

## ARTICLE I. IN GENERAL

### Sec. 95.100. Authority.

This chapter is adopted pursuant to the authority granted by statute, including but not limited to Wis. Stats. §§ 60.62, 62.23(7), 62.23(7a), 87.30 and 91.51.

This chapter takes note of the dual authority of the County together with the Town and Village granted by Wisconsin Statutes §§ 59.692 and 281.31 relating to protection of natural resources in shoreland areas and § 59.693 relating to construction site erosion control and stormwater management of the town.

### Sec. 95.101. Title.

This chapter shall be known as, referred to, and cited as the Village of Weston Extraterritorial Zoning Ordinance of the Town of Weston, Marathon County, Wisconsin, and is referred to as "this chapter."

### Sec. 95.102. Jurisdiction.

(a) The provisions of this chapter shall apply to all structures, land, air space and surface and subsurface waters, within the extraterritorial zoning area.

(b) Lands within 1,000 feet of a lake, pond or flowage or within 300 feet of a river or stream or to the landward side of a floodplain, whichever is greater, are also regulated by the county relating to shorelands and floodlands.

(c) Extraterritorial Zoning Area. The following described area in the Town of Weston shall be subject to the provisions of this Chapter:

That part of Sections 1, 2, 3, 4, 9, 10, 11, 12, 13 and 14; all in Township 28 North, Range 8 East in the Town of Weston, Marathon County, Wisconsin; described as follows:

Beginning at the northwest corner of Section 4, Township 28 North, Range 8 East; thence east along the north line of said sections 4, 3 and 2 to a point located due north of the northwest corner of Lot 3 of Certified Survey Map Number 12025, recorded in Volume 51 of Certified Survey Maps, page 113; thence S 00°40'22" E, 41.25 feet, more or less, to the northwest corner of said Lot 3 of Certified Survey Map Number 12025; thence continuing S 00°40'22" E along the west line of said Lot 3, 50.00 feet; thence S 47°40'00" W along the westerly line of said Lot 3, 190.00 feet; thence S 14°02'34" E along the westerly line of said Lot 3, 474.95 feet to the southwest corner of said Lot 3; thence N 89°50'19" E along the south line of said Lot 3 and also along the north line of Lot 4 of said Certified Survey Map Number 12025, 274.55 feet to the northeast corner of said Lot 4; thence S 37°38'00" E along the northeasterly line of said Lot 4, 267.34 feet; thence S 87°38'01" E along the north line of said Lot 4; 233.00 feet, more or less, to the east line of the northeast ¼ of said Section 2; thence south along the said northeast ¼ of Section 2, 1653.28 feet, more or less, to the west ¼ corner of said Section 1; thence east along the north line of the northwest ¼ of the southwest ¼ of Section 1, 1320.00 feet, more or less, to

the northeast corner of the said northwest  $\frac{1}{4}$  of the southwest  $\frac{1}{4}$ ; thence south along the east line of the said northwest  $\frac{1}{4}$  of the southwest  $\frac{1}{4}$  and also along the east line of the southwest  $\frac{1}{4}$  of the southwest  $\frac{1}{4}$  of Section 1, 2640.00 feet, more or less, to the southeast corner of the said southwest  $\frac{1}{4}$  of the southwest  $\frac{1}{4}$ ; thence south along the east line of the northwest  $\frac{1}{4}$  of the northwest  $\frac{1}{4}$  of Section 12, 1320.00 feet, more or less, to the southeast corner of the said northwest  $\frac{1}{4}$  of the northwest  $\frac{1}{4}$ ; thence east along the north line of the southeast  $\frac{1}{4}$  of the northwest  $\frac{1}{4}$ ; 1320.00 feet to the northeast corner of the said southeast  $\frac{1}{4}$  of the northwest  $\frac{1}{4}$ ; thence south along the east line of the said southeast  $\frac{1}{4}$  of the northwest  $\frac{1}{4}$ , 1320.00 feet, more or less, to the center section corner of said Section 12; thence east along the north line of the southeast  $\frac{1}{4}$  of said Section 12, 2640.00 feet, more or less, to the east  $\frac{1}{4}$  corner of said Section 12; thence south along the east line of the said southeast  $\frac{1}{4}$  of said Section 12, 2640.00 feet to the southeast corner of said Section 12; thence south along the east line of said Section 13, 4400.00 feet, more or less to the Eau Claire River; thence westerly along the said Eau Claire River a distance of 2 miles, more or less to the point where said Eau Claire River intersects the west line of the southwest  $\frac{1}{4}$  of said Section 14; thence north along the west line of said Section 14, 3500 feet, more or less, to the northwest corner of said Section 14; thence north along the east line of the southeast  $\frac{1}{4}$  of said Section 10, 1320.00 feet, more or less, to the northeast corner of the said southeast  $\frac{1}{4}$  of the southeast  $\frac{1}{4}$ ; thence west along the north line of the southeast  $\frac{1}{4}$  of the southeast  $\frac{1}{4}$  and also along the north line of the southwest  $\frac{1}{4}$  of the southeast  $\frac{1}{4}$ , 2640.00 feet, more or less, to the northwest corner of the said southwest  $\frac{1}{4}$  of the southeast  $\frac{1}{4}$  of said Section 10; thence north along the west line of the northwest  $\frac{1}{4}$  of the southeast  $\frac{1}{4}$  of said Section 10, 1320.00 feet, more or less, to the center section corner of said Section 10; thence east along the north line of the southeast  $\frac{1}{4}$  of said Section 10, 2640.00 feet, more or less, to the east  $\frac{1}{4}$  corner of said Section 10; thence north along the east line of the southeast  $\frac{1}{4}$  of the northeast  $\frac{1}{4}$  of said Section 10, 1320.00 feet, more or less, to the northeast corner of the said southeast  $\frac{1}{4}$  of the northeast  $\frac{1}{4}$ ; thence west along the north line of the said southeast  $\frac{1}{4}$  the northeast  $\frac{1}{4}$  and also along the north line of the southwest  $\frac{1}{4}$  of the northeast  $\frac{1}{4}$  of Section 10, 2640.00 feet, more or less, to the northwest corner of the said southwest  $\frac{1}{4}$  of the northeast  $\frac{1}{4}$ ; thence north along the west line of the northwest  $\frac{1}{4}$  of the northeast  $\frac{1}{4}$  of said Section 10, 1320.00 feet, more or less, to the north  $\frac{1}{4}$  corner of said Section 10; thence west along the north line of the northwest  $\frac{1}{4}$  of said Section 10, 2640.00 feet, more or less, to the northwest corner of said Section 10; thence west along the north line of the northeast  $\frac{1}{4}$  of the northeast  $\frac{1}{4}$  of said Section 9, 100 feet, more or less, to Big Sandy Creek; thence southwesterly along said Big Sandy Creek to a point on a south line of the northwest  $\frac{1}{4}$  of the northeast  $\frac{1}{4}$  of said Section 9; thence west along the south line of the said northwest  $\frac{1}{4}$  of the northeast  $\frac{1}{4}$  and also along the south line of the northeast  $\frac{1}{4}$  of the northwest  $\frac{1}{4}$ , 1850 feet, more or less to the southeast corner of the northwest  $\frac{1}{4}$  of the northwest  $\frac{1}{4}$  of said Section 9; thence north along the east line of the said northwest  $\frac{1}{4}$  of the northwest  $\frac{1}{4}$ , 1320.00 feet, more or less, to the northeast corner of the said northwest  $\frac{1}{4}$  of the northwest  $\frac{1}{4}$ , thence west along the north line of the northwest  $\frac{1}{4}$  of the northwest  $\frac{1}{4}$  of said Section 9, 1320.00 feet, more or less, to the southwest corner of said Section 4; thence north along the west line of said Section 4, 5240.00 feet, more or less, to the point of beginning.

The Extraterritorial Zoning Area is shown on the official "Extraterritorial Map" which shall be kept in the office of the Village of Weston Clerk and shall be open to public inspection during regular office hours.

As of the date of adoption of this Article, future annexations of the Town of Weston, by the Village of Weston will not be reflected in this Section but will be subject to this ordinance. The new area of the ETZ boundary will be determined by extending the ETZ boundary out one and one-half miles from the new village boundary, rounded out to the existing property line. All property owners new to the ETZ area will be notified of this change by certified mail. The current ETZ area description above also includes lands that are currently defined in the Boundary Agreement between the City of Wausau and the Town of Weston dated November 24, 1993. These lands, shown on Exhibit B of the Boundary

Agreement and described as those lands in the Town of Weston north of the Big Sandy Creek, included in the current ETZ Area boundary, will continue to be governed by the Town of Weston Zoning Code until the expiration of the boundary agreement on November 24, 2013. As of November 24, 2013, the ETZ Committee will begin enforcement of this Code within the area defined in the boundary agreement.

(d) Town of Weston Territory outside of the Extraterritorial Zoning Area. The territory of the Town of Weston outside of the Extraterritorial Zoning Area will not be subject to this ordinance. It will continue to be governed under the Town of Weston Code of Ordinances and the traditional roles of the Plan Commission and Town Board. As of the adoption date of this Article, these territories consist of all territory of the Town not described in Section 95.102 (c) or currently governed by the City of Wausau and Town of Weston Boundary Agreement dated November 24, 1993.

