

## Article 10. Definitions

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## Sec. 17.1001. Definitions “A”

- (a) **A Zones.** Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. 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.
- (b) **Accessory Building.** A structure which does require a building permit and is detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use.
- (c) **Accessory Dwelling.** A smaller, independent residential dwelling unit located on the same lot as a single-family detached home.
- (d) **Accessory Retail.** The use of a portion of a building for retail purposes which are customarily incidental and subordinate to the principal use of the building.
- (e) **Accessory Structure.** A structure which does not require a building permit, does not have a permanent foundation, and is detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use.
- (f) **Accessory Use.** A use or detached structure subordinate to the principal use of a structure, land, water, or air and located on the same lot or parcel, and serving a purpose customarily incidental to the principal use or the principal structure.
- (g) **Acute Care Center.** A building containing medical services for acute patient needs or containing an association or group of physicians, dentists, clinical psychologists, or similar professional health care practitioners, including assistants. The clinic may include a pharmacy, dental and mental laboratories, and/or x-ray facilities, but shall not include inpatient or overnight care.
- (h) **Adult Arcade.** Means a commercial establishment where, for any form of consideration, one (1) or more still or motion picture projectors, slide projectors, computer-generated or enhanced pornography, panorama, peep show, or similar machines, or other image producing machines, for personal viewing, are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which provide material for individual viewing by patrons on the premises of the business which are characterized by an emphasis on the depiction, description or simulation of “specified anatomical areas” or “specified sexual activities.”
- (i) **Adult Bookstore.** Means an establishment which has a facility or facilities, including, but not limited to, booths, cubicles, rooms or stalls, for the presentation of adult entertainment, including adult oriented films, movies or live performances for observation by patrons therein; or an establishment having as a substantial or significant portion of its stock-in-trade for sale, rent, trade, 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 relating to specified anatomical areas or specified sexual activities as defined below

- (j) **Adult Entertainment Business.** means any establishment providing adult entertainment as defined herein, including, but not limited to, adult arcade, adult bookstore, adult novelty store, adult video store, adult motion picture theater, and exotic dance studio, more specifically defined as adult arcades, adult bookstores, adult motion picture theaters, and adult retail establishments. In determining whether or not the presumption is rebutted, the Common Council may consider the following factors, which are not conclusive:
- (1) Whether minors are prohibited from access to the premises of the establishment due to the adult entertainment nature of the inventory;
  - (2) Whether the establishment is advertised, marketed, or held out to be an adult merchandising facility;
  - (3) Whether adult entertainment material is an establishment’s primary or one of its principal business purposes; or
  - (4) Whether thirty (30) percent or more of an establishment’s revenue is derived from adult entertainment material. An establishment may have other principal business purposes that do not involve the offering for sale or rental of adult entertainment materials and still be categorized as an adult retail establishment.
- (k) Such other business purposes will not serve to exempt such establishments from being categorized as an adult retail establishment so long as one (1) of its principal business purposes is offering for sale or rental, for some form of consideration, the specified adult entertainment materials. The Common Council shall have full discretion to give appropriate weight to the factors set forth above as well as other factors considered depending on the particular facts and circumstances of each application.
- (l) **Adult Entertainment Material.** Means any books, magazines, cards, pictures, periodicals, or other printed matter, or photographs, films, motion pictures, video tapes, slides, or other photographic reproductions, or visual representations, CD-ROMs, DVDs, disks, electronic media, or other such media, or instruments, devices, equipment, paraphernalia, toys, novelties, games, clothing or other merchandise or material, which are characterized, by an emphasis on the depiction, description or simulation of “specified anatomical areas” or “specified sexual activities.”
- (m) **Adult Entertainment.** Means any dance, amusement, show, display, merchandise, material, exhibition, pantomime, modeling or any other like performance of any type for the use or benefit of a member or members of the public or advertised for the use or benefit of a member of the public where such is characterized by an emphasis on the depiction, description or simulation of “specified anatomical areas” as defined herein, or the exhibition of “specified sexual activities,” also defined herein, or in the case of live adult entertainment performances, which emphasizes and seeks to

arouse or excite the patrons' sexual desires. For the purposes of this chapter, any patron of an adult entertainment business, as defined in this section, shall be deemed a member of the public.

- (n) **Adult Family Home.** A private residence to which all of the following apply:
  - (1) Care and maintenance above the level of room and board but not including nursing care are provided in the private residence by the care provider whose primary domicile is this residence for three (3) or four (4) adults, or more adults if all of the adults are siblings, each of whom has a developmental disability, as defined in s. 51.01(5), or, if the residence is licensed as a foster home, care and maintenance are provided to children, the combined total of adults and children so served being no more than four (4), or more adults or children if all of the adults or all of the children are siblings.
  - (2) The private residence was licensed under s. 48.62 as a foster home for the care of the adults specified in par. (1) at least twelve (12) months before any of the adults attained eighteen (18) years of age.
- (o) **Adult Motion Picture Theater.** Means a commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions characterized by an emphasis on the depiction, description or simulation of "specified anatomical areas" or "specified sexual activities" are regularly shown for any form of consideration.
- (p) **Adult Retail Establishment.** Means any bookstore, adult novelty store, adult video store, or other similar commercial establishment, business, service, or portion thereof which, for money or any other form of consideration, provides as a significant or substantial portion of its stock-in-trade the sale, exchange, rental, loan, trade, transfer, and/or provision for viewing or use off the premises of the business adult entertainment material as defined in this section. For purposes of this provision, it shall be a rebuttable presumption that thirty (30) percent or more of a business' stock-in-trade in adult retail material, based on either the dollar value (wholesale or retail) or the number of titles of such material, is significant or substantial.
- (q) **Adult-Oriented Facilities.** Commercial establishments in which a significant portion of the business is to:
  - (1) Display, sell, have in their possession for sale, offer for view, publish, disseminate, give, lease, or otherwise deal in any written or printed matter, pictures, films, sound recordings, machines, mechanical devices, models, facsimiles, or other material and paraphernalia depicting sexual conduct or nudity; and/or;
  - (2) Which display for viewing any film or pictures depicting sexual conduct or nudity; and/or
  - (3) In which any person appears or performs in a manner depicting sexual conduct or involving nudity.
- (r) **Agritourism.** An agriculturally based operation or activity that brings visitors to a farm or ranch.

- (s) **Alley.** A public right-of-way affording only secondary access to abutting properties and not intended for general traffic circulation.
- (t) **Animal Hospital.** A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.
- (u) **Antenna, Earth Station Dish.** A dish-shaped antenna designed to receive television broadcasts relayed by microwave signals from earth-orbiting communication satellites.
- (v) **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.
- (w) **Antenna.** A specific device the surface of which is used to receive or capture incoming and/or to transmit outgoing radio-frequency (RF) signals, microwave signals, or other communications energy transmitted from or to be received by other antennas, including, but not limited to the following:
  - (1) Directional (or “panel”) antennas, designed to receive and/or transmit signals in a directional pattern which is less than three-hundred and sixty (360) degrees, typically an arc of approximately one-hundred and twenty (120) degrees;
  - (2) Parabolic (or “dish”) antennas, generally bowl-shaped devices that are designed to receive and/or transmit signals in an approximate specific direction;
    - 1. Microwave parabolic antennas are designed to transmit and/or receive microwave signals to or from other microwave parabolic antennas;
    - 2. Satellite parabolic antennas are designed to transmit and/or receive audio and/or video or data signals from satellites orbiting the earth;
    - 3. Other devices designed for the reception and/or transmission of radio-frequency (RF) signals or other communication technologies.
- (x) **Aquaculture.** The indoor farming of fish, crustaceans, mollusks, aquatic plants, algae, and other organisms.
- (y) **Archery Range.** An outdoor facility that may include buildings or structures used for target practice with bows and arrows.
- (z) **Art Gallery.** 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.
- (aa) **Arterial Highway.** A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways include City of Oak Creek 17-139 freeways and expressways, state trunk and county trunk highways, and other heavily traveled streets.

