

22.05 Definitions

1. "Accessory Structure." A structure subordinate to the permitted use of a building, land, or water and located on the same lot or parcel, and serving a purpose customarily incidental to the permitted use or the principal structure.
2. "Accessory Use." (See "Use, Accessory.")
3. "Airport." Any runway, landing area or other facility designed, used or intended to be used either publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.
4. "Agriculture." The use of land for agricultural purposes, including but not limited to farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce.
5. "Alley." A public right-of-way affording only secondary access to abutting properties.
6. "Antenna." A device designed to receive or send broadcasts either as over the air signals from transmitters, including fixed television or radio signals, or microwave signals from earth orbiting communications satellites.
7. "Antenna, Earth Station Dish." A ground-mounted or building-mounted dish antenna having a diameter of more than forty (40) inches.
8. "Antenna, Television Broadcast Satellite." A ground-mounted or building-mounted dish antenna forty (40) inches or less in diameter or diagonal measurement designed to receive direct broadcast satellite service, including direct-to-home satellite services or receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services.
9. "Antenna, Terrestrial." Any antenna designed to receive television and radio signals relayed from one ground location to another ground location. Such antennas are typically mounted on a tower or support on the rooftop of a structure, or on free-standing towers.
10. "Antique Store." A retail store where objects such as furniture, glass, coins, and other objects prized for their rarity, style, or historic period are sold. For the purpose of this ordinance, antiques are objects that are at least twenty (20) years old.
11. "Apartment, Efficiency." A dwelling unit in a multifamily building, consisting of not more than one habitable room, together with kitchen or kitchenette and sanitary facilities.
12. "Apartment House." See DWELLING, MULTIFAMILY.
13. "Art Studio." An establishment engaged in the sale or exhibit of art works such as paintings, sculpture, macrame, knitted goods, stitchery, or pottery. Art studios are also engaged in the creations of such art works and often offer instruction in their creation.
14. "Arterial Highway." A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways include freeways and expressways, state trunk and county trunk highways.
15. "Assembly, Industrial." The fitting or joining of parts of a mechanism by means of fasteners, nuts and bolts, screws, glue, welding or other similar technique. Industrial Assembly does not include the

construction, stamping or reshaping of any of the component parts.

16. "Automobile Repair, Major." General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision services including body, frame or fender straightening or repair; overall painting; vehicle steam cleaning.

17. "Automobile Repair, Minor." Incidental body or fender work or other minor repairs, painting and upholstering, replacement of parts and motor service to passenger cars and trucks not exceeding one and one half (1 1/2) tons capacity, but not including any operation named under "Automobile Repair, Major."

18. "Automobile Service Station." A place where kerosene, gasoline, or any other automobile motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale directly to the public on the premises and including facilities for greasing, oiling, washing, and minor vehicle repair, but not including automatic car washing, body repair facilities or storage of vehicles for scrap, spare parts, or repair.

19. "Auto Body Shop." An establishment where repairs and replacements are made to motor vehicle bodies. Such work may be evidenced by the existence of automobile welding operations and paint booths.

20. "Automobile Wrecking." The dismantling or disassembling of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

21. "A-Zones." Areas of potential flooding shown on the City's "Flood Insurance Rate Map" which could potentially be inundated by the regional flood as defined herein. These zones may be numbered as AO, A1 to A99, or may be unnumbered A-Zones.

22. "Babysitting." The act of providing care and supervision for fewer than four children. This definition does not apply when the babysitter is related to the child, or when more than four children in one household are related.

23. "Basement." That portion of any structure which is below grade, or which is partly below and partly above grade but so located that the vertical distance from the grade to the floor is greater than the vertical distance from the grade to the ceiling.

24. "Bed and Breakfast Establishment." Any place of temporary lodging that provides four or fewer rooms for rent for a length of stay not to exceed three weeks; is the owner's personal residence; is occupied by the owner at the time of rental; and in which the only meal served is breakfast to registered guests.

25. "Board." The Board of Zoning Appeals of the City.

26. "Boarding House." (See "Rooming House.")

27. "Bond." See "Surety."

28. "Boathouse." A permanent structure used for the storage of watercraft and associated materials which has one or more walls or sides.

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

30. "Building." Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, or property. Unless otherwise provided in this Code, when such a structure is divided into separate parts by one or more unpierced walls extending from the ground up, each part is deemed a separate building.

31. "Building Area." The maximum horizontal area within the perimeter of the outside surface of the walls or supports of a building or structure exterior cantilever, open balconies not included, measured from the ground floor of all principal and accessory buildings on a lot. "Building Coverage" is the building area expressed as a percentage of the total lot area.

32. "Building Height." The vertical distance measured from the average elevation of the finished lot grade within twenty (20) feet of the structure to the highest point of the coping of a plat roof; to the deck line of a mansard roof; or to the average height between the plate and ridge of a gable, hip, or gambrel roof.

33. "Building Supply Stores." Retail stores where building supplies such as plumbing, heating, and electrical supplies, tools and fasteners, and paints and other coverings are sold.

34. "Car Wash." A business establishment providing facilities used for the washing of motor vehicles.

35. "Cellar." That portion of a building between floor and ceiling partly underground, but having half or more than half of its clear height below the adjoining finished grade.