**Sec. 95.103. Purpose.**

The purpose of this extraterritorial zoning ordinance is to promote the public health, safety, and general welfare and to provide controls over the use of land adjacent to the boundaries of the Village of Weston in the Town of Weston. It is also intended to conserve the value of land and buildings, encourage the most appropriate use of the land, lessen congestion in the streets, secure safety from fire, panic, and other dangers, provide adequate light and air, prevent overcrowding of the land, avoid an undue concentration of population, and facilitate the provision of transportation, water, sewer, schools, parks, and other public improvements.

**Sec. 95.104. Intent.**

It is the intent of this chapter to carry out the statutory purposes enumerated in Wis. Stats. §§ 60.61, 61.35, 62.23(7) and 62.23(7a), including but not limited to:

- (1) Regulate areas in which various land uses may be conducted;
- (2) Regulate the location of community facilities;
- (3) Regulate the location and operation of economic development areas;
- (4) Regulate the location, bulk, height and similar features of structures, including the overall population density of the community;
- (5) Establish zoning districts to accomplish these purposes;
- (6) Regulate land use along natural watercourses to protect such courses;
- (7) Regulate development and natural growth near airport runways;
- (8) Regulate land use for the protection of groundwater resources;
- (9) Provide for the preservation of burial sites;
- (10) Regulate so as to preserve areas with historic or aesthetic value;
- (11) Provide for special planned development districts pursuant to Wis. Stats. §62.23(7)(b).

### **Sec. 95.105. Purposes in view.**

(a) In accordance with Wis. Stats. § 62.23(7)(c) and 62.23(7a), the regulations of this chapter shall be made and administered in accordance with a comprehensive plan as authorized in Wis. Stats. §62.23(3).

(b) In accordance with Wis. Stats. § 62.23(7)(c) and 62.23(7a) and the related areas of the statutes cited in the authority of subsection (a) of this section, the regulations of this chapter are designed to:

- (1) Lessen congestion in the streets.
- (2) Secure safety from fire, panic and other dangers, including flooding and soil erosion.
- (3) Provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems.
- (4) Prevent the overcrowding of land and the destruction of natural resource areas such as wetlands and woodlots.
- (5) Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.
- (6) Relate the regulations to the character of the neighborhood and its suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the community.
- (7) Provide appropriate, predictable, and necessary land use controls within the Village of Weston's extraterritorial zoning jurisdiction that lies within the Town of Weston.

### **Sec. 95.106. Abrogation and greater restrictions.**

It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules or permits previously adopted or issued pursuant to law. Whenever the provisions of this Chapter shall conflict with any state statute, village ordinance, regulation or any permit previously issued according to law applicable to the use of land or structures in the area, the more stringent law, ordinance, regulation, restriction, or requirement shall govern.

### **Sec. 95.107. Liberal construction.**

In the interpretation and application of this chapter, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the village and town and shall not be construed to be a limitation or repeal of any other power granted by statute or now possessed by the village and town.

**Sec. 95.108. Severability and nonliability.**

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

(b) If any application of this chapter to a particular structure, land or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land or water not specifically included in the judgment.

(c) The town and village does not guarantee, warrant or represent that only those areas designated as floodlands or wetlands will be subject to periodic inundation or that those soils listed as unsuitable for various uses are the only unsuitable soils, and asserts that there is no liability on the part of the village, its agencies or employees, for any flood damage, sanitation problems, or structural or other damages that may occur as a result of reliance upon and conformance with this chapter.

**Sec. 95.109. Effective date.**

This chapter became effective January 10, 2008, upon adoption by the village board after the public hearing and after the review and approval by the extraterritorial zoning committee required under Wis. Stats. §62.23(7) and 62.23(7a) and Sec. 95.222 of this chapter.

**Sec. 95.110. Compliance.**

No structure, land or water shall be used and no structure shall be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit, except as specifically exempted in this chapter, without full compliance with the provisions of this chapter.

**Sec. 95.111. Previously issued permits.**

Zoning permits issued in compliance with law prior to the effective date of any amendments to this chapter which affect the terms of such permits remain valid provided substantial work authorized by the permit has been commenced within six months of the date of permit issuance, and provided work is being diligently pursued so as to be eligible, in the opinion of the zoning administrator, for issuance of a zoning occupancy permit within 18 months of the zoning permit issuance date.

**Sec. 95.112. Word use and measurements.**

In the construction of this chapter, the following words, rules and definitions contained in this article shall be observed and applied, except when the context clearly indicated otherwise:

- (1) Words used in the present tense shall also include the future; and words used in the singular number shall also include the plural and the plural shall also include the singular.
- (2) The word "shall" is mandatory and not discretionary.
- (3) The word "may" is permissive.

- (4) The word "lot" shall also include the words "piece," "parcel" and "plots."
- (5) The word "building" includes all other structures of every kind regardless of their lack of similarity to buildings.
- (6) The phrase "used for" shall include "arranged for," "designed for," "intended for," "maintained for" and "occupied for."
- (7) The word "person" applies to persons, individuals, associations, proprietorships, corporations and partnerships.
- (8) All measured distances shall be to the nearest integral foot. If a fraction is one-half foot or less, the next below shall be taken.

### **Sec. 95.113. Definitions.**

*A zones* means those areas shown on a municipality's official floodplain zoning map (see below) which would be inundated by the regional flood as defined in this section. These areas may be numbered or unnumbered A zones. The A zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

*Access* means a way of approaching or exiting a property. Access also includes ingress, the right to enter, and egress, the right to leave.

*Accessory use of structure.* (See section 95.123(b)(2).)

*Addition* means any construction that increases the size of a building, such as a porch, attached garage or carport, or a new room or wing. An addition is a form of alteration.

*Airport* means an area of land or water used or intended for use for the landing and taking off of aircraft, and any appurtenant areas used or intended for use for airport buildings or other airport facilities or right-of-way, including all necessary taxiways, aircraft storage and tiedown areas, hangars, and other necessary buildings and open spaces. See Wis. Stats. § 114.002.

*Airstrip or landing field* means any land intended for the landing or takeoff of aircraft.

*Alley* means a special public right-of-way affording only secondary access to abutting properties typically at the rear or sides. (See also "Street, frontage.")

*Alterations* means a physical change in a building or an addition to it. As applied to a building or structure, it means a change or rearrangement in the structural parts or in the exit facilities or an enlargement, whether by extending on a side, by increasing in height, or the moving from one location or position to another.

*Animal hospital, small,* means a building or premises for the medical or surgical treatment of domestic animals or pets, including dogs and cats, as contrasted with veterinary facilities for farm and other large animals such as horses and cows, and distinguished from a kennel in that no outdoor runs shall be permitted for boarded animals.

*Apartment* means a suite of rooms or a room in a multiple dwelling, which suite or room is arranged, intended or designed to be occupied as a residence of a single family, individual or group of individuals. (See "Family.")

*Apartment, efficiency*, means a one-room apartment, not counting kitchen or bath, designed for occupancy by a single individual.

*Apartment hotel* means a building or that portion used for or containing both individual guest rooms and dwelling units designed for more or less permanent occupancy.

*Apartment house* means a building or that portion containing three or more dwelling units, usually, but not necessarily, sharing a common building entrance. (See also "Townhouse.") (See "Dwelling, multiple.")

*Aquifer* means a saturated, permeable, geologic formation that contains and will yield significant quantities of water.

*Area* means the same as "tract," which is a piece of land capable of being described with such definiteness that its location may be established and its boundaries ascertained.

*Arterial, principal*, means roadways designed to accommodate long trips at the highest allowable speeds within and through the village. They connect all subregions within the area and urban and rural service areas, as well as by providing connections to out-of-state cities. Direct land access to principal arterials is typically restricted.

*Automobile salvage or wrecking yard* means any place where two or more motor vehicles not in running condition, or their parts, are stored in the open and are not being restored to operation, or any land, building or structure used for wrecking or storing of such motor vehicles or farm machinery, or their parts, including the commercial salvaging of any other goods, articles or merchandise.

*Automobile service station* means a retail place of business where gasoline, kerosene or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles and possibly including facilities for greasing, oiling, washing and minor repair of vehicles on the premises, but not including automatic car washing or any body repair facilities or storage of vehicles for scrap or spare parts.

*Auto laundry*. (See "Carwash.")

*Awning* means a roof-like cover that project from the wall of a building for the purpose of shielding a doorway or window from the elements.

*Base flood* means a flood having a one percent chance of being equaled or exceeded in any given year. (See also "Regional flood.")

*Base flood elevation* means an elevation equal to that which reflects the height of the base flood as defined above.

*Base setback area* means the land lying between the edge of the existing street right-of-way and the base setback line.

*Base setback line* means the line from which all required setbacks are measured, which line corresponds to the established ultimate street right-of-way line as set forth in section 95.125(b)(1).

*Basement* means a portion of a building located partly underground, but for purposes of computing floor area ratio having half or less than its floor-to-ceiling height below the average grade of the adjoining ground. (See also "Cellar.")

*Bed and breakfast lodging.* (See "Tourist home.")

*Billboard* means a type of sign that advertises products, services or speech not related to the premises on which the sign is located.

*Boardinghouse* means a building or premises where meals, or meals and lodging, are offered for compensation for four or more persons, but not more than 12 persons and having no more than four sleeping rooms for this purpose in addition to any apartment occupied by the operator. An establishment where meals are served for compensation for more than four sleeping rooms shall be deemed a hotel or motel. (Also, see "Roominghouse.")

