

## **APPENDIX "A"—DEFINITIONS**

### **ABANDONMENT**

With respect to quarrying and non-metallic mining operations, "abandonment" means the cessation of quarrying or other non-metallic mining operations for more than two hundred forty (240) consecutive days, except when the cessation is specifically provided for in the operator's permit, or in an operations plan approved and incorporated by reference in the permit, or by written order issued by the Village Plan Commission upon good cause shown. Abandonment does not include any period of cessation of operations due to labor strikes, natural disasters or other similar extraordinary causes beyond the control of the operator (but this exception does not include business reversals, competitive forces, market conditions, shortage of cash, or other similar reasons).

### **ABUTTING PROPERTY OWNERS**

Property owners having a common boundary or property owners on either side of a public thoroughfare.

### **ACCESS**

A way of approaching or entering a property. Access also includes ingress, the right to enter, and egress, the right to leave.

### **ACCESS AND VIEWING CORRIDOR**

A strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone.

### **ACCESSORY BUILDING OR USE**

A building or use which:

- (1) Is or will be subordinate to and serves a principal building or principal use;
- (2) Is or will be subordinate in area, extent, or purpose to the principal building or principal use served;
- (3) Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use; and
- (4) Is or will be located on the same zoning lot as the principal building or principal use.
- (5) Is detached from the principal structure.

### **ACCESSORY LIVING UNIT**

A separate living area established within the clearly subordinate to a single-family dwelling being part of the same structure provided it is occupied by a resident related through blood, marriage or adoption to the resident occupant of the single-family dwelling.



**ADDITION**

Any construction which increases the size of a building, such as a porch, attached garage or carport, or a new room or wing. An addition is a form of alteration.

**ADJACENT; ADJOINING** Nearby, but not necessarily touching.

**ADJACENT GRADE**

The natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**AIRPORT, PUBLIC OR PRIVATE**

Any airport which complies with the definition contained in §114.013(3), Wis. Stats., or any airport which serves or offers to serve common carriers engaged in air transport.

**AIRSTRIP OR LANDING FIELD**

Any land intended for the landing or take-off of aircraft.

**ALLEY**

A public highway which is a narrow way, less in size than a street, and which is not designed for general travel; which is used primarily as a means of access to the rear of residences and business establishments and which, generally, affords only a secondary means of access to the property abutting along its length.

**ALTERATIONS**

A physical change in a building or an addition to it. As applied to a building or structure, means a change or rearrangement, in the structural parts or in the exit facilities or an enlargement, whether by extending on a side, by increasing in height, or the moving from one (1) location or position to another.

**AMENITY**

Aesthetic or other characteristics of a development that increase its desirability to a community or its marketability to the public. It may include such things as a unified building design, recreational facilities, such as swimming pools or tennis courts, security systems, views, landscaping or tree preservation, or attractive site design.

**ANIMAL HOSPITAL**

A building or premises for the medical or surgical treatment of domestic animals or pets, including dog, cat, and veterinary hospitals.

**ANIMAL UNIT**

One (1) animal unit shall be defined as being the equivalent of the following: one (1) one thousand (1,000) pound steer; one (1) dairy cow; four (4) swine; ten (10) sheep; one hundred (100) laying hens; one hundred (100) broilers; one (1) horse; or one hundred (100) turkeys.

**APARTMENT**

A room or suite of rooms in a multiple dwelling intended to be designed for use as a residence by a single-family.

**APARTMENT, EFFICIENCY**

A dwelling unit of not more than one (1) room in addition to kitchen and bath and intended primarily as a residence for a single person.

**APARTMENT HOTEL**

A building or portion thereof used for or containing both individual guest rooms and dwelling units designed for more or less temporary occupancy.

**APARTMENT HOUSE**

A building or that portion thereof containing more than four dwelling units or efficiency apartments.

**ARCHITECTURAL STYLE**

The characteristic form and detail of building design based on a particular historic period.

**AREA**

Synonymous with the word "tract", which is "a piece of land capable of being described with such definiteness that its location may be established and boundaries definitely ascertained."

**ASSESSED VALUE**

The full market value placed upon the structure or lot by the Village Assessor as of the date that the non-conformity came into being, that is, the effective date of this Ordinance or amendment thereto. Such valuation by the Village assessor shall be prima facie evidence of the assessed value of the structure or lot.

**AUTOMOBILE WRECKING YARD**

Any place where two (2) or more motor vehicles not in running condition, or parts thereof, are stored in the open and are not being restored to operation, or any land, building or structure used for wrecking or storing of such motor vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating conditions; and including the commercial salvaging of any other goods, articles or merchandise.

**AWNING**

A movable hood or cover which projects from the wall of a building, which can be retracted, folded or collapsed against the face of a supporting structure.

**BACK LOT DEVELOPMENT**

Back lot development, also known as "lot pyramiding", "keyhole development", and "development funneling" is the practice whereby a lot, outlot, or common open space is used for waterfront access by a large number of parcels built away from the water body. In many cases, a common road or drive leads to a pier or beach. This practice is viewed by many as crowding more development onto a body of water than would otherwise occur with individual waterfront lots, thus altering the appearance and

quality of development on the body of water.

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**BALCONY**

A platform extending from a wall at a non-ground floor level without ground supports.

**BASEMENT**

An area below the first floor, having part but no more than one-half ( $\frac{1}{2}$ ) of its height above grade.

**BAY/BOX/BOW WINDOW**

A window structure projecting from the wall of a building which does not add floor space to the building and which does not have a foundation.

**BED AND BREAKFAST ESTABLISHMENT**

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.