36. "Cemetery." Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries if operated in connection with or within the boundaries of such cemetery.

37. "Channel." Those floodland areas normally occupied by a stream, lake bed, or other body of water under average annual high-water flow conditions while confined within generally well established banks.

38. "Clinic." A clinic is a place which provides a range of services by a group of licensed practitioners, their associate(s) and assistant(s), including the care, diagnosis and treatment of those who are sick, ailing, infirm or injured, and includes the care of those who are in need of medical, surgical or dental attention, but who are not provided with board or room nor kept overnight on the premises.

39. "Clothing Stores." Retail stores where clothing is sold, including but not limited to department stores, dry goods stores, shoe stores, and dress, hosiery, and millinery shops.

40. "Club." A nonprofit association of persons who are bona fide members, paying regular dues, and are organized for a common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

41. "Commission." The City Plan Commission.

42. "Commercial Child Care Center." An establishment providing care and supervision for four or more persons under the age of seven and licensed by the State of Wisconsin pursuant to Section 48.65 of the Wisconsin Statutes.

43. "Commercial Recreation Facility." Indoor and outdoor recreation facilities operated for profit. Such facilities include, but are not limited to, arcades, billiard parlors, bowling alleys, baseball and football fields, go kart tracks, golf courses, gymnasiums, handball courts, miniature golf courses, race tracks, racquetball courts, rifle and pistol ranges, roller skating rinks, and volleyball courts. Bars, taverns, dance halls, and theaters are not considered commercial recreation facilities.

44. "Community Living Arrangement." Facilities licensed and operated, or permitted under the authority of the Wisconsin Statutes for the care and maintenance of residents, not members of the same family, including but not limited to: halfway houses, group foster homes, child welfare agencies under Section 48.60, group foster homes for children under Section 48.02(7m), and community-based residential facilities under Section 50.01; but does not include commercial child care centers, nursing homes, general hospitals, special hospitals, prisons, or jails.

45. "Conditional Use." (See "Use, Conditional.")

46. "Condominium." A building, or group of buildings, in which units are owned individually, and the structure, common areas, and facilities are owned by all owners on a proportional, undivided basis.

47. "Convention Center." A building or portion thereof designated to accommodate 300 or more people in assembly. Speakers and other entertainment when offered in meeting rooms attendant to a conference or convention are not considered live entertainment as regulated elsewhere in this Ordinance.

48. "Court." An open unoccupied and unobstructed space, other than a yard, on the same lot with a building or group of buildings.

49. "Deck." An unroofed platform intended for outdoor living activities; constructed on a foundation or footings; which may be adjacent to a principal structure, adjacent to a swimming pool, or may be freestanding.

50. "Dance Hall." A place of assembly, open to the public and operated for profit, where dances, parties, receptions and other gatherings are held.

51. "Development, Real Estate." Any man-made change to improved or unimproved real estate, including but not limited to construction of or addition or substantial improvements to buildings, other structures, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations, or disposition of materials.

52. "Display Sign." A structure that is arranged, intended, designed or used as an advertisement, announcement or direction, including a sign, sign screen, billboard and advertising device of any kind.

53. "District, Basic." A portion of the territory of the City within which certain uniform regulations and requirements or various combinations thereof apply. The term "R-District" shall mean any Residential District including RS-1, RS-2, RS-3, RS-4, RD-1, RD-2, RM-1, RM-2, or RM-3 Districts. The term "B-District" shall mean any Business District, including any B-1, B-2, B-3, B-4 or B-5 District. The term "M-District" shall mean any Manufacturing District, including any M-1, M-2, or M-3 District.

54. "District, Overlay." Overlay districts provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district.

55. "Dormitory." A building used as group living quarters for a student body, religious order, or similar collective body of persons, living together in one or more buildings, under the same management and head subsisting in common, and directing their attention to a common object, the promotion of their mutual interests. Such a facility is generally accessory to a college, university, boarding school, orphanage, convent, monastery, nursing home, or other similar institutional use.

56. "Drive-in Restaurants." A free-standing establishment used for the sale, dispensing or serving of food, refreshments, or beverages in or on disposable plates and cups; including those establishments where customers may serve themselves and may eat and drink the food, refreshments, and beverages on or off the premises. Drive-in restaurants also includes restaurants that offer drive-through service. For the purpose of this Chapter, an eating establishment located in a shopping center with three or

more attached business/retail establishments; which does not provide drive-through service; and which may serve food, refreshments, or beverages in or on disposable plates and cups is not considered to be a drive-in restaurant.

57. "Dry land Access." A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land which is outside the floodplain, such as a road with its surface above the regional flood elevation and wide enough to accommodate wheeled vehicles.

58. "Dwelling." A structure or portion thereof which is used or is intended to be used exclusively for human habitation but not including a tent, trailer, boarding or rooming house.

59. "Dwelling, Single-Family." A detached building containing one dwelling unit designed for or occupied exclusively by one family and surrounded by open space or yards and which is not attached to any other dwelling by any means.

60. "Dwelling, Two-Family." A detached building on a single lot containing two separate dwelling units, designed for occupancy by not more than two families. A two-family dwelling may also be known as a "duplex."