*Board,* means the Village of Weston Board of Trustees.

*Boathouse, private,* means any accessory building designed for the purpose of storing boats and other water-related recreational materials, and accessible from the water.

*Buildable area* means the portion of a lot remaining after required yards have been provided. (See section 95.126(e) and also "Floor area ratio" and "Open space.")

*Building* means any structure used, designed or intended for the roofed shelter, enclosure or protection of persons, machinery, animals or materials, and is permanently affixed to the land. (See "Manufactured/mobile home" and "Recreational vehicle.")

*Building, detached,* means a principal building surrounded by open space on the same lot.

*Building, principal,* means the building on a lot in which is conducted the principal use as permitted on such lot by the regulations of the district in which it is located.

*Building, height of,* means the vertical distance from the average building grade in front of the structure at the building line, to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the highest point of the highest gable of a gambrel, hip, round, arched or pitch roof. (See section 95.125(d).)

*Building line.* (See section 95.125.)

*Bulkhead line* means a geographic line along a reach of navigable water that has been adopted by ordinance and approved by the department of natural resources pursuant to Wis. Stats. § 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 or other provisions of this chapter.

*Business* means any establishment, occupation, employment or enterprise wherein merchandise is manufactured, repaired, exhibited, stored or sold, or where services are offered for compensation. (See "Home occupation" and "Residential business.")

*Campground* means any area or tract of land used to accommodate two or more camping parties, including cabins, tents, house trailers, or other camping outfits for overnight occupancy.

*Camping trailer* means any shelter designed to provide sleeping, eating and living quarters and designed to be transported on wheels from place to place, but being less than 20 feet in length. In any such shelter that exceeds 20 feet, it shall be considered a house trailer; and if the wheels have been removed, it shall be construed as a permanent dwelling structure. (See also "Recreational vehicle.")

*Carport* means a structure having a roof, with or without supporting walls, posts or columns, used, designed or intended to be used for the protection or shelter of private motor vehicles. For the purpose of this chapter, a carport shall be considered to be the equivalent of a garage except when computing minimum required residential floor area.

*Carwash* means any facility used for the washing of passenger car sized vehicles requiring the installation of special equipment or machinery and plumbing affixed to or affixed separate of a structure.

*Cellar* means that portion of the building having more than half the floor-to-ceiling height below the average grade of the adjoining ground, and not qualifying as floor area.

*Cemetery* means land used for the burial of the dead, and dedicated for cemetery purposes, including columbarium, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

*Certificate of compliance* means a certification issued by the zoning administrator stating 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 chapter.

*Channel* means those floodlands normally occupied by a stream of water under average annual high water flow conditions while confined within generally well-established banks.

*Channeling* means the act or action that results in an interconnection of two bodies of water, usually navigable by surface craft.

*Child care center.* (See "Family day care home" or "Large group day care center.")

*Church* means a building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship.

*Clinic, medical or dental,* means a group of medical or dental offices organized as a unified facility to provide medical or dental treatment as contrasted with an unrelated group of such offices, but not including overnight bed patient care.

*Closed cup flash point* means the lowest temperature at which a combustible liquid under prescribed conditions will give off a flammable vapor, which will propagate a flame. The Tag closed cup tester shall be authoritative for liquids having a flash point below 175 degrees Fahrenheit. The Pensky-Martens tester shall be authoritative for liquids having flash points between 175 degrees Fahrenheit and 350 degrees Fahrenheit.

*Club or lodge* means buildings and facilities, owned or operated by a corporation, association, person or persons, for a social, educational or recreational purpose, to which membership is required for participation and not operated primarily for profit nor to render a service customarily carried on as a business. Restaurant or alcoholic beverage serving services shall be secondary to the main purposes and use of the property.

*Collector* means roadways designed to perform the function of collecting traffic from local streets and distributing it to and from arterials.

*Commercial antenna* means any antenna regardless of height or size erected for the purpose of providing public entertainment and information or subleased to other individuals or corporations including partnerships, associations, etc., for the same purposes.

*Community living arrangements* means any facility falling within the definition of Wis. Stats. § 46.03(22).

*Conditional uses.* (See Article VI of this chapter.)

*Condominium* means the ownership of single units in a multiunit structure or of single units on a tract with more than one such unit where the land or other common areas and facilities are owned jointly.

*Cone of depression* means the area around a well in which the water level has been lowered at least one-tenth of a foot by pumping of the well.

*Conservation standards* means guidelines and specifications for soil and water conservation practices and management enumerated in the technical guide prepared by the USDA Soil Conservation Service for a county, adopted by the county soil and water conservation district supervisors, 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.

*Conversion* means any modification or change to an existing dwelling, which is intended to or actually does increase the number of dwelling or room units.

*Crown cover* means the ratio between the amount of land shaded by the vertical projection of the branches and foliage area of standing trees to the total area of land, usually expressed as a percentage.

*Decibel* means a logarithmic unit of measurement of the intensity (loudness) of sound. Sound level meters employed to measure the intensity of sound are calibrated in decibels.

*Density, gross*, means the quotient of the total number of dwelling units divided by the gross site area. This form of computation usually applies only in planned unit developments.

*Density, net*, means the allowable number of dwelling units per net buildable site area after excluding all or portions of present and future street rights-of-way, wetlands, water bodies or floodplains.

*Developer* means the legal or beneficial owner of a lot or parcel of any land proposed for inclusion in a development, including the holder of an option or contract to purchase.

*Development* means any manmade change to improved or unimproved real estate, including but not limited to construction of or additions or substantial improvements to buildings, other structures or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations or deposition of materials.

*District, overlay*, means districts allowing for superimposing certain additional requirements or uses upon a basic zoning district. (See section 95.170(3).)

*Ditching* means the process of excavation for purposes of surface water drainage and removal; a shallow channel, not navigable, used for the conducting of waters.

*Dog kennel* means a facility for the keeping or boarding of more than three dogs over six months of age.

*Domestic servant* means a person who lives with the family of another, paying no rent for such occupancy and paying no part of the cost of utilities, performing household duties and working solely within the house for its upkeep and for the care and comfort and convenience of the family and occupants. No person, and no member of the family of any person, who pays rent for himself or his family shall be deemed the domestic servant of the person to whom such rent is paid.

*Dormitory* means a building or portion used for sleeping purposes in connection with a school, college or other institution.

*DNR* means the State Department of Natural Resources.

*Drain* means a surface ditch or underground tile line constructed for the purpose of lowering the water table so that land may be farmed or used for other purposes.

*Drain tile lane* means the placement of tile for the purpose of removing excess waters from the soil, either for agricultural purposes or for the removal of waters around the building foundations.

*Drainage basin* means the geographic area the general configuration of which causes surface waters to flow in a specified direction; the area, contained by a naturally defined watershed, draining all surface waters.

*Drainageway* means any natural or artificial watercourse, including but not limited to streams, rivers, creeks, ditches, channels, canals, conduits, culverts, streams, waterways, gullies, ravines or washes in which waters flow in a definite direction or force, either continuously or intermittently and including any adjacent area subject to inundation by reason of overflow or floodwater.

*Dredging* means the process of which bottom materials are removed from bodies of water for the purposes of deepening the body of water.

*Drive-in* means a term used to describe an establishment designed or operated to serve a patron while seated in an automobile parked in an off-street parking space.

*Drive-thru* means similar to drive-in, but the automobiles are made to form a queue of one or more lanes to be served at a window or automated teller outlet, rather than a parking space.

*Driveway.* (See "Access.")

*Dryland access* means a vehicular access route that 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.

*Duplex* means a building designed and/or used exclusively for residential purposes and containing two dwelling units.

*Dustfall* means the rate that particulate matter collects in an open jar for a 30-day period, expressed as tons per square mile per month. Procedures and equipment for the measurement of such shall be as standardized by the American Society for Testing and Materials.

*Dwelling, multiple,* means a building or portion designed for and occupied by two or more families, including apartment houses, and townhouses, also called row houses or townhomes.

*Dwelling, row house or townhouse,* means one of a series of three or more attached dwelling units separated from one another by continuous vertical party walls without openings from basement floor to roof.

*Dwelling, semi-detached,* means a dwelling having a party wall in common with another dwelling but which otherwise is designed to be and is substantially separate from any other structure or structures except accessory buildings.

*Dwelling, single-family attached,* means a residential structure designed to house a single-family unit from lowest level to roof, with private entrance, but not necessarily occupying a private lot, and sharing common walls between adjoining units. (See "Townhouse" or "Row house.")

*Dwelling, single-family detached,* means a residential structure designed to house a single family on a private lot and surrounded on all sides by a private yard.

*Dwelling, two-family,* means a detached or semi-detached building used for residential occupancy by two families living independently of each other.

*Earns a substantial part of his livelihood from the farm operation* means 25 percent or more of the annual gross income is earned from direct farm labor.

*Earth moving* means any process that physically alters the existing topography by means of mechanical or hydraulic equipment and the voiding of soils of vegetated cover so as to make the same soil susceptible to erosion.

*Earth removal* means the removal or extraction of any stone, sand, gravel, loam, topsoil, or other earth or earth product from a lot or parcel of land, except where such removal is for the purpose of grading a lot upon which a building is to be erected or a roadway or parking surface to be built.

