

SECTION 17.1500 DEFINITIONS

17.1501 GENERAL DEFINITIONS

For the purpose of this Ordinance, certain words or phrases shall have meanings that either vary somewhat from their customary dictionary meanings or are intended to be interpreted to have a specific meaning. Words used in the present tense in this Ordinance include the future. The word "person" includes a firm, association, partnership, trust, company, or corporation as well as an individual. The word "he" includes the word "she". The word "shall" is mandatory, the word "should" is advisory, and the word "may" is permissive. Any words not defined in this Section shall be presumed to have their customary dictionary definitions.

17.1502 SPECIFIC WORDS AND PHRASES

Accessory Apartment

A dwelling unit located within a single-family dwelling unit intended for occupancy by another person or family. The accessory apartment is self-contained featuring a separate outside entrance, sleeping facilities, kitchen facilities, and bathroom facilities. The apartment usually occupies only a small portion of the single-family dwelling area and is often occupied by a parent or in-law.

Adult Bookstores

An establishment having as a substantial or significant portion of its stock in trade, for sale, rent, lease, inspection or viewing, books, films, video cassettes, magazines or other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or related to "specified anatomical areas" as defined in this Ordinance, or an establishment with a segment or section devoted to the sale, rent or display of such material.

Adult Cabaret

A cabaret which features topless dancers, strippers, male or female impersonators, or similar entertainers.

Adult Entertainment

Any exhibition of any motion pictures, live performance, display or dance of any type, which has as its dominant theme, or is distinguished or characterized by emphasis on any actual or simulated "specified sexual activities" or "specified anatomical areas" as defined in this Ordinance.

Adult Mini-Motion Picture Theater

An enclosed building with a capacity of less than fifty (50) persons used for presenting material having its dominant theme, or distinguished or characterized by their emphasis on matters depicting, describing or related to "specified sexual activities" or "specified anatomical areas" as defined in this Ordinance, for observation by patrons therein.

Adult Motion Picture Theater

An enclosed building with a capacity of fifty (50) or more persons used for presenting materials distinguished or characterized by their emphasis on matters depicting, describing or related to "specified sexual activities" or "specified anatomical areas" as defined in this Ordinance, for observation by patrons therein.

Adult-Oriented Establishments

"Adult-oriented establishments" shall include, but is not limited to, "adult bookstores," "adult motion picture theaters," "adult mini-motion picture establishments," or "adult cabarets." It further means any premises to which public patrons or members are invited or admitted and which are so physically arranged so as to provide booths, cubicles,

rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, whether or not such adult entertainment is held, conducted, operated, or maintained for a profit, direct or indirect.

Accessory Use or Structure

A use or detached structure subordinate to the principal use of a structure, land, or water and located on the same lot or parcel, and serving a purpose customarily incidental to the principal use or the principal structure. (See also "minor structure")

Alley

A special public right-of-way affording only secondary access to abutting properties.

Antenna

A device used to receive or send broadcasts either as over the air signals from transmitters, including fixed television or radio signals, or microwave signals from earth orbiting communication satellites.

Antenna, Earth Station Dish

A dish-shaped antenna designed to receive television broadcasts relayed by microwave signals from earth-orbiting communication satellites.

Antenna, Terrestrial

Any antenna designed to receive television and radio signals relayed from one ground location to another ground location. Such antennas are typically mounted on a tower or support on the rooftop of a structure, or on free-standing towers.

Art Studio

An establishment engaged in the sale or exhibit of art works such as paintings, sculpture, macramé, knitted goods, stitchery, or pottery. Art studios are also engaged in the creations of such art works and often offer instruction in their creation. These studios also are for the instruction of their craft (dance, martial arts). Within the context of this Ordinance, art studio does not include nude modeling and other pornographic exhibits.

Assembly

When used in describing an industrial operation, the fitting or joining of parts of a mechanism by means of fasteners, nuts and bolts, screws, glue, welding or other similar technique. Assembly shall not include the construction, stamping or reshaping of any of the component parts.

Baby Sitting

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

Bars

Tavern, cocktail lounges and lounges where alcoholic beverages are served and where over 50% of the sales come from the sale of alcohol.

Basement

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

Bed and Breakfast Establishment

Any place of lodging that provides four or fewer rooms for rent for more than 10 nights in a twelve month period; is the owner's personal residence; is occupied by the owner at the time of rental; and in which the only meal served to guests is breakfast.

