manner in which the principal use appears to be soil removal, and pond construction appears to be a secondary result, the parcel shall be rezoned to M-4 quarrying district and a mineral extraction conditional use permit shall be obtained prior to any excavation or grading on the parcel.
- (e) Because it is difficult to enumerate all temporary uses that may occur in the City, any other use which the Plan Commission finds to be similar to other temporary uses permitted in a given district, will not be disruptive to the neighborhood, and will not create a hazard to traffic in a neighborhood may be permitted. The Plan Commission may impose additional operational or construction conditions on such temporary uses when it is deemed necessary.

## CHAPTER 18

### Definitions

<i>Section Number</i>	<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
18-1-1	Definitions		

#### SEC. 16-8-1 DEFINITIONS

- (a) For the purpose of this chapter, 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 Chapter include the future. The word “person” includes a firm, association, partnership, trust, company, or corporations as well as an individual. The word “he” includes the word “she” The word “shall” is mandatory, the would “should” is advisory, and the word “may” is permissive. Any words not defined in this section shall be presumed to have their customary dictionary definitions.
1. **A Zones** shall mean those areas show[n] on the official floodplain zoning map which would be inundated by the regional flood. These areas may be numbered or un-numbered A zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
  2. **Access and viewing corridor** shall mean a strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone.
  3. **Accessory structure or use** shall mean a facility, structure, building or use which is accessory to or incidental to the principal~~te~~ use of a property, structure, or building and is located on the same parcel as the principal use. An accessory structure or use shall not be used or occupied as a dwelling unless expressly permitted by this Title.
  4. **Adult bath houses** shall mean an establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy, that is not operated by a medical practitioner or a professional physical therapist licensed by the state and which establishment provides to its patrons an opportunity for engaging in "specified sexual activities."
  5. **Adult body painting studios** shall mean an establishment or business wherein patrons are afforded an opportunity to paint images on a "specified anatomical area." For purposes of this chapter, the adult body painting studio shall not be deemed to include a tattoo parlor.
  6. **Adult bookstore** shall mean an establishment or business having as at least twenty-five (25) percent of its: (1) retail floor space used for display of adult products; or (2) stock in trade consisting of adult products; or c) weekly revenue derived from adult products. For purposes of this definition, the phrase adult products means books, films, magazines, motion pictures, periodicals, or other printed matter, or

photographs, video cassettes, Compact Disks (CDs), DVDs, Blu-Ray Discs, slides, tapes, records or other forms of visual or audio representations which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas." For purposes of this definition, the phrase adult products also means any device designed or marketed as useful primarily for the stimulation of human genital organs, or for sadomasochistic use or abuse. Such devices shall include, but are not limited to, bather restraints, body piercings implements (excluding earrings or other decorative jewelry), chains, dildos, muzzles, non-medical enema kits, phallic shaped vibrators, racks, whips and other tools of sadomasochistic abuse.

7. **Adult cabaret** shall mean any nightclub, bar, theatre, restaurant, or similar commercial establishment which features:
  - a. Live performances by bottomless and/or topless dancers, exotic dancers, go-go dancers, strippers or similar entertainers where such performances which are characterized or distinguished by an emphasis on specified sexual activities or by the exposure of "specified anatomical areas" or the removal of articles of clothing; or
  - b. Films, motion pictures, video cassettes, digital video disks, CDs, DVDs, Blu-Ray Discs, or other photographic and/or, video reproductions, slides or other visual presentations which are distinguished or characterized by depicting or describing "specified sexual activities" or "specified anatomical areas" for observation by patrons; or
  - c. Persons who engage in exotic dancing or performances that are intended for the sexual interests or titillation of an audience or customer.
8. **Adult drive-in theatre** shall mean an open lot or part thereof, with appurtenant facilities, devoted primarily to the presentation of films, motion pictures, theatrical productions, and other forms of visual productions, for any form of consideration, to persons in motor vehicles or on outdoor seats in which a preponderance of the total presentation time is devoted to the showing of materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons.
9. **Adult establishments** shall mean an adult bookstore, adult cabaret, adult drive-in theatre, adult live entertainment arcade, adult mini-motion pictures theatre, adult motel, adult motion picture arcade, adult motion picture theatre, or adult services establishment.
10. **Adult live entertainment arcade** shall mean any building or structure which contains or is used for commercial entertainment where the patron directly or indirectly is charged a fee to view from an enclosed, screened area, or booth a series of live dance routines or strip performances or other gyrational choreography, which choreography, performances, or routines are distinguished or characterized by an emphasis on specified sexual activities or by exposure to specified anatomical areas.
11. **Adult massage parlor** shall mean an establishment or business with or without sleeping accommodations which provides services including any method of rubbing, pressing, stroking, kneading, tapping, pounding, vibrating or stimulating a "specified anatomical area" with the hands or with any instruments, heat and light

treatments of the body, and all forms and methods of physiotherapy not operated by a medical practitioner or professional physical therapist licensed by the state.

12. **Adult mini-motion picture theater** shall mean an enclosed building with a capacity of more than five (5) but less than fifty (50) persons used for presenting films, motion pictures, slides, video cassettes, or similar photographic reproductions in which a preponderance of the total presentation time is devoted to showing of materials which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.
13. **Adult modeling studio** shall mean any establishment or business where a person who displays "specified anatomical areas" and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Adult modeling studios shall not include a proprietary school licensed by the State of Wisconsin or a college, technical college, or university; or in a structure:
  - a. That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
  - b. Where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and
  - c. Where no more than one (1) nude or semi-nude model is on the premises at any one (1) time.
14. **Adult motel** shall mean a hotel, motel, or similar establishment offering public accommodations, for any form of consideration, that offers a sleeping room for rent for a period of time that is less than ten (10) hours or allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours and that provides patrons, upon request, with closed-circuit television transmissions, films, motion pictures, slides, video cassettes, or other photographic reproduction that are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
15. **Adult motion picture arcade** shall mean any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.
16. **Adult motion picture theatre** shall mean an enclosed building with a capacity of fifty (50) or more persons used for presenting films, motion pictures, slides, video cassettes, CDs, DVDs, Blu-Ray Discs, or similar photographic reproductions in which a preponderance of the total presentation time is devoted to showing of materials which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.
17. **Adult motion picture theater (outdoor)** shall mean a parcel of land from which

- individuals may view a motion picture presented out of doors which presents material distinguishably characterized by an emphasis on matter depicting, describing or relating to "specified sexual activity" or "specified anatomical areas."
18. **novelty shop** shall mean an establishment or business having as a substantial or significant portion of its stock and trade in novelty or other items which are distinguished or characterized by their emphasis on or designed for "specified sexual activity" or stimulating such activity.
  19. **Adult service establishment** shall mean any building, premises, structure or other facility, or part thereof, under common ownership or control which provides a preponderance of services involving specified sexual activities, display of specified anatomical areas, or massage of specified anatomical areas, not performed or operated by a medical practitioner, professional physical therapist, or massage therapist licensed or registered by the State of Wisconsin.
  20. **Adult theater** shall mean a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nudity, or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."
  21. **Adult video store** shall mean an establishment or business having as a substantial or significant portion of its stock and trade for sale or rental of motion pictures or other visual media which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."
  22. **Advertising sign** shall mean a sign pertaining to goods sold or manufactured or services rendered on the premises upon which the sign is located.
  23. **AH zone.** See "Area of shallow flooding."
  24. **Alley** shall mean a special public right-of-way affording only secondary access to abutting properties.
  25. **Alteration** shall mean an enhancement, upgrading or substantial change or modifications other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.
  26. **Animal unit** shall have the meaning that was given in NR 243.03(3) as of April 27, 2004.
  27. **Animated sign** shall mean any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation.
  28. **Antenna** means communications equipment that transmits and receives electromagnetic radio signals and is used in the provision of mobile services.
  29. **AO zone.** See "Area of shallow flooding."
  30. **Area of shallow flooding** shall mean a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's flood insurance rate map (FIRM) with a one (1) percent or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.
  31. **Arterial street** shall mean a public street or highway used or 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.