*Earthborne vibrations* means a cyclic movement of the earth due to energy propagation.

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

*Efficiency apartment.* (See "Apartment, efficiency.")

*Egg production, commercial,* means a poultry confinement facility used or designed for the raising of poultry for egg production having a capacity of 200 or more hens.

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

*Encroachment* means any fill, structure, building, accessory use, principle use or development in the floodway.

*Equal degree of hydraulic encroachment* means the effect of any encroachment into the floodway must be computed by assuming an equal degree of hydraulic encroachment on the other side of a river or stream for a significant hydraulic reach. This computation assures that property owners up, down or across the river or stream will have the same rights of hydraulic encroachment. Encroachments are analyzed on the basis of the effect upon hydraulic conveyance, not upon the distance the encroachment extends into the floodway.

*Erosion* means the process by which the ground surface is worn away by action of wind or water.

*Essential services* means services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical, steam, water, sanitary sewage, stormwater drainage and communication systems and their accessories, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, underground water storage tanks, conduits, cables, stations and hydrants, but not including buildings.

*Excavation* means the act, by which soil, earth, sand, gravel, rock or any similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed, and shall include the conditions resulting therefrom.

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

*Extension, or to extend* means an increase in the amount of existing floor area used for an existing use within an existing building.

*Exterior storage* means outdoor storage of fuel, raw materials, products, equipment or motor vehicles.

*Extractive operations* mean the removal of rock, slate, gravel, sand, topsoil or other natural material from the earth by excavating, stripping, leveling or any other process.

*Extraterritorial Zoning (ETZ) Area* means the current boundary of the ETZ as defined in Section 95.102 (c) and shall be defined as 1-½ miles from the existing Village of Weston municipal boundary. This area shall change based on future annexations to the Village boundary.

*Extraterritorial Zoning Committee* means that committee set up pursuant to Village Resolution #VW-02-06 and Wisconsin Statutes Section 62.23(7a)(c).

*Family* means an individual or two or more persons related by blood, marriage, guardianship, foster care or adoption, including domestic servants and not to exceed one gratuitous guest, living together as a single housekeeping unit; or a group of not more than three persons not so related, maintaining a common household and using common cooking and kitchen facilities. (See also "Group home.")

*Family day care home* means a dwelling licensed as a day care center by the department of health and family services under Wis. Stats. §48.65, where care and supervision is provided for up to 8 children regardless of age for less than 24 hours a day without the attendance of a parent, relative or legal guardian. All such facilities shall comply with HFS Chapters 45, 46 and 55 and all other applicable municipal or state codes. These terms shall not include hospitals, nursing homes, Sunday schools, facilities under the direction of an established and accredited school system, facilities used for club or organization meetings when such club or organization regularly meets no more than once a week, or casual babysitting. (See also "Large Group Day Care Center")

*Farm* means an area used for the growing of the usual farm products such as vegetables, fruit trees, grain, etc., and their storage on the area, as well as for raising the usual farm poultry and farm animals, such as horses, cattle, sheep and swine, etc., except as restricted by this chapter.

*Federal Emergency Management Agency (FEMA)* means the federal agency that administers the National Flood Insurance Program. This agency was previously known as the Federal Insurance Administration (FIA), or Department of Housing and Urban Development (HUD).

*Flood or flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas caused by:

- (1) The overflow or rise of inland waters;
- (2) The rapid accumulation or runoff of surface waters from any source; and/or
- (3) 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 water moving back or forth, or by some similarly unusual event.

*Flood frequency* means the probability of a flood occurrence. A flood frequency is generally determined from statistical analyses. 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.

*Flood fringe* means that portion of the floodplain outside of the floodway covered by floodwaters during the regional flood and generally associated with standing water rather than flowing water.

*Flood hazard boundary map* means a map prepared by FEMA designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A zones and do not contain floodway lines or regional flood elevations. Such map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program.

*Flood insurance study* means 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 regional flood elevations and may provide floodway

lines. The flood hazard areas are designated as numbered and unnumbered A zones. Flood insurance study maps form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

*Flood profile* means 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.

*Flood protection elevation* means an elevation two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see "Freeboard.")

*Flood storage* means those floodplain areas where storage of floodwaters has been taken into account in reducing the regional flood discharge.

*Floodplain* means that land which has been or may be hereafter covered by floodwater during the regional flood. The floodplain includes the floodway and the flood fringe, and may include other designated floodplain areas for regulatory purposes.

*Floodplain district* means a zoning district designed to be mapped primarily along the lowlands adjacent to those rivers, streams and other waterways subject to overflow or flooding in times of heavy runoff. The primary purpose of such district is to prevent property damage or loss of life in the adjoining lowlands.

*Floodplain island* means a natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

*Floodplain management* means the full range of public policy and action for ensuring wise use of floodplains. It includes everything from the collection and dissemination of flood data to the acquisition of floodplain lands and the enactment and administration of codes, ordinances and statutes for land use in the floodplain.

*Floodproofing* means measures designed to prevent or reduce flood damage for those uses which cannot be removed from, or which of necessity must be erected on, floodplains ranging from structural modifications, to installation of special equipment or materials to operation and management safeguards including, but without limitation due to enumeration:

- (1) Underpinning of floors;
- (2) Permanent sealing of all exterior openings;
- (3) Use of masonry construction;
- (4) Erection of permanent watertight bulkheads, shutters and doors;
- (5) Treatment of exposed timbers;
- (6) Elevation of flood-vulnerable utilities;
- (7) Using waterproof cement;
- (8) Adequate fuse protection;

- (9) Anchoring of buoyant tanks;
- (10) Sealing of basement walls;
- (11) Installation of sump pumps;
- (12) Placement of automatic swingcheck valves;
- (13) Installation of seal-tight windows and doors;
- (14) Installation of wire-reinforced glass;
- (15) Location and elevation of valuable items;
- (16) Waterproofing, disconnection, elevation of valuable items;
- (17) Waterproofing, disconnecting, elevation or removal of all electrical equipment;
- (18) The avoidance of the use of flood-vulnerable areas;
- (19) Temporary removal or waterproofing of merchandise;
- (20) Postponement of orders or rescheduling of freight shipment;
- (21) Operation of emergency pump equipment;
- (22) Closing of backwater sewer valves;
- (23) Placement of plugs and flood drainpipes;
- (24) Placement of movable, watertight bulkheads; and
- (25) The shoring of weak walls or other structures.

Floodproofing of structures shall be extended at least to a point two feet above the elevation of the regional flood. Any structure that is located entirely or partially below the flood protection elevation shall be anchored to protect it from larger floods.

*Floodway* means the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

*Floor area (for determining floor area ratio)* means the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The floor area of a building shall include basement floor area when more than half of the basement height is above the finished lot grade level, elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof), penthouses, attic space having headroom of seven feet ten inches or more, interior balconies and mezzanines, enclosed porches, and floor area of the principal building devoted to

accessory uses. However, any space devoted to off-street parking or loading shall not ordinarily be included in floor space unless specifically allowed by section 95.174.

The floor area of structures devoted to bulk storage of materials, including, but not limited to, grain elevators and petroleum storage tanks, shall be determined on the basis of height in feet; i.e., ten feet in height shall equal one floor.

*Floor area (for determining off-street parking and loading requirements)* means, when prescribed as the basis of measurement for off-street parking spaces and loading berths for any use, the sum of the gross horizontal areas of the several floors of the building, or portion of the building, devoted to such use, including accessory storage areas located within selling or working space such as counters, racks or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, floor area for the purposes of measurement for off-street parking spaces shall not include floor area devoted primarily to storage purposes (except as otherwise noted herein); floor area devoted to off-street parking or loading facilities, including aisles, ramps and maneuvering space; or basement floor area other than area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

*Floor area for parking demand.* (See "Primary floor area (P.F.A.).")

*Floor area ratio (F.A.R.)* means the total floor area of buildings, exclusive of basement, allowed on a given lot, expressed as a percentage ratio of the total area of the lot, i.e., an F.A.R. of 100 percent allows a floor area equal to the total area of the lot, an F.A.R. of 50 percent allows a floor area of half the total area of the lot, etc. A floor area ratio of 50 percent could be applied to a one-story building occupying 50 percent of the lot or a two-story building occupying 25 percent of the lot.

*Footcandle* means a unit of illumination; technically, the illumination at all points one foot distant from a uniform point source of one candlepower.

*Foster home* means any home licensed as such by the state department of health and social services.

*Fraternity* means a body of men associated for their common interest, business or pleasure.

*Fraternity or sorority house* means a building containing more than one dwelling unit and more than two rooming units or guest rooms. Such rooming units or guest rooms shall be for residential purposes only.

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

*Freeway* means an expressway with full control of access and with fully graded separated intersections. A freeway allows no direct parcel access and separates the grade of all intersections.

*Frequency* means the number of oscillations per second in a sound wave and is an index of the pitch of the resulting sound.

*Frontage* means the dimension of a lot abutting a public street measured along the base setback line.

*Funeral home* means a dwelling or other structure used and occupied by a professional licensed mortician for burial preparation and funeral services.

*Fur farm* means any property comprising land or buildings or both, used for the purpose of raising or harboring fur-bearing animals, including those defined in Wis. Stats. § 29.01(4), and also including chinchillas and other fur-bearing animals, if any, whether the animals are kept for breeding, slaughtering or pelting purposes.