61. "Dwelling, Multiple-Family." A residential building containing three or more dwelling units designed for or occupied by three or more families.

62. "Dwelling, Bi-Level." A two-level dwelling with one level above grade, and the other level half above grade and half below grade. The lower level may or may not have exterior access. For the purpose of measuring living area, the Building Inspector will determine functional areas as set forth in the definition of "living area" and the first floor area will be considered to be the first level that is entirely above grade.

63. "Dwelling, Tri-Level." (Rep. #16-15)

64. "Dwelling Unit." (Am. #16-15) One or more rooms located within a Dwelling designed, occupied or intended to be occupied as separate living quarters, having facilities for cooking, sleeping, bathing, and sanitary use, for the exclusive use of a single family maintaining a household.

65. "Election Campaign Period." In the case of an election for office, the period beginning on the first day for circulation of nomination papers by candidates, or the first day that candidates would circulate papers were papers to be required, and ending the day of the election. In the case of a referendum, the period beginning on the day on which the question to be voted upon is submitted to the electorate and ending on the day on which the referendum is held.

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

67. "Erosion." The detachment and movement of soil, sediment, or rock fragments by water, wind, ice, or gravity.

68. "Essential Services." (Am. #51-05) Services provided by public and private utilities, or by municipal or other governmental agencies, 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, storm water drainage, and communication systems and accessories thereto, such as poles, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and

accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health, safety or general welfare, but not including buildings.

69. "Family." (Am. #16-15) One or more persons related by blood, adoption or marriage; or a group of no more than three adults regardless of relation; who live, sleep, and eat together, maintaining a single household unit. A group of more than three adults who are not related by blood, adoption or marriage shall be deemed a family if necessary to comply with applicable Federal or State law. Related by adoption, as used herein, includes foster children.

70. "Family Day Care Home." A dwelling licensed as a day care center by the State of Wisconsin pursuant to Section 48.65 of the Wisconsin Statutes, where care is provided for not more than eight (8) children.

71. "Federal Emergency Management Agency (FEMA)." The federal agency which administers the National Flood Insurance Program. This agency was formerly known as the Federal Insurance Administration (FIA) and was part of the U. S Department of Housing and Urban Development (HUD).

72. "Fence, Open." A structure of rails, planks, stakes, strung wire, or similar material erected as an enclosure, barrier, or boundary. Open fences are those with more than 50 percent of their surface area open for free passage of light and air. Examples of such fences include but are not limited to barbed wire, chain link, picket, and rail fences.

73. "Fence, Ornamental." An open fence other than a chain link or barbed wire fence intended to decorate, accent, or frame a feature of the landscape. Ornamental fences are often used to identify a lot corner or lot line; or frame a driveway, walkway, or planting bed. Ornamental fences are often of the rail, or wrought iron, type.

74. "Fence, Security." A fence intended to guard property against unauthorized entry, and to protect stored goods and products from theft and other unauthorized handling. Security fences usually exceed six feet in height, are often made of wrought iron or woven wire, and may incorporate additional security features such as barbed wire.

75. "Fence, Solid." A structure of rails, planks, stakes, strung wire, or similar material erected as an enclosure, barrier, or boundary. Solid fences are those with 50 percent or less of their surface area open for free passage of light and air and designed to conceal from view the activities conducted behind them. Examples of such fences include but are not limited to stockade, board-on-board, board and batten, basket weave, louvered fences, and chain link with screening inserts.

76. "Flea Market." A building or open area in which stalls or sales areas are set aside, and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old obsolete, or antique and may include the selling of new or used goods at retail by businesses or individuals who are generally engaged in retail trade. Rummage sales and garage sales are not considered to be flea markets.

77. "Flood." A general and temporary condition of partial or complete inundation of normally dry land areas caused by the overflow or rise of inland waters; the rapid accumulation or runoff of surface waters from any source; or 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.

78. "Flood Frequency." 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.