32. **Assembly Structure** shall mean any building or portion of a building, or structure used for the regular gathering of fifty (50) or more persons for such purposes as deliberation, education, instruction, worship, entertainment, amusement, drinking or dining, or awaiting transport.
33. **Back-to-back, side-by-side, bottom-on-top, and V-shaped sign** shall mean signs that are physically contiguous and share a common structure, in whole or in part, or are located not more than fifteen (15) feet apart at their nearest point in cases of "back-to-back" or "V-shaped."
34. **Balcony** shall mean a platform that projects from the wall of a building four (4) feet or less, is surrounded by a railing or balustrade, is open and roofless, and which is suspended or cantilevered from, or supported solely by, the structure to which it is attached.
35. **Banner** shall mean any sign of lightweight fabric, plastic, coated paper, or similar material not enclosed in a rigid frame that is mounted to a pole or a structure at one (1) or more edges. Flags or pennants are not considered banners.
36. **Base flood** shall mean the flood having a one (1) percent change of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.
37. **Basement** shall mean any enclosed area of a building having its floor sub-grade (i.e., below ground level, on all sides).
38. **Beacon (search light)** shall mean any light with one (1) or more beams that rotate or move or any light with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same lot as the light source.
39. **Bed and breakfast (B and B)** shall mean a private owner-occupied residence that offers sleeping accommodations to not more than a total of twenty (20) tourists or transients in eight (8) or fewer rooms which provides no meals other than breakfast and provides breakfast only to renters of the place.
40. **Billboard** shall mean a sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located, except for section 20-1380 (c), section 20-1380 (l), section 20-1381 (a), section 20-1402(a), and section 20-1407(a).
41. **Bluff** shall mean the often steeply sloped land area located to the landward side of the Lake Michigan beach. The edge of the bluff is shown on the village topographic maps as "Edge of Cliff" at a scale of one (1) inch equals two hundred (200) feet.
42. **Bluff recession rate** shall mean the rate at which the bluff recedes because of erosion by the waters of Lake Michigan and because of unstable slope conditions.
43. **Boardinghouse** shall mean a building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for four (4) or more persons not members of a family, but not exceeding twelve (12) persons and not open to transient customers.
44. **Boathouse** shall mean a permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of these structural parts.

45. **Brew pub** shall mean a restaurant that manufactures up to five thousand (5,000) barrels of fermented malt beverages per year on premises for either consumption on premises or sale in hand-capped or sealed containers in quantities up to one-half (½) barrel or fifteen and one-half (15½) gallons sold directly to the consumer.
46. **Building** shall mean a structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery or materials.
47. **Building area** shall mean the total living area bounded by the exterior walls of a building at the floor levels, but not including basement, utility rooms, garages, porches, breezeways and unfinished attics.
48. **Building envelope** shall mean the three-dimensional space within a structure is built.
49. **Building height** shall mean the vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of ~~a roof-flat roofs; to the mean height level between the eaves and ridges of gable, gambrel, hip and pitch roofs; or to the deck line of mansard roofs.~~
50. **Bulkhead line** shall mean a geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the department pursuant to [W.S.A.] § 30.11, and which allows limited filling between this bulkhead line and the original ordinary high-water mark, except where such filling is prohibited by the floodway provisions of this article.
51. **Bus shelter** shall mean a small, roofed structure, usually having three (3) walls, located near a street and designed primarily for the protection and convenience of bus passengers.
52. **Campground** shall mean any parcel of land which is designed, maintained, intended, or used for the purpose of providing sites for nonpermanent overnight use by four (4) or more camping units, or which is advertised or represented as a camping area.
53. **Camping unit** shall mean any portable device, no more than four hundred (400) square feet in area, used as a temporary shelter, including but not limited to, a camping trailer, motor home, bus, van, pick-up truck, tent or other mobile recreational vehicle.
54. **Canopy sign (awning sign)** shall mean any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover. A marquee is not a canopy. The overhead protective cover used for fuel pumps is considered a canopy.
55. **Certificate of compliance** shall mean a certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this article.
56. **Changeable copy sign** shall mean a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign not more than once every eight (8) seconds or the minimum standards set by the Federal Highway Administration, whichever is longer. Each change of message shall be accomplished in one second or less. A sign on which the only copy that changes is an electronic or mechanical indication of time, date,

- or temperature is considered a “time and temperature” portion of a sign and not a changeable copy sign or traveling message sign.
57. **Channel** shall mean a natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
  58. **Class 1 collocation** means the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free-standing support structure for the facility but does need to engage in substantial modification.
  59. **Class 2 collocation** means the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free-standing support structure for the facility but does not need to engage in substantial modification.
  60. **Clear cutting** shall mean the removal of an entire stand or area of trees or shrubs.
  61. **Clothing repair shops** shall mean shops where clothing is repaired, such as shoe repair shops, seamstress, tailor shops, shoe shine shops, clothes pressing shops, but none employing over five (5) persons.
  62. **(Clothing stores** shall mean retail stores where clothing is sold, such as department stores, dry goods and shoe stores, dress, hosiery and millinery shops.
  63. **Cluster development** shall mean a development design technique that concentrates buildings in specific areas on a site to allow remaining lands to be used for recreation, common open space, or the preservation of historically, agriculturally or environmentally sensitive features. The size of individual lots may be reduced to gain such common open space.
  64. **Commercial day care center** shall mean an establishment providing care and supervision for four (4) or more persons under the age of seven (7) and licensed by the State of Wisconsin pursuant to W.S.A., § 48.65.
  65. **Commercial-scale wind energy facility** shall mean an electricity generating facility consisting of one or more wind turbines under common ownership or operating control and includes substations, MET towers, cables/wires, and other buildings accessory to such facility whose main purpose is to supply electricity to off-site customer(s) provided that such a system shall only include a wind turbine with both a total height greater than one hundred seventy (170) feet and name-plate capacity greater than one hundred (100) kilowatts/one (1) megawatt.
  66. **Conditional use** shall mean a use which is permitted by this chapter provided that certain conditions specified in the ordinance are met and that a permit is granted by the board of adjustment or, where appropriate, the plan commission or village board.
  67. **Conservation standards** shall mean guidelines and specifications for soil and water conservation practices and management enumerated in the Technical Guide prepared by the U.S. Department of Agriculture, Soil Conservation Service, for the county, adopted by the village board, and containing suitable alternatives for the use and treatment of land based upon its capabilities, from which the landowner selects that alternative which best meets his needs in developing his soil and water conservation plan.