Boardinghouse

A building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for four (4) or more persons not members of a family, but not exceeding 12 persons and not open to transient customers.

Bond

See "Surety".

Buffer Yard

An area of land which may contain sufficient area and width, landscape plantings, earth berms, fencing, walls, or other visual and/or sound barriers intended to eliminate or minimize land use conflicts between adjacent land uses.

Building

Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery, or materials.

Building Height

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

Business Offices

A tenant space or building where persons conduct their recognized and legal operations and transact business with the public, and or other businesses. A business office is often associated with the exchange of ideas and services. A business office is also largely used for administrative functions of an organization. These offices house operations that would not be among the recognized professions. Examples of business offices include: advertising agency or an insurance office.

Channel

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

Clinics

See "General Medical Services"

Clothing Stores

Retail stores where clothing is sold, such as department stores, dry goods and shoe stores, and dress, hosiery, and millinery shops.

Cold Storage.

Storage of goods—especially food—in a place kept cold by refrigeration for preservation purposes.

Commercial Day Care Center

A private establishment providing care and supervision for nine (9) or more persons under the age of seven where tuition, fees, or other forms of compensation for the care of the children is charged, and which is licensed by the State of Wisconsin pursuant to Section

48.65 of the Wisconsin Statutes.

Community-based Residential Facility (CBRF)

A place where 3 or more unrelated adults reside in which care, treatment, or services above the level of room and board, but not including nursing care, are provided in the facility. A community-based residential facility is subject to State-level licensing and operational limitations as set forth in Chapter 50 of the Wisconsin Statutes.

Community Living Arrangement

The following facilities licensed and operated, or permitted under the authority of the Wisconsin Statutes: child welfare agencies under Section 48.60, group foster homes for children under Section 48.02(6), and community-based residential facilities under Section 50.01; but does not include day care centers, nursing homes, general hospitals, special hospitals, prisons, or jails. The establishment of community living arrangements is governed by Sections 46.03(22), 59.69(15), 60.63, and 62.23(7)(i) of the Wis. Stats.

Conditional Uses

Uses of a special nature as to make impractical their predetermination as a permitted use in a district.

Construction Services

Establishments engaged in the distribution, handling, and installation of construction materials. For the purpose of this Ordinance, construction services does not include retail sales of construction materials to the general public.

Construction Site Control Measure

A control measure used to meet the requirements of Section 17.1103 of this Ordinance.

Control Measure

A practice or combination of practices to control erosion and attendant pollution.

Control Plan

A written description of the number, locations, sizes, and other pertinent information of control measures designed to meet the requirements of the Site Construction Erosion Control provisions of this Ordinance submitted by the applicant for review and approval by the City.

Department Store.

A retail store selling a wide variety of goods that are arranged in several departments or categories throughout the store.

Development

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

Distribution Centers

Establishments engaged in the receipt, storage, and distribution of goods, products, cargo and materials. Distributors are involved in business-to-business sales and not retail sales.

Distributor

Establishments or places of business primarily engaged in selling merchandise, generally of a specific type or category, to retailers; to industrial, commercial, institutional, or professional business users; or acting as agents or brokers and selling merchandise to,

such individuals or companies.

District, Basic

A part or parts of the Village for which the regulations of this Ordinance governing the use and location of land and buildings are uniform (such as the Residential, Commercial, and Industrial District classifications).

District, Overlay

Overlay districts provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. In the instance of conflicting requirements, the more strict of the conflicting requirements shall apply.

Drive-through Restaurant

A free-standing establishment used for the sale, dispensing or serving of food, refreshments, or beverages in or on disposable containers; including those establishments where customers may serve themselves and may eat and drink the food, refreshments, and beverages on or off the premises. Drive-through restaurants include those restaurants where drive-in service is provided whereby the customer orders and has food brought to their parked vehicle as part of the regular operations and all other restaurant operations whereby food is brought to a vehicle.

Driveway

A roadway providing access for vehicles to a parking lot, parking space, driveway flair, driveway parking bay, garage, dwelling, or other structure.

Driveway Flair

An extension to a driveway intended to provide a parking space adjacent to a garage or other structure. Driveway flair may also provide added width to a driveway.

Driveway Parking Bay

A parking module extending from a driveway to provide a parking space separated from the driveway.

Dryland Access

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

Dwelling

A detached building, also called a duplex, designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotels, tents, cabins, or mobile homes.