*Garage, private*, means a structure primarily intended and used for the enclosed storage or shelter of the private motor vehicles of the families resident upon the premises. Carports shall be considered garages within this definition, except for computing minimum required residential floor area.

*Garage, private attached*, means a garage, the roof of which is attached to the principal building.

*Garage, public or commercial*, means any garage not falling within the definition of "private garage" and used for storage, repair, rental or servicing of motor vehicles.

*Gasoline service station*. (See "Automobile service station.")

*Grade* means, in cases where all walls of the principal building are more than five feet from the nearest street line, the mean elevation of the ground adjoining the building on all sides; and in all other cases, the mean elevation of the nearest sidewalk.

*Grade, established*, means the elevation of the finished street at the centerline or curb as fixed by the engineer or by such authority as shall be designated by law to determine such as elevation.

*Grading* means any stripping, excavating, filling, stockpiling, or any combination of such actions, including the land in its excavated or filled condition.

*Greenhouses, residential accessory*, means glassed enclosures used for horticulture where the enclosure covers less than 500 square feet or five percent of the lot, whichever is lesser, and the operation does not exceed the definition of a home occupation.

*Ground floor area* means the square foot area of a building within its largest outside dimensions, exclusive of open porches, breezeways, terraces, garages (unless allowed by section 95.174), exterior stairways, and secondary stairways.

*Group home* means any home licensed as such by the State Department of Health and Social Services.

*Guest house* means a detached accessory building located on the same zoning lot as the principal building and containing living quarters for temporary guests; such quarters shall not be rented.

*Guest, permanent*, means a person who occupies or has the right to occupy a hotel or apartment hotel accommodation as his domicile and place of permanent residence.

*Guest room* means a room in a hotel, motel or tourist home offered to the public for compensation in which room no provision is made for cooking and which room is used only for transient occupancy.

*Halfway house, group home*, means a residential facility for five or more adults who have been institutionalized for various reasons and released, or who have or have had physical or social disabilities which make operation in society difficult and require the protection of a group setting to facilitate the transition to a functional member of society (e.g. former convicts, alcoholics, drug addicts, mental patients, etc.); shelter, supervision and residential rehabilitative services are provided and the home is licensed to operate as such by the State Department of Health and Social Services.

*Height of buildings, how measured.* (See "Building, height of," and section 95.125.)

*Heliport* means an area used or to be used for landing or takeoff of helicopters or other steep-gradient aircraft capable of hovering, and may include any or all of the area or buildings which are appropriate to accomplish these functions.

*High flood damage potential* means 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.

*High water mark or elevation* means the average annual high water level of a pond, stream, lake, flowage or wetland referenced to an established datum plain or if where such elevation is not available, the elevation of the line up to which the presence of the water is so continuous as to leave a distinct mark by erosion, change in or destruction of vegetation or other easily recognized topographic, geologic or vegetated characteristics.

*Home for the aged/housing for the elderly* means a facility, however named, which is designed, staffed and equipped for the care of individuals who are not in need of hospital or nursing care but who are in need of assistance, due to age, with everyday activities of living in a protected environment.

*Home occupation* means any occupation or profession carried on by a member of the immediate family residing on the premises, in connection with which there is used no sign or display that will indicate from the exterior that the building is being utilized for any purpose other than that of a dwelling; there is no over-the-counter retail sales occurring upon the premises; no person is employed other than a member of the immediate family residing on the premises; no more than 25 percent of the floor area is devoted to the occupation, and no mechanical or electrical equipment is used which produces noise or other nuisance beyond that typical of equipment usually used for purely domestic or household purposes. A professional person may use his residence for infrequent consultation, emergency treatment, or performance of religious rites, but not for the general practice of his profession, which brings the service recipient to the residence. No accessory building shall be used for such home occupation except for small engine repair or similar work regulated by state or local fire codes from being within a dwelling. Music lessons or other tutoring not involving more than three students at home, are home occupations, even though the client always comes to the premises. (See also "Residential business.")

*Hospital* means an institution providing health services, primarily for in-patients, and medical or surgical care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices.

*Hotel* means a building containing 20 or more individual sleeping guest rooms or suites, having each an attached private bathroom, for the purpose of providing overnight lodging facilities to the

general public for compensation with or without meals, excluding accommodations for employees, and in which ingress and egress to and from all rooms is made through an inside office or lobby supervised by a person in charge at all hours.

*Household stable* means a structure not more than 20 feet by 20 feet used for the sheltering of not more than two horses.

*Husbandry* means the cultivation or production of plants and animals (livestock) and/or their by-products. (See section 95.128(e).)

*Illegal use* means any use, whether of a building or other structure, or of a tract of land, or body of air or of water, in which a violation of any provision of this chapter has been committed or shall exist.

*Impact noise* means a short-duration sound that is incapable of being accurately measured on a sound level meter.

*Improvement* means any building, structure, place, work of art, or other object constituting a physical betterment of real property, or any part of such betterment, including street grading and surfacing with or without curbs and gutter, sidewalks, crosswalks, water mains, sanitary and storm sewers, culverts, bridges, streets and trees.

*Impulsive noise* means a sound that is no longer than two seconds in duration, followed by no less than a two-second rest.

*Increase in regional flood height* means a calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, resulting in 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.

*Industrial park* means a spatial or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. Industrial parks may be promoted or sponsored by private developers, community organizations or government organizations.

*Integrated center* means a grouping of compatible uses on a single zoning lot, such uses being in single ownership or under unified control.

*Intense burning* means a rate of combustion of a material that burns with a high degree of activity and is consumed rapidly.

*Interchange* means a grade separated intersection with one or more turning lanes for travel between intersection lanes.

*Junkyard* means an open or enclosed area or building where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and glass. (See also "Recycling center.")

*Kenel, commercial*, means an establishment where dogs or other animal pets not part of the actual household on the lot on which the facility is located are raised, bred or boarded for compensation or sale, and whether or not in special structures or runways.

*Kitchen* means any room used, intended to be used or designed to be used either wholly or partly for cooking and/or the preparation of food.

*Laboratory* means a building or part of a building devoted to the testing and analysis of any product or animal (including humans) or to the development of and fabrication of preliminary or pilot models; also includes a laboratory that provides bacteriological, biological, medical, X-rays, pathological and similar analytical or diagnostic services to doctors or dentists. No fabricating is conducted on the premises, except the custom fabrication of dentures. No manufacturing is conducted on the premises except for experimental or testing purposes.

*Land line* means section lines, half-section lines, quarter-section lines, and other property lines established by metes and bounds outside the boundaries of reported land subdivision plats.

*Landfill*. (See "Sanitary landfill.")

*Landscaped area* means an area that is permanently devoted and maintained to the growing of trees, shrubbery, grass and other plant material.

*Landscaping* means the improvement of a lot, parcel or tract of land with grass, shrubs and/or trees. Landscaping may include pedestrian walks, flower beds, ornamental objects such as fountains, statuary and other similar objects designed and arranged to produce an aesthetically pleasing effect.

*Large group day care center* means a center that provides care and supervision for more than 8 children regardless of age. These terms shall not include hospitals, nursing homes, Sunday schools, facilities under the direction of an established and accredited school system, facilities used for club or organization meetings when such club or organization regularly meets no more than once a week, or casual babysitting. Facilities for adults are included provided they meet or are scheduled to meet regularly for more than one day a week, for all or part of the day but not overnight; and meet either to be watched or cared for, while their parent or guardian is otherwise engaged, to be afforded opportunities for physical, social, emotional or intellectual growth or stimulation. (See also "Family day care home")

*Laundromat* means a business that provides washing, drying and/or ironing machines to be used by customers on the premises to clean articles of clothing, but not including the use of volatile organic compounds (VOCs) as in dry cleaning.

*Legal nonconformity* means the zoning status of a structure or parcel of land which, or the use of which, though legal prior to January 10, 2008, does not comply with one or more of the provisions of this chapter. (See Article XII.)

*Limited-access highway* means a trafficway, including toll roads for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the trafficway, except at such points only and in such manner as may be determined by the public authority having jurisdiction over such trafficway.

*Loading space, off-street*, means space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required

off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

*Lodging room* means a room rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room that provides sleeping accommodations shall be counted as one lodging room for the purposes of this chapter.

*Lodginghouse (including boardinghouse and roominghouse)* means a residential building, or portion of the building, other than a motel, apartment hotel or hotel, containing lodging rooms that accommodate persons who are not members of the keeper's family. Lodging or meals or both are provided for compensation on a weekly or monthly basis.

*Lot* means a contiguous parcel of land of sufficient size to meet minimum zoning requirements for use and area, and to provide required yards and other open spaces. Such lot shall have frontage on an improved public street, or direct access over property of owner or an easement therefore. Provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this chapter.

*Lot area* means the area of a horizontal plane bounded by the front, side and rear lot lines of a contiguous parcel, but not including any area occupied by the waters of a duly recorded lake or river, or of land designated for a public street.

*Lot, corner*, means a lot situated at the junction of and abutting on two or more intersection streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees.

*Lot depth* means the mean horizontal distance between the front lot line and the rear lot line.

*Lot, double-frontage or through*, means a lot having frontage on two streets other than at the street intersection, the streets typically being along the front and rear lot lines. For purposes of yard space, both shall be treated as front yards.