68. **Core area of living space** shall mean that area or space within a dwelling unit, devoted to the principal residential use of the structure, excluding attached garages, porches, sheds, decks, carports, and other appurtenances.
69. **Corner lot** shall mean a lot abutting two (2) or more streets at their intersections provided that the corner of such intersection shall have an angle of one hundred thirty-five (135) degrees or less, measured on the lot side.
70. **Crawlways or crawlspace** shall mean an enclosed area below the first usable floor of a building, generally less than five (5) feet in height, used for limited access to plumbing and electrical utilities.
71. **DATCP** shall mean the state department of agriculture, trade and consumer protection.
72. **Day care center.** See "Family day care home" and "Commercial day care center."
73. **Decibel** shall mean a unit for measuring the relative loudness of a sound (abbreviated dB) measured on an "A" weighted decibel scale.
74. **Deck** shall mean an unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.
75. **Density bonus** shall mean the allocation of development rights that allow a parcel to accommodate additional square footage or additional residential units beyond the maximum for which the parcel is zoned or beyond the net density established in the adopted village land use plan, usually in exchange for the provision or preservation of an amenity at the same site or at another location.
76. **Density, net** shall mean the numerical value obtained by dividing the total number of dwelling units in a development by the area of the actual tract of land (in acres) upon which the dwelling units are proposed to be located and including common open space and associated recreational facilities within the area; the result being the number of dwelling units per net residential acres of land. Net density calculations exclude all or a portion of the area occupied by rights-of-way of publicly dedicated streets and private streets, floodplains, wetlands, and water.
77. **Department** shall mean the state department of natural resources (DNR).
78. **Development** shall mean any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.
79. **Development Regulations.** Those portions of this Ordinance pertaining to lot area, lot width, structure size, yard/setback, frontage, height, parking, loading, or separation distance requirements.
80. **Directional sign** shall mean any auxiliary sign that is limited to directional messages principally for assisting in the flow of pedestrian or vehicular traffic, such as enter, exit, and one way. Directory sign shall mean a sign listing the tenants or

- occupants of a building or group of buildings and that may indicate their respective professions or business activities.
81. **Displaced threshold** shall mean a horizontal line on a runway, perpendicular to the runway centerline. Departing aircraft must be airborne before crossing the displaced threshold. Incoming aircraft may not touch down before crossing the displaced threshold.
  82. **District, basic use**, shall mean a part or parts of the village for which the regulations of this chapter governing the use and location and land and buildings are uniform (such as the residential, business, industrial, or farming district classifications).
  83. **District, overlay**, shall provide for the possibility of superimposing certain additional requirements upon a basic use zoning district without disturbing the requirements of the basic use district. In the instance of conflicting requirements, the more strict of the conflicting requirement shall apply.
  84. **Drainage system** shall mean one (1) or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.
  85. **Dryland access** shall mean a vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.
  86. **Dwelling** shall mean a detached building designed or used exclusively as a residence or sleeping place, but does not include boardinghouses or lodging houses, motels, hotels, tenements, cabins, or mobile homes.
  87. **Efficiency** shall mean a dwelling unit consisting of one (1) principal room with no separate sleeping rooms.
  88. **Egg production, commercial** shall mean an animal confinement facility used or designed for the raising of poultry for egg production having a capacity of two hundred (200) or more animal units.
  89. **Elevation** shall mean the height in feet above National Geodetic Datum of 1929, also known as mean sea level datum.
  90. **Emergency shelter** shall mean public or private enclosures designed to protect people from aerial, radiological, biological or chemical warfare, fire, flood, windstorm, riots and invasions.
  91. **Encroachment** shall mean any fill, structure, building, use, or development in the floodway.
  92. **Enlargement (pertaining to adult establishment only)** shall mean an increase in size of the building, structure or premises in which the adult establishment is conducted by either construction or use of an adjacent building or any portion thereof whether located on the same or an adjacent lot or parcel of land.
  93. **Equipment compound** means an area surrounding or adjacent to the base of an existing support structure within which is located mobile service facilities.
  94. **Essential services** shall mean 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, electrical, steam, water, sanitary sewerage, stormwater drainage and communication systems and accessories thereto, such as poles, tower, wires, mains, drains, vaults, culverts,

- laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings used or intended to be used for human habitation.
95. **Establishing an adult establishment** shall mean and include any of the following:
- (1) The opening or commencement of any such business as a new business;
  - (2) The conversion of an existing business, whether or not an adult establishment, to any of the adult establishments defined herein;
  - (3) The relocation of any such business.
96. **Existing development pattern** shall mean that principal structures exist within two hundred and fifty (250) feet of a proposed principal structure in both directions along the shoreline.
97. **Existing manufactured home park or subdivision** shall mean a parcel of land, divided into two (2) or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this article. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.
98. **Existing structure** means a support structure that exists at the time a request for permission to place mobile service facilities on a support structure is filed with a county or municipality.
99. **Expanded livestock facility** shall mean the entire livestock facility that is created by the expansion, after May 1, 2006. Expanded livestock facility includes all livestock structures in the expanded facility, regardless of whether those structures are new, existing or altered.
100. **Expansion** shall mean (for livestock siting purposes) an increase in the largest number of animal units kept at a livestock facility on at least ninety (90) days in any twelve-month period. The acquisition of an existing livestock facility, by the operator of an adjacent livestock facility, does not constitute an "expansion" unless that operator increases the largest number of animal units kept at the combined livestock facilities on at least ninety (90) days in any twelve-month period.
101. **Expansion to existing manufactured home park** shall mean the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.
94. **Expressway** shall mean a divided arterial street or highway with full or partial control of access and with or without grade separated intersections.
95. **Family** shall mean any number of persons related by blood, adoption or marriage, or not to exceed four (4) persons not so related, living together in one (1) dwelling as a single housekeeping entity.
96. **FAA** shall mean the Federal Aviation Administration.
97. **Face** shall mean the surface of a sign upon which the message is displayed. One (1) sign structure may have more than one (1) face.
98. **Fall zone** means the area over which a mobile support structure is designed to collapse.
99. **Family day care home** shall mean a dwelling licensed as a day care center by the State of Wisconsin pursuant to W.S.A., § 48.65, where care is provided for not

- more than eight (8) children under the age of seven (7) years for less than twenty-four (24) hours per day.
100. **Family foster home** shall mean the primary domicile of a foster parent which houses four (4) or fewer foster children and which is licensed pursuant to W.S.A., § 48.62.
101. **Federal emergency management agency (FEMA)** shall mean the federal agency that administers the national flood insurance program.
102. **Flag** shall mean any fabric or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, school, or to indicate membership in a non-profit organization.
103. **Flashing sign** shall mean any directly or indirectly illuminated sign on which the natural or artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. This definition includes parts that move while the light remains constant, giving the impression of changing or flashing lights. Intermittent signs only providing information such as time, date, and temperature and changeable copy signs as defined herein are not considered "flashing signs."
104. **Flood or flooding** shall mean a general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following:
- a. The overflow or rise of inland waters;
  - b. The rapid accumulation of runoff of surface waters from any source;
  - c. The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or
  - d. The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.
105. **Flood frequency** shall mean the probability of a flood occurrence. A flood frequency is generally determined from statistical analysis. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent chance of occurring in any given year.
106. **Flood insurance rate map (FIRM)** shall mean a map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.
107. **Flood insurance study** shall mean a technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A zones. Flood insurance rate maps that accompany the flood insurance study form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.
108. **Flood hazard boundary map** shall mean a map designating approximate flood hazard areas. Flood hazard areas are designated as un-numbered A zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance

- Program (NFIP) until superseded by a flood insurance study and a flood insurance rate map.
109. **Flood profile** shall mean a graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.
  110. **Flood protection elevation** shall mean an elevation of two (2) feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: freeboard)
  111. **Flood stage** shall mean the elevation of the floodwater surface above an officially established datum plane, which is mean sea level, 1929 adjustment, on the supplementary floodland zoning map or in any of the flood profiles cited in section 20-211 et seq.
  112. **Flood storage** shall mean those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.
  113. **Floodfringe** shall mean that portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.
  114. **Floodlands** shall mean all lands contained in the "regional flood" or one-hundred-year recurrence interval flood. For the purpose of zoning regulation, the floodlands are divided into the urban floodway district, the urban floodplain conservancy overlay district, the urban floodplain fringe overlay district and the general floodplain overlay district.
  115. **Floodplain** shall mean land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, as those terms are defined in W.A.C. ch. NR 116, and may include other designated floodplain areas for regulatory purposes.
  116. **Floodplain island** shall mean a natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
  117. **Floodplain management** shall mean policy and procedures to ensure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.
  118. **Floodplain nonconforming structure** shall mean an existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this chapter for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the food protection elevation, the structure is nonconforming.)
  119. **Floodplain nonconforming use** shall mean an existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this chapter for the area of the floodplain which it occupies, such as a residence in the floodway.
  120. **Floodproofing** shall mean any combination of structural provisions, changes, or adjustments to properties and structures, water and sanitary facilities, and contents of buildings subject to flooding for the purposes of reducing or eliminating flood damage.