Dwelling, Single-Family

A detached building designed for or occupied exclusively by one (1) family.

Dwelling, Two-Family

A detached building containing two (2) separate dwelling (or living) units, designed for occupancy by not more than two (2) families.

Dwelling, Multiple-Family

A residential building designed for or occupied by three (3) or more families, with the number of families in residence not to exceed the number of dwelling units provided.

Dwelling, Bi-Level

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

Dwelling, Tri-Level

A three-level dwelling with two levels above grade, and a third level half above grade and half below grade. The lowest level may or may not have exterior access.

Election Campaign Period

In the case of an election for office, the period beginning on the first day for circulation of nomination papers by candidates, or the first day that candidates would circulate papers were papers to be required, and ending the day of the election.

In the case of a referendum, the period beginning on the day on which the question to be voted upon is submitted to the electorate and ending on the day on which the referendum is held.

Erosion

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

Essential Services

Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings.

Family

The body of persons related by blood, marriage or adoption, or not more than four (4) unrelated persons who live together in one dwelling unit as a single housekeeping entity.

Family Day Care Home

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

Fence, Open

A structure of rails, planks, stakes, strung wire, or similar material erected as an enclosure, barrier, or boundary. Open fences are those with more than 50 percent of their surface area open for free passage of light and air. Examples of such fences include chain link, picket, and rail fences.

Fence, Ornamental

A fence whose only purpose is to decorate, accent, or frame a feature of the landscape. Ornamental fences are often used to identify a lot corner or lot line; or frame a driveway, walkway, or planting bed. Ornamental fences are those with more than 75 percent of their surface area open for free passage of light and air. Ornamental fences are often of the rail, or wrought iron type.

Fence, Screening

A structure of bricks, planks, woven wire with screening inserts, or similar material erected as an enclosure, barrier, or boundary. A screening fence is erected for the purpose of preventing a view of equipment, materials, or products; may shield undesirable views; or may serve as a barrier to prohibit entry to a property at a given location. A screening fence may or may not form a complete enclosure.

Fence, Security

A structure of rails, planks, stakes, strung wire, or similar material erected as an enclosure, barrier, or boundary. A security fence is erected for the purpose of preventing entry to a property by unauthorized persons and protecting equipment, materials, or products contained within the enclosure. A security fence may also be erected to screen equipment, materials, or products from unauthorized view.

Fence, Solid

A structure of rails, planks, stakes, strung wire, or similar material erected as an enclosure, barrier, or boundary. Solid fences are those with 50 percent or less of their surface area open for free passage of light and air and designed to conceal from the activities conducted behind them. Examples of such fences are stockade, board-on-board, board and batten, basket weave, louvered fences, and chain link with screening inserts.

Financial Service Institutions

Financial services institutions are banks, savings banks, savings and loan associations, credit unions, and trust companies as further defined and regulated by Chapter 404, Wisconsin Statutes, entitled "Uniform Commercial Code-Bank Deposits and Collections;" specifically excluding payday loan businesses, licensed lenders pawn brokers and community currency exchanges that are subject to licensure under Wisconsin Statutes Section 138.09, 138.10 or 218.05, and institutions similar thereto.

Flea Market

Any premises where the principal use is the sale of new or used household goods, personal effects, tools, art work, small household appliances, and similar merchandise, equipment or objects, in small quantities, in broken lots or parcels, not in bulk, for use or consumption by the immediate purchaser. Flea markets may be conducted within a structure or in the open air. Rummage sales and garage sales are not considered to be flea markets.

Flood

Refer to Chapter 14 Sections 14.990.

Flood Profile

Refer to Chapter 14 Section 14.990.

Flood Protection Elevation

Refer to Chapter 14 Section 14.990.

Floodlands

Refer to Chapter 14 Section 14.990.

Floodplain

The land which has been or may be hereafter covered by floodwater during the regional flood. The floodplain includes the floodway and the flood fringe as those terms are defined in Ch. NR 116, Wis. Adm. Code.

Floodplain Fringe

Refer to Chapter 14. Section 14.990.

Floodproofing

Refer to Chapter 14 Section 14.990.

Floodway

Refer to Chapter 14 Section 14.990.

Food Service Contractors and Caterers

Food service contractors provide food services at institutional, governmental, commercial or industrial locations based on contractual arrangements with these type of organizations for a specified period of time.