*Lot, interior*, means a lot having frontage on only one public street.

*Lot line* means the property line bounding a lot; except that where any portion of a lot extends into the public right-of-way or a proposed public right-of-way, the proposed ultimate line of such public right-of-way shall be the lot line for purposes of this chapter.

*Lot line, front*, means that boundary of a lot which abuts an existing or dedicated public street, and in the case of a corner lot, the lot line with the shortest dimension on a public street, except that a corner lot in a nonresidential area shall be deemed to have frontage on both streets.

*Lot line, rear*, means that boundary of a lot, which is opposite the front lot line. If the rear lot line is less than ten feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten feet in length within the lot, parallel to and at the maximum distance from the front lot line.

*Lot line, side*, means any boundary of a lot, which is not a front lot line or a rear lot line.

*Lot of record* means any validly recorded lot that at the time of its recording complied with all applicable laws, ordinances and regulations.

*Lot width* means the maximum horizontal distance between the side lot lines of a lot measured parallel to the front lot line and at the rear of the required front yard.

*Lot, zoning*, means a single tract of land located within a single block, which (at the time of filing for a zoning permit) is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control. Therefore, a zoning lot may or may not coincide with a lot of record.

*Luminance* means the brightness of an object, expressed in terms of footlamberts, determined from other premises or from the street's public right-of-way; whichever is closer to the sign.

*Manufactured/mobile home* means a structure that is partially preassembled at a manufacturing plant and placed together on a lot or parcel as a dwelling unit or units. This definition includes a structure designed to be a dwelling unit that can be moved from place to place on wheels as defined in Wis. Stats. §§ 66.058(1), 101.91 and 340.01(6m). A dependent unit means a structure not having its own plumbing facilities whereas an independent unit has plumbing as well as heating and cooking facilities ready for hookup to utility connections as defined in Wis. Stats. § 66.058. This definition includes a structure, designed to be a dwelling unit, which is manufactured, inspected and totally assembled in a factory and then transported to a lot or site for placement on a foundation and hookup to essential utility services for permanent habitation. Any structure from which its wheels have been removed shall be construed to be a permanent structure for purposes of this chapter. For the purposes of this chapter, manufactured/mobile homes must meet the requirements of all applicable state and local building codes. (See also "Camping trailer.")

*Manufactured/mobile home lot* means a parcel of land for the placement of a single manufactured/mobile home and the exclusive use of its occupants, within a manufactured/mobile home park.

*Manufactured/mobile home park* means a parcel or tract of land under single ownership at the time of development which has been planned and improved for the placement of manufactured/mobile homes for dwelling purposes, and not including more than three model units for sales of units.

*Manufactured/mobile home stand or pad* means that part of an individual manufactured/mobile home space that has been planned and improved for the placement of the manufactured/mobile home and its additions or attachments.

*Manufacturing* means the processing and converting of raw, unfinished or finished materials or products, or any of these, into an article or substance of different character, or for use for a different character, or for use for a different purpose; also industries furnishing labor in the case of manufacturing or the refinishing of manufactured articles.

*Marina* means a place for docking or storage of pleasure boats or providing services to pleasure boats and their occupants, including minor servicing and repair to boats while in the water, sale of fuel and supplies, or provision of lodging, food, beverages and entertainment as accessory uses. A yacht club shall be considered a marina; but a hotel, motel or similar use, where docking of boats and provision of services is incidental to other activities, shall not be considered a marina, nor shall boat docks accessory to a multiple dwelling where no boat-related services are rendered be considered a marina.

*Mezzanine* means an intermediate story between the floor and ceiling of a main story and extending over only part of the main floor.

*Micron* means a unit of length, equal to 0.001 millimeter.

*Minor arterial* means local thoroughfare roadways designed to accommodate medium to short trips within urban areas at somewhat higher speeds than local collector streets. Direct land access to these roadways is typically restricted.

*Moderate burning* means a rate of combustion described by a material which supports combustion and is consumed slowly as it burns.

*Motel* means a building or series of buildings containing guest rooms in which lodging is offered for compensation and which may have more than five sleeping rooms or units for this purpose and which is distinguished from a hotel primarily by reason of providing direct independent access to and adjoining parking for each or many of the guest rooms.

*Motor freight terminal* means a building or area in which freight brought by motor truck is transferred and/or stored for movement in intrastate or interstate shipment by motor truck.

*Motor hotel* or motel. (See "Motel.")

*Motor vehicle* means any passenger vehicle, truck, truck-trailer, trailer or semi-trailer propelled or drawn by mechanical power.

*Nameplate sign* means a sign indicating the name and/or occupation of a person or persons residing on the premises or legally occupying the premises, or indicating a home occupation legally existing on the premises.

*Navigable stream*. See Wis. Stats. § 281.31.

*NGVD, National Geodetic Vertical Datum* means elevations referenced to mean sea level datum, 1929 adjustment.

*Nightclub* means an establishment, which shall include, in addition to the serving of food and entertainment, the provision for dancing and sale of alcohol beverages to the public.

*Nominal* means a fractional part of a section, which may be measured by including any portion of rights-of-way contiguous with the property description as determined by the Zoning Administrator.

*Nonconforming structure* means a structure that does not conform to the building location, height, building size or floor area regulations of the district in which it is located at the time of adoption of this code. (See Article XII.)

*Nonconforming use of structure* means a use carried on within any building that use does not conform to the use or residential density regulations of the district in which it is located at the time of adoption of this code.

*Nonconforming lot* means a lot that does not conform to the lot size regulations of the district in which it is located at the time of adoption of this code.

*Nonconforming use of land* means a use of any land in a way which use does not conform to the use, residential density or open space regulations of the district in which it is located at the time of adoption of this code.

*Noxious matter or materials* means material capable of causing injury to living organisms by chemical reaction, or is capable of causing detrimental effects on the physical or economic well-being of individuals.

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

*Nursery* means any land used to raise trees, shrubs, flowers and other plants for sale or for transplanting.

*Nursing home* means an institution for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, but not including facilities for surgical care. (See also "Retirement home" and "Home for the aged.")

*Obstruction to flow* means any development that physically blocks the conveyance of floodwaters such that this development by itself or in conjunction with any future similar development will cause an increase in regional flood height.

*Octave band* means a prescribed interval of sound frequencies, which permits classifying sound according to its pitch.

*Odor threshold* means the lowest concentration of odorous matter in the air that will produce a response in the normal human nose.

*Odorous matter* means any matter or material that yields an odor that is offensive in any way or any matter or material that produces a response in the normal human nose.

*Official floodplain zoning map* means those maps, adopted and made part of this chapter, which has been approved by the State Department of Natural Resources and FEMA and which delineates those areas which would be inundated by the base or regional flood, including, but not limited to, numbered and unnumbered A zones and, where applicable, floodways. This map may be the flood hazard boundary map, flood insurance study map or other approved community floodplain map.

*Official letter of map amendment* means official notification from the Federal Emergency Management Agency (FEMA), Flood Insurance Administration (FIA), that a flood hazard boundary map or flood insurance rate map has been amended.

*On-site sewage disposal absorption system* means a state-approved septic or mound system for collection of sanitary waste and eventual absorption of such waste into the surrounding soils.

*Open space* means an unoccupied space to the sky on the same lot with the building and not used for parking or driveway purposes. Roof terraces shall not be counted as open space unless the access,

design of the terrace, and similar factors deemed pertinent by the ETZ Committee have been approved by the ETZ Committee in each instance.

*Ordinary high water* mark means 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 characteristic.

*Out lot* means an approved division of land shown on a plat which of itself may not meet the zoning requirements of a lot, but which serves some purpose such as housing a utility station, or preserves a natural resource area.

*Outdoor recreational facilities* means land and structures along with accessory equipment designed and utilized for leisure time activities of a predominantly outdoor nature and/or more specific purpose than passive parkland open area, and further classified as follows:

- (1) Public, which means facilities owned and operated by a governmental agency for limited or general public use.
- (2) Private commercial, which means facilities owned and operated by an individual or group for profit as a business, whether or not open to general public use.
- (3) Private noncommercial, which means facilities owned and operated by a group for the exclusive use of the members of such group and their guests, and not for profit as a business.
- (4) Private residential, which means facilities owned by an individual, located on the same or adjoining lot to his residence and intended solely for the use of his family and guests.

*Parking space, off-street*, means the area on a lot designed to accommodate a parked motor vehicle as an accessory service to the use of the lot and with adequate access from the public street. For purposes of satisfying parking requirements of this chapter, an off-street automobile parking space shall be an area of no less than 160 square feet plus associated access which usually averages 350 square feet per space.

*Particulate matter* means dust, smoke or any other form of airborne pollution in the form of minute separate particles.

*Party wall* means a wall containing no opening, which extends from the elevation from building footings to the elevation of the outer surface of the roof or above, and which separates continuous buildings but is in joint use for each building.

*Patio* means a terrace extending not more than six inches above the average level of the ground at its margins; provided that no fixed walls or roof shall be erected on or over any patio or similar structure that is located in a required yard.

*Performance standard* means a criterion established for the purposes of assigning proposed industrial uses to proper districts and making judgment in the control of noise, odor, smoke, toxic matter, vibration, fire and explosive hazards, or glare generated by or inherent in uses of land or buildings.