**BENCHMARK**

Identification symbols from which differences of elevation are measured.

**BILLBOARD**

A structure used for an outdoor display for the purpose of making anything known.

**BOARDINGHOUSE**

A building other than a hotel, where lodging and meals for five (5) or more persons are served for compensation. A boardinghouse may also include the dwelling unit occupied by the owner or operator.

**BOATHOUSE**

Any permanent accessory building used for the storage of watercraft and water-associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of these structural parts. A boathouse is a non-habitable structure and shall be designed and used exclusively for marine equipment, no fireplaces, patio doors, plumbing, heating, air conditioning, cooking facilities or other features inconsistent with the use of the structure exclusively as a boathouse shall be allowed.

**BUILDING**

Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or chattels. When any portion thereof is completely separated from every other portion thereof by a division wall without openings then each such portion shall be deemed to be a separate building.

**BUILDING AREA**

See "Floor Area".

**BUILDING ENVELOPE**

The three-dimensional space within a structural is built.

**BUILDING, FRONT OF**

That side of a building which faces the principal road, street, highway or way serving the same.



**BUILDING LINE**

A line between which and any street line, no building or parts of buildings may be erected, altered, or maintained except as otherwise provided for in this Ordinance equivalent to a setback line.

**BUILDING SETBACK LINE**

The line nearest the street and across a lot establishing the minimum open space to be provided between buildings and specified structures and street lines.

**BUILDING, Non-CONFORMING**

A legally existing building which fails to comply with the regulations (for height, number of stories, size, area, yards, and location) set forth in this Ordinance applicable to the district in which this building is located.

**BUILDING, PRINCIPAL**

A building in which is conducted the principal use of the lot on which it is situated.

**BULKHEAD LINE**

A boundary line established along any section of the shore of any navigable waters by a municipal ordinance approved by the State Department of Natural Resources, pursuant to §30.11 of the Wisconsin Statutes. Filling and development is only permitted between the bulkhead line and the original ordinary high water mark.

**BUSINESS; BUSINESS USE**

Necessarily imply employment of one (1) or more persons for the purpose of earning a livelihood, activities of persons to improve their economic conditions and desires, and generally relate to commercial and industrial engagements.

**CAMP GROUND**

Any area or tract of land used to accommodate two (2) or more camping parties, including cabins, tents, house trailers, or other camping outfits.

**CANOPY**

A structure of canvas, other fabric, plastic, metal or wood or other material, which is permanently attached to any exterior building wall in any manner, intended to shield any wall, window, door, sidewalk or roadway from sun, rain or any other element, and which is not retractable such as an awning.

**CARPORT**

A structure having a roof, with or without supporting walls, posts or columns, used, designed or intended to be used for the protection or shelter of private motor vehicles. For the purpose of this Ordinance, a carport shall be considered to be the equivalent of a garage.

**CARWASH**

Any facility used for the washing of vehicles requiring the installation of special equipment or machinery and plumbing affixed to or affixed separate of a structure.





**CEMETERY**

Land used for the burial of the dead, and dedicated for cemetery purposes, including columbaria, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery.

**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.

**CHANNEL**

A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

**CHANNELING**

The act or action which results in an interconnection of two (2) bodies of water, usually navigable by surface craft.

**CHILD CARE CENTER**

Any establishment which provides shelter, care, activity and supervision (with or without academic instruction) for five (5) or more unrelated children or children who are not the legal wards or foster children of the attendant adult between the hours of 7:00 A.M. and 7:00 P.M.

**CHURCH**

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

**CLINIC**

A place for the medical or similar examination and treatment of persons as outpatients.

**CLOSED CUP FLASH POINT**

The lowest temperature at which a combustible liquid under prescribed conditions will give off a flammable vapor which will propagate a flame. The Tag closed cup tester shall be authoritative for liquids having a flash point below one hundred seventy-five (175°) degrees Fahrenheit. The Pensky-Martens tester shall be authoritative for liquids having flash points between one hundred seventy-five (175°) degrees Fahrenheit and three hundred fifty (350°) degrees Fahrenheit.

**CLUB OR LODGE**

Buildings and facilities, owned or operated by a corporation, association, person or persons, for a social, educational, or recreational purpose, to which membership is required for participation and not operated primarily for profit nor to render a service which is customarily carried on as a business.

**CLUSTER DEVELOPMENT**

A form of residential development that concentrates buildings or lots in one (1) or more parts of the site to allow the remaining lands to be used for common open space, recreation, and preservation of



environmentally sensitive features. The concentration of lots is facilitated by a reduction in lot size. A cluster development will consist of one (1) or more cluster groups surrounded by common open space.

**CLUSTER GROUP**

A group of single-family detached dwellings within a cluster development, surrounded by common open space. The outer boundary of a cluster group is defined by the lot lines or the lots within the group, including the street fronting on and providing access to those lots.

**COLONIAL ARCHITECTURAL STYLE**

Style of residence of which one of the features is to have an eave less than twelve (12) inches. Colonial includes Cape Cod Colonial, Colonial Revival, Georgian Colonial, Neo-Colonial, New England Colonial, Salt Box Colonial and Southern Colonial.

**COMMERCIAL WIRELESS TELECOMMUNICATION SERVICES**

Licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

**COMMON ELEMENT**

The common facilities in a condominium.

**COMMON FACILITIES**

All the real property and improvements set aside for the common use of and enjoyment of the residents of a cluster development, including, but not limited to, buildings, open space, private streets, parking areas, walkways, trails, recreation areas, drainage easements, and any utilities that service more than one (1) unit, such as sewerage and water supply facilities, and which are designated in the master deed as common elements.