- (bb) **Artisan Manufacturing.** The application, teaching, making, or fabrication of crafts or products by an artist, artisan, or craft person and is often limited to light manufacturing uses, such as small-scale fabrication, small-batch bakeries, or micro-distilleries. These uses often include accessory retail space as well as live-work units.
- (cc) **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.
- (dd) **Audio/Video Production.** An activity, not in conjunction with adult-oriented facilities, involving the production, including scripting, recording, editing and post-production of audio and visual taped media for educational, entertainment or promotional purposes.
- (ee) **Autobody or Automotive Mechanical Repair.** Activities involving the repair, painting, or undercoating of the body of frame or maintenance, servicing, or repair of automotive engines, power train, suspensions, and exhaust system on vehicles with a gross weight of ten thousand (10,000) pounds or less.

## Sec. 17.1002. Definitions “B”

- (a) **Base Flood.** Means the flood having a one (1) percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.
- (b) **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.
- (c) **Bed and Breakfast.** Any place of lodging that provides four (4) or fewer rooms for rent for more than ten (10) nights in a twelve (12)-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.
- (d) **Billboard.** See “Sign, Off-Premise.”
- (e) **Boat Mooring and Rental.** See “Marina”.
- (f) **Booths, Cubicles, Rooms, Compartments or Stalls.** Means enclosures as are specifically offered to the public or members of an adult entertainment business for hire or for a fee as part of a business operated on the premises which offers as part of its business the entertainment to be viewed within the enclosure. This shall include, without limitation, such enclosures wherein the entertainment is dispensed for a fee, but a fee is not charged for mere access to the enclosure. However, “booth”, “cubicle”, “room”, “compartment” or “stall” does not mean such enclosures that are private offices used by the owners, managers or persons employed on the premises for attending to the tasks of their employment, which enclosures are not held out to the public or members of the establishment for hire or for a fee or for the purpose of viewing entertainment for a fee.

- (g) **Brewery.** An industrial use that brews ales, beers, meads, and/or similar beverages primarily for consumption off premise.
- (h) **Bridle Path.** A trail or track used for horseback riding.
- (i) **Buffer Yard.** An area of land containing 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.
- (j) **Buildable Area.** The area of the lot remaining after the minimum front setback, side setbacks, rear setback, and other open space requirements, such as wetlands, have been met.
- (k) **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, vehicles, or materials.
- (l) **Building Height.** The vertical distance measured from the mean elevation of the finished lot grade along the front yard of the structure to the highest point of the roof.
- (m) **Building Setback Line.** A line within a lot or parcel of land designated, pursuant to City Zoning Code requirements, on a plat of a proposed subdivision within which, and the adjacent boundary of the street upon which the lot abuts, the erection of an enclosed structure or portion thereof is prohibited.
- (n) **Building, Principal.** The main building or structure as distinguished from a secondary or accessory building or structure. This includes a house in a residential district, a store in a business district, a factory in a manufacturing district, or farm buildings in an agricultural district. Principal building shall not include attached secondary or accessory buildings or structures.
- (o) **Building, Temporary.** Any building not designed to be permanently located in the place where it is currently located, or where it is intended to be located.
- (p) **Bulkhead Line.** A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to s. 30.11, Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.
- (q) **Bulletin Board.** See “Sign, Bulletin.”
- (r) **Business Accelerator.** Organizations that provide cohorts of selected nascent ventures seed-investment, usually in exchange for equity, and limited-duration educational programming, including extensive mentorship and structured educational components. These programs typically culminate in “demo days” where the ventures make pitches to an audience of qualified investors (International Economic Development Council. Accelerating Success: Strategies to Support Growth Oriented Companies.
- (s) **Business Incubator.** A mechanism used to encourage and support young companies until they become viable. These are typically multitenant buildings developed by local economic development

entities to help “grow” new businesses by providing them with inexpensive space and common business services.

### Sec. 17.1003. Definitions “C”

- (a) **Café.** An informal restaurant primarily offering coffee, tea, and other beverages, and where light refreshments and limited menu meals may also be sold.
- (b) **Campground.** Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by four (4) or more camping units, or which is advertised or represented as a camping area.
- (c) **Camping Unit.** Any portable device, no more than four-hundred (400) square feet in area, used as a temporary shelter, City of Oak Creek 17-140 including but not limited to a camping trailer, motor home, bus, van, pick-up truck, tent or other mobile recreational vehicle.
- (d) **Candela.** A measure of light intensity. A candela is equal to one sixtieth (1/60) of the luminous intensity per square centimeter of a blackbody radiating at the temperature of solidification of platinum (2,046° K.) By comparison, a “foot-candle” is the illumination of a surface one foot (1’) distant from a source of one candela, or one (1) lumen per foot.
- (e) **Canopy.** See “Marquee.”
- (f) **Car or Truck Wash.** Any facility used for the washing of vehicles requiring the installation of special equipment.
- (g) **Carnival.** A traveling or transportable group or aggregation of rides, shows, games, or concessions or any combination thereof.
- (h) **Certificate of Compliance.** A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.
- (i) **Channel.** A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
- (j) **Chapter 980 Stats. Supervised Release.** An occupancy use of a dwelling unit pursuant to a plan of the Department of Health and Family Services, a Court order, or as may otherwise result from or be provided for under Chapter 980 of the Wisconsin Statutes, which occupancy use is the supervised release of a sexually violent person.
- (k) **Circus/Animal Show.** A temporary outdoor amusement center, bazaar, or fair either involving use of special purpose equipment, conducted by professional operators, or both, and where activities include such things as animal shows, rides, food service, or small-scale games.

- (l) **Clubhouse.** A building or group of buildings accessory to a residential development and available for common use by residents of the development.
- (m) **College/University.** An institution of higher learning that offers courses of general or specialized study leading to a degree, including instructional and recreational uses, with or without living quarters, dining rooms, restaurants, heating plants and other incidental facilities for students, teachers, and employees. Such institutions are certified by the state or by a recognized accrediting agency. Examples include universities, liberal arts colleges, community colleges, nursing, and medical schools not accessory to a hospital, conservatories, and seminaries.
- (n) **Co-Location.** Locating wireless communication facilities from more than one provider on a single site.
- (o) **Commercial Site.** Shall mean a tract consisting of one or more contiguous lots or parts of lots which are used for interdependent ingress and egress of vehicles and containing one or more off-street loading or parking facilities; or any commercial site having five or more parking stalls.
- (p) **Commercial Vehicle Sales and Service.** Any building, land area, or other premises for the display and sale of large trucks and equipment, typically used in commercial and industrial operations, and including any warranty repair work and other repair service conducted as an accessory use. For the purpose of this Chapter, commercial trucks are trucks with a gross vehicle weight in excess of ten thousand (10,000) pounds.
- (q) **Community Garden.** A site where any kind of plant, including flowers, is grown, and several individuals or households cultivate the site. The site may be divided into individual allotments, or gardeners may work together to cultivate the entire property. The land may be publicly or privately owned. The plants are grown for personal use by the gardeners or for donation.
- (r) **Community Living, 1-15 Persons.** All facilities provided for in Sec. 46.03(22), Wis. Stats., including child welfare agencies, group homes for children, foster homes, treatment foster homes, and community based residential facilities, where care, treatment, or services above the level of room and board but less than skilled nursing care are provided to up to fifteen (15) persons residing in the facility. Such care, treatment or services are provided as the primary function of such facility. Adult family homes, day care homes, nursing homes, general hospitals, special hospitals, prisons, jails, and foster family homes that are the primary domiciles of a foster parent and four (4) or fewer children are not community living arrangements for purposes of this ordinance.
- (s) **Community Living, 16+ Persons.** All facilities provided for in Sec. 46.03(22), Wis. Stats., including child welfare agencies, group homes for children, foster homes, treatment foster homes, and community based residential facilities, where care, treatment, or services above the level of room and board but less than skilled nursing care are provided to more than 16 persons residing in the facility. Such care, treatment or services are provided as the primary function of such facility. Adult family homes, day care homes, nursing homes, general hospitals, special hospitals, prisons, jails and foster family homes that are the primary domiciles of a foster parent and four (4) or fewer children are not community living arrangements for purposes of this ordinance.