79. "Floodfringe." That portion of the floodlands outside of the floodway which is covered by floodwaters during the regional flood. It is generally associated with standing water rather than rapidly flowing water.
80. "Flood Insurance Study." A technical engineering examination, evaluation, and determination of flood hazard areas. It provides maps designating regional flood boundaries and elevations, flood insurance rate zones, and floodway lines. The flood hazard areas are designated as number or unnumbered A-Zones. Flood insurance study maps re the basis for the National Flood Insurance Program's regulatory and insurance programs.
81. "Floodplain Island." A natural geologic land formation within the floodlands that is surrounded, but not covered, by floodwater during the occurrence of the regional flood.
82. "Floodlands." For the purpose of this Ordinance, the floodlands are all lands contained in the "regional flood" or 100-year recurrence interval flood. For the purpose of this Ordinance, the floodlands are divided into the Floodway Overlay District, the Flood Storage Overlay District, and the Floodfringe Overlay District.
83. "Floodproofing." Any combination of structural and nonstructural additions, changes or adjustments which reduce or eliminate flood damage to unimproved or improved real estate, water and sanitary facilities, structures and their contents.
84. "Flood Profile." A graph showing the relationship of the floodwater surface elevation of a flood event of a specified recurrence interval to the stream bed and other significant natural and man-made features along a stream.
85. "Flood Protection Elevation." A point two feet above the surface elevation of the 100-year recurrence interval flood. This safety factor, also called "freeboard," is intended to compensate for the many unknown factors that contribute to flood heights greater than those computed. Such unknown factors may include ice jams, debris accumulation, wave action, and obstructions of bridge openings.
86. "Flood Stage." The elevation of the floodwater surface above the officially established datum plane, which is Mean Sea Level, 1929 Adjustment, on the Supplementary Floodland Zoning Map.
87. "Flood Storage." Those floodland areas where storage of floodwaters has been taken into account in reducing the regional flood discharge.
88. "Floodway." A designated portion of the 100-year flood that will safely convey the regulatory flood discharge with small, acceptable upstream and downstream increases, limited in Wisconsin to 0.01 foot except in accordance with Section 22.47. The floodway, which includes the channel, is that portion of the floodplain not suited for human habitation. All fill, structures, and other development that would impair floodwater conveyance by adversely increasing flood stages or velocities or would itself be subject to flood damage is prohibited in the floodway.
89. "Floor Space." That enclosed area within a residence which is customarily used for living area and not including basement, attic or garage area.
90. "Footcandle." The illumination on a surface one square foot in area on which there is a uniformly distributed flux of one lumen. One footcandle equals one lumen per square foot.
91. "Foster Family Home." The primary domicile of a foster parent which is for four or fewer foster children and which is licensed pursuant to Section 48.62 of the Wisconsin Statutes.
92. "Fraternity." A local or national organization of college or university students, including a sorority, organized for the purpose of sharing social, cultural, scholarly or religious interests, where involvement

requires regular meetings and formal written membership requirements.

93. "Fraternity House." A house occupied by a college or university fraternity containing sleeping rooms, bathrooms, common rooms and a central kitchen and dining area maintained exclusively for members of the fraternity and their guests or visitors.

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

95. "Frontage." All the property abutting on one side of a street between intersecting or intercepting streets or between a street and a right-of-way, waterway and of a dead-end street, or City boundary measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

96. "Garage, Private." A structure primarily intended for and used for the enclosed storage or shelter of the private motor vehicles of the families residing upon the premises. Carports are considered garages.

97. "Garage, Public or Commercial." A structure or portion thereof, other than a private garage, used for the storage, sale, hire, care, repair or refinishing of motor vehicles or trailers, except that a structure or part thereof used only for storage or display of motor vehicles, but not for transients, and at which automobile fuels and oils are not sold and motor driven vehicles are not equipped, repaired or hired, shall not be deemed to be a public garage.

98. "Garage Sale." See "Rummage Sale."

99. "Gazebo/Pergola." An accessory structure no larger than one hundred fifty (150) square feet which ismay be covered by a roof or shade structure, may beand enclosed with screening, and is intended to be used for outdoor living activities.

100. "Gift Stores." Retail stores where items such as art, antiques, jewelry books, and notions are sold.

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

102. "Group Quarters." See "Dormitory."

103. "Habitable Buildings." Any building, or portion thereof, used for human habitation.

104. "Hardware Stores." Retail stores where items such as plumbing, heating, and electrical supplies, sporting goods, and paints are sold.

105. "Historic Structure." An historical structure is a structure that is listed on the National Register of Historical Places in Wisconsin or the State Register of Historical Places or both and has been designated as a landmark pursuant to Chapter 28 of the Municipal Code by the Landmarks Commission.

106. "Home Industry." A home occupation that is carried out in a structure separate from the principal structure, or any occupation for gain or support conducted entirely within buildings by resident occupants which is incidental to the principal use of the premises, and which may have a detrimental effect on the surrounding neighborhood.

107. "Home Occupation." Any occupation for gain or support conducted entirely within buildings by resident occupants which is customarily incidental to the principal use of the premises.
108. "Hospital." A building, number of buildings or portion thereof devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment of and medical or surgical care for three (3) or more nonrelated individuals suffering from illness, disease, injury, disability or any other condition necessitating definitive medical treatment, whether physical or mental, including pregnancy.
109. "Hotel." A facility licensed pursuant to Wisconsin Statutes Section 254.64 offering transient lodging accommodations to the general public in five (5) or more rooms.
110. "Housing for the Elderly." A dwelling unit or units designed and constructed to be occupied by elderly persons and their families. An elderly person is a person who is sixty-two (62) years of age or older on the date such person intends to occupy the premises.
111. "Increases In Regional Flood Height." A calculated upward rise in the regional flood elevation, equal to or greater than one one-hundredth (0.01) of a foot, determined by comparing existing conditions and proposed conditions and which is directly attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients, and discharge.
112. "Industrial Processing." The series of continuous actions that changes one or more raw materials into a finished product. Examples of Industrial Processing include but are not limited to: chemical processing as in the processing of photographic materials; a special processing method such as processing butter or cheese; or mechanical processing such as packaging a base product.
113. "Industry." Storage, repair, manufacture, preparation or treatment of any article, substance or commodity.
114. "Junk or Salvage Yard." A premises where junk waste and discarded or salvage materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including automobile wrecking yards and house wrecking and structural steel materials and equipment yards, but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment or used cars in operable condition.
115. "Kennel." Any structure or premises on which three (3) or more dogs over six (6) months of age are kept.
116. "Kitchen." Any room in a building or dwelling unit which is used for cooking or the preparation of food.
117. "Landing." The platform or floor at the top of a flight of stairs, between flights of stairs, or interrupting a flight of stairs. A landing which also provides space for chairs, tables or other furnishings not appurtenant to the stairway is called a "deck" for the purpose of this Ordinance.
118. "Land Use Plan." The long-range plan for the desirable use of land in the City as officially adopted and as amended from time to time by the Plan Commission; the purpose of such plan includes to serve as a guide in the zoning and progressive changes in the zoning of land and to meet the changing needs, in the subdividing and use of undeveloped land, and in the acquisition of rights-of-way or sites for public purposes such as streets, parks, schools, and public buildings.
119. "Letter of Map Amendment (LOMA)." Official notification from the Federal Emergency Management Agency (FEMA) that a Flood Hazard Boundary Map or Flood Insurance Rate Map has been amended.