**COMMON OPEN SPACE**

Undeveloped land within a cluster development that has been designated, dedicated, reserved, or restricted in perpetuity from further development. Common open space shall not be part of individual residential lots, and shall be substantially free of structures, but may contain such recreational facilities for residents as are shown on the approved development plan.

**COMMUNICATION TOWER**

Any structure, whether free-standing or attached to an existing building or structure, that is designed and constructed primarily for the purpose of supporting one (1) or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

**COMMUNITY ASSOCIATION**

A condominium or homeowners association



**COMMUNITY CENTER**

A building, together with lawful accessory buildings and uses, used for recreational and cultural activities, etc., and not operated for profit.

**COMMUNITY LIVING ARRANGEMENTS**

Any facility falling within the definition of §46.03(22), Wis. Stats.

**CONDITIONAL USE**

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

**CONDOMINIUM**

Property subject to a condominium declaration established in accordance with the requirements of the "Condominium Ownership Act," Chapter 703 of the Wisconsin Statutes. Condominium is a legal form of ownership of real estate and not a specific building type or style.

**CONDOMINIUM ASSOCIATION**

A community association, incorporated or unincorporated, whose membership consists of owners of dwelling units in a condominium, which combines individual unit ownership with shared use and ownership of common property or facilities. The association is responsible for maintaining the common facilities and delivering services, but does not own the common facilities.

**CONSERVATION STANDARDS**

Guidelines and specifications for soil and water conservation practices and management enumerated in the technical guide prepared by the USDA Natural Resources Conservation Service for Kenosha Village, adopted by the Village Soil and Water Conservation District Supervisors, and containing suitable alternatives for the use and treatment of land based upon its capabilities from which the landowner selects that alternative which best meets his needs in developing his soil and water conservation plan.

**CONVERSION**

Any modification or change to an existing dwelling which is intended to or actually does increase the number of dwelling or room units.

**COURT**

An open space which may or may not have street access, and around which is arranged a single building or group of related buildings.

**COURT, INNER**

That portion of a lot unoccupied by any part of a building, surrounded on all sides by walls, or by walls and a lot line.

**COURT, OUTER**

That portion of a lot unoccupied by any part of a building, opening onto a street, alley, or yard.

**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 access to plumbing and electrical utilities.



**DAY CARE CENTER**

See "Child Care Center".

**DAY NURSERY**

See "Child Care Center".

**DECIBEL**

A unit of measurement of the intensity (loudness) of sound. Sound level meters which are employed to measure the intensity of sound are calibrated in "decibels".

**DECK**

An uncovered and unenclosed exterior structure with no roof or walls and primarily constructed of wood or composite material, with or without footings, which allows the infiltration of precipitation through spaces between individual floor boards.

**DEED RESTRICTION**

A restriction upon the use of a property set forth in the deed.

**DENSITY (GROSS) FOR USE IN SECTION ZN 4.08(4) ONLY**

The number of dwelling units per acre resulting from taking the number of dwelling units to be built upon a tract of land and dividing it by the total number of acres. Gross density makes no allowance or accounting for infrastructure, such as streets, parks and other non-residential uses, upland primary environmental corridors; or unbuildable lands, such as floodlands, wetlands, and lands having slopes of twenty (20%) percent or greater.

**DENSITY (NET) FOR USE IN SECTION ZN 4.08(4) ONLY**

The number of dwelling units per acre resulting from taking the number of dwelling units to be built upon a tract of land and dividing it by the total number of acres excluding street rights-of-way, non-residential uses, upland primary environmental corridors, isolated natural areas and all lands having slopes of twenty (20%) percent or greater.

**DEVELOPABLE NET ACRE**

Those lands within a development parcel remaining after the deletion of floodlands, wetlands, land densely covered with trees and shrub growth on slopes of twelve (12%) percent or greater, all lands having slopes of twenty (20%) percent or greater, and all lands proposed for commercial or business land uses.

**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.





**DIRECTLY OPPOSITE**

Those tracts of land on opposite sides of the street with only the street intervening.

**DISTRICT**

A part or parts of the Village for which the regulations of this Ordinance governing the use and location of land and buildings are uniform.

**DISTRICT, BASIC**

A part or parts of the Village for which the regulations of this Ordinance governing the use and location of land and buildings are uniform (such as the residential, commercial, and industrial district classifications).

**DISTRICT, OVERLAY**

Overlay districts allow for superimposing certain additional requirements or uses upon a basic zoning district which are compatible with the basic district. If there are conflicting requirements, those which are stricter shall apply.

**DITCHING**

The process of excavation for purposes of surface water drainage and removal; a shallow channel, not navigable, used for the conductance of waters.

**DNR**

The Wisconsin Department of Natural Resources.

**DOG KENNEL**

A facility for the keeping or boarding of more than four (4) dogs over six (6) months of age.

**DOMESTIC SERVANT**

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

**DORMITORY**

A building or portion thereof used for sleeping purposes in connection with a school, college or other institution.

**DRAIN**

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

**DRAIN TILE LANE**

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



**DRAINAGE BASIN**

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

**DRAINAGE SYSTEM**

One (1) or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

**DRAINAGEWAY**

Any natural or artificial water course, including but not limited to streams, rivers, creeks, ditches, channels, canals, conduits, culverts, streams, waterways, gullies, ravines or washes in which waters flow in a definite direction or force, either continuously or intermittently and including any area adjacent thereto which is subject to inundation by reason of overflow or flood water.