- (t) **Community-based Residential Facility.** A place where three (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 to persons residing in the facility as a primary function of the facility.
- (u) **Conditional Uses.** Uses of a special nature as to make impractical their predetermination as a permitted use in a district. Conditional uses have been used in zoning ordinances as flexible devices, which are designed to cover situations where a particular use, although not inherently inconsistent with the use classification of a particular zoning district, may create special problems and hazards if allowed to develop and locate as a matter of right in a particular zoning district. Conditional uses are issued to properties, not individuals, and their continued use runs with the property, not with the owner.
- (v) **Convenience Food Store.** A retail establishment of less than three thousand (3,000) square feet in area where food products and related household products are sold.
- (w) **Covered Parking Facilities.** Shall mean a parking facility with an overhead covering and shall include all floors, except the roof level of multilevel parking structure or ramp.
- (x) **Crawlways or Crawl Space.** An enclosed area below the first usable floor of a building, generally less than five (5) feet in height, used for limited access to plumbing and electrical utilities.
- (y) **Curb Elevation.** The elevation of the established curb in front of a building or structure generally used as a reference point in establishing yard grades. Where curb has not been installed, the mean centerline elevation of the street in front of the building or structure shall be used as the reference point.

## Sec. 17.1004. Definitions “D”

- (a) **Day Care Center.** See “Family Day Care Home” and “Group Day Care Center.”
- (b) **Deck.** An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.
- (c) **Department.** The Wisconsin Department of Natural Resources.
- (d) **Destination Retail.** A type of store that attracts regional customers as their ultimate destination.
- (e) **Development.** Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

- (f) **Distillery.** A facility which produces by distillation spirits for consumption, the sales and distribution of which are subject to regulation by the Wisconsin Department of Revenue.
- (g) **District, Basic.** A part or parts of the City for which the regulations of this Chapter governing the use and location of land and buildings are uniform (such as the Residential, Commercial, and Industrial District classifications).
- (h) **District, Overlay.** Overlay districts provide for the possibility of superimposing certain additional requirements upon a basic zoning district.
- (i) **Donation Drop Box.** A receptacle designed with a door, slot, or other opening that is intended to accept and store donated items; provided, however, that the definition of donation drop boxes shall not include trailers where personnel are present to accept donations.
- (j) **Drive Through.** An establishment that dispenses products or services to patrons who remain in vehicles.
- (k) **Driveway.** Shall mean every way or area used for vehicular travel on private property adjacent to the street right-of-way.
- (l) **Dry Cleaner.** An establishment or business maintained for the pickup and delivery of dry cleaning and/or laundry without the maintenance or operation of any laundry or dry-cleaning equipment or machinery on the premises.
- (m) **Dryland Access.** A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the City of Oak Creek 17-141 floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.
- (n) **Dwelling.** A building designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotels, tents, cabins, or travel trailers.
- (o) **Dwelling Unit.** A group of rooms including at least a kitchen or kitchenette, sanitary facilities, and a bedroom; and providing, or intended to provide, living quarters for not more than one (1) family.
- (p) **Dwelling, Multifamily Building.** A residential building designed for or occupied by three (3) or more families, with the number of families in a residence not to exceed the number of dwelling units provided.
- (q) **Dwelling, Multifamily Complex.** A master planned development with more than two multifamily buildings on a lot.
- (r) **Dwelling, Single-Family Attached.** A building, also called a duplex, containing two (2) separate dwelling (or living) units, designed for occupancy by not more than two (2) families, and having separate entrances and kitchen facilities.

- (s) **Dwelling, Single-Family Detached.** A building designed for or occupied exclusively by one (1) family, including manufactured homes.

### Sec. 17.1005. Definitions “E”

- (a) **Election Campaign Period.** In the case of an election for office, the period beginning on the first day of circulation of nomination papers by candidates or the first day that candidates would circulate nomination 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.
- (b) **Encroachment.** Any fill, structure, equipment, building, use or development in the floodway.
- (c) **Environmental Contractor.** Offices, laboratories and support facilities for the testing or evaluation of soil, air or water, not including any on-site storage or remediation of materials.
- (d) **Environmental Control Facility.** Any facility, temporary or permanent, which is reasonably expected to abate, reduce or aid in the prevention, measurement, control or monitoring of noise, air or water pollutants, solid waste or thermal pollution, radiation or other pollutants, including facilities installed principally to supplement or to replace existing property or equipment not meeting or allegedly not meeting acceptable pollution control standards or which are to be supplemented or replaced by other pollution control facilities.
- (e) **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 facilities such as 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, detention basins, drainage channels, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, railroad tracks, and hydrants, but not including buildings.
- (f) **Existing Manufactured Home Park or Subdivision.** A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.
- (g) **Expansion to Existing Mobile/Manufactured Home Park.** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.

## Sec. 17.1006. Definitions “F”

- (a) **Family.** A family may consist of a person living alone or any of the following groups living together in a dwelling unit and sharing common living, sleeping, cooking and eating facilities:
- (1) Any number of people related by blood, marriage, adoption, guardianship or other duly authorized custodial relationships;
  - (2) Two (2) unrelated people.
  - (3) Two (2) unrelated people and any children related to either of them.
  - (4) A family does not include:
    1. Any society club, fraternity, sorority, association, lodge, combine, federation or other like organization.
    2. Two or more individuals whose association to each other is temporary and/or seasonal in nature; City of Oak Creek 17-142
    3. More than one person determined to be a sexually violent person under Chapter 980, Wisconsin Statutes.
    4. Three or more people who are granted a Conditional Use Permit as a Function Family Unit, provided that a Conditional Use Permit for a Functional Family Unit shall be personal to the Functional Family Unit.
- (b) **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 under the age of seven (7) years for less than twenty-four (24) hours per day.
- Farm.** A parcel of land used for agricultural activities including, but not limited to, the raising and harvesting of field crops; the raising of livestock; and the raising and harvesting of trees, orchards, or vineyards.
- (c) **Farmers Market.** The offering for sale of fresh agricultural products directly to the consumer at an open-air market.
- (d) **Federal Emergency Management Agency (FEMA).** The federal agency that administers the National Flood Insurance Program.
- (e) **Fence.** An artificially constructed barrier of any material or combination of materials erected to enclose, decorate, or screen areas of land.
- (f) **Fence, Security.** A fence intended to guard property against unauthorized entry, and to protect stored goods and products from theft and other unauthorized handling. Security fences usually exceed six feet in height, are often made of wrought iron or woven wire, and may incorporate additional security features such as barbed wire.

- (g) **Financial Institution.** See “Bank”.
- (h) **Flea Market.** Any premises where the principal use is the sale of new or used household goods, personal effects, tools, artwork, 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.
- (i) **Flood Frequency.** The probability of a flood occurrence which is 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.
- (j) **Flood Insurance Rate Map (FIRM).** A map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.
- (k) **Flood Insurance Study.** A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.
- (l) **Flood or Flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:
  - (1) The overflow or rise of inland waters,
  - (2) The rapid accumulation or runoff of surface waters from any source,
  - (3) The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior, or
  - (4) The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.
- (m) **Flood Profile.** 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.
- (n) **Flood Protection Elevation.** An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: Freeboard.)
- (o) **Flood Storage.** That area of the floodplain where storage of floodwaters is calculated to reduce the regional flood discharge.

- (p) **Floodfringe.** That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.
- (q) **Floodplain Management.** Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.
- (r) **Floodplain.** Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe and may include other designated floodplain areas for regulatory purposes.
- (s) **Floodproofing.** Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.
- (t) **Floodway.** The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
- (u) **Floor Area Ratio.** The gross floor area of all buildings on the lot divided by the lot area. This is often expressed as a percentage of the lot. Floor area ratio differs from lot coverage in that the floor area of all floors of each building is used in making the calculation.
- (v) **Floor Area, Gross.** The sum of the gross horizontal areas of the floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six feet.
- (w) **Floor Area, Net.** The total of all floors areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading space; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public. Very often, for ease of administration, net floor area is expressed as gross floor area minus a certain percentage. Empirically, stairwells, elevator shafts, equipment rooms, and utility rooms generally average out to about fifteen (15) percent of the gross floor area.
- (x) **Food Truck.** A large, motorized vehicle or trailer, equipped to cook, prepare, serve, and/or sell food.
- (y) **Food Truck Park.** A permanently established area designed to accommodate multiple food trucks and offering food and/or beverages for sale to the public as the main use of the property and functioning as a single business.
- (z) **Foot-Candle.** Shall mean the illumination of a surface one-foot distant from a source of light equivalent to one candle.
- (aa) **Foster Home.** Any facility operated by a person required to be licensed by Section 48.62 that provides care and maintenance for no more than four (4) children unless all children are siblings.