121. **Floodway** shall mean the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
122. **Footprint** shall mean the land area covered by a structure at ground level measured on a horizontal plane. The footprint of a residence or building includes the horizontal plane bounded by the furthest exterior wall and eave if present, projected to natural grade. For structures without walls (decks, stairways, patios, carports)—a single horizontal plane bounded by the furthest portion of the structure projected to natural grade. Note: for the purposes of replacing or reconstructing a nonconforming building with walls, the footprint shall not be expanded by enclosing the area that is located within the horizontal plane from the exterior wall to the eaves projected to natural grade. This constitutes a lateral expansion under NR 115 and would need to follow NR 115.05 (1)(g)5.
123. **Freeboard** shall mean 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 or the watershed, loss of flood storage areas due to development and aggradation of the river or streambed.
124. **Freeway** shall mean an expressway with full control of access and with fully grade separated intersections.
125. **Frontage** shall mean the smallest dimension of a lot abutting a public street measured along the street line.
126. **General floodplain** shall mean that portion of the natural one-hundred-year recurrence interval flood hazard area that is not committed to urban development. The regulations of the general floodplain overlay district are constructed in a manner to promote protection of these natural floodplains in their natural state and to prevent the encroachment of urban development and other structures.
127. **Generally accepted forestry management practices** shall mean forestry management practices that promote sound management of a forest. Generally accepted forestry management practices include those practices contained in the most recent version of the department publication known as Wisconsin Forest Management Guidelines and identified as PUB FR-226.
128. **Gift stores** shall mean retail stores where items such as art, antiques, jewelry, books and notions are sold.
129. **Grandfathered** shall mean the status of a Lot and/or its structures accorded certain setbacks, uses and activities that are legally existing prior to the date of the adoption of this Title or provisions of this Zoning Code.
130. **Greenhouse** shall mean a building or structure constructed chiefly of glass, glasslike or translucent material, cloth or lath, which is devoted to the protection or cultivation of flowers, shrubbery, vegetables, trees and other horticultural and floricultural products.
131. **Greenhouse, commercial** shall mean a greenhouse used for the growing of plants, all or part of which are sold at retail or wholesale.

132. **Ground sign (monument sign)** shall mean any permanent free-standing sign, other than a pole sign, in which the entire bottom is in contact with or is close to the ground and which does not exceed fifteen (15) feet in height.
133. **Group foster home** shall mean any facility operated by a person required to be licensed by the State of Wisconsin pursuant to W.S.A., § 48.62 for the care and maintenance of five (5) to eight (8) foster children.
134. **Habitable structure** shall mean any structure or portion thereof used or designed for human habitation.
135. **Hardware stores** shall mean retail stores where items such as plumbing, heating and electrical supplies, sporting goods and paints are sold.
136. **Hearing notice** shall mean a publication or posting meeting the requirements of W.S.A., ch. 985. For appeals, a Class I notice is required, published once, at least one (1) week (seven (7) days) before the public hearing. For all zoning ordinances and amendments, a class II notice is required, published twice, once each week consecutively, with the last published at least a week (seven (7) days) before the hearing. Local ordinance or bylaws may require additional notice exceeding these minimums.
137. **High flood damage potential** shall mean damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.
138. **Highest adjacent grade** shall mean the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
139. **Historic structure** shall mean any structure that is:
- Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
  - Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  - Individually listed on a local inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
  - Individually listed on a local inventory of historic places in communities with historic preservation programs which have been certified either by an approved state program as determined by the Secretary of Interior; or directly by the Secretary of Interior in states without approved programs.
141. **Home occupation** shall mean any gainful occupation or profession engaged in by an occupant of a dwelling unit which meets the criteria listed in section 20-1006 et seq.
142. **Hub height** shall mean, when referring to a wind turbine, the distance measured from ground level to the center of the turbine hub.
143. **Impervious surface** shall mean an area that releases as runoff all or a majority of the precipitation that falls on it. Impervious surface excludes frozen soil but includes rooftops, sidewalks, driveways, parking lots, and streets unless specifically designed, constructed, and maintained to be pervious. Roadways as

- defined in W.A.C. § 340.01(54), or sidewalks as defined in W.A.C. § 340.01(58), are not considered impervious surfaces.
144. **In-law suite** shall mean a physical arrangement of a dwelling unit in such a fashion that a separate living quarters is created within a dwelling unit for the sole purpose of allowing related persons to live in the secondary living area while that owner and his or her family resides in the principal living area. The secondary living area may contain a bedroom, bathroom and kitchenette which permit a limited degree of independence, but does not create a separate housekeeping entity.
145. **Increase in regional flood height** shall mean a calculated upward rise in the regional flood elevation greater than 0.00 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.
146. **Interchange** shall mean a grade separated intersection with one (1) or more turning lanes for travel between intersection legs.
147. **Junkyard (salvage yard)** shall mean any premises on which there is an accumulation of scrap metal, paper, rags, glass, lumber, inoperable machinery, inoperable vehicles, tires, or other materials stored or customarily stored for salvage, buying, selling, exchanging, dealing, disassembling, packing, bailing, wrecking, or handling unless such accumulation shall be housed in a completely enclosed building.
148. **Kitchen** shall mean a place (such as a room) with cooking facilities including kitchen-type counters and/or cabinets, kitchen sinks, or any appliances for the preparation or preservation of food, including but not limited to, gas or electric ranges, ovens or stovetops, microwave ovens, refrigerators with more than five (5) cubic feet of capacity, or freezers.
149. **Kitchenette** shall mean a small kitchen or an alcove containing minimal cooking facilities.
150. **Land use for floodplain management purposes** shall mean any nonstructural or improved real estate.
151. **Landscaped buffer** shall mean an area of landscaping separating two (2) distinct land uses, or a land use and a public right-of-way or private road, and acts to soften or mitigate the effects of one (1) land use on the other.
152. **Letter of map amendment (LOMA)** shall mean an official notification from the Federal Emergency Management Agency (FEMA) to an individual property owner that a flood hazard boundary map or flood insurance rate map has been amended.
153. **Letter of map revision (LOMR)** shall mean an official notification from the Federal Emergency Management Agency (FEMA) that a municipality's flood hazard boundary map or flood insurance rate map has been amended. A LOMR is issued when the revised map is not republished.
154. **Livestock** shall mean domestic animals traditionally used in this state in the production of food, fiber, or other animal products. Livestock includes cattle, swine, poultry, sheep, and goats. Livestock does not include equine animals, bison, farm-raised deer, fish, captive game birds, rarities, camelids, or mink.
155. **Livestock facility** shall mean a feedlot, dairy farm, or other operation where livestock are or will be fed, confined, maintained, or stabled for a total of forty-five