120. "Letter of Map Revision (LOMR)." Official notification from the Federal Emergency Management Agency (FEMA) that it has made a modification to an effective Flood Insurance Rate Map or Flood Boundary and Floodway Map, or both. The LOMR officially revises the Flood Insurance Rate Map or Flood Boundary and Floodway Map, or both.

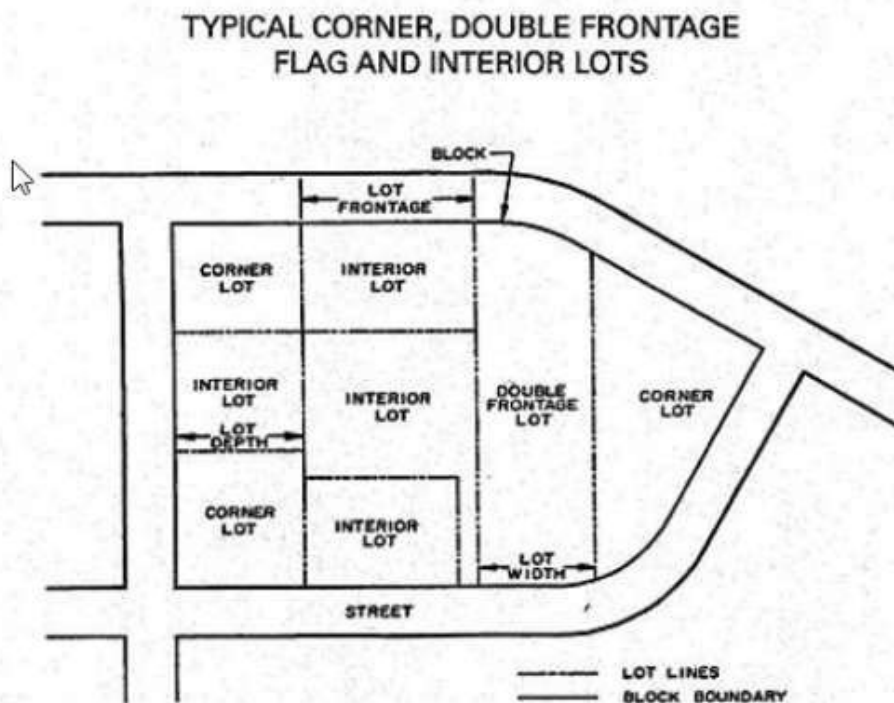
121. "Living Area." The total area bounded by the exterior walls of a residential building at the floor levels, but not including basement, utility rooms, garages, porches, breezeways, and unfinished attics.

122. "Loading Area." A completely off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of authorized vehicles while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

123. "Lot." A parcel of land on which a permitted building or buildings and any accessory buildings are placed, or utilized for a permitted use and uses accessory thereto, together with the open spaces as required by this Code , provided that no such parcel shall be bisected by a public street and should not include any portion of a public right-of-way. No lands dedicated to the public or reserved for roadway purposes should be included in the computation of lot size.

124. "Lot, Corner." A lot abutting two or more streets at their intersection or on two parts of the same street, provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side. (See example in Illustration No. 1.)

ILLUSTRATION NO. 1



125. "Lot, Double Frontage." A parcel of land, other than a corner lot, with frontage on more than one street or with frontage on a street and a navigable body of water. (See example in illustration No. 1.)

126. "Lot Frontage." The dimension of a lot abutting a public street measured along the street right-of-

127. "Lot, Interior." A lot with frontage on one street which is bounded by adjacent lots along each side and a lot behind fronting on a different street.

a. (Cr. #38-02) (Am. #45-07) "Lot, Substandard." A lot created by subdivision plat or subsequently altered or created by metes and bounds conveyance and recorded with the Waukesha County Register of Deeds that does not comply with the width or area requirements for the Zoning District in which it is located.

128. "Lot Width." The width of a parcel of land measured at the setback line.

129. "Lumber Yard." A facility where building materials such as lumber, plywood, drywall, paneling, cement blocks and other cement products, and other building products are stored and sold. Lumber yards may also process lumber by performing millwork, planing, cutting, and other customizing processes. Lumber yards may provide for the sale of associated products including tools and fasteners.

130. "Machine Shops." 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 shops; and overhaul shops.