- (bb) **Freeboard.** A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.
- (cc) **Front Setback.** A line established on a parcel of land for the purpose of identifying the nearest point a principal or accessory structure may be placed to a lot line or right-of-way line. The minimum required horizontal distance between the front property line and the nearest foundation wall of a principal or accessory building, excluding overhangs, uncovered steps and stoops, gutters and awnings. Where the street line is an arc, the setback shall be measured from the arc.
- (dd) **Front Yard.** A regulated area on a developed parcel of land. The yard area bounded by the front lot line, the side lot lines and the front foundation wall of a principal building , excluding overhangs, uncovered steps and stoops, gutters and awnings.
- (ee) **Frontage.** The dimension of a lot abutting a public street measured along the street right-of-way line. For lots abutting a lake or stream, the dimension measured along the shoreline.
- (ff) **Fuel Sales.** Any building, land area, or other premises, or portion thereof, used or intended to be used for the retail dispensing and sales of fuel for passenger vehicles.
- (gg) **Fueling Plaza.** Any building, land area, or other premises, or portion thereof, used or intended to be used for the retail dispensing and sales of fuel for passenger and commercial vehicles.
- (hh) **Functional Family Unit.** In RS-1, RS-2, RS-3, and RS-4, single family residential zoning districts, and RD-1, RM-1 and agricultural zoning districts, a functional family unit shall consist of a group of individuals living together in a single dwelling unit and functioning as a family with respect to those characteristics that are consistent with the purposes of zoning restrictions in single family residential neighborhoods. In determining whether or not a group of unrelated individuals is a functional family unit under this definition, the following criteria must be used:
  - (1) The occupants must share the entire dwelling unit. A unit in which the various occupants act as separate roomers cannot be deemed to be occupied by a functional family unit.
  - (2) The following factors shall be considered in determining whether a functional family exists:
    - 1. The presence of minor dependent children regularly residing in the household;
    - 2. Evidence of shared household expenses;
    - 3. Whether or not different members of the household have the same address for purposes of voter registrations, drivers' licenses, motor vehicle registrations, summer or other residences and the filing of taxes;
    - 4. Enrollment of dependent children in local schools;

5. Any other evidence reasonably related to whether or not the group or persons have functioned as a family unit as defined in this ordinance.

## Sec. 17.1007. Definitions “G”

- (a) **Garage Sale.** See “Rummage Sale.”
- (b) **Garage, Private.** An accessory building primarily intended for and used for storage of the resident upon the premises or landowner.
- (c) **Garage, Public or Commercial.** A structure, or portion thereof, other than a private garage, used primarily for the parking and storage of motor vehicles and available to the general public. A public garage may or may not charge a fee for such use.
- (d) **Garage, Repair.** See “Autobody or Automotive Mechanical Repair”.
- (e) **General Retail.** Any establishment whose primary activity is the provision of products, as opposed to assistance, to individuals. Any retail use otherwise listed in Section 3 or defined herein shall not be considered a general retail use.
- (f) **General Service.** Any establishment whose primary activity is the provision of assistance, as opposed to products, to individuals. Any service use otherwise listed in Section 3 or defined herein shall not be considered a general retail use.
- (g) **Golf Course.** A tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards.
- (h) **Golf Course, Miniature.** A novelty version of golf played with a putter and a golf ball on a miniature course, typically with artificial playing surfaces, and including obstacles such as bridges and tunnels.
- (i) **Governmental Use.** A facility owned, operated, or occupied by a governmental agency to provide a governmental service to the public.
- (j) **Grocery Store.** A retail establishment of at least twenty-five thousand (25,000) square feet in area, where food products and related household products are sold.
- (k) **Group Day Care Center.** An establishment providing care and supervision for four or more persons under the age of seven and licensed by the State of Wisconsin pursuant to Section 48.65 of the Wisconsin Statutes.
- (l) **Group Home.** Any facility operated by a person required to be licensed by the State of Wisconsin pursuant to Section 48.62 of the Wisconsin Statutes for the care and maintenance of five (5) to eight (8) children.

## Sec. 17.1008. Definitions “H”

- (a) **Habitable Structure.** Any structure or portion thereof used or designed for human habitation.

- (b) **Hard Paved Surface.** An area covered wholly by bituminous asphalt or Portland cement concrete.
- (c) **Health, Athletic, or Recreation Facility.** A building or portion of a building designed and equipped for the conduct of sports, exercise, leisure time activities, or other customary and usual recreational activities, operated for profit or not-for-profit and which can be open only to bona fide members and guests of the organization or open to the public for a fee.
- (d) **Heavy Manufacturing.** The manufacturing, predominately from materials prepared on site, of products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, inclusive of basic industrial processing and custom manufacturing. Manufacturing activities are primarily contained within a building and noise, odor, smoke, heat, glare, and vibration resulting from the manufacturing activity are confined entirely on site or mitigated.
- (e) **Height of Tower.** The vertical distance measured in feet from the average existing level of the ground surrounding the tower and within ten feet thereof to the topmost point of the tower including any antenna or other appurtenances. The existing elevation shall mean the actual or approved elevations of the property at the time of application.
- (f) **High Flood Damage Potential.** 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.
- (g) **High-Intensity Uses.** Uses which (a) are logically dependent upon, and can offer regional access within, one-half mile of freeway interchange entrances and exits, (b) draw customers from a trade area that extends beyond the Seven-County Southeastern Wisconsin Region, and (c) incorporate Destination Retail.
- (h) **Historic Structure.** Any structure that is either: (a) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register, (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district, (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior, or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.
- (i) **Home Occupation.** Any occupation for financial gain or support conducted entirely within the premises by resident occupants, which is customarily incidental to the principal use of the premises.
- (j) **Hospital.** An institution providing health, medical and surgical facilities, for diagnostic, mental, and medical treatment (both surgical and nonsurgical) to inpatients with any of a wide variety of medical conditions. These establishments maintain inpatient beds, provide patients with food services and an organized staff of physicians and other medical personnel to provide patient care services. These

establishments commonly provide other services, such as outpatient, diagnostic, clinical laboratory, and pharmacy services.

- (k) **Hotel.** An establishment that provides lodging to the public in rooms accessed from a common lobby. This does not include a dwelling unit that serves as the owner or renter’s primary residence but is leased or rented for short-term lodging, such as vacation rentals or homestays, via web-based home or room sharing services such as AirBNB, VRBO, and HomeAway.
- (l) **Housing for the Elderly.** A dwelling unit or units designed and constructed to be occupied by elderly persons and their spouses. An elderly person is a person who is sixty-two (62) years of age or older on the date such person intends to occupy the premises.

### Sec. 17.1009. Definitions “I”

- (a) **Increase in Regional Flood Height.** A calculated upward rise in the regional flood elevation, equal to or greater than one-hundredth (0.01) of a foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.
- (b) **Incubator (alternate definition).** A space, building, or facility dedicated for providing technical, financial, managerial, technological, legal, and other support or assistance to start-up and/or growing businesses.
- (c) **Indoor Commercial Recreation Facilities.** A commercial use, with or without seating for spectators, conducted entirely within a building for recreational activities including, but not limited to, playgrounds, miniature golf courses, driving ranges, batting cages, gymnasiums, tennis courts, volleyball courts, basketball courts, trampoline parks, swimming pools, billiard or pool halls.
- (d) **Inspection Unit.** Shall mean the building inspection unit.
- (e) **Installation.** Shall mean the attachment or assembly, whether or not connected to a power source, of any outdoor light fixture affixed to the ground, a building, a pole or any other supporting structure or device.

### Sec. 17.1010. Definitions “J”

- (a) **Junk or Salvage Yard.** An area consisting of buildings, structures, or premises where junk, waste, and discarded or salvaged 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.