Food Caterers provide single event based food services that are generally have equipment and vehicles to transport meals and snacks to events and/or prepare food at an off-premise site.

Foster Family Home

The primary domicile of a foster parent which is for four (4) or fewer foster children and which is licensed under Section 48.62 of the Wisconsin Statutes and amendments thereto.

Frontage

The smallest dimension of a lot abutting a public street measured along the street right-of-way line. For lots abutting a lake or stream, the smallest dimension measured along the shoreline.

Garage, Private

A structure primarily intended for and used for the enclosed storage or shelter of the private motor vehicles of the families resident upon the premises. Carports are considered garages.

Garage, Public or Commercial

Any garage other than a private garage.

Garage Sale

See "Rummage Sale."

General Medical Services

A health care establishment providing basic and primary health care services on a routine basis with routine clients with no expectation of ambulance services; including, but not limited to the offices of physicians, mental health specialists, dentists, chiropractors, optometrists, therapists, cardiologists, podiatrists, general practitioners, family planning centers, home health care services, and blood donating center. There are no overnight stays of patients.

Gift Stores

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

Group Assembly

A company of persons gathered together for any purpose for a period of two or more hours.

Hardware Stores

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

Home Occupation

Any occupation for gain or support conducted entirely within buildings by resident

occupants which is customarily incidental to the principal use of the premises, does not exceed 25 percent of the area of any floor, and uses only household equipment, and for which no stock in trade is kept or sold except that made on the premises. A home occupation includes uses such as baby sitting, millinery, dressmaking, canning, laundering, and crafts, but does not include the display of any goods nor such occupations or uses as barbering, beauty shops, dance schools, real estate brokerage, or photographic studios.

Hospital and Ambulance Services

A health care establishment providing emergency medical services with the expectation of ambulance services; including, but not limited to hospitals, organ donation centers, ambulance services, and emergency rooms. Overnight stays of patients are common.

Housing for the Elderly

A dwelling unit or units designed and constructed to be occupied by elderly persons. An elderly person is a person who is 62 years of age or older on the date such person intends to occupy the premises, or a family, the head of which, or his spouse, is an elderly person as defined herein.

Junk or Salvage Yard

An area consisting of buildings, structures, or premises where junk waste and discarded or salvage materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including automobile wrecking yards and house wrecking and structural steel materials and equipment yards, but not including the purchase or storage of used furniture and household equipment or used cars in operable condition.

Kiddie/Wading Pool

An above ground water pool that is designed to be no deeper than twenty four (24) inches at its deepest point, that does not exceed that maximum depth at any time, that is temporarily located on a lot, without electricity, filter, or heater, and that can easily be moved by hand in one piece when empty by an average adult person.

Land Developing Activity

The construction of buildings, roads, parking lots, paved storage areas and similar facilities.

Land Disturbing Activity

Any man-made change of the land surface including removing vegetation cover, excavating, filling and grading, but not including agricultural activities such as planting, growing, cultivating and harvesting of crops; growing and tending of gardens; harvesting of trees; and landscape modifications.

Landowner

Any person holding title to or having an interest in land.

Land User

Any person operating, leasing, renting, or having made other arrangements with the landowner by which the landowner authorizes use of his or her land.

Living Area

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

Loading Area

A completely off-street space or berth on the same lot as the principal use it serves for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

Lot

For the purpose of this Ordinance a lot shall be defined as a parcel of land on which a principal building and its accessory building are placed, together with the required open spaces, provided that no such parcel shall be bisected by a public street and should not include any portion of a public right-of-way. No lands dedicated to the public or reserved for roadway purposes should be included in the computation of lot size.

Lot, Corner

A lot abutting two (2) or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side. (See illustration No. 4.)