**DREDGING**

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

**DRIVE-IN**

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

**DUMP**

A lot or land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning, or any other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

**DUPLEX**

A building designed and/or used exclusively for residential purposes and containing two (2) dwelling units separated by a common party wall or otherwise structurally attached.

**DUSTFALL**

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

**DWELLING, ATTACHED**

A dwelling with two (2) or more party walls, or one (1) party wall in the case of a dwelling at the end of a group of attached dwellings.

**DWELLING, DETACHED**

A dwelling which is designed to be and is substantially separate from any other structure or structures except accessory buildings.

**DWELLING, GROUP**

A single-family dwelling and one (1) or more other single-family or duplex dwellings located on a lot.



**DWELLING, MULTIPLE**

A building or portion thereof used for occupancy by three (3) or more families living independently of each other, and doing their own cooking in the building including apartments, group houses, and row houses.

**DWELLING, RESIDENTIAL**

A building or portion thereof, used exclusively for residential occupancy, including one-family, two-family and multiple dwellings, but not including hotels, motels, lodging-houses, boardinghouses or tourist homes.

**DWELLING, ROW HOUSE OR TOWN HOUSE**

One (1) of a series of three (3) or more attached dwelling units separated from one another by continuous vertical party walls without openings from basement floor to roof.

**DWELLING, SEMI-DETACHED**

A dwelling having a party wall in common with another dwelling but which otherwise is designed to be and is substantially separate from any other structure or structures except accessory buildings.

**DWELLING, SINGLE-FAMILY**

A residential dwelling consisting of one (1) dwelling unit designed for, converted to, and/or occupied by one (1) family and not attached to another dwelling unit. For the purposes of this chapter, a single-family dwelling shall include conventional site built, modular and manufactured homes (not located in a Mobile Home/Manufactured Home Park/Subdivision District) and shall comply with the building, height, area and design standards delineated in the single-family residential districts. For the purposes of this chapter, a single-family dwelling does not include a mobile home or a manufactured home (located in a Mobile Home/Manufactured Home Park/Subdivision District).

**DWELLING, TWO-FAMILY**

A detached or semi-detached building used for residential occupancy by two (2) families living independently of each other.

**DWELLING UNIT**

Consists of one (1) or more rooms, including a bathroom and complete kitchen facilities, which are arranged, designed or used as living quarters for one (1) family or household.

**EARN A SUBSTANTIAL PART OF HIS OR HER LIVELIHOOD FROM THE FARM OPERATION.**

Twenty-five (25%) percent of the annual gross income is earned from direct farm labor.

**EARTH MOVING**

Any process which physically alters the existing topography by means of mechanical or hydraulic equipment and the voiding of soils of vegetated cover so as to make the same soil susceptible to erosion.



**EARTH REMOVAL**

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

**EARTHBORNE VIBRATIONS**

Describes a cyclic movement of the earth due to energy propagation.

**EASEMENT**

A right given by the owner of land to another party for specific limited use of that land.

**EASEMENT, CONSERVATION**

The grant of a property right or interest from one (1) property owner to another person, agency, unit of government, or other organization stipulating that the described land shall remain in its natural, scenic, open or wooded state, precluding future or additional development.

**EASEMENT OF RECORD**

An access easement for ingress and egress to a parcel recorded in the Kenosha Village Register of Deeds office prior to the effective date of this Ordinance.

**EAVE**

The projecting lower edges of a roof, not including the roof gutter, overhanging the vertical wall of a building.

**EFFICIENCY KITCHEN**

A small kitchen, also referred to as a kitchenette, usually consisting of a refrigerator, microwave or hotplate and sink.

**EGG PRODUCTION COMMERCIAL**

An animal confinement facility used or designed for the raising of poultry for egg production having a capacity of two hundred (200) or more animal units.

**ELECTRONIC MESSAGE CENTER (EMC)**

A type of changeable copy sign that utilizes computer-generated messages or some other electronic means of changing copy, but not including video. These signs include displays using incandescent lamps, LEDs, LCDs or a flipper matrix.

**EMERGENCY SHELTER**

Public or private enclosures designed to protect people from aerial, radiological, biological, or chemical warfare, fire, flood, windstorm, riots, and invasions.

**ENLARGEMENT, OR TO ENLARGE**

An "enlargement" is an addition to the floor area of an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use. To "enlarge" is to make an enlargement.





**ENLARGEMENT OF A QUARRY OR NON-METALLIC MINING OPERATION**

Any vertical or horizontal increase in the mined area or the area occupied by or utilized in connection with any of the operations or related activities.

**EROSION**

The process by which the ground surface is worn away by action of wind or water.

**ESSENTIAL SERVICES**

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

**EXCAVATION**

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

**EXCEPTION**

The use of property, including the use and location of buildings, the size of lots and the dimensions of required yards, otherwise not allowable under the terms of this Ordinance, which is permissible by reason of special provisions of this Ordinance, or for which a special permit may be issued by the Department of Planning and Development or the board of adjustment, under conditions specified in this Ordinance. Same as a conditional use.

**EXISTING DEVELOPMENT PATTERN**

Means that principal structures exist within two hundred fifty (250) feet of a proposed principal structure in both directions along the shoreline.

**EXPRESSWAY**

A divided arterial street or highway with full or partial control of access and with or without grade separated intersections.

**EXTEND**

Implies increase or amplification as distinguished from inception.

**EXTENSION, OR TO EXTEND**

An increase in the amount of existing floor area used for an existing use within an existing building. To "extend" is to make an extension.