*Permanent occupancy* means the rental of housing accommodations or rooms on a month-to-month or year-to-year basis with a fixed rent for each period of occupancy.

*Person* means an individual, firm, proprietorship, copartnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, syndicate, or other group or combination acting as a unit.

*Pets, household*, means animals commonly found in residence as pets, such as dogs, cats, songbirds, and other small animals, providing that they are not raised or reared for commercial resale or as a source of staple supplement. Household pets shall not include horses, chickens, cows, goats, sheep, hogs, snakes or other animals not commonly found in residences.

*Pier* means any structure extending into navigable waters from the shore with water on both sides, built or maintained for the purpose of providing a berth for watercraft or for loading or unloading cargo or passengers onto or from watercraft.

*Pierhead line* means a boundary line established along any section of the shore or any navigable waters by a municipal ordinance approved by the State Department of Natural Resources, pursuant to Wis. Stats. § 30.13. Piers and wharves are only permitted to the landward side of such pierhead line unless a permit has been obtained pursuant to Wis. Stats. §30.12(2).

*Plan* means that document defined in Wis. Stats. § 62.23(3) as the master plan for the physical development or conservation of the town as further described in Wis. Stats. § 62.23(2); also commonly called comprehensive plan or general plan.

*Pond* means a seasonal or permanent body of water, created by excavation, by dike construction or by a combination of both. The only ponds within this definition subject to shoreland regulations by this chapter are those, which have been excavated within 500 feet of a navigable body of water under Wis. Stats. § 30.19 or which are navigable in fact. Pursuant to Wis. Stats. § 30.19, ponds constructed within 500 feet of navigable waters are defined as public waters.

*Porch, open*, means a roof partially supported by columns or wall sections.

*Primary floor area (P.F.A.)* means the floor area of a building for purposes of determining required parking ratios, which area shall include only that portion of the total floor area devoted to customer service, sales and office space and shall not include warehouses, utility, hallways and other accessory space except as they generate parking demand.

*Private antenna* means an antenna erected for noncommercial use.

*Private club or lodge*. (See "Club.")

*Private sewerage system* means a sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. This term also means an alternative sewerage system approved by the Department of Industry, Labor and Human Relations, 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.

*Professional office* means the office of an individual who is engaged in the practice of a recognized, legitimate profession such as a doctor, dentist, minister, architect, landscape architect, professional engineer, psychologist, lawyer, author, commercial artist or musician.

*Quarry* means a place, cavern or pit where stone is taken from the rock or ledge, or dug from the earth, for building or other purposes; a stone pit.

*Quarrying* means the digging out of stone or slate from an open excavation.

*Railroad right-of-way* means a strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops or care yards.

*Reach* means a longitudinal segment of a stream generally including those floodlands where in flood stages are primarily and commonly controlled by the same manmade or natural obstructions to flow.

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

*Recreational camp* means an area containing one or more permanent buildings used occasionally or periodically for the accommodation of members or guests of associations or groups for recreational, educational or religious purposes.

*Recreational equipment, major*, means boats and boat trailers, travel trailers, converted buses, motorized dwellings, race cars, dune buggies, cars licensed as pioneer or classic vehicles, pickup campers or coaches (designed to be mounted on automotive vehicles) and the like.

*Recreational vehicle (RV)* means a vehicular type unit initially designed as a temporary living quarters for recreational, camping or travel use, which either has its own motive power or mounted on or drawn by another vehicle. The basic types of recreational vehicles are:

- (1) Travel trailer, which is a vehicular unit, mounted on wheels, of such size or weight as not to require special highway movement permits when drawn by a motorized vehicle, initially designed and constructed to provide temporary living quarters for recreational, camping or travel use, and a body length of no more than 35 feet and a body width of no more than eight feet six inches when factory equipped for the road.
- (2) Truck camper, which is a portable unit, designed to be loaded onto or affixed to the bed or chassis of a truck, constructed to provide temporary living quarters for recreational, camping or travel use.
- (3) Motor homes, which is a vehicular unit built on a self-propelled motor vehicle chassis, initially designed to provide temporary living quarters for recreational, camping or travel use.
- (4) Camping trailer, which is a vehicular unit mounted on wheels and constructed with collapsible partial sidewalls that fold for towing by another vehicle and unfolds at the campsite and is initially designed to provide temporary living quarters for recreational, camping or travel use.

(5) Vans, buses, and other vehicles, when equipped for camping purposes, designed to provide temporary living quarters for recreational, camping or travel use.

*Recreational vehicle (RV) pad* means a location on an RV lot or campground site constructed of gravel, asphalt or concrete designed to provide proper drainage for placement of an RV and where possible, having amenities such as sewer, water and electrical connections.

*Recycling center* means a collection station for most materials that can be used again by transport to processors, but where materials are received but not resold.

*Regional flood* means a flood determined to be representative of large floods known to have occurred in the state or which may be expected to occur on a particular lake, river or stream at the statistical probability of once in every 100 years. (See Wis. Admin. Code NR ch. 116, § 116.03(24).)

*Rendering plant* means a plant for reduction of dead animals, or slaughtered animals not suitable for human consumption, to products, such as hide, skin, grease, bones, glue and soap and for the storage of such by-products.

*Reservoir parking facilities* means off-street parking spaces or waiting lanes allocated to automobiles awaiting access to the services of a particular establishment.

*Residential business* means a home office or household occupation conducted principally by members of the family but may permit up to one employee not a resident on the premises, entirely within buildings of the place of residence, does not exceed half the area of the floor, and where the presence of the customer or client may involve his being on the premises while the service is being performed, provided that no more than two (other than those already exempt by "household occupation") are to be on the premises at once, that off-street parking, if required, is located and screened so as to be compatible to the surrounding residential area, that any sign is limited to a nameplate not in excess of three square feet in area, and that a zoning permit for such a use shall not be issued until the ETZ Committee has reviewed the proposed use and determined that the use will meet the above conditions. A Family day care home is considered a residential business and therefore requires a residential business permit to operate, even though more than two clients may come to the premises. (See Family day care home)

*Rest home or convalescent home.* (See "Nursing home.")

*Restaurant* means a building or premises where meals are offered for compensation and typically eaten on the premises.

*Restaurant with drive-in service* means an establishment designed, in whole or part, to cater to or accommodate the consumption of food and/or beverages in automobiles on the premises of such establishment.

*Retirement home* means a building or institution for the accommodation of elderly persons, with and without nursing or medical care; provided that if such nursing or medical care is to be provided on a continuing basis for at least three persons for not less than 72 hours per week, such building or institution shall be classified as a nursing home. (See also "Nursing home" and "Home for the aged.")

*Riding stable* means a building or premises used for the rent or lease of horses or animals for riding.

*Right-of-way line* means the dividing line between a highway or private utility corridor and the abutting lots or other divisions of land.

*Ringelmann Chart* means one which is described in the U.S. Bureau of Mines Information Circular 6888 or its successor, and on which are illustrated graduated shades of grey for use in estimating the light-obscuring capacity of smoke.

*Ringelmann Number* means the number appearing on the Ringelmann Chart ascribed by the observer to the density of the smoke emission. Where the density or light-obstructing capacity of the smoke as observed falls between two consecutive Ringelmann Numbers, the lowest Ringelmann Number shall be considered the density of the smoke observed.

*Road* is synonymous with street.

*Roadside stand* means a structure for the display and sale of agricultural products, with no space for customers within the structure itself.

*Row house.* (See "Townhouse" or "Dwelling, attached.")

*Sand and gravel pits.* (See "Extractive operations.")

*Sanitarium* means a health station or retreat; an institution for the recuperation and treatment of persons suffering from physical or mental disorders.

*Sanitary landfill* means a type of land disposal operation involving the disposal of solid waste on land without creating nuisances or hazards to public health or safety by utilizing the principles of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation or at such more frequent intervals as may be necessary.

*School* means a place for systematic instruction in any branch of knowledge, for purposes of this chapter offering such services more than 20 hours per week.

*Sediment* means soils or other surficial materials transported by winds or surface waters as a product of erosion.

*Service station.* (See "Gasoline Station" or "Automobile service station" or "Truck stop.")

*Setback* means the shortest horizontal distance between any structure and the base setback line. (See section 95.125(b).)

*Shore yard* means 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 point of the high water elevation of a pond, stream, lake or wetland nearest the principal structure and a line parallel thereto containing the point of the principal structure nearest the high water line.

*Shoreland-wetland zoning district* means the zoning district created as part of this chapter comprised of shorelands that are designated as wetlands on the wetland maps, which have been adopted and made a part of this chapter.

*Shorelands* means all land, water and air located within the following distances from the normal high water elevation of navigable waters as defined in Wis. Stats. § 281.31: 1,000 feet from a lake, pond or flowage; 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater. If the navigable water is a glacial pothole lake, the distance shall be measured from the high water mark thereof.

*Shoreline* means the intersection of the land surfaces abutting lakes, ponds, streams, flowages and wetlands with the average annual high water elevation.

*Sign* means any structure or part of a structure or any device attached to a structure or any other form of visual communication applied by paint, illumination, embossing or other technique to a structure for the purpose of directing, advertising, informing, warning or otherwise conveying information visually to the viewer.

*Sign, directional*, means a sign intended solely for the purpose of directing patrons, customers, clients or patients to an establishment off the main-traveled road and not including promotional advertising unnecessary to such directional purpose.