131. "Manufacturing, Industrial." The making or processing of a product with machinery.

132. "Market Study." The process of analyzing and interpreting data relating to a proposed shopping center, including extent of the trade area to be served, characteristics of the population conditions, competitive influences of other shopping centers, adequacy of the site and any other factors that might influence the success or failure of the center.

132a. (Cr. #15-14) "Membrane Structure." A structure usually consisting of an aluminum, steel, or plastic frame which is covered by a plastic, fabric, canvas or similar non-permanent material and is used to provide for storage of vehicles, boats, recreational vehicles or other personal property. This term shall also apply to canopy covered carports or tent garages.

133. "Minor Structures." Any small, movable accessory structure or building such as birdhouses, tool houses, pet houses, play equipment, arbors, and walls and fences.

134. "Mezzanine." A story which covers one-third (1/3) or less of the area of the story directly underneath it. A mezzanine shall be deemed a full story if it covers more than one-third (1/3) of the area of the story directly underneath such mezzanine story.

135. "Mineral." Any chemical element occurring naturally as a product of inorganic processes.

136. "Mobile Home" or "Manufactured Home." A structure transported in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. For the purpose of this Ordinance, it does not include recreational vehicles or travel trailers which remain licensed and ready for highway use and remain on-site less than 180 days.

137. "Motel." A series of attached, semi-attached, or detached sleeping units for the accommodation of transient guests where each unit contains attached bathroom facilities.

138. "Navigable Water." Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all rivers, streams, ponds, sloughs, flowages, and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. The Wisconsin Supreme Court has declared navigable all bodies of water with a bed differentiated from adjacent uplands and with levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. [Muench v. Public Service Commission, 261 Wis. 492

(1952), and *Gaynor and Co., Inc. v. Department of Natural Resources*, 70 Wis. 2d 936 (1975)] For the purpose of this Chapter, rivers and streams will be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps until such time that the Wisconsin Department of Natural Resources has made an onsite determination that the waterway is not, in fact, navigable.

139. "Nonconforming Use." An active and actual use of land and/or buildings that is impermissible under current zoning regulations but is allowed because the use of the land and/or buildings was lawful prior to the adoption or amendment of the zoning ordinance.

140. "Nursing Home." A place where five (5) or more persons who are not related to the operator or administrator reside, receive care or treatment and, because of their mental or physical condition, require access to 24-hour nursing services, including limited nursing care, intermediate level nursing care and skilled nursing services. "Nursing Home" does not include the following: a convent or facility owned or operated exclusively by and for members of a religious order that provides reception and care or treatment of an individual; a hospice as defined in Wisconsin Statutes Section 50.90(1) that directly provides inpatient care; or a residential care apartment complex.

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

142. "Ordinary Highwater Mark." The point on the bank or shore of a body of water up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

143. "Overlay District." (See "District, Overlay.")

143a. (Cr. #15-14) "Portable Storage Structure." A transportable storage structure that is designed and used primarily for the storage of household goods, personal items and other materials for use on a limited basis on residential property. Such structures are uniquely designed for their ease of loading to and from a transport vehicle. For the purposes of this ordinance, the trailer portion of a tractor trailer, boxcars and shipping containers shall also be considered portable storage structures when expressly used for the purposes of on-site storage in residential districts.

144. "Private Parking Area." An open area, including parking spaces and adjacent drives, for the same uses as a private garage.

145. "Parking Lot." An open area other than a street or other public way used for the parking of automobiles and available to the public, whether for a fee, free or as an accommodation for clients or customers.

146. "Patio." A level, surfaced area directly adjacent to a principal structure at or within twelve (12) inches of the finished yard grade and not covered by a permanent roof.

146a. "Payday Lender." (Cr. #16-13) A business that makes payday loans owned by a person required to hold a license to make payday loans issued by the Wisconsin Department of Financial Institutions Division of Banking under section 138.14(5), Wis. Stats.

146b. "Payday Loans." (Cr. #16-13) "Payday loan" means any of the following:

a. A transaction between an individual with an account at a financial establishment and another person, including a person who is not physically located in this state, in which the person agrees to accept from the individual one or more checks, to hold the check or checks for a period of time before

negotiating or presenting the check or checks for payment, and to loan to the individual, for a term of 90 days or less, before negotiating or presenting the check or checks for payment, an amount that is agreed to by the individual.

b. A transaction between an individual with an account at a financial establishment and another person, including a person who is not physically located in this state, in which the person agrees to accept the individual's authorization to initiate one or more electronic fund transfers from the account, to wait a period of time before initiating the electronic fund transfer or transfers, and to loan to the individual, for a term of 90 days or less, before initiating the electronic fund transfer or transfers, an amount that is agreed to by the individual.

147. "Performance." A criterion established in the interest of protecting the public health and safety of the control of noise, odor, smoke, noxious gases and other objectionable or dangerous elements generated by and inherent in or incidental to land uses.

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

149. "Permitted Use." (See "Use, Permitted.")

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

151. "Reach." A longitudinal segment of a stream generally including those floodlands wherein flood stages are primarily and commonly controlled by the same man-made or natural obstructions to flow.