- (45) days or more in any twelve-month period. A livestock facility includes all of the tax parcels of land on which the facility is located, but does not include a pasture or winter grazing area. Related livestock facilities are collectively treated as a single livestock facility for purposes of this chapter, except that an operator may elect to treat a separate species facility as a separate livestock facility.
156. **Livestock structure** shall mean a building or other structure used to house or feed livestock, to confine livestock for milking, to confine livestock for feeding other than grazing, to store livestock feed, or to collect or store waste generated at a livestock facility. Livestock structure includes a barn, milking parlor, feed storage facility, feeding facility, animal lot or waste storage facility. Livestock structure does not include a pasture or winter grazing area, a fence surrounding a pasture or winter grazing area, a livestock watering or feeding facility in a pasture or winter grazing area, or a machine shed or like facility that is not used for livestock.
157. **Living rooms** shall mean all rooms within a dwelling except closets, foyers, storage areas, utility rooms and bathrooms.
158. **Loading area** shall mean a completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.
159. **Lot** shall mean a parcel of land having frontage on a public street, or other means of access that was in existence prior to the original adoption of this zoning ordinance and which has been approved by the village, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, lot yard, parking area, and other open space provisions of this chapter.
160. **Lot area** shall mean 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 or within the mapped right-of-way.
161. **Lot lines and area** shall mean the peripheral boundaries of a parcel of land and the total area lying within such boundaries exclusive of any highway right-of-way or road easement.
162. **Lot width** shall mean the width of a parcel of land measured at the rear of the specified street yard. On all parcels where parallel side lot lines are not perpendicular to the street right-of-way line, such lot width shall be determined by measuring along a line which is perpendicular to the side lot lines and begins at a point on the side lot line that is at the specified street yard setback distance. For parcels with non-parallel side lot lines, lot width shall be measured at the street yard setback distance along a line that is perpendicular to a line which begins at the center of the lot at a point on the street right-of-way line and is perpendicular to such right-of-way line or perpendicular to the tangent at such point in the case of a curved right-of-way.
163. **Lowest adjacent grade** shall mean the elevation of the lowest ground surface that touches any of the exterior walls of a building.
164. **Lowest floor** shall mean the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as

- to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.
165. **Machine shops** shall mean shops where lathes, presses, grinders, shapers and other wood and metal working machines are used, such as blacksmith, tinsmith, welding and sheet metal shops; plumbing, heating and electrical repair and overhaul shops.
  166. **Maintenance and repair** shall include such activities as interior remodeling, exterior remodeling, and the replacement or enhancement of plumbing or electrical systems, insulation, windows, doors, siding, or roof within the existing building envelope.
  167. **Manufactured dwelling** shall mean a dwelling structure or component thereof as is defined in the Wisconsin Administrative Code One and Two Family Uniform Dwelling Code Section ILHR 20.07(52), which bears the Wisconsin Department of Industry, Labor and Human Relations insignia certifying that it has been inspected and found to be in compliance with Subchapter V of said Uniform Dwelling Code.
  168. **Manufactured home** shall mean a dwelling structure or component thereof fabricated in an off-site manufacturing facility after June 15, 1976, for installation or assembly at the building site bearing a HUD label or insignia certifying that it is built in compliance with Federal Manufactured Housing Construction Standards. (Ref. 42 United States Code Section 5401-5406.)
  169. **Marquee** shall mean any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather. Marquee sign shall mean any sign attached to, in any manner, or made a part of a marquee.
  170. **MET tower** shall mean a meteorological tower used to measure wind speed.
  171. **Minimum facility setback distance** shall mean a component of the structural and nonstructural setback overlay district distances which represents a setback distance measured from the regraded stable sloped bluff edge which provides a safety factor against possible failure of shore protection structures or the occurrence of higher than expected bluff recession rates, provides a buffer area which helps protect the regraded bluff edge from excessive surface runoff and from the potential bluff slope stresses resulting from the additional weight of buildings being placed close to the bluff edge, and provides an area which may be effectively utilized for surface water drainage and control.
  172. **Minor structures** shall mean any small, movable accessory erection or construction such as birdhouses, tool houses, pet houses, play equipment and arbors.
  173. **Mitigation** shall mean balancing measures that are designed, implemented and function to restore natural functions and values that are otherwise lost through development and human activities.
  174. **Mobile home** shall mean a readily transportable factory-built structure, except a manufactured dwelling or manufactured home, intended for human habitation, which by its inherent design may be moved from site to site as necessary; which may have an oversized width for normal traffic allowances and thereby require a special travel permit from state or county highway officials; and which may have its undercarriage removed to facilitate a better location on a slab, piers, or

- foundation. The removal of the wheels, axles, or other components of the running gear and/or the mounting of such a structure or vehicle on a foundation or over a basement shall not be deemed to change its status from that of a mobile home. A structure manufactured after June 15, 1976, which is certified and labeled as a Manufactured Home under 42 U.S. Code Sections 5401 to 5406 but which is not set on an enclosed foundation in the manner described in section 20-1020 shall be deemed to be a mobile home under this zoning ordinance. Recreational vehicles are not classified as mobile homes and may not be used as a residence.
175. **Mobile home park** shall mean any plot or plots of land designed, maintained, intended or used for the purpose of supplying a location or accommodations for two (2) or more units occupied for dwelling or sleeping purposes on a yearround 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 mobile home park and its facilities. Mobile home parks shall not include automobile or mobile home sales lots on which unoccupied mobile homes are parked for purposes of inspection and sale, and shall not include recreational vehicle (RV) courts/campgrounds.
176. **Mobile recreational vehicle** shall mean a vehicle which is built on a single chassis four hundred (400) square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of mobile recreational homes.
177. **Mobile service facility** means the set of equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide mobile service to a discrete geographic area, but does not include the underlying support structure.
178. **Mobile service provider** means a person who provides mobile service as defined by federal law.
179. **Mobile service support structure** means free-standing structure that is designed to support a mobile service facility.
180. **Model, corrected effective** shall mean a hydraulic engineering model that corrects any errors that occur in the duplicate effective model, adds any additional cross sections to the duplicate effective model, or incorporates more detailed topographic information than that used in the current effective model.
181. **Model, duplicate effective** shall mean a copy of the hydraulic analysis used in the effective FIS and referred to as the effective mode.
182. **Model, effective** shall mean the hydraulic engineering model that was used to produce the current effective flood insurance study.
183. **Model, existing (pre-project)** shall mean a modification of the duplicate effective mode or corrected effective model to reflect any manmade modifications that have occurred within the floodplain since the date of the effective model, but prior to the construction of the project for which the revision is being requested. If no

- modification has occurred since the date of the effective mode, this model would be identical to the corrected effective model or duplicate effective model.
184. **Model, revised (post-project)** shall mean a modification of the existing or pre-project conditions model, duplicate effective model, or corrected effective model to reflect revised or post-project conditions.
185. **Modular home** shall mean a structure which is partially pre-assembled at a manufacturing plant and placed on a lot or parcel as a dwelling unit or units. Also called "pre-fabricated" or pre-cut" homes or "double-wide" units. For purposes of this chapter, the term manufactured home shall generally be used to describe this type of structure. It shall be further distinguished from the term mobile home. (See definitions of manufactured home and mobile home.)
186. **Motel** shall mean a series of attached, semiattached or detached sleeping units for the accommodation of transient guests.
187. **Municipality or municipal** shall mean the county, city, or village governmental units enacting, administering, and enforcing this zoning ordinance.
188. **NAVD or North American Vertical Datum** shall mean elevations referenced to mean sea level datum, 1988 adjustment.
189. **NGVD or National Geodetic Vertical Datum** shall mean elevations referenced to mean sea level datum, 1929 adjustment.
190. **Navigable waters** means Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all 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. Under W.S.A., § 281.31(2)(d), notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under W.S.A., § 59.69, and W.A.C. ch. NR115, do not apply to lands adjacent to:
- a. Farm drainage ditches where such lands are not adjacent to a natural navigable stream or river and such lands were not navigable streams before ditching; and
  - b. Artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to the natural navigable water body.
191. **Net stable slope distance** shall mean the horizontal distance that the top of the bluff would need to be receded, or be regraded, to form a stable bluff slope, which would not likely be affected by major bluff recession processes such as slumping or sliding. The stable slope distance is one (1) component of the structural and nonstructural setback overlay district distances.
192. **New construction, for floodplain management purposes**, shall mean structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