**EXTERIOR WALL SURFACE**

The most exterior part of a wall, sun screen or any screening or material covering a building.



**FAMILY**

One (1) or more persons occupying a dwelling unit and living as a single, non-profit housekeeping unit based on an intentionally structured relationship providing organization and stability; provided that a group of more than four persons who are not related by blood, marriage, adoption or guardianship shall not be deemed to constitute a family. This does not exclude community living arrangements or foster family homes in conformance with all state statutory requirements.

**FARM**

A zoned area which is used for the growing of the usual farm products such as vegetables, fruit trees, and grain, etc., and their storage on the area, as well as for raising thereon the usual farm poultry and farm animals, such as horses, cattle, sheep and swine, etc.

**FARM OPERATOR**

Any person who owns land and raises crops or livestock on that land; or a person who rents land to another for agricultural purposes and lives on the land having day-to-day contact with the farm operation; or a person who lives on the land that he or she has historically farmed. For the purpose of this Ordinance, any person who has farmed land for five (5) consecutive years is deemed to have farmed it historically.

**FARMING**

The business of cultivating land, or employing it for the purposes of husbandry; the cultivation and fertilization of the soil as well as caring for and harvesting the crops.

**FARMSTEAD**

A group of existing buildings with accessory structures used for agricultural purposes, such as barns, silos, storage sheds, cribs, and coops, and which may or may not include a dwelling.

**FEDERAL EMERGENCY MANAGEMENT AGENCY**

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

**FEEDLOT, COMMERCIAL**

The following facilities shall be considered feedlots: (1) any tract of land or structure wherein any type of fowl or the by-products thereof are raised for sale at wholesale or retail; (2) any structure, pen, or corral wherein cattle, horses, sheep, goats, and swine are maintained in close quarters for the purpose of fattening such livestock for final shipment to market; (3) the raising of swine under any conditions. An animal confinement facility used or designed for the feeding or holding of five hundred (500) or more animal units for a period of thirty (30) days or more.

**FENCE**

A structure for enclosure or screening

**FILL**

Any act by which soil, earth, sand, gravel, rock or any similar material is deposited, placed, pushed, pulled or transported and shall include the condition resulting therefrom.

**FILL (CLEAN)**

Clean fill is "uncontaminated soil, rock, sand, gravel, concrete, asphaltic concrete, cinder blocks, brick, for fill, reclamation or other beneficial use". Concrete containing wire mesh or rebar may be considered as clean fill. However, exposed rebar should be removed to the maximum extent possible (any rebar or wire mesh sticking out of the concrete, must be shorter than two (2) inches before use in order to prevent a public nuisance or health and safety hazard. Broken concrete placed in the shoreland must be buried with soil capable of establishing permanent vegetation.

**FILLING**

Any act by which soil, earth, sand, gravel, rock or any similar material is deposited, placed, pushed, pulled or transported and shall include the condition resulting therefrom.

**FLOATING ZONE**

A special detailed use district of undetermined location, a district in which the proposed kind, location, size, and form of structures must be pre-approved, and which, like a special exception use, is legislatively pre-deemed compatible with the areas in which it may thereafter be located on a particular application, provided specified standards are gratified and actual incompatibility is not revealed. Same as overlay district.

**FLOOD or FLOODING**

A general and temporary condition of partial or complete inundation of normally dry land areas caused by one (1) of the following conditions:

- The overflow or rise of inland waters;
- The rapid accumulation or runoff of surface waters from any source;
- The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan; or
- The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

**FLOOD INSURANCE RATE MAP (FIRM)**

A map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

**FLOODLANDS**

For the purpose of this Ordinance, the floodlands are all lands contained in the "regional flood" or one hundred (100) year recurrence interval flood.

**FLOOR AREA**

The sum of the areas of the several floors of the structure, as measured by the exterior faces of the walls, including fully enclosed porches and the like as measured by the exterior limits thereof, but excluding (a) garage space which is in the basement of a building or, in the case of garage space accessory to a dwelling, is at grade, (b) basement and cellar areas devoted exclusively to uses accessory



to the operation of the structure, and (c) areas elsewhere in the structure devoted to housing mechanical equipment customarily located in the basement or cellar such as heating and air conditioning equipment, plumbing, electrical equipment, laundry facilities, and storage facilities. See also "Ground Floor Area".

**FLOOR AREA--BUSINESS, COMMERCIAL AND INDUSTRIAL BUILDINGS**

For the purpose of determining off-street parking and off-street loading requirements. The sum of the gross horizontal areas of several floors of the building, or portion thereof, devoted to a use requiring off-street parking or loading. This area shall include accessory storage areas located within selling or working space, such as counters, racks or closets and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, floor area, for the purposes of determining off-street parking spaces shall not include floor area devoted primarily to storage purposes except as otherwise noted herein.

**FLOOR AREA--GROSS**

The sum of the gross horizontal areas of all floors measured in square feet, not including the basement floor, measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings. The gross floor area of a building includes elevator shafts and stairwells at each floor, floor space used for mechanical equipment, (except equipment--open or closed--located on a roof or basement), penthouses, attic space having a head room of seven (7) feet ten (10) inches or more, interior balconies and mezzanines, enclosed porches, and floor area devoted to accessory uses.

**FLOOR AREA RATIO**

The total floor area on a zoning lot, divided by the lot area of that zoning lot.

**FOOT CANDLE**

A unit of illumination. Technically, the illumination at all points one (1) foot distant from a uniform point source of one (1) candle power.

**FOSTER HOME**

Any home licensed as such by the State Department of Health and Social Services.