Lot, Double Frontage

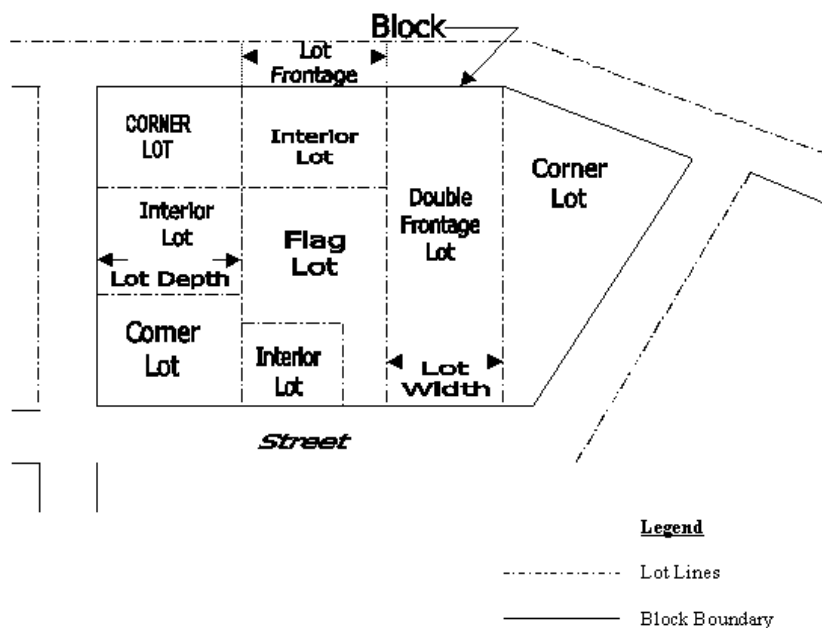
A parcel of land, other than a corner lot, with frontage on more than one street or with frontage on a street and a navigable body of water. (See illustration No. 4.)

Lot Width

The width of a parcel of land measured at the setback line.

ILLUSTRATION NO. 4

ILLUSTRATION OF TYPICAL CORNER, DOUBLE FRONTAGE, FLAG, AND INTERIOR LOTS



Machine Shops

Shops where lathes, presses, grinders, shapers, and other wood and metal working machines are used such as blacksmith, tinsmith, welding, and sheet metal shops; plumbing, heating, and electrical repair shops; and overhaul shops.

Manufacturing

When used in describing an industrial operation, the making or processing of a product with machinery.

Marking Device

Establishments primarily engaged in manufacturing marking devices, such as stamps,

embossing stamps, stamp pads, stencils, pen, pencil, markers and crayons.

Massage Therapy

See spa treatment services. An establishment or place of business where the primary or secondary function is to offer massage by a massage therapist licensed by the Village.

Minor Structures

Any small, movable accessory erection or construction such as birdhouses, tool houses, pet houses, play equipment, arbors, and walls and fences.

Motel

A series of attached, semi attached, or detached sleeping units for the accommodation of transient guests.

Multi-family

Housing where multiple separate housing units for residential (non commercial) inhabitants are contained within one building or several buildings within one complex.

Navigable Water

Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all rivers, streams, ponds, sloughs, flowages, and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. The Wisconsin Supreme Court has declared navigable all bodies of water with a bed differentiated from adjacent uplands and with levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. [Muench v. Public Service Commission, 261 Wis. 492 (1952), and DeGaynor and Co., Inc. v. Department of Natural Resources, 70 Wis. 2d 936 (1975)]

For the purpose of this Ordinance, rivers and streams will be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps until such time that the Wisconsin Department of Natural Resources has made a determination that the waterway is not, in fact, navigable.

Nonconforming Uses or Structures

Any structure, land, or water lawfully used, occupied, or erected at the time of the effective date of this Ordinance or amendments thereto which does not conform to the regulations of this Ordinance or amendment thereto. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading, or distance requirements is considered a nonconforming structure and not a nonconforming use.

Nursing Home

A place which provides 24-hour services including room and board to 3 or more unrelated persons who because of their mental or physical condition require nursing care or personal care in excess of 7 hours per week. A nursing home is subject to State-level licensing and operational limitations as set forth in Chapter 50 of the Wisconsin Statutes.

Official Letter of Map Amendment

Official notification from the Federal Emergency Management Agency (FEMA), that a Flood Hazard Boundary Map or Flood Insurance Rate Map has been amended.

Open Space

Land areas not occupied by buildings, structures, parking areas, streets, driveways, alleys, or other impervious surfaces.

Ordinary Highwater Mark

The point on the bank or shore of a body of water up to which the presence and action of

surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

Outpatient and Advanced Medical Services

A health care establishment providing preventative and/or curative medical care, most often on a referred basis with limited expectation of ambulance services; including, but not limited to outpatient medical health and substance abuse center, dialysis centers, outpatient surgery/care centers, medical laboratories, and diagnostic imaging center. Patients are not anticipated to stay overnight and only in rare occasion/limited scope do so.