## Sec. 17.1011. Definitions “K”

- (b) **Kenel.** Any structure or premises in which animals are kept, boarded, bred, or trained for commercial gain.
- (c) **Kenel, Private.** A place where no more than two dogs are housed for personal use.

## Sec. 17.1012. Definitions “L”

- (a) **Laboratory.** A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.
- (b) **Land Use.** Any nonstructural use made of unimproved or improved real estate. (Also see Development.)
- (c) **Legal Nonconforming Structure.** A building or structure lawfully existing at the time of adoption of the Zoning Ordinance which houses a use which is permitted in the district, but does not comply with all the applicable area, height, yard, and/or parking requirements of the district in which it is located.
- (d) **Legal Nonconforming Use.** Any use of land, or land and buildings in combination, lawfully existing at the time of adoption of the Zoning Ordinance, which does not comply with the use regulations for the district in which it is located.
- (e) **Light Manufacturing.** The manufacturing, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing, provided all manufacturing activities are contained entirely within a building and noise, odor, smoke, heat, glare, and vibration resulting from the manufacturing activity are confined entirely within the building.
- (f) **Light Trespass.** Shall mean stray light or spill light flowing onto adjacent property or into the street.
- (g) **Lighting Source.** Shall mean any lamp or manufactured device emitting energy that is capable of exciting the retina and producing a visual sensation. The energy emitted falls within the electromagnet spectrum to a length of between three-hundred and eighty (380) and seven-hundred and seventy (770) nanometers. Such devices shall include, but are not limited to incandescent, fluorescent, carbon arc, quartziodine/tungsten halogen, low-pressure sodium, high-pressure sodium, metal halide and mercury vapor lamps.
- (h) **Living Area.** The total area bounded by the exterior walls of a building at the floor levels, but not including basement, garages, porches, breezeways, and unfinished attics.
- (i) **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.** A designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon.

- (j) **Lot Area, Gross.** The total area within the lot lines of a lot, including any street rights-of-way.
- (k) **Lot Area, Net.** The total area within the lot lines of a lot, excluding any street rights-of-way.
- (l) **Lot Coverage.** That portion of the lot that is covered by buildings, structures, and paved surfaces. This is often expressed as a percentage of the lot. Lot coverage differs from floor area ratio in that only the ground floor of each building is used in making the calculation.
- (m) **Lot Width.** The horizontal distance between side lot lines of a lot measured at right angles to its depth along a straight line and parallel to the front lot line, or its chord if on a curve. Lot widths may vary in width, especially on cul-de-sac lots and lots on curved streets, from the front of the lot to the back of the lot. A lot is not considered buildable unless the minimum lot width required for the district in which the lot is located is maintained at the front setback line and for a distance of thirty (30) feet immediately behind the front setback line.
- (n) **Lot, Corner.** A lot situated at the junction of and abutting on two (2) or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed one-hundred and thirty-five (135) degrees.
- (o) **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.
- (p) **Lot, Interior.** A lot abutting a single street, and which is bounded by adjacent lots along its side and rear lot lines.

### Sec. 17.1013. Definitions “M”

- (a) **Machine Shops.** Establishments where various types of materials are subjected to drilling, boring, turning, milling, grinding or EDM’s to create a component or end product.
- (b) **Manufactured Dwelling.** Any structure or component thereof which is intended for use as a dwelling and (1) is of closed construction and fabricated or assembled on site or off site in manufacturing facilities for installation, connection or assembly and installation on the building site; or (2) is a building of open construction which is made or assembled in manufacturing facilities away from the building site for installation, connection, or assembly and installation on the building site and for which certification is sought by the manufacturer pursuant to the Wisconsin Uniform Dwelling Code. A single or double width manufactured (mobile) home is not considered a manufactured dwelling.
- (c) **Manufactured Home.** A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term “manufactured home” includes a mobile home but does not include a “mobile recreational vehicle.”

- (d) **Manufacturing.** Activities involving the mechanical or chemical transformation of materials or substances into new products.
- (e) **Marina.** Waterfront establishments whose business is offering the sale or rental of boats and marine sporting equipment and the servicing, repair, or storage of same. Such establishments may also provide travel lift services, slip rental, gasoline, sanitary pump out service and food, drink and transient lodging accommodations.
- (f) **Marquee.** A roof-like structure of a permanent nature which projects from the wall of a building and may overhang the street right-of-way. A marquee may also be called a canopy or an awning.
- (g) **Material Shipment Center.** An establishment primarily engaged in undertaking the transportation of goods from shippers to receivers for a charge covering the entire transportation route, and in turn, making use of services of other transportation establishments.
- (h) **Microbrewery.** A small facility that brews ales, beers, meads, and/or similar beverages primarily for consumption on premise and may include a standard restaurant, bar, or tasting room allowing customers to sample products produced on-site. Also known as a craft brewery.
- (i) **Mobile Home Park.** A parcel of land which has been developed for the placement of mobile homes and is owned by an individual, firm, trust, partnership, public or private association, or corporation. Individual lots within a mobile home park are rented to individual mobile home users.
- (j) **Mobile Home.** A vehicle designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid un-collapsible construction. A mobile home exceeding statutory size limits under Section 348.07(2) of the Wisconsin Statutes shall be considered a primary housing unit. A mobile home not exceeding the statutory size under Section 348.07(2) shall be considered a touring or recreational vehicle. [SOURCE: Section 340.01(29), Wis. Stat.]
- (k) **Mobile Recreational Vehicle.** A vehicle which is built on a single chassis, four-hundred (400) square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of “mobile recreational vehicles.”
- (l) **Modification.** A departure from the rules and regulations set forth in this Chapter where a particular use is not required to meet the stated requirements of the Ordinance. Examples would include not requiring steeples and antenna to comply with the stated building height requirements for principal buildings; or not requiring roof overhangs, fences, or accessory buildings to comply with side or rear setback requirements for principal buildings. The Ordinance may limit the amount of modification from the stated requirements for given structures or uses.

- (m) **Modular Unit.** A factory fabricated transportable building unit designed to be used by itself or to be incorporated with similar units at a building site into a modular structure to be used for residential, commercial, educational, or industrial purposes.
- (n) **Motel.** An establishment that provides lodging to the public in rooms accessed from an outdoor gangway or parking lot. This does not include a dwelling unit that serves as the owner or renter’s primary residence but is leased or rented for short-term lodging, such as vacation rentals or homestays, via web-based home or room sharing services such as AirBNB, VRBO, and HomeAway.
- (o) **Motor Freight Terminal.** A building or area in which freight brought by motor truck is assembled or stored for routing in intrastate or interstate shipment by motor truck.
- (p) **Motor Home.** A vehicle designed to be operated upon a highway or as a temporary or recreational dwelling and having the same internal characteristics and equipment as a mobile home.
- (q) **Multitenant Shopping Center.** A group of retail and other commercial establishments that is planned, owned, and managed as a single development.
- (r) **Municipality or Municipal.** The county, city or village governmental units enacting, administering and enforcing this zoning ordinance.

## Sec. 17.1014. Definitions “N”

- (a) **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.
- (b) **Neighborhood Retail.** A general retail establishment with no more than two-thousand five-hundred (2,500) square feet of gross floor area.
- (c) **Neighborhood Service.** A general service establishment with no more than two-thousand five-hundred (2,500) square feet of gross floor area.
- (d) **New Construction.** For floodplain management purposes, “new construction” means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.
- (e) **NGVD or National Geodetic Vertical Datum.** Elevations referenced to mean sea level datum, 1929 adjustment.
- (f) **Nonconforming Structure.** An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this Chapter. (For example, an existing residential

structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)

- (g) **Nonconforming Use.** An existing lawful use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies. (Such as a residence in the floodway.)
- (h) **Non-Shielded or Non-Cutoff Lighting Fixtures.** Shall mean all types of outdoor lighting fixtures other than shielded or cutoff lighting fixtures and includes any lighting fixture that employs an adjustable bracket, refractorizing glassware or lenses, non-shielding lamp or light source and distributes light at any angle less than four degrees above horizontal.
- (i) **Nudity.** The showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a fully opaqued covering of any portion thereof below the top of the areola, or the human male genitals in a discernible turgid state even if completely or opaquely covered.