**FRATERNITY**

A body of men associated for their common interest, business, or pleasure.

**FRATERNITY OR SORORITY HOUSE**

A building containing no more than one (1) dwelling unit and more than two (2) rooming units or guest rooms. Such rooming units or guest rooms shall be for residential purposes only.

**FREE BURNING**

Implies a rate of combustion described by a material which burns actively, and easily supports combustion.





**FREEWAY**

An expressway with full control of access and with fully graded separated intersections.

**FREIGHT FORWARDING SERVICE**

Establishments primarily engaged in undertaking the transportation of goods from shippers to receivers for a charge covering the entire route, which may involve the use of multiple carriers and transportation establishments in effecting delivery. A freight forwarding service may provide for temporary storage of goods in a delivery vehicle while such vehicle awaits pick-up by another carrier.

**FREQUENCY**

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

**FRONT; FRONTAGE**

That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

**FUNERAL HOME**

A dwelling or other structure used and occupied by a professional licensed mortician for burial preparation and funeral services.

**FUR FARM**

Any property comprising land or buildings or both, used for the purpose of raising or harboring fur bearing animals including those defined in §29.01(3)(c), Wis. Stats., and also including chinchillas and other fur bearing animals, if any, whether the animals are kept for breeding or slaughtering or pelting purposes.

**GARAGE**

A building for the storing of motor vehicles.

**GARAGE, ATTACHED**

A private garage which has a roof or wall, or a major portion of a roof or wall, in common with a dwelling. Where the garage is attached to a dwelling in this manner, it shall be subject to all yard requirements of the main building.

**GARAGE, PARKING**

A building or portion thereof designed or used for the temporary storage of motor driven vehicles, with or without the retail dispensing, sale, or offering for sale of motor fuels, lubricants, and tires, or indoor car washing, minor motor adjustment, and flat tire repair when such operations are incidental to the storage of motor-driven vehicles.

**GARAGE, PRIVATE**

A detached accessory building or portion of a main building, used for the storage of self-propelled vehicles where the capacity does not exceed three (3) vehicles, or not more than one (1) per family housed in the building to which such garage is accessory, whichever is the greater, and not more than



one-third (1/3) the total number of vehicles stored in such garage shall be commercial vehicles. Storage space for not more than three (3) vehicles may be rented for vehicles of other than occupants of the building to which such garage is accessory.

**GARAGE, PUBLIC**

A building or portion thereof used for the housing of motor vehicles or where such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale, not including exhibition or showroom for model cars.

**GARAGE, STORAGE**

Any building or premises used for the storage only of motor-driven vehicles, pursuant to previous arrangements and not to transients, and where no equipment, parts, fuel, grease or oil is sold and vehicles are not equipped, serviced, repaired, hired or sold. No commercial motor vehicle exceeding five (5) tons capacity shall be stored in any storage garage.

**GARDEN APARTMENT**

A multiple family dwelling which shall not exceed four (4) stories in height.

**GASOLINE STATION**

Includes not only the building provided for repair work, the storage of supplies, and the use and shelter of the operatives, but also tanks, pumps, structures, and filling stations for business purposes and the supplying of gas, fuel, and oil for automobiles of the general public. It also includes, of necessity, suitable approaches and exits at substantially the level of the street.

**GAZEBO**

A freestanding structure (similar to a detached open patio cover), with a pitched roof design, having a maximum height of fifteen (15) feet, and maximum area of one hundred fifty (150) square feet, and shall be designed for recreational use only and not for habitation.

**GIFT STORES**

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

**GOLF COURSE**

A comparatively large unobstructed acreage involving enough room over which to walk or ride, point to point, over a generally prescribed course, and to strive to send a ball long distances with variable accuracy, all without unreasonably endangering other players or intruding upon them.

**GRADE**

In cases where all walls of the principal building are more than five (5) feet from the nearest street line, the mean elevation of the ground adjoining the building on all sides; and in all other cases, the mean elevation of the nearest sidewalk.

**GRADING**

Any stripping, excavating, filling, stockpiling, or any combination thereof, including the land in its excavated or filled condition.



**GREEK REVIVAL ARCHITECTURAL STYLE**

Style of residence of which one (1) of the features is to have an eave less than twelve (12) inches.

**GROUND FLOOR AREA**

The square foot area of a building within its largest outside dimensions, exclusive of open porches, breezeways, terraces, garages, exterior stairways, and secondary stairways.

**GROUND SIGNS**

Includes billboard signs and any other sign secured to the ground and not to a building except tower signs.

**GROUP HOME**

Any home licensed as such by the State Department of Health and Social Services.

**GUEST HOUSE**

Living quarters within a detached accessory building located on the same premises with the main building, for use by temporary guests of the occupants of the premises; such quarters not rented or otherwise used as a separate dwelling.

**GUEST ROOM**

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

**HABITABLE BUILDING/STRUCTURE/MOBILE HOME/MANUFACTURED HOME**

Any building, or portion thereof, used for human habitation.

**HABITABLE ROOM**

A room in a dwelling unit designed to be used for living, sleeping, eating, or cooking, excluding bathrooms, toilet compartments, closets, halls, storage, and similar space.

**HALFWAY HOUSE--GROUP HOME**

A residential facility for five (5) or more adults who have been institutionalized for various reasons and released, or who have or have had physical or social disabilities which make operation in society difficult and require the protection of a group setting to facilitate the transition to a functional member of society (e.g., former convicts, alcoholics, drug addicts, mental patients, etc.); shelter, supervision and residential rehabilitative services are provided and the home is licensed to operate as such by the State Department of Health and Social Services.