Outside Storage

Outside Storage is all areas where product, material, merchandise, or other goods are placed outside of a building or structure on a regular or temporary basis excluding garbage or waste product in an approved and enclosed dumpster. Outside Storage does not include the temporary and seasonal display and sale of merchandise, or goods when such use and area are a part of an approved outdoor sales permit.

Parking

The act of placing or leaving an automobile or other motor vehicle standing for a time on a street, driveway, in a garage, or in a parking lot. The placing or leaving of an automobile, motor vehicle, boat, trailer, or equipment on a street, driveway, parking lot, or in a garage for a long period—exceeding 24 hours—without moving would be termed “storage.”

Parking Lot

A structure or ground level premises containing 5 or more parking spaces for temporary storage of motor vehicles.

Parties in Interest

Includes all abutting property owners, all property owners within 200 feet, and all property owners of opposite frontages.

Personal Care and Weight Loss Facilities

Establishments primarily engaged in providing non medical services to assist clients in attaining or maintaining a desired weight and said services are limited to spaces of 3,500 square feet or less.

Polystructure

An enclosure having a frame of steel or other materials which is covered with polyurethane, vinyl, canvas, or other flexible sheeting materials.

Processing

When used in describing an industrial operation, the series of continuous actions that changes one or more raw materials into a finished product. The process may be chemical as in the processing of photographic materials; it may be a special method such as processing butter or cheese; it may be a mechanical process such as packaging a base product.

Professional Home Offices

Residences of clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, real estate agents, artists, teachers, authors, musicians, or persons in other recognized professions used to conduct their professions where the office does not exceed 25 percent of the area of only one (1) floor of the residence and only one (1) nonresident person is employed.

Professional Office

A tenant space or building where persons in a recognized profession use to conduct their professions. Such professions include, but are not necessarily limited to: clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, real estate agents, artist, teachers, authors, and musicians.

Rear Yard

A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard is opposite the street yard or one of the street yards on a corner lot. (See Illustration No. 5)

Regional Flood

The regional flood is a flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics. The flood frequency of the regional flood is once in every 100 years; this means that in any given year there is a one (1%) percent chance that the regional flood may occur or be exceeded. During a typical 30-year mortgage period, the regional flood has a 26 percent chance of occurrence.

Relaxation/Floating Pool

A structure above or below ground level, or combination thereof, designed to hold water that is more than twenty four inches and no more than 30 inches deep at its deepest point, that does not exceed that maximum depth at any time, to be used for recreation or relaxation purposes, such as a hot tub.

Religious Facility

A facility where religion is practiced or its supporting uses are (ex. Church, synagogue, temple).

Rummage Sale

The occasional sale of personal property at a residence conducted by one or more families in a neighborhood. Rummage sales do not exceed four (4) consecutive days in length and are not conducted more often than three (3) times per year. Rummage sales do not involve the resale of merchandise acquired for that purpose. Rummage sales are also known as "garage sales." Flea markets, defined elsewhere in this Section, are not rummage sales.

Runoff

The rainfall, snowmelt, or irrigation water flowing over the ground surface.

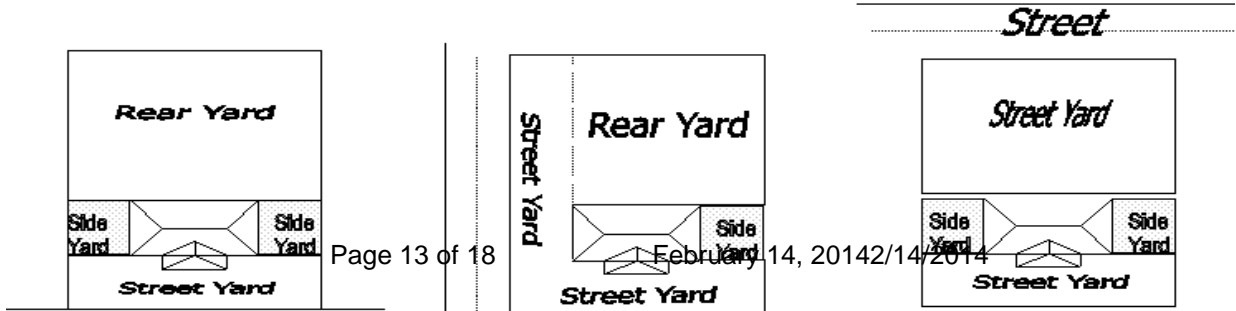
Seat

Furniture upon which to sit having a linear measurement not less than 24 inches across the surface used for sitting.