## Sec. 17.1015. Definitions “O”

- (a) **Obstruction to Flow.** Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.
- (b) **Office, General.** A building or portion of a building wherein professional services are performed involving predominantly administrative, professional, or clerical services.
- (c) **Office, Medical or Dental.** An office for health care providers including but not limited to, dentists, physicians, counselors, and surgeons.
- (d) **Official Floodplain Zoning Map.** That map, adopted and made part of this ordinance which has been approved by the Department and FEMA.
- (e) **Open Parking Facilities.** Shall mean a parking facility without an overhead covering and shall include the roof level of a multilevel parking structure or ramp.
- (f) **Open Space, Usable.** Outdoor or unenclosed area on the ground, or on a roof, balcony, deck, porch, or terrace designed and accessible for outdoor living, recreation, pedestrian access, or landscaping, including wetlands or ponds, but excluding parking facilities, driveways, utility or service areas, or any required front or street side yard, and excluding any space with a dimension of less than six (6) feet in any direction
- (g) **Open Space Use.** Those uses having a relatively low flood damage potential, such as agriculture, recreation, parking or storage yards and not involving structures.
- (h) **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.

- (i) **Outdoor Activity/Operation, Temporary.** The use of a zoning lot for outdoor use for less than three continuous months, such as a lot used for the seasonal sale of pumpkins and guords or Christmas trees.
- (j) **Outdoor Canopy.** Shall mean a free-standing roof structure without side walls which may or may not be attached to the roof of an adjacent building and shall include but not be limited to canopies over gas stations or canopies at convenience stores.
- (k) **Outdoor Lighting Fixtures.** Shall mean lighting sources, which are electrically powered illuminating devices, lighted or reflective surface lamps and similar devices permanently installed or portable used for illumination or for advertisement. Such device shall include, but not be limited to searchlights, spotlights, floodlights, streetlights, sign lights, security lights, wall lights, porch lights, area lights, parking lights and sign panels.
- (l) **Outdoor Merchandising.** Shall mean car sales lots, equipment sales lot, retail gasoline stations, garden centers and other similar areas where products are permanently displayed or dispensed outdoors.
- (m) **Outlot Retail Building.** An area located within a multitenant shopping center as defined in this Chapter that shares a common parking lot with the other buildings and establishments within said multitenant shopping center, but which is separated from the principal building and establishment by a parking area.
- (n) **Outdoor Storage, Temporary.** The outside storage or display of materials, supplies, goods or manufactured products, equipment, machinery, vehicles, and pallets for more than a twenty-four hour period but for a continuous period of less than three months.

## Sec. 17.1016. Definitions “P”

- (a) **Parking Lot.** An off-street, ground level area, usually surfaced and improved, for the temporary storage of motor vehicles. Parking lots include rows of parking spaces, the aisles from which motor vehicles enter and leave the spaces. Ingress and egress drives from the parking lot to the public street are not part of the parking lot.
- (b) **Performance Standard.** A criterion to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, glare or heat, and lighting intensity or spill-over generated by or inherent in uses of land and buildings.
- (c) **Person.** Shall mean any individual, tenant, lessee, owner operator, or any public, private, nonprofit or commercial entity including, but not limited to, a firm, business, partnership, joint venture, association, corporation, municipality, agency or governmental agency.

- (d) **Place of Assembly.** A building or outdoor area wherein individuals or groups of people gather for an attraction or service, such as but not limited to, community centers, fraternal or civic organizations, lodges, libraries, museums, municipal buildings, auditoriums, or religious institutions.
- (e) **Planning.** Shall mean the City Department of Community Development.
- (f) **Plant Nursery/Greenhouse.** A retail business whose principal activity is the selling of plants grown on the site.
- (g) **Portable Storage Structure.** A structure to be used, or intended to be used, for private noncommercial, nonindustrial storage by a residential property owner on a temporary basis.
- (h) **Premises.** A lot, parcel, tract or plot of land together with the buildings and structures thereon.
- (i) **Principal Use.** See “Use, Principal.”
- (j) **Private Sewage System.** A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as City of Oak Creek 17-147 the structure. It also means an alternative sewage system approved by the Department of Commerce, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.
- (k) **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 use is incidental to the residential use of the premises.
- (l) **Public Utilities.** Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.
- (m) **Publishing House.** A facility where books, magazines, periodicals, maps, etc. are printed and issued.

## Sec. 17.1017. Definitions “Q”

RESERVE

## Sec. 17.1018. Definitions “R”

- (a) **Rear Setback.** A line established on a parcel of land for the purpose of identifying the nearest point a principal or accessory structure may be placed to a lot line or right-of-way line. The minimum required horizontal distance between the rear internal lot line and a line parallel thereto through the nearest foundation wall of the principal or accessory structure, excluding overhangs, uncovered steps and stoops, gutters and awnings.

- (b) **Rear Yard.** A regulated area on a developed parcel of land. The yard area bounded by the rear lot line, the side lot lines and the rear foundation wall of the principal structure, excluding overhangs, uncovered steps and stoops, gutters, and awnings.
- (c) **Reasonably Safe from Flooding.** Means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed buildings.
- (d) **Recreation, Commercial Outdoor.** A recreational facility conducted for commercial purposes and outside of a building including uses such as, but not limited to, athletic fields, miniature golf, outdoor skateboard park, laser tag field; swimming, bathing, wading, and other therapeutic facilities; tennis, handball, basketball courts, batting cages, and trampoline facilities, not including firing and archery ranges.
- (e) **Regional Flood.** A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one (1) percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.
- (f) **Religious Institutions.** A place of worship or religious assembly including churches, synagogues, mosques, temples, and similar designations, with related facilities such as offices for administration of the institution, fellowship halls, parish halls, and similar buildings used for meetings, religious education, and similar functions, but excluding licensed child or adult daycares, playgrounds, or cemeteries.
- (g) **Residential Site.** Shall mean a single parcel in a residential zone containing a residential structure with one or more dwelling units with parking areas for one or more cars.
- (h) **Restaurant, Delivery/Carry Out Only.** An establishment which by design of physical facilities or by service or packaging procedures permits or encourages the purchase of prepared, ready-to-eat foods intended to be consumed off the premises.
- (i) **Restaurant, Fast Casual.** An establishment whose principal business is the sale of rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off premises.
- (j) **Restaurant, Sit Down.** An establishment whose food is available to the general public primarily for consumption within a structure on the premises, where at least fifty (50) percent of the gross floor area of the establishment is devoted to patron seating.
- (k) **Right-of-Way.** A strip of land acquired by a public entity and intended to accommodate a specific public purpose or use.
- (l) **Roadside Stand.** An accessory structure for the seasonal retail sale of food products grown or produced on site.

- (m) **Rummage Sale.** The occasional sale of personal property at a residence conducted by one or more families in a neighborhood. Rummage sales are also known as “garage sales.” Flea markets, defined elsewhere in this Section, are not rummage sales.

## Sec. 17.1019. Definitions “S”

- (a) **School.** A public, private, or parochial educational institution, including instructional and recreational uses, with or without other incidental facilities for students, teachers and employees, providing educational or instructional services to students in preschool through grade twelve (12).
- (b) **Seat and Seating.** Furniture upon which to sit having a linear measurement not less than twenty-four (24) inches across the surface used for sitting.
- (c) **Seasonal Sales.** Temporary sales, which typically recur on an annual basis, such as holiday trees, pumpkins, and similar.
- (d) **Self Service Laundry.** A business that provides self-service type washing, drying, and ironing facilities.
- (e) **Self-Service Storage / Mini-Warehouse.** A facility consisting of a building or a group of buildings where individual units are leased or rented to the general public for dead storage. The use of the premises shall be limited to storage only, and shall not be used for any auction (except where required by law), sales (except as provided below), or any other commercial or industrial activity; for the assembly, fabrication, processing, servicing, or repair of any vehicle, boat, trailer, appliance, or similar item; for practice (music) rooms, meeting rooms, residential purposes, or kennels; or for the operation of power tools, compressors, kilns, spray painting equipment, table saws, lathes, welding equipment, or other similar equipment. Limited sales to tenants of products and supplies incidental to the principal use (e.g., packing materials, identification labels, rope, locks, tape, etc.) may be allowed within the retail/leasing office as approved by the Plan Commission. The storage of combustible or flammable liquids, combustible or explosive materials, salvage or toxic/hazardous materials are expressly prohibited.
- (f) **Senior Housing, Assisted Living.** An apartment / condominium facility intended for the elderly including assisted living facilities, congregate housing facilities, continuing care communities, independent living communities, or similar.
- (g) **Senior Housing, Nursing Care.** An apartment / condominium facility intended for the elderly including continuing care communities, convalescent homes, hospice care facilities, memory care facilities, nursing homes, or similar.
- (h) **Senior Housing, Total Life Care.** An apartment / condominium facility intended for the elderly including both assisted living and nursing care services.