193. **New livestock facility** shall mean a livestock facility that will be used as a livestock facility for the first time, or for the first time in at least five (5) years. New livestock facility does not include an expanded livestock facility if any portion of that facility has been used as a livestock facility in the preceding five (5) years.
194. **Nonconforming Lot** shall mean a lot, the area, dimensions, or location that existed at the time of the effective date of this Ordinance or an amendment thereto that does not conform to current regulations of this Ordinance. Such nonconforming lots are also referred to as substandard lots.
195. **Nonconforming uses or structures** shall mean any structure, land or water lawfully used, occupied or erected at the time of the effective date of this chapter or amendments thereto which does not conform to the regulations of this chapter 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 nonconforming structure and not a nonconforming use.
196. **Nonstructural setback overlay district** distance shall mean, for Lake Michigan shoreland areas, not recommended to be protected by properly designed, constructed, and maintained shore protection structures, the distance from the existing bluff edge which is expected to be affected by shoreline erosion and bluff recession over a fifty-year period, or by regrading of the bluff slope as needed to achieve a stable slope. The nonstructural setback distance also includes a minimum facility setback distance.
197. **Normal maintenance and repair** shall mean cleaning, painting, replacing broken and vandalized non-structural parts; replacing light bulbs; and other like minor routine repairs in a manner that does not change or alter the basic copy area, design, or structure of the sign.
198. **Obsolete sign** shall mean any sign that no longer correctly directs or exhorts any person or advertises a business, service, product, tenant, or activity no longer conducted, available, or in existence on the premises where such sign is displayed.
199. **Obstruction** shall mean any structure, growth, or other object, including a mobile object, which penetrates any of the protected surfaces described in section 20-898.
200. **Obstruction to flow** shall mean any development which blocks the conveyance of flood waters such that this development alone or together with any future development will cause an increase in regional flood heights.
201. **Off-road trail** shall mean a new or existing trail made for the use of an off road vehicle(s) where a permanent and defined path has been created and/or where the landscape has been manipulated in such a manner as to create a path or ruts that may or may not include jumps, pits, hills, and/or berms.
202. **Off-road vehicle** shall mean a motorized vehicle designed for use on a variety of non-improved surfaces including but not limited to, dune buggies, four-wheel drive vehicles, snowmobiles, all-terrain vehicles (ATVs), dirt bikes, mini bikes, motor bikes, mopeds and trail bikes. Agricultural equipment (such as farm tractors, seeders, combines, cultivators, etc.) used in the operation of a farm, garden tractors and riding lawnmowers are not a type of off-road vehicle.

203. **Official floodplain zoning map** shall mean that map, adopted and made part of this article, as described in section 20-213.5, which has been approved by the WI-DNR Department and FEMA.
204. **Official letter of map amendment** shall mean official notification from the federal emergency management agency (FEMA) that a flood hazard boundary map or flood insurance rate map has been amended.
205. **Open space use for floodplain management purposes** shall mean those uses having a relatively low flood damage potential and not involving structures.
206. **Ordinary highwater mark** shall mean the point on the bank or shore 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 characteristics.
207. **Overspeed control** shall mean a mechanism used to limit blade rotation speed to below the design limits of the wind energy facility.
208. **Parking lot** shall mean a structure or premises containing ten (10) or more parking spaces open to the public for rent or a fee.
209. **Parking space** shall mean a graded and surfaced area of not less than one hundred eighty (180) square feet in area either enclosed or open for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley.
210. **Parties in interest** shall mean and include all abutting property owners, all property owners within one hundred (100) feet, and all property owners of opposite frontages.
211. **Pennant** shall mean any lightweight plastic, fabric, or other material, whether or not it contains a message of any kind, suspended from a rope, wire, or string, usually in series that typically streams in the wind.
212. **Pergola** shall mean a structure of parallel colonnades supporting an open roof of crossing rafters or trelliswork.
213. **Person** shall mean any individual, firm, partnership, corporation, company, association or governmental entity; includes a trustee, a receiver, an assignee or a similar representative of any of them.
214. **Pierhead line** shall mean a boundary line established along any section of the shore of any navigable waters by a municipal ordinance approved by the state department of natural resources, pursuant to W.S.A., § 30.13. Piers and wharves are only permitted to the landward side of such pierhead line unless a permit has been obtained pursuant to W.S.A., § 30.12(2).
215. **Pinwheel** shall mean a wheel with vanes of paper or similar material, pinned to a stick, pole, or similar structure or device, so as to revolve in the wind.
216. **Pond** shall mean a natural or artificial (manmade) body of standing water smaller than a lake which generally retains water yearround.
217. **Pole sign (freestanding sign, self-supporting sign)** shall mean any sign that is mounted on one (1) or more poles so that the bottom of the sign is at least six (6) feet in height.
218. **Portable sign** shall mean any sign not permanently attached to the ground or other permanent structure or a sign designed to be transported, including but not limited to signs designed to be transported by means of wheels; signs converted to A-or T-frames; menu and sandwich board signs; umbrellas used for advertising; and signs

- attached to or painted on vehicles, trailers, or equipment that are parked and readable from the street right-of-way, unless said vehicles, trailers, or equipment are used in the normal day-to-day business operations.
219. **Principal structure** shall mean a structure used or intended to be used for the principal use as permitted on such lot by the regulations of the district in which it is located.
220. **Private sewage system** shall mean a sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also shall mean an alternative sewage system approved by the department of commerce, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.
221. **Projecting sign** shall mean any sign that is wholly or partly dependent upon a building for support and which projects more than twelve (12) inches from the side(s) of such building.
222. **Pyramiding** shall mean the act of obtaining or providing access to public bodies of water across private lots or lands in a manner which increases the number of families which have access to that water to a degree greater than what would occur with individual riparian owners having individual lots fronting on the water. The effect of pyramiding is to funnel backlot development from offshore lots or residences via a narrow parcel of land to provide access to the water. Publicly owned access point shall not fall within this definition.
223. **Qualified nutrient management planner** shall mean a person qualified under § ATCP 50.48.
224. **Reach** shall mean a longitudinal segment of a stream generally including those floodlands wherein flood stages are primarily and commonly controlled by the same manmade or natural obstructions to flow.
225. **Rear yard** shall mean a yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearer point of the principal structure. This yard shall be opposite the street yard or one (1) of the street yards on a corner lot.
226. **Reasonably safe from flooding** shall mean base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed buildings.
227. **Recreational vehicle** shall mean a vehicular unit designed as temporary living quarters for recreational, camping, or travel use which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, or motor home.
228. **Recycling** means the transfer, transporting, processing, marketing, and conversion of solid waste into usable materials or products and includes the stockpiling and disposal on non-usable portions of solid wastes, but does not include the collection of solid wastes.
229. **Recycling center** means that a facility that is not a junkyard and in which recoverable resources, such as newspapers, glassware, and metal cans, are

- collected, stored, flattened, crushed, or bundled, essentially by hand within a completely enclosed building.
230. **Recycling drop-off site** means a collection point for recyclable materials. Temporary storage of specific materials is permitted on each site, but no processing of such items is allowed.
231. **Recyclable materials** means waste material for which there exists a commercially demonstrated processing or manufacturing technology which uses the material as a raw material.