Setback or Street Yard

A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Corner lots and double frontage lots have two (2) such yards. (See Illustration No. 5)

ILLUSTRATION NO. 5
LOCATION OF YARDS ON TYPICAL
INTERIOR, CORNER, AND DOUBLE FRONTAGE LOTS



Set of One-Year Design Storms

The rain intensities and rain volumes or corresponding values specific to the community for the storm durations of 0.5, 1, 2, 3, 6, 12, and 24 hours that occur approximately once per year. The following are typical characteristics of these one-year storms in most of Wisconsin:

Storm Duration (hours)	Average Rain Intensity (inches/hour)	Total Rain (inches)
0.5	1.8	0.9
1	1.1	1.1
2	0.7	1.3
3	0.5	1.5
6	0.3	1.7
12	0.2	2.0
24	0.1	2.3

Shorelands

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

Shore Yard

A yard extending from the ordinary highwater mark of a navigable body of water and a line parallel thereto through the nearest roofed or enclosed portion of the principal structure.

Side Yard

A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure. (See Illustration No. 5)

Sign

Any medium, including its structure, words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trade marks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity, or product and which is visible from any public street or highway.

Sign, Awning

A sign that is mounted or painted on, or attached to an awning, canopy, or marquee. (See Illustration No. 6)

Sign, Copy

The message or advertisement, and any other symbols on the face of a sign.

Sign, Face

The area or display surface used for the message.

Sign, Ground

Any sign placed upon or supported by the ground independent of any other structure. (See Illustration No. 6). A monument sign is a specific ground sign for the purpose of delineating a neighborhood or a commercial development area.

Sign, Pole

A sign that is mounted on a free standing pole or other support so that the bottom edge of the sign face is 10 feet or more above grade. (See Illustration No. 6)

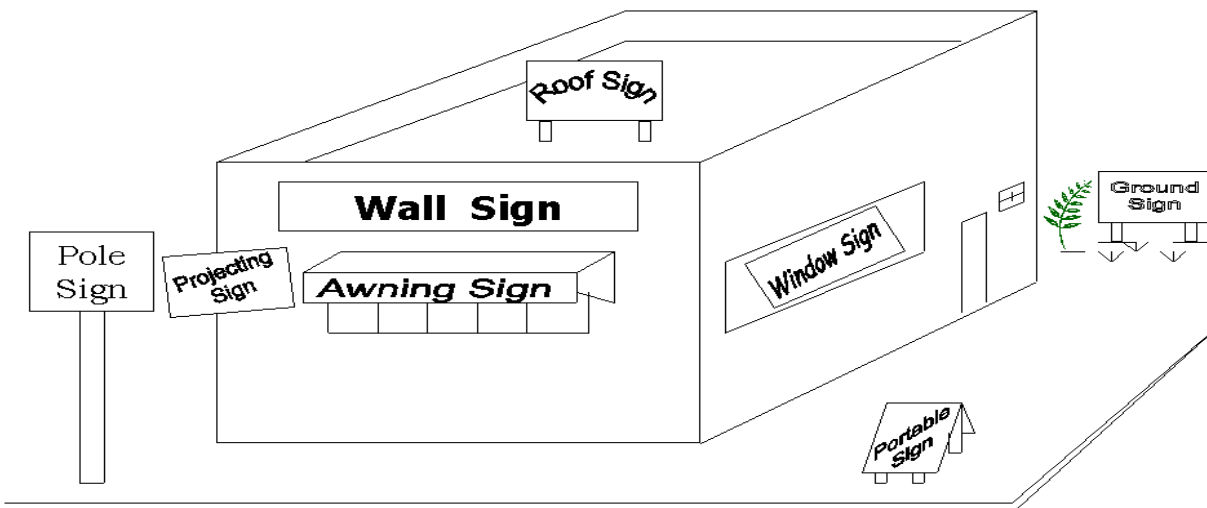
Sign, Portable

A sign that is not permanent, affixed to a building, structure, or to the ground. Such sign is sometimes mounted on wheels to make it transportable. (See Illustration No. 6)

Sign, Projecting

A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building. (See Illustration No. 6)

ILLUSTRATION NO. 6
SIGN TYPES



Sign, Roof

A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof (See Illustration No. 6)

Sign, Wall

A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than 12 inches from such building or structure. (See Illustration No. 6)

Sign, Window

A sign that is applied or attached to the exterior or interior of a window or located in such manner within the building that it can readily be seen from the exterior of the building through a window. (See Illustration No. 6)

Site

The entire area included in the legal description of the land upon which a land disturbing or land development activity is proposed in a land disturbing permit application.