- (i) **Service Station.** Any building, land area, or other premises, or portion thereof, used or intended to be used for the sale and installation of lubricants, tires, batteries, and similar accessories. Contemporary service stations may specialize in a singular service such as providing fast oil changes.
- (j) **Setback.** The minimum required horizontal distance between an internal lot line or the street right-of-way and the regulated structure or item. (See also “front setback,” “side setback,” and “rear setback”)
- (k) **Seven-County Southeastern Wisconsin Region.** The region of Wisconsin comprised of Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington, and Waukesha counties.
- (l) **Sexual Conduct.** Acts or simulated acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person’s clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breasts.
- (m) **Shielded or Cutoff Lighting Fixtures.** Shall mean outdoor lighting fixtures that utilize flat, clear lenses with no refractorizing elements and which operates in a horizontal position with nonadjustable elements which operate in a horizontal position with nonadjustable mounting hardware or brackets. Such fixtures distribute light by means of an internal reflector only. The light source is totally concealed by fixture housing of an internal reflector only. The light source is totally concealed by the fixture housing when the position of observation is at an angle less than fifteen degrees above horizontal. No light is permitted at an angle less than four degrees above horizontal.
- (n) **Shooting Range.** Any building or premises where there are facilities of any sort for the firing of handguns, rifles, or other firearms.
- (o) **Shopping Center.** A group of commercial establishments planned, constructed, and managed as a total entity with ample customer and employee parking provided on-site, with provision for goods delivery separated from customer access, and with aesthetic considerations and protection from the elements.
- (p) **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 three-hundred 300 feet from a river or stream; or to the landward side of the floodplain, whichever distance is greater. Shorelands shall not include those lands adjacent to farm drainage ditches where (a) such lands are not adjacent to a navigable stream or river; (b) those parts of such drainage ditches adjacent to such lands were non-navigable streams before ditching or had no previous stream history; and (c) such lands are maintained in non-structural agricultural use.
- (q) **Side Setback.** A line established on a parcel of land for the purpose of identifying the nearest point a principal or accessory structure may be placed to a lot line or right-of-way line. The minimum required horizontal distance between the side internal lot line and a line parallel thereto through the nearest foundation wall of the principal or accessory structure, excluding overhangs, uncovered steps and stoops, gutters, and awnings.

- (r) **Side Yard.** A regulated area on a developed parcel of land. The yard area bounded by the side lot line, the side foundation wall of the principal structure, excluding uncovered steps and stoops, gutters and awnings, the front yard and the rear yard.
- (s) **Sign.** Any object, device, display, structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem of any nation, organization of nations, state, city, religious, fraternal, or civic organization; also merchandise and pictures or models of products or services incorporated in a window display, works of art which in no way identify a product, or scoreboards located on athletic fields. Traffic control and other public agency signs located within a right-of-way are not included within this definition and are not regulated by the provisions of this Chapter.
- (t) **Sign Copy.** The message or advertisement, and any other symbols on the face of a sign.
- (u) **Sign Face.** The area or display surface used for the message.
- (v) **Sign, Abandoned.** Any sign which has been discontinued for a period of twelve (12) consecutive months which sign advertises or identifies an activity that has been discontinued for twelve (12) consecutive months shall be considered abandoned.
- (w) **Sign, Awning or Canopy.** A sign that is mounted, painted or attached to an awning or other window or door canopy or otherwise to the side of the building. Any projecting canvas or other material over a structural framework used for a small amount of shelter or shade on a facade that has signage displayed on the visible surface. Such signs are counted as a projecting sign.
- (x) **Sign, Banner.** A temporary advertising sign which is not attached to a permanently mounted backing. Banner signs may be ground mounted or wall mounted.
- (y) **Sign, Billboard.** Any sign advertising a land use, business, product or service, not located or available upon the premises whereon the sign is located. These signs are distinguished from other off-premise signs by their larger than otherwise permitted size and typical location along State Highways and major arterial roadways. Additionally, billboards are often erected to attract attention to land uses, businesses, products, and/or services that may be utilized by motorists unfamiliar with area-wide land uses, businesses, products and/or services, such as tourists and out-of-state visitors.
- (z) **Sign, Box.** A sign which includes a frame or box-like external structure which encloses the functional elements of the sign, including internal illumination, where the sign content is affixed on a face or panel.
- (aa) **Sign, Feather.** A flexible or rigid pole to which one side of a flexible fabric, generally in the shape of a feather or similar shape, is attached, and which upon which temporary sign copy is displayed. Such banners are also known and sold under names which include, but are not limited to, “quill sign,” “banana banner,” “blade banner,” “flutter banner,” “flutter flag,” “bowflag,” “teardrop banners,” and others. The definition includes functionally similar display devices.

- (bb) **Sign, Message.** The thought or idea conveyed or expressed by the words, letters, insignia, figures, designs, fixtures, colors, motion, illumination, sound or projecting images or any combination thereof.
- (cc) **Sign, Mobile or Portable.** A sign mounted on a frame or chassis designed to be easily relocated, including vehicles and/or trailers whose principal commercial use is for signage.
- (dd) **Sign, Monument.** A freestanding sign, other than a pylon sign, in which the entire bottom is in contact with or close to the ground.
- (ee) **Sign, On-Site Traffic Directional.** A sign on a lot that directs the movement or placement of pedestrian or vehicular traffic with or without reference to, or inclusion of, the name of a product sold or service performed on the lot or in a building, structure or business enterprise occupying the same.
- (ff) **Sign, Projecting.** A sign, other than a wall sign which is attached to and projects more than one foot (1'), generally perpendicular from a structure or building face.
- (gg) **Sign, Pylon/Pole.** A sign that is mounted on a freestanding pole or other supports so that the bottom edge of the sign face is eight feet or more above grade.
- (hh) **Sign, Sidewalk.** A type of portable sign that is intended to be placed on a hard surface, most commonly a sidewalk. These signs include A-frame signs, signs that are suspended from the top member of an A-frame, signs with weighted bases, and comparable signs.
- (ii) **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.
- (jj) **Sign, Temporary.** A sign or advertising display intended to be displayed for a certain period of time. Included in the definition of "temporary signs" are retailers' signs temporarily displayed for the purpose of informing the public of a "sale" or special offer. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be considered as temporary. A mobile or portable sign shall not be considered a temporary sign or used for such a purpose
- (kk) **Sign, Wall.** A sign mounted parallel to a building facade or other vertical building surface.
- (ll) **Sign, Window.** A sign which is applied or attached to the exterior of a window, or applied to, attached to, or located within one foot (1') of the interior of a window, which can be seen through the window from the exterior of the structure.
- (mm) **Sign, Yard.** A temporary portable sign constructed of paper, vinyl, plastic, wood, metal or other comparable material, and designed or intended to be displayed for a short period of time.
- (nn) **Solar Energy Collection, Farm.** A site on which the primary land use is an array of multiple solar collectors on ground-mounted racks or poles that harvest and convert solar energy into thermal, chemical or electrical energy and transmit the same.