The following materials are "recyclable materials" under this chapter:

- a. Batteries;
  - b. Major appliance;
  - c. Motor oil and lubricants;
  - d. Magazines and newspapers;
  - e. Plastic containers;
  - f. Glass containers;
  - g. Aluminum containers;
  - h. Polystyrene foam packaging;
  - i. Steel containers;
  - j. Waste tires, as defined in W.S.A., § 84.078(1)(b);
  - k. Carbonated or malt beverage containers made primarily of steel and aluminum;
  - l. Office paper.
232. **Recycling plant** means a facility that is not a junk yard and in which recoverable resources are recycled, reprocessed and treated to return such products to a condition in which they may again be used for production.
233. **Regional flood** shall mean a flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one (1) percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE and which may be expected to occur on a particular stream because of like physical characteristics, once in every one hundred (100) years.
234. **Related livestock facilities** shall mean livestock facilities that are owned or managed by the same person and related to each other in at least one (1) of the following ways:
- a. They are located on the same tax parcel or adjacent tax parcels of land.  
NOTE: A mere acquisition of a neighboring livestock facility does not constitute an "expansion" unless more animal units are added to the combined facilities.
  - b. They use one or more of the same livestock structures to collect or store manure.
  - c. At least a portion of their manure is applied to the same landspreading acreage.

Note: Compare definition of "animal feeding operation" under § NR 243.03(2).  
 "Related livestock facilities" are treated as a single livestock facility for purposes of local approval, except that a "separate species facility" may be treated as a separate livestock facility.

235. **Relocatable structure** shall mean a structure or building which can be moved by a professional building moving contractor to its desired location at a cost not to exceed thirty (30) percent of the equalized value of the structure.
236. **Roadside stand** shall mean an accessory structure having a ground area of not more than three hundred (300) square feet, not closer than twenty-five (25) feet to any street right-of-way line, not permanently fixed to the ground, readily removable in its entirety, not fully enclosed and to be used solely for the sale of farm products produced on the premises (or adjoining premises).
237. **Roof sign** shall mean any sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above any point of a building with a flat roof, the deck line of a building with a mansard roof, or the eave line of a building with a gambrel, gable, dome or hip roof.
238. **Routine maintenance of vegetation** means normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require earth disturbance.
239. **Runway** shall mean any existing or planned rectangular paved surface which is specifically used for the landing and/or taking off of aircraft.
240. **Screening** shall mean a method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.
241. **Search ring** means shape drawn on a map to indicate the general area within which a mobile service support structure should be located to meet radio frequency engineering requirements, taking into account other factors including topography and demographics of the service area.
242. **Self-service storage facility** shall mean any structure designed and used for the purpose of renting or leasing individual storage spaces to tenants who are to have access to such space for the purpose of storing and removing personal property; also known as a miniwarehouse.
243. **Sensitive land use** shall mean any of the following:
- a. Property zoned or used for residential purposes;
  - b. Property zoned or used for religious institutional purposes;
  - c. An educational institution for students in twelfth grade or below;
  - d. A library or museum;
  - e. A public or private park, recreation area, or playground;
  - f. A day care center;
  - g. A historic district;
  - h. A facility predominantly serving individuals with a "developmental disability," as that term is defined in W.S.A. §§ 51.01(5)(a) and (b), and subsequent amendments thereto;
  - i. A private youth development organization such as, but not limited to, YMCA, Junior Achievement, Boys Club of America and Campfire Girls.

244. **Separate species facility** shall mean a livestock facility that meets all of the following criteria:
- a. It has only one (1) of the following types of livestock, and that type of livestock is not kept on any other livestock facility to which the separate species facility is related. (See definition of a "related livestock facility.")
    1. Cattle;
    2. Swine;
    3. Poultry;
    4. Sheep;
    5. Goats.
  - b. It has no more than five hundred (500) animal units.
  - c. Its livestock housing and manure storage structures, if any, are separate from the livestock housing and manure storage structures used by livestock facilities to which it is related.
  - d. It meets one of the following criteria:
    1. Its livestock housing and manure storage structures, if any, are located at least seven hundred fifty (750) feet from the nearest livestock housing or manure storage structure used by a livestock facility to which it is related.
    2. It and the other livestock facilities to which it is related have a combined total of fewer than one thousand (1,000) animal units.
245. **Shore protection structures** shall mean structures which are intended to reduce shoreline erosion and bluff recession by providing an artificial protective barrier against direct wave and ice attacks on the beach and bluff toe, by increasing the extent of the beach available to absorb wave energy before the water reaches the bluff, by dissipating wave energy and/or by stabilizing the bluff slope. Shore protection structures include bulkheads, revetments, seawalls, groins, breakwater and slope stabilization measures.
246. **Shore yards** shall mean a yard extending across the full width or depth of a lot, the depth of which shall be the minimum horizontal distance between a line intersecting both side lot lines at the same angle and containing the ordinary highwater mark of a lake, pond, flowage, river, stream or wetland nearest the principal structure and a line parallel thereto containing the point of the principal structure nearest the ordinary highwater mark.
247. **Shoreland setback area** shall mean an area in a shoreland of an established distance from the ordinary high-water mark within the construction or placement of buildings or structures has been limited or prohibited under this chapter enacted under W.S.A. § 59.692.
248. **Shoreland-wetland district** shall mean a zoning district, created as a part of the village zoning ordinance, comprised of shorelands that are designated as wetlands on the Wisconsin wetland inventory maps prepared by the department of natural resources.
249. **Shorelands** shall mean those lands within the following distances from the ordinary highwater mark of navigable waters: one thousand (1,000) feet from a lake, pond, or flowage, and three hundred (300) feet from a river or stream or to the

- landward side of the floodplain, whichever distance is greater. Shorelands shall not include lands adjacent to farm drainage ditches where (a) such lands are not adjacent to a natural navigable stream or river; (b) those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and (c) such lands are maintained in nonstructural agricultural use.
250. **Shorelines** shall mean the intersection of the land surfaces abutting lakes, ponds, rivers, streams, flowages, and wetland with the ordinary highwater mark.
251. **Side yard** shall mean a yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure.
252. **Sign** shall mean any object, device, display, or structure, or part thereof, situated outdoors or indoors, that is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.
253. **Sign height.** See section 20-1409(a).
254. **Small wind energy facility** shall mean an electric generating facility consisting of one wind turbine that has a rated capacity of not more than one hundred (100) kw/one (1) mw and is primarily intended to reduce on-site consumption of power.
255. **Smoke unit** shall mean the number obtained when the smoke density in Ringelmann number is multiplied by the time of emission in minutes.
256. **Specified anatomical areas** shall mean:
- a. Less than completely and opaquely covered:
    1. Human genitals, pubic region;
    2. Buttock, anus;
    3. Female breast below a point immediately above the top of the areola; or
  - b. Human male genitals in a discernibly turgid state even if completely and opaquely covered. Specified sexual activities shall mean:
    1. Human genitals in a state of sexual stimulation or arousal;
    2. Acts of human masturbation, sexual intercourse, or sodomy;
    3. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast;
    4. Flagellation or torture in the context of a sexual relationship;
    5. Masochism, erotic or sexually oriented torture, beating or the infliction of pain;
    6. Erotic touching, fondling or other such contact with an animal by a human being; or
    7. Human excretion, urination, menstruation, vaginal or anal irrigation as a part of or in connection with any of the activities set forth in subsections (1) through (6) above.
257. **Stable, commercial** shall mean a building or land where horses are kept for remuneration, hire, sale, boarding, riding, or show.
258. **Start of construction** shall mean the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the

permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. Storage capacity shall mean the volume of space available above a given cross section of a floodplain for the temporary storage of floodwater. The storage capacity will vary with stage.