**HEARING NOTICE**

Publication or posting meeting the requirements of Ch. 985, Wis. Stats. For appeals, a Class 1 notice, published once at least one (1) week (seven (7) days) before the hearing, is required. For all zoning ordinances and amendments, a Class 1 notice, published once, at least a week (seven (7) days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.



**HEIGHT OF BUILDING**

The vertical distance from the grade at the front of a building to the highest point of the coping of a flat roof between the eaves and a ridge or to the deck line of a mansard roof or the average height between the plate and ridge of a gable, hip, or gambrel roof.

**HELIPORT**

An area used or to be used for landing or take-off of helicopters or other steep-gradient aircraft capable of hovering, and may include any or all of the area or buildings which are appropriate to accomplish these functions.

**HISTORIC STRUCTURE**

Any structure that is either:

- 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;
- 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;
- 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
- 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.

**HOME FOR THE AGED/HOUSING FOR THE ELDERLY**

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

**HOME OCCUPATION OR PROFESSION**

Any use customarily conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, and in connection with which there is no display, no stock in trade and no outside storage of equipment upon the premises.

**HOMEOWNERS ASSOCIATION (HOA)**

A community association, incorporated or unincorporated, combining individual home ownership with shared use or ownership of common property or facilities. The association is responsible for maintaining the common facilities and delivering services, but may or may not own the common facilities.

**HOSPITAL**

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

**HOTEL**

A building containing twenty (20) or more individual sleeping rooms or suites, having each a private bathroom attached thereto, for the purpose of providing overnight lodging facilities to the general public for compensation with or without meals, excluding accommodations for employees, and in which ingress and egress to and from all rooms is made through an inside office or lobby supervised by a person in charge at all hours. Where a hotel is permitted as a principal use, all uses customarily and historically accessory thereto for the comfort, accommodation and entertainment of the patrons, including the service of alcoholic beverages, shall be permitted.

**HOUSE TRAILER**

A vehicular portable dwelling unit designed especially for short term occupancy; such as travel trailers, campers, house boats, converted buses and other similar units whether self propelled, pulled or hauled and are designed primarily for highway travel.

**HUSBANDRY**

The cultivation or production of plants and animals (livestock) and/or the by-products thereof.

**ILLEGAL USE**

As any use, whether of a building or other structure, or of a tract of land, or body of water in which a violation of any provision of this Ordinance has been committed or shall exist.

**IMPACT NOISE**

A short-duration sound which is incapable of being accurately measured on a sound level meter.

**IMPERVIOUS SURFACE**

An area that releases as runoff all or a majority of the precipitation that falls of it. "Impervious surface" excludes frozen soil but includes rooftops, sidewalks, driveways, parking lots, and streets unless specifically designed, constructed, and maintained to be pervious. Roadways as defined in Wis. Admin. Code §340.01(54) or sidewalks as defined in Wis. Admin. Code §340.01(58) are not considered impervious surfaces.

**IMPROVEMENT**

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

**IMPULSIVE NOISE**

A sound which is no longer than two (2) seconds in duration, followed by no less than a two (2) second rest.



**INDOOR RECREATION**

A principal building or area used for recreational activities such as bowling alleys, firearm ranges, skating rinks, athletic and health clubs, tennis, racquetball and handball courts and swimming pools.

**INDOOR RIDING ARENA (PRIVATE)**

See Riding Stable (Private)

**INDOOR RIDING ARENA (PUBLIC)**

See Riding Stable (Public)

**INSTITUTION**

A non-profit establishment for public use.

**INSTITUTIONAL HOME**

A place for the care of babies, children, pensioners or the elderly.

**INTENSE BURNING**

Implies a rate of combustion described by a material that burns with a high degree of activity and is consumed rapidly.

**INTERCHANGE**

A grade separated intersection with one (1) or more turning lanes for travel between intersection lanes.

**INTERSECTING STREET**

Any street or public way or court, thirty (30) feet or more in width, which joins another at an angle, whether or not it crosses the other.

**JUNK**

Includes without limitation due to enumeration scrap iron, scrap tin, scrap brass, scrap cooper, scrap lead or scrap zinc and all other scrap metals and their alloys and bones, rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old or used machinery, used tools, used appliances, used fixtures, used utensils, used lumber, used boxes or crates, used pipe or pipe fittings, used automobiles or air-plane tires, and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition.

**JUNK MERCHANT**

Any person, firm, or corporation engaged in the business of buying, selling, exchanging, or dealing in old junk, metals, bottles, siphons, old rope, old iron, brass, copper, tin or lead, secondhand plumbing materials, secondhand gas and electric fixtures, old rubber tires or other used or old articles commonly designated as "junk", and having a store, stand, or place of business.

**JUNKYARD**

A place where junk, waste, discarded, or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, wrecked or dismantled, or handled, including automobile wrecking yards, house wrecking, and structural steel materials and equipment, but not including the purchase or storage of



used furniture and household equipment, used cars in operable condition, used or salvaged materials as part of manufacturing operations.

**KENNEL**

Any lots or premises on which four or more dogs or cats, or both, at least four (4) months of age are kept, boarded, or trained, whether in special structures or runways or not.

**KITCHEN**

Any room used for the preparation of foods and containing all of the following equipment: sink, stove/oven and refrigerator.

**LABORATORY**

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

**LAGOON**

A water body in a depression that of an off-shore bar, a beach ridge, or shore dune, with those geomorphic features, either natural or man-made, acting as barriers or dams. Also, a shallow pond, channel, or impoundment connected to a larger body of water.