- (oo) **Solar Energy Collection System.** All equipment required to harvest solar energy to generate electricity, including storage devices, power conditioning equipment, transfer equipment, and parts related to the functioning of those items.
- (pp) **Solar Energy Collection System, Canopy.** A solar energy collection system consisting of elevated solar panels installed above parking lots, carports and other paved areas.
- (qq) **Solar Energy Collection System, Ground Mounted.** A solar energy collection system and associated mounting hardware that is affixed to or placed upon the ground including but not limited to fixed, passive, or active tracking racking systems.
- (rr) **Solar Energy Collection System, Roof Mounted.** A solar energy collection system that is structurally mounted to the roof of a building or other permitted structure, including limited accessory equipment associated with system which may be ground mounted. It is installed parallel to the roof with a few inches gap.
- (ss) **Specified Anatomical Areas.** Means: a) Less than completely and opaquely covered human genitals, pubic regions, buttocks, anus, or female breast below a point immediately above the top of areolae; or Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (tt) **Specified Sexual Activities.** Means: a) The caressing, touching, fondling or other intentional or erotic touching of male genitals, female genitals, pubic region, buttocks, anus, or female breasts of oneself or of one person by another; or b) Sex acts, normal or perverted, actual or simulated, including masturbation, intercourse, oral copulation, flagellation, sodomy, bestiality, or any sexual acts which are prohibited by law; or c) Human genitals in a state of sexual stimulation, arousal or tumescence or visual state of sexual stimulation, arousal or tumescence, even if completely and opaquely covered.
- (uu) **Sport Court.** Any hardscape area including, but not limited to, tennis courts, basketball courts and racquetball courts, but excluding pools and driveways used exclusively for access to a garage.
- (vv) **Start of Construction.** For floodplain management purposes, “start of construction” means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

- (ww) **Street.** A public right-of-way not less than fifty (50) feet wide providing primary vehicular access to abutting properties.
- (xx) **Street Setback.** A line established on a parcel of land for the purpose of identifying the nearest point a principal or accessory structure may be placed to a lot line or right-of-way line. The minimum required horizontal distance between the right-of-way line of the second street of a corner lot and a line parallel thereto through the nearest foundation wall of the principal or City of Oak Creek 17-149 accessory structure, excluding overhang, uncovered steps and stoops, gutters and awnings.
- (yy) **Street Yard.** A regulated area on a developed parcel of land. The yard area bounded by the second street right-of-way of a corner lot, the front yard, the foundation wall of the principal structure and the lot line opposite the front lot line.
- (zz) **Strip Shopping Center.** A complex of buildings containing commercial development located on property along one or both sides of a street that is generally one lot in depth and is has multiple and relatively closely spaced driveways, low open space and landscaping ratios, and high floor area ratios.
- (aaa) **Structural Alterations.** Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders.
- (bbb) **Structure.** Anything erected or constructed, such as buildings, prefabricated or pre-built buildings, towers, masts, poles, booms, signs, bridges, culverts and carports. Appurtenances constructed at or below grade such as patios, driveways, or sidewalks are not considered to be structures.
- (ccc) **Subdivision.** Has the meaning given in s. 236.02(12), Wis. Stats.
- (ddd) **Substantial Damage.** Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty (50) percent of the equalized assessed value of the structure before the damage occurred.
- (eee) **Sustained Yield Forestry.** Management of forested lands to provide annual or periodic crops of forest products.

## Sec. 17.1020. Definitions “T”

- (a) **Tasting Room.** A facility operated by a brewery, microbrewery, winery or distillery in which customers may sample, purchase and consume wine, beer or spirits on the premises.
- (b) **Tattoo Studios.** An establishment that offers or performs any method of placing ink or other pigment into the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa.

- (c) **Tower.** A structure that is intended to support equipment used to receive and/or transmit electromagnetic waves. Design examples of towers include (a) self-supporting lattice, (b) guyed and (c) monopole.
- (d) **Truck Sales and Service.** See “Commercial Vehicle Sales and Service.”
- (e) **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.

## Sec. 17.1021. Definitions “U”

- (a) **Uniformity Ratio.** Shall mean the ratio between the average illumination and the minimum illumination as determined by measurements taken on a four-foot grid throughout the area to be lighted.
- (b) **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 Chapter. Unnecessary hardship is present only where, in the absence of a variance, no feasible use can be made of the property.
- (c) **Use.** The purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.
- (d) **Use, Principal.** The main use of land, or land and buildings in combination, as distinguished from a secondary or accessory building, including, but not limited to, a house in a residential district, a store in a business district, a factory in a manufacturing district, or crops or farm buildings in an agricultural district. Within the zoning districts in this Chapter, the principal use is also referred to as the “permitted use.”
- (e) **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, municipal warehouses, municipal shops, and municipal storage yards.
- (f) **Utilities, Major.** Utilities, as defined herein, that have negative off-site impacts associated with air quality, fire and explosive hazard, glare and heat, water quality, radioactivity and electrical disturbances, vibration, noise, or outdoor lighting.
- (g) **Utilities, Minor.** Utilities, as defined herein, that have no negative off-site impacts associated with air quality, fire and explosive hazard, glare and heat, water quality, radioactivity and electrical disturbances, vibration, noise, or outdoor lighting.

## Sec. 17.1022. Definitions “V”

- (a) **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 Chapter. A variance may not permit the use of a property that is otherwise prohibited by this Chapter. No variance may be granted to allow any floor below the regional flood elevation.
- (b) **Vehicle Sales and Rental.** The use of any building or portion thereof, or other premises or portion thereof, for the display, sale, rental, or lease of new motor vehicles, or used motor vehicles as an ancillary use of a zoning lot, and any warranty repair work and other repair service conducted as an accessory use.
- (c) **Veterinary Clinic / Animal Hospital.** An establishment for the care and treatment of the diseases and injuries of animals and where animals may be boarded only during their convalescence.
- (d) **Violation.** The failure of a structure or other development to be fully compliant with this Chapter. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.
- (e) **Vision Clearance Triangle.** A triangular shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.
- (f) **Vocational/Employment Training.** An educational institution primarily engaged in offering trade or technical training in a variety of technical subjects and trades. The training often leads to job-specific certification and may include the use of simulators and simulation methods.

## Sec. 17.1023. Definitions “W”

- (a) **Warehouse, Distribution, Less than 200,000 sqft.** A facility where goods are received and temporarily stored for delivery to the ultimate customer at remote locations with a gross floor area of less than two hundred thousand (200,000) square feet
- (b) **Warehouse, Distribution, 200,000 sqft or Greater.** A facility where goods are received and temporarily stored for delivery to the ultimate customer at remote locations with a gross floor area of two hundred thousand (200,000) square feet or more.
- (c) **Warehouse, Storage, Less than 200,000 sqft.** A facility where goods are received stored for extended periods of time for delivery to the ultimate customer at remote locations with a gross floor area of less than two hundred thousand (200,000) square feet.
- (d) **Warehouse, Storage, 200,000 sqft or Greater.** A facility where goods are received stored for extended periods of time for delivery to the ultimate customer at remote locations with a gross floor area of two hundred thousand (200,000) square feet or more.

- (e) **Water Surface Profile.** 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.
- (f) **Watershed.** The entire region contributing runoff or surface water to a watercourse or body of water.
- (g) **Well.** An excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.
- (h) **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.
- (i) **Wholesale.** An establishment or place of business primarily engaged in selling and/or distributing 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. This is not considered a general retail use.
- (j) **Winery.** An agricultural processing facility used for: (1) the fermenting and processing of fruit juice into wine; or (2) the refermenting of still wine into sparkling wine.
- (k) **Wireless Telecommunication Services.** Licensed wireless telecommunication services including, but not necessarily limited to, cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio City of Oak Creek 17-150 (ESMR), paging and similar services that are marketed to the general public.
- (l) **Wireless Telecommunication Site.** A facility operated by a licensed wireless telecommunication service provider, which consists of the equipment and structures involved in receiving or transmitting electromagnetic waves associated with wireless telecommunication services.
- (m) **Woodland.** An area of wooded land at least one acre in size and containing deciduous or coniferous trees; that, at least fifty (50) percent of which, are either twenty (20) feet or more in height or have a trunk diameter, six (6) inches above the ground, of at least four (4) inches.

## Sec. 17.1024. Definitions “X”

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## Sec. 17.1025. Definitions “Y”

- (a) **Yard.** An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except the vegetation. Front yards and rear yards extend the full width of the lot. (Also see “Front Yard,” “Rear Yard,” “Side Yard,” and “Setback”)

## Sec. 17.1026. Definitions “Z”

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