259. **Streamer.** See "Pennant."
260. **Street** shall mean a public or private right-of-way providing primary access to abutting properties.
261. **Street yard** shall mean a yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two (2) such yards.
262. **(Structural alterations)** shall mean any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams or girders.
263. **Structural setback overlay district distance** shall mean for Lake Michigan shoreland areas recommended to be protected by properly designed, constructed, and maintained shore protection structures, the distance from the existing bluff edge which would be lost by regrading the bluff slope as needed to achieve a stable slope. The structural setback distance also includes a minimum setback distance.
264. **Structure** shall mean any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts. Additionally, in the APO district, a structure also includes a mobile object such as a crane, earthworks and overhead transmission lines. In shoreland areas a structure means a principal structure or any accessory structure including a garage, shed, boathouse, sidewalk, walkway patio, deck, retaining wall, porch or firepit.
265. **Substantial damage** shall mean damage sustained by a structure whereby the cost of repairing or restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.
266. **Substantial evidence** means 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.
267. **Substantial improvement** shall mean any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the present

equalized assessed value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. The term does not however, include either: (a) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (b) any alteration of a designated historical structure or site documented as deserving preservation by the Wisconsin State Historical Society or listed on the National Register of Historic Places provided the alteration will not preclude the structure's continued designation as an historical structure. Ordinary maintenance repairs are not considered structural repairs, modifications, or additions; such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows, and other nonstructural components. "Substantial improvement" begins when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

268. **Substantial modification** means the modification of a mobile service support structure, including the mounting of an antenna on such a structure that does any of the following:
- a. for structures with an overall height of two hundred (200) feet or less, increases the overall height of the structure by more than twenty (20) feet;
  - b. for structures with an overall height of more than two hundred (200) feet, increases the overall height of the structure by ten (10) percent or more;
  - c. measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by more than twenty (20) feet or more, unless a larger area is needed for collocation;
  - d. increases the square footage of an existing equipment compound to a total area of more than two thousand five hundred (2500) square feet.
269. **Substantial work** shall mean a considerable amount of work done towards completing the project that received approval, that may include obtaining necessary plot plans, surveys, engineering data, easements, deed restrictions, approvals, permits, and physically starting the project. For typical building construction projects, the site work must progress beyond grading and completion of structural foundations, and construction must be occurring above grade to be considered substantial work.
270. **Support structure** means an existing or new structure that supports or can support a mobile service facility, including a mobile service support structure, utility pole, water tower, building, or other structure.
271. **Sustained yield forestry** shall mean management of forest lands to provide annual or periodic crops of forest products.
272. **Swept area** shall mean the largest area of the wind energy facility that extracts energy from the wind stream. There is a direct relationship between swept area and the rotor diameter in a conventional propeller-type wind energy facility.
273. **Temporary sign** shall mean any sign intended for a limited or intermittent period of display.

274. **Temporary structure** shall mean a movable structure not designed for human occupancy nor for the protection of goods or chattels and not forming an enclosure.
275. **Total height** shall mean, when referring to a wind turbine, the distance measured from ground level to the blade extended at its highest point.
276. **Traveling message sign** shall mean any characters, letters, or illustrations (see changeable copy sign) that appear to move, change, or flash on a sign more than once every eight (8) seconds or the minimum standards set by the Federal Highway Administration, whichever is longer, excluding a "time and temperature" portion of a sign.
277. **Tree** shall mean, for purposes of the APO district, any object of natural growth.
- ~~278.~~ **Turning lanes** shall mean an existing or proposed connecting roadway between two (2) arterial streets or between an arterial street and any other street. Turning lanes include grade separated interchange ramps.
- ~~278-279.~~ **Under construction** shall mean that a structure for which a valid building permit has been issued and remains in effect, and for which site preparation, excavation, foundation work, or structural construction has commenced.
- ~~279-280.~~ **Unnecessary hardship** shall mean that circumstance where special conditions, which are 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 the ordinance.
- ~~280-281.~~ **Utilities** shall mean 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 stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops, storage yards, and a system that only service a single-family dwelling or farmstead.
- ~~281-282.~~ **Utility pole** means a structure owned or operated by an alternative telecommunications utility, public utility, telecommunications utility, county, municipality, or cooperative associate, all as defined under current law or under the proposal, and that is specifically for and used to carry lines, cables, or wires for telecommunications service, video service, or for electricity or to provide light.
- ~~282-283.~~ **Variance** shall mean an authorization granted by the zoning board of adjustment to construct, alter, or use a building or structure in a manner that deviates from the dimensional standards of this ordinance. A variance may not permit the use of a property that is otherwise prohibited by the ordinance or allow floodland construction that is not protected to the flood protection elevation.
- ~~283-284.~~ **Violation** shall mean the failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation. documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.
- ~~284-285.~~ **Wall sign** shall mean any sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting

structure for or forms the background surface of the sign and which does not project more than twelve (12) inches from such building or structure.

~~285.~~286. **Waste** shall mean (for livestock siting purposes) manure, milking center waste and other organic waste generated by a livestock facility.

~~286.~~287. **Waste storage facility** shall mean one or more waste storage structures. Waste storage facility includes stationary equipment and piping used to load or unload a waste storage structure if the equipment is specifically designed for that purpose and is an integral part of the facility. Waste storage facility does not include equipment used to apply waste to land.

~~287.~~288. **Waste storage structure** shall mean a waste storage impoundment made by constructing embankments, excavating a pit or dugout, or fabricating a structure. Waste storage structure does not include equipment used to apply waste to land. For purposes of §§ ATCP 51.12(2) and 51.14, waste storage structure does not include any of the following:

- a. A structure used to collect and store waste under a livestock housing facility;
- b. A manure digester consisting of a sealed structure in which manure is subjected to manage biological decomposition.

~~288.~~289. **Watershed** shall mean the entire region contributing runoff or surface water to a watercourse or body of water.

~~289.~~290. **Water surface profile** shall mean a graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

~~290.~~291. **Well** shall mean an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

~~291.~~292. **Wetlands** shall mean 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.

~~292.~~293. **Wind access permit** shall mean a wind access permit within the meaning of Wisconsin Statutes 66.0403 or any successor statute.

~~293.~~294. **Wind energy facility siting permit** shall mean a construction and operation permit granted according to the provisions of this article.

~~294.~~295. **Wind turbine** shall mean a wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blade, tower, base, and pad transformer, if any.

~~295.~~296. **Window sign** shall mean any sign that is placed inside a window or upon the windowpanes or glass and is readable from the street or highway.

~~296.~~297. **Winter grazing area** shall mean cropland or pasture where livestock feed on dormant vegetation or crop residue, with or without supplementary feed, during the period from October 1 to April 30. Winter grazing area does not include any of the following:

- a. An area, other than a pasture, where livestock are kept during the period from May 1 to September 30;

- b. An area which at any time has an average of more than four (4) livestock animal units per acre;
- c. An area from which livestock have unrestricted access to navigable waters of the state, such that the livestock access prevents adequate vegetative cover on banks adjoining the water;
- d. An area in which manure deposited by livestock causes nutrient levels to exceed standards in § ATCP 51.16.

~~297.298.~~ **Yard** shall mean an open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation. The street and rear yards extend the full width of the lot.

~~298.299.~~ **Zoning administrator** shall mean a person recommended by the appointed by the board of trustees to administer and enforce this chapter. Reference to the zoning administrator shall be construed to include duly appointed deputy administrators.

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