152. "Recycling." The process by which waste products such as metal cans, scrap metal, paper, or glass are reduced to raw materials for transformation into new and different products. For the purpose of this Ordinance, recycling does not include the reclamation of sewage sludge, food wastes, or other organic materials.

153. "Regional Flood." The flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics. The flood frequency of the regional flood is once in every 100 years; this means that in any given year, there is a one percent chance that the regional flood may occur or be exceeded. During a typical 30-year mortgage period, the regional flood has a 26 percent chance of occurrence.

154. "Restaurant." Any building, room or place wherein meals or lunches are prepared or served or sold to transients or the general public, and all places used in connection therewith. "Meals or lunches" shall not include soft drinks, ice cream, milk, milk drinks, ices and confections. The serving in taverns of free lunches consisting of popcorn, cheese, crackers, pretzels, cold sausage, cured fish or bread and butter shall not constitute such taverns to be restaurants. The term "restaurant" also does not apply to churches, religious, fraternal, youths' or patriotic organizations, service clubs and civic or union organizations which occasionally prepare or serve or sell meals or lunches to transients or the general public nor shall it include any public or private school lunchroom.

155. "Rooming House." Any building, structure, or part thereof in which rooming units are regularly furnished by prearrangement for compensation to persons. Nursing Homes, Housing for the Elderly, college dormitories designated as such by an accredited institution of higher learning, hospitals and sanitariums, Hotels and Motels licensed by the State of Wisconsin and Families as defined herein are not included within this definition.

156. "Roadside Stand." A temporary structure designed or used for the display or sale of agricultural products produced on the premises upon which such a stand is located.

157. "Rummage Sale." The occasional sale of personal property at a dwelling conducted in whole or in part by one or more persons residing in said dwelling. Rummage sales do not involve the resale of merchandise acquired for that purpose. Rummage sales are also known as "garage sales." Flea markets, defined elsewhere in this Section, are not rummage sales.

158. "Satellite Dish Antenna." (See "Antenna, Earth Station Dish," and "Antenna, Television Broadcast Satellite.")

159. "School, Elementary, Middle, and High." An institution of learning which offers instructions in the several branches of learning and study required to be taught in the public schools by the applicable statutes of the State of Wisconsin.

160. "Screening." A hedge, wall or fence to provide a visual separator and physical barrier not less than four (4) feet nor more than six (6) feet in height, unless otherwise provided for in this chapter.

161. "Setback." A distance specified in this chapter, measured horizontally on a lot from and at right angles to the front lot line or the right-of-way line of an existing or proposed street or from a base setback line, whichever results in the greater street yard depth. (See also "Yard, Street.")

162. "Shopping Center." A group of commercial establishments for the retail sale of goods planned, constructed, and managed as a total entity with ample customer and employee parking provided on-site, with provision for goods delivery separated from customer access, and with aesthetic considerations and protection from the elements. (See also "Strip Shopping.")

163. "Shopping Center, Neighborhood." A Shopping Center occupying 1 to 10 acres.

164. "Shopping Center, Community." A Shopping Center occupying 10 to 50 acres of land. Community Shopping Centers may include a junior department store or discount store.

165. "Shopping Center, Regional." A shopping center occupying 50 acres or more. Regional Shopping Centers may possess one or more full line department stores.

166. "Shorelands." Those lands lying within the following distances from the ordinary high water mark of navigable waters: 1,000 feet from a navigable lake, pond or flowage; and 300 feet from a navigable river or stream; or to the landward side of the floodplain, whichever distance is greater. Shorelands shall not include those lands adjacent to farm drainage ditches where (a) such lands are not adjacent to a navigable stream or river; (b) those parts of such drainage ditches adjacent to such lands were non-navigable streams before ditching or had no previous stream history; and (c) such lands are maintained in non-structural agricultural use.

167. "Sign, Area." The total exterior surface computed in square feet of a sign having but one exposed exterior surface; one half (1/2) the total of the exposed exterior surface computed in square feet of a sign having more than one such surface.

168. "Stable, Commercial." A stable for horses, mules or ponies which are let, hired, used or boarded on a commercial basis and for compensation.

169. "Stable, Private." An accessory building for the keeping of horses, mules or ponies owned by the occupant of the premises and not kept for remuneration, hire or sale.

170. "Standard, Equipment." A criterion for the control of type and placing of industrial equipment.

171. "Story." That portion of a building, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.

172. "Story, Half." A half story is that part of a building between the eaves and the ridge line of pitched roofs, not for human occupancy.

173. "Sorority House." See "Fraternity House."

174. "Street." A public right-of-way not less than fifty (50) feet wide providing primary access to abutting properties, or any such right-of-way more than thirty (30) feet in width provided it existed prior to December 5, 1957. The term "Street" shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term.

175. "Strip Shopping." A pattern of commercial development for the retail sale of goods located along one or both sides of a street which is generally one lot in depth and is characterized by multiple closely spaced driveways, low open space and landscaping ratios, and high floor area ratios. (See also "Shopping Center.")

176. "Structural Alterations." Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders.

177. "Structure." Any erection or construction, such as buildings, prefabricated or pre-built buildings, towers, masts, poles, booms, signs, fences, carports, machinery, or equipment.

178. "Substantial Damages." Damage sustained by a structure whereby the cost of repairing or restoring the structure to its pre-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

179. "Substantial Improvement." Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the assessed value presently on file with the Office of the Assessor 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.