Snack Stands/Mobile food services

Providing food services where patrons generally order or select items and pay before eating from motorized or non-motorized carts or vehicles. Alcohol/beer/wine are not permitted for sale.

Spa Treatment Services

Spa services which includes massage therapy.

Specified Anatomical Areas

Specified anatomical areas are:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, and female breast below the point immediately above the top of the areola;
2. Human male genitals in a discernible turgid state, even if opaquely covered.

Specified Sexual Activity

Specified sexual activities are the simulated or actual:

1. Showing of human genitals in a state of sexual arousal;
2. Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sado-masochistic abuse, fellatio or cunnilingus;
3. Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts.

Street

A public right-of-way not less than 50 feet wide providing primary access to abutting properties.

Street Right-of-Way

A strip of land acquired by dedication, easement, or reservation and intended to be occupied by a street, highway, road or alley. In accordance with Sections 80.01 and 80.08 of the Wisconsin Statutes, where no public record exists or where such public record has been lost or destroyed, the street right-of-way is presumed to be 66 feet wide.

Structure

Any erection or construction, such as buildings, prefabricated or prebuilt buildings, towers, masts, poles, booms, signs, decorations, carports, machinery, and equipment.

Subdivision

A division of land that is subject to the definition of "subdivision" that is contained in Chapter 18 of the Village of Sussex Municipal Code, entitled Land Division Ordinance, including any amendments to that definition that may be made therein from time to time.

Substantial Improvement

Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the present equalized assessed value of the structure either before the improvement or repair is started, or if the structure has been damaged, and is being restored, before the damage occurred. The term does not however, include either: (a) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or (b) any alteration of a structure or site documented as deserving preservation by the Wisconsin State Historical Society or listed on the National Register of Historic Places. Ordinary maintenance repairs are not considered structural repairs, modifications or

additions; such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows, and other nonstructural components.

Structural Alterations

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

Surety

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

Sustained Yield Forestry

Management of forested lands to provide annual or periodic crops of forest products.

Swimming Pool

A structure above or below ground level, or combination thereof, designed to hold water more than 30 inches deep at its deepest point, to be used for recreation or relaxation purposes. Also included in this definition is any water pool structure that is not a relaxation/floating pool or kiddie/wading pool as defined herein.

Townhouses

A group of single-family dwellings, also called row houses, having an unpierced common wall between each adjacent section and the end units having side yards.

Tree, Climax

A tree that would occupy the uppermost canopy of a forest in a natural ecological situation. These trees are often referred to as shade trees. Examples of climax trees include hickory, red oak, pin oak, white oak, and sugar maple trees.

Tree, Conifer

A tree characterized by needle-shaped leaves, cones, and a resinous wood. These trees are often referred to as evergreens because they do not lose their foliage during the winter. Examples of tall conifer trees include fir, pines, spruces, and firs. An example of a medium conifer is the arborvitae.

Tree, Deciduous

A tree characterized by leaves, fruits, and/or flowers that fall off or are shed at specific seasons, especially winter. Examples of tall deciduous trees are red and silver maples, white and green ash, honey locust, and linden. Examples of medium deciduous trees are birch and willow.

Turning Lane

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

Unnecessary Hardship

The circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with the restrictions governing dimensional standards (such as lot area, lot width, setbacks, yard requirements, or building height) unnecessarily burdensome or unreasonable in light of the purpose of this Ordinance. Unnecessary hardship is present only where, in the absence of a variance, no feasible use can be made of the property.

Utilities

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

Variance

An authorization granted by the Zoning Board of Appeals to construct or alter a building or structure in a manner that deviates from the dimensional standards of this Ordinance. A variance may not permit the use of a property that is otherwise prohibited by the Ordinance or allow floodland construction that is not protected to the flood protection elevation.

Vehicle

Every device in, upon, or by which any person or property may be transported except railroad trains.

Warehousing

Establishments used primarily for the storage and handling of goods and materials.

Weight Loss Facilities See Personal Care.

Wetland

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

Wholesaling

Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Yard

An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation. The street and rear yards extend the full width of the lot. (See Illustration No. 5)