**LAGOONING**

The act of creating a lagoon.

**LAND LINE**

section lines, half-section lines, quarter-section lines, and other property lines established by meets and bounds outside the boundaries of reported land subdivision plats.

**LAND USE**

Any non-structural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)

**LANDFILL**

See "Sanitary Landfill".

**LANDSCAPED AREA**

An area that is permanently devoted and maintained to the growing of trees, shrubbery, grass and other plant material.

**LANDSCAPING**

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



**LAUNDROMAT**

A business that provides washing, drying, and/or ironing machines for hire to be used by customers on the premises.

**LEAST RESTRICTIVE DISTRICT**

Agricultural Districts are less restrictive than Residential Districts  
Residential District are less restrictive than Business Districts  
Business Districts are less restrictive than Manufacturing Districts  
Manufacturing Districts are less restrictive than Institutional Districts  
Institutional Districts are less restrictive than Conservancy Districts  
Conservancy Districts are less restrictive than Overlay Districts

**LEGALLY EXISTING**

See Section ZN 5.02(2)(b).

**LETTER OF MAP AMENDMENT (LOMA)**

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

**LETTER OF MAP REVISION (LOMR)**

Official notification from the Federal Emergency Management Agency (FEMA) that a municipality's Flood Hazard Boundary Map or Flood Insurance Rate Map has been amended. A LOMR is issued when the revised map is not republished.

**LIBRARY**

A place in which books, manuscripts, musical scores or other literary and artistic materials are kept for use and only incidentally for sale.

**LIVESTOCK-ANIMAL**

Shall be animals of any kind kept or raised for sale, resale, agricultural field production or pleasure, excluding fur-bearing animals.

**LIVING QUARTERS**

One (1) or more rooms in a building designed for occupancy by one (1) or more persons for living and/or sleeping.

**LIVING ROOMS**

All rooms within a dwelling except closets, foyers, storage areas, utility rooms and bathrooms.

**LOADING AREAS**

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



**LOADING SPACE**

An off-street space, at least ten (10) feet by fifty (50) feet with a minimum height clearance of fourteen (14) feet, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts on a street or other appropriate means of access.

**LODGINGHOUSE**

A building other than a hotel, where lodging, without meals, for five (5) or more persons is provided for compensation.

**LOT**

For the purpose of the Village Zoning Ordinance, a lot shall be defined as a tract of land on which a principal building and its accessory building(s) are or may be placed, together with the required open spaces.

**LOT AREA**

The area of a horizontal plane bounded by the front, side, and rear lot lines. No lands dedicated to the public or reserved for roadway purposes shall be included in the computation of lot area except in the A-1, A-2, A-3 and A-4 Agricultural Districts.

**LOT AREA–BUILDABLE**

The portion of a lot remaining after required yards have been provided.

**LOT, BUILDING**

Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this Ordinance, having not less than the minimum area and width required by this Ordinance for a lot in the district in which such land is situated, and having its principal frontage on a street or on such other means of access as may be determined in accordance with the provisions of the law to be adequate as a condition of the issuance of a building permit for a building on such land.

**LOT, CORNER**

A lot which occupies the interior angle at the intersection of two (2) street lines which make an angle of less than one hundred thirty-five (135°) degrees with each other.

**LOT COVERAGE**

That percentage of a lot which, when viewed directly from above, would be covered by a structure or structures, or any part thereof, excluding projecting roof eaves.

**LOT DEPTH**

The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

**LOT, INTERIOR**

A lot other than a corner lot.





**LOT LINES**

The lines bounding a lot.

**LOT LINES AND AREA**

The peripheral boundary of a parcel of land and the total area lying within such boundaries.

**LOT LINE, FRONT**

The line separating the lot from the street

**LOT LINE, REAR**

The line which most nearly qualifies as the line most distant and opposite from the front lot line; where the line is irregularly shaped, a line perpendicular to the mean direction of the side lot lines, and at least ten (10) feet in length within the lot.

**LOT LINE, SIDE**

Any lot line other than a front lot line or a rear lot line.

**LOT OF RECORD**

A lot which is part of a recorded subdivision or a parcel of land which has been recorded at the Kenosha Village Register of Deeds Office and which has been assigned a property parcel number.

**LOT, SUBSTANDARD**

A parcel of land having frontage on a public street, easement of record or other officially approved means of access, occupied or intended to be occupied by a principal building or structure together with accessory buildings and uses having insufficient size to meet the lot width, lot area, yard, off-street parking areas, or other open space provisions of this Ordinance.

**LOT, THROUGH**

A lot, other than a corner lot, having frontage on more than one (1) street.

**LOT WIDTH**

The width of a parcel of land measured at the rear of the specified street yard.

**LUMINANCE**

Means the brightness of an object, expressed in terms of foot-lamberts, determined from other premises or from the street's public right of way, whichever is closer to the sign.

**MACHINE SHOPS**

Includes without limitation due to enumeration shops with lathes, presses, grinders, shapers, and other wood and metal working machines, such as blacksmith, tinsmith, welding and sheetmetal shops; plumbing, heating and electrical repair and overhaul shops.

**MAINTENANCE**

Includes internal and external painting, decorating, and the replacement of doors, windows, siding, roofing shingles and other non-structural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities.



## **MANUFACTURED HOME**

A residential dwelling for one (1) family as is defined in §101.91(2), Wis. Stats., fabricated in an off-site facility for installation or assembly at the building site, bearing a HUD (U.S. Department of Housing and Urban Development) label or insignia certifying that it is built in compliance with the Federal Manufactured Housing Construction