*Sign, flashing*, means any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this chapter, any moving, illuminated sign shall be considered a flashing sign. Such signs, other than necessary traffic signals and time and temperature signs, are prohibited in this chapter.

*Sign, illuminated*, means a sign whose message is illuminated by artificial light, either by interior projection through translucent construction material or by directing the light at the sign and its supporting structure or by affixing lights of any type to the supporting structure or perimeter of a sign.

*Sign, nonaccessory*, means a sign related to commercial or similar activities other than those actually engaged in on the site on which such nonaccessory sign is located. (Also called "off-premises sign.")

*Silt* means soil particles, intermediate in size between sand and clay, which are readily transported by inflowing streams or surface waters into a body of water.

*Slaughterhouse* means any building or premises used for the killing or dressing of cattle, sheep, swine, goats, horses or poultry and the storage, freezing and curing of meat and preparation of meat products.

*Slow burning or incombustible* means materials that do not in themselves constitute an active fuel for the spread of combustion. A material that will not ignite nor actively support combustion during an exposure for five minutes to a temperature of 1200 degrees Fahrenheit shall be designated incombustible.

*Smoke* means small gasborne particles other than water that form a visible plume in the air.

*Smoke unit* means the number obtained when the smoke density in Ringelmann Number is multiplied by the time of emission in minutes. For the purpose of this calculation, a Ringelmann density reading shall be made at least once a minute during the period of observation; each reading is then multiplied by the time in minutes during which it was observed. The various products are then added together to give the total number of smoke units observed during the entire observation period.

*Soil* means those earth materials not regulated as sand, gravel, stone or slate mining.

*Solid waste* means garbage, refuse and all other discarded or salvageable solid materials, including solid waste materials resulting from industrial, commercial and agricultural operations and from domestic use and public service activities, but does not include solids or dissolved material and wastewater effluent or other common water pollutants.

*Sound level* means, in operation or use, the intensity of sound, measured in decibels, produced by such operation or use.

*Sound level meter* means an instrument standardized by the American Standards Association for measurement of intensity of sound.

*Special exception* means the same as conditional use.

*Start, commencement*, means the doing of some act upon the ground on which the building is to be erected, and in pursuance of a design to erect, the result of which act would make known to a person viewing the premises, from observation alone, that the erection of a structure on the land had begun.

*Steep slope* means a slope over 12 percent grade, which is characterized by increased runoff, erosion and sediment hazards.

*Storage* means holding or safekeeping goods in a warehouse or other depository to await the happening of some future event or contingency that will call for the removal of the goods.

*Storage capacity, flood*, means 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.

*Story* means that portion of a building included between the surface of a floor and the surface of the floor next above it or, if there is no floor above it, the space between the floor and the ceiling next above it. A basement or cellar having half or more of its height above grade shall be deemed a story for purposes of height regulations.

*Street* means a public or private right-of-way that affords a primary means of vehicular access to abutting property, whether designated as a street, avenue, highway, road, boulevard, lane, throughway, or however otherwise designated, but does not include driveways to buildings.

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

*Street, frontage and reversed-frontage*, means a street contiguous and parallel to a traffic artery and affording direct vehicular access to abutting property. (Also, called "frontage road.") A road

performing the same function but located at the opposite end of the lot nearest the artery is called a reversed-frontage road.

*Stripping* means any activity that removes the vegetated surface cover, including tree removal, clearing, grubbing and storage or removal of topsoil.

*Structural alterations* means any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

*Structural repairs* means any repairs to the supporting members of a structure, such as bearing walls, columns, beams or girders. Ordinary maintenance repairs such as interior or exterior painting, decorating, paneling, replacing doors and windows and replacing roof tiles or shingles are not considered structural repairs.

*Structure* means a combination of materials other than natural terrain or plant growth erected or constructed to form a shelter, enclosure, retainer, container, support, base, pavement or decoration.

*Structure, accessory*, means a structure or portion of a structure used for a purpose customarily incidental to the permitted principal use of the lot and located on the same lot as the principal use.

*Structure, minor*, means any small, movable accessory erection or construction, such as birdhouses, tool houses, play equipment, arbors and walls and fences under four feet in height meeting all street, side, rear and shore yard setback requirements.

*Structure, permanent*, means a structure placed on or in the ground or attached to another structure in a fixed and determined position and intended to remain in place for a period of more than nine months.

*Structure, temporary*, means any structure other than a permanent structure.

*Swimming pool* means any structure, portable or permanent, containing a body of water 18 inches or more in depth, intended for recreational purposes, including a wading pool, but not including an ornamental reflecting pool or fish pond or similar type pool, located and designed so as not to create a hazard or to be used for swimming or wading.

*Tent* means any temporary structure or enclosure the roof of which and/or half or more of the sides are constructed of silk, cotton, canvas, fabric or a similar pliable material.

*Theater* means a structure used for dramatic, operatic, motion picture or other performance, admission requires payment and no audience participation or meal service is allowed.

*Thoroughfare* means roadways of higher carrying capacity than collector streets, which perform the function of accommodating medium to short trips within the subregional and activity centers within subregions. Such roadways are designed to carry traffic at somewhat higher speeds than collectors, and direct land access to them is more restricted.

*Tourist home* means a building in which lodging, with or without meals, is offered to transient guests for compensation and having no more than five sleeping rooms for this purpose with no cooking facilities in any such individual room or apartment. (See "Bed and breakfast lodging.")

*Town*, means Town of Weston.

*Townhouse*. (See "Dwelling, single-family attached.")

*Toxic matter* means material capable of causing injury to living organisms by chemical means when present in relatively small amounts.

*Traffic lane* means a strip of roadway intended to accommodate a single line of moving vehicles.

*Trailer*. (See "Camping trailer," "House trailer" and "Manufactured/mobile home.")

*Truck stop* means the same as an automobile service station but oriented primarily to trucks, especially semitractor trucks with trailers.

*Turning lanes* means an existing or proposed connecting lane of traffic between two arterial streets or between an arterial street and any other street or driveway. Turning lanes include grade-separated interchange ramps.

*Use* means the purpose or activity for which the land or building on the land is designed, arranged or intended, or for which it is occupied or maintained.

*Use, accessory*, means a use subordinate to and customarily incidental to the permitted principal use of the property or buildings and located upon the same lot as the principal use.

*Use, conditional*, means a use, either public or private, which, because of its unique characteristics, cannot be properly classified as a permitted use in a particular district or districts. After due consideration of the impact of such use upon neighboring land and of the public need for the particular use at the particular location, such conditional use may or may not be granted, on a case by case basis, subject to the terms of this chapter. (See Article VI.)

*Use, permitted*, means a public or private use which of itself conforms with the purposes and objectives of a particular district and conforms with all requirements, regulations and performance standards of such district.

*Use, principal*, means the main use of land or buildings as distinguished from accessory uses. A principal use may be either permitted by right or permitted by conditional grant.

*Use, temporary*, means a use established for a fixed period of time with the intent to discontinue such use upon the expiration of such time. (See also section 95.116(d))

*Used car lot* means a lot or group of contiguous lots, used for the display and sale of used automobiles and where no repair work is done, except the necessary reconditioning of the cars to be displayed and sold on the premises.

*Utilities*. (See "Essential services.")

*Variance*. (See "Board of appeals.")

*Vegetation* means all plant growth, including without limitation trees, shrubs and grasses.

*Village* means Village of Weston.

*Vision setback area* means an unoccupied triangular space, at the street or alley corner of a lot, as established by section 95.125(b)(5).

*Warehouse* means a structure or part of a structure, for storing goods, wares and merchandise, whether for the owner or for others, and whether it is a public or private warehouse.

*Water surface profile* means 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. (See also "Flood profile.")

*Watershed* means the entire region or area contributing runoff or surface water to a particular watercourse or body of water.

*Wetlands* means those areas where water is at, near or above the land surface long enough to support aquatic or hydrophytic vegetation and which soils are indicative of wet conditions. (Also see Wis. Stats. § 62.231.)

*Wharf* means any structure in navigable waters extending along the shore and generally connected with the uplands throughout its length, built or maintained for the purpose of providing a berth for watercraft or for loading or unloading cargo or passengers onto or from watercraft.

*Width* means a dimension measured from side to side at right angles to length.

*Wildlife* means all free-living animals.

*Woodland* means a group of trees at least one-half acre in area and with a crown cover of 50 percent or greater.

*Yard* means a required open space on a lot, which is unoccupied and unobstructed by a structure from its lowest ground level to the sky except as expressly permitted in this chapter. A yard shall extend along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations for the district in which such lot is located.

*Yard, front,* means a yard extending along the full width of the front lot line between side lot lines and extending from the abutting front street right-of-way or base setback line to a depth required in the yard regulations for the district in which such lot is located.

*Yard, rear,* means a yard extending along the full width of the rear lot line between the side lot lines and extending toward the front lot line for a depth as specified in the yard regulations for the district in which such a lot is located.

*Yard, side,* means a yard extending along the side lot line between the front and rear yards having a width as specified in the yard regulations for the district in which such lot is located.

*Zone* means an area within which certain uses of land and buildings are permitted and certain others are prohibited, yards and other open spaces are required lot areas, building height limits, and other requirements are established, all of the foregoing being identical for the zone in which they apply.

**Cross References**--Definitions generally, § 1.101, Village of Weston Code of Ordinances.