180. "Surety." Whenever the terms "surety," "surety bond," or "bond" are used in this Ordinance, said term shall describe only an irrevocable letter of credit or a cash bond as approved by the City Attorney.

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

182. "Swimming Pool." A receptacle for water, or an artificial pool of water, which has at any point a depth of more than two feet, whether above or below the ground, used or intended to be used by the owner thereof, or invitees, for swimming, and includes all structures, appurtenances, equipment, appliances, and other facilities appurtenant thereto.

183. "Tavern." An establishment licensed under Chapter 125, Wisconsin Statutes, in which fermented malt beverages or intoxicating liquors are sold for consumption upon said premises.

184. "Theater." A building or part of a building devoted to showing motion pictures, or for dramatic, musical, or live performances.

185. "Thoroughfare, Primary or Secondary." An officially designated Federal or State numbered highway or County or other road or street designated as a primary thoroughfare on the official Thoroughfare Plan of the City, or a County or other road or street designated as a secondary thoroughfare on such Plan, respectively.

186. "Thoroughfare, Plan." The official Thoroughfare Plan as adopted by the Plan Commission, establishing the location and official right-of-way width of principal highways and streets in the City, on file in the office of the City Clerk and the Plan Commission, together with all amendments thereto subsequently adopted.

187. "Townhouses." A group of single-family dwellings, also called row houses, having an unpierced common wall between each adjacent section and the end units having side yards. Townhouses each have their own front and rear access to the outside, and no unit is located over another unit.

188. "Trailer." Any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade or occupation or use as a selling or advertising device, or use for storage or conveyance for animals, tools, equipment or machinery, and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor power.

189. "Trailer Park" or "Camp." Any lot or part thereof, or any parcel of land, which is used or offered as a location for two or more trailers used for any purposes set forth in the above "Trailer" definition.

190. "Transshipment Depot." An establishment primarily engaged in undertaking the transportation of goods from shippers to receivers for a charge covering the entire transportation route, and in turn, making use of services of other transportation establishments as instrumentalities in effective delivery.

191. "Turning Lane." An existing or proposed connecting roadway between two arterial streets or between an arterial street and any other street. Turning lanes include grade separated interchange ramps.

192. "Unnecessary Hardship." (Am. #3-04) The circumstance where special conditions, which are: (1) unique to the property in question and not a condition personal to the landowner; and (2) are not self-created or merely a matter of personal convenience; and (3) are not contrary to the public interest, affect a particular property and mean that, in the absence of a variance, the Ordinance provisions in question will be unnecessarily burdensome or unreasonable in light of the purpose of this Ordinance such that, for properties subject to shoreland or floodplain regulations, there is no reasonable use of the property in the absence of a variance.

193. "Use." The purpose or activity for which land or a building or structure thereon is designed, arranged, or intended, or for which it is or may be occupied or maintained.

194. "Use, Accessory." A subordinate use on the same lot which is incidental and customary in connection with the permitted principal use.

195. "Use, Conditional." Conditional uses are flexible devices designed to cope with situations where a particular use, though consistent with the use classification of specific zone, may create special problems if allowed to locate as a matter of right in a particular district. A conditional use permit allows the property owner to put property to a use which the ordinance expressly permits when certain

conditions have been met. "Special exception," as used in this chapter, shall have the same meaning as conditional use.

196. "Use, Permitted, Principal." A use which is lawfully established in a particular district or districts, provided it conforms with all requirements and regulations of such district in which such use is located.

197. "Use, Temporary." A short-term use of property permitted by the Commission for specified brief periods of time up to and including one year, with renewal for periods exceeding one year granted only upon further permission by the Commission or its designee.

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

199. "Variance." (Am. #3-04) A departure from the terms of this ordinance, as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship.

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

201. "Wireless Communications Facility." A land use facility, supporting antennas and microwave dishes that send and/or receive radio frequency signals which provide commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services. The facilities include structures, towers, and accessory buildings

202. "Yard." An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation and as otherwise provided in this Code. (See example in Illustration No. 2.)

ILLUSTRATION NO. 2 YARDS



203. "Yard, Street." 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 or right-of-way and a line parallel thereto through the nearest point of the principal structure; provided, if the proposed location of the right-of-way line of such street as established on the Thoroughfare Plan or on the "Official Map of the City of Waukesha" differs from that of the existing street, the required front yard depth shall be measured from the right-of-way line of such street as designated on the Thoroughfare Plan or Official Map. Corner lots and double frontage lots have two such yards. (See example in Illustration No. 2.)

204. "Yard, Rear." 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 nearest point of the principal structure. This yard is opposite the street yard or, in the case of a corner lot, opposite the street yard fronting the street to which the principal structure refers as its street address. (See example in Illustration No. 2.)

205. "Yard, Side." 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. (See example in Illustration No. 2.)

206. "Zero Lot Line." The location of a building or part thereof on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

207. "Zoning Administrator." The officer designated by the Common Council to administer the provisions of this chapter

208. "Zoning Map." The Zoning Map or Maps of the City, together with all amendments subsequently adopted.

(Rep. & recr. #35-83) (Rep. & recr. #66-01)