

- (b) **AH Zone.** See “Area of Shallow Flooding.”
- (c) **AO Zone.** See “Area of Shallow Flooding.”
- (d) **Accessory Building.** A structure which requires a building permit, is detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use. **General farm buildings are excluded from this definition.**
- (e) **Accessory Dwelling.** A smaller, independent residential dwelling unit located on the same lot as a single-family detached home.
- (f) **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.
- (g) **Accessory Structure.** A structure which requires 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. Accessory structures shall include lean-tos. For floodplain purposes, an accessory structure is a facility, structure, or building which is accessory or incidental to the principal use of a property, structure, or building and shall not be used for human habitation.
- (h) **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. For floodplain purposes, an accessory use is a use other than human habitation that is accessory or incidental to the principal use of a property, structure, or building.
- (i) **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.
- (j) **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.”
- (k) **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”.
- (l) **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:

- (q) **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.
- (r) **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.
- (s) **Agritourism.** An agriculturally-based operation or activity that brings visitors to a farm or ranch.
- (t) **Alley.** A public right-of-way affording only secondary access to abutting properties and not intended for general traffic circulation.
- (u) **Alteration.** For floodplain purposes, an alteration is an enhancement, upgrade, or substantial change or modification, other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning, and other systems within a structure.
- (v) **Animal Boarding Facility.** See "Kennel."
- (w) **Animal Daycare/Recreation.** A private commercial facility that provides short-term daytime care and recreational opportunities for animals, including minor grooming services, but does not include a kennel or boarding facility.
- (x) **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.
- (y) **Animal Shelter.** A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals. Includes basic medical treatment and adoption services, but excludes surgical or onsite cremation services.
- (z) **Animal Training/Therapy.** A private facility that provides animal training and/or therapy/rehabilitation services, excluding surgical, kenneling, boarding, and shelter services.
- (aa) **Antenna, Earth Station Dish.** A dish-shaped antenna designed to receive television broadcasts relayed by microwave signals from earth-orbiting communication satellites.
- (bb) **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.

- (s) **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.
- (t) **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.
- (u) **Contractor's Shop/Office.** An establishment used for the indoor repair, maintenance, or storage of a contractor's vehicles, equipment, or materials, and may include the contractor's business office. Does not include outdoor storage.
- (v) **Contractor's Yard.** An area of a parcel on which a Contractor's Shop/Office has been approved, sited and screened in accordance with all other Code requirements, which is used for the outdoor repair, maintenance, or storage of a contractor's vehicles, equipment, or materials.
- (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; not including trailers where personnel are present to accept donations.
- (j) **Drinking Establishment.** An establishment licensed under Chapter 125, Wisconsin Statutes, in which the primary use is for the sale and consumption of fermented malt beverages or intoxicating liquors upon said premises, but does not include a full restaurant.
- (k) **Drive Through.** An establishment that dispenses products or services to patrons who remain in vehicles.
- (l) **Driveway.** Every way or area used for vehicular travel on private property adjacent to the street right-of-way.
- (m) **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.
- (n) **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 floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.
- (o) **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.
- (p) **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.
- (q) **Dwelling, Multifamily Building.** A residential building with multiple housing units stacked vertically and horizontally. The building has a common external entrance and units are accessed through internal entrances.
- (r) **Dwelling, Multifamily Complex.** A master planned development with more than two multifamily buildings on a lot.
- (s) **Dwelling, Single-Family Attached.** A building, also called a duplex, townhome, or rowhome, containing two (2) or more separate dwelling units that are stacked horizontally and share at least one common wall with an adjacent dwelling. Each unit has a separate external entrance.
- (t) **Dwelling, Single-Family Detached.** A building designed for or occupied exclusively by one (1) family, including manufactured homes.

## Sec. 17.1005. Definitions “E”

- (a) **Electric Vehicle Charging Station.** Any building, land area, or other premises, or portion thereof, providing electric vehicle supply equipment to supply electrical power for retail charging of electric passenger and/or commercial vehicles.
- (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) **Equipment 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 or used commercial, industrial, or agricultural equipment, including, but not limited to cranes, tractors, bulldozers, graders, excavators, and other heavy equipment / machinery, as an ancillary use of a zoning lot, and any warranty repair work and other repair service conducted as an accessory use.
- (f) **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.
- (g) **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.
- (h) **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. 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 family.
- (1) Any number of people related by blood, marriage, adoption, guardianship or other duly authorized custodial relationships;
  - (2) Unrelated individuals if one or more of the following conditions are met:
    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;
  - (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.
    3. More than one person determined to be a sexually violent person under Chapter 980, Wisconsin Statutes.
- (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) **Family Entertainment Center (FEC).** An indoor facility that provides attractions, games, rides, and other entertainment options marketed toward families and patrons of all ages. May include restaurant or food services. See also “Indoor Amusement Park,” “Fun Center.”
- (d) **Farmers Market.** The offering for sale of fresh agricultural products directly to the consumer at an open-air market.
- (e) **Federal Emergency Management Agency (FEMA).** The federal agency that administers the National Flood Insurance Program.
- (f) **Fence.** An artificially constructed barrier of any material or combination of materials erected to enclose, decorate, or screen areas of land.

- (ff) **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.
- (gg) **Front Yard.** A regulated area on a developed parcel of land that extends the full length of the parcel along the front lot line.
- (hh) **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.
- (ii) **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.
- (jj) **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.
- (kk) **Fun Center.** See “Family Entertainment Center.”
- (ll) **Funeral Home.** A building used for the preparation of the deceased for burial and display of the deceased and rituals connected therewith before burial or cremation. A funeral home, as defined for purposes of this code, includes a funeral chapel.

## 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 17.0304 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. **General service may include, but not be limited to, hair salons, barbers, spas, dry-cleaners, laundromats, tailors/clothing alteration and repair establishments, cobblers, travel agencies, real estate agencies, and similar.** Any service use otherwise listed in Section 17.0304 or defined herein shall not be considered a general service 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) **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. Home occupation shall not include the performance of a regular job function remotely from the place of the employer’s physical location.
- (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 for periods of less than one (1) week to the public in rooms accessed from a common lobby. Hotels shall contain the following amenities; indoor pools, fitness centers, breakfast/pantry/market areas, outdoor patio seating, 24-hour on-premise staff, and available daily housekeeping. Self-service guest laundry facilities shall be prohibited. Hotels do 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) **Hotel, Extended Stay.** A hotel as defined in this ordinance in which lodging is provided to the public for one (1) week or more.
- (m) **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 Amusement Park. See “Family Entertainment Center.”**
- (d) **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.
- (e) **Inspection Unit.** Shall mean the building inspection unit.
- (f) **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.

- (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) **Manufacturing, Artisan.** The application, teaching, making, and/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.
- (f) **Manufacturing, Heavy.** 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, **but excluding concrete crushing and animal slaughter/processing.** 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.
- (g) **Manufacturing, Light.** 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, 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. **Excludes basic industrial and animal processing, custom manufacturing, and concrete crushing.**
- (h) **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.
- (i) **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.
- (j) **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.
- (k) **Mobile/Manufactured Home Park.** A parcel (or contiguous parcels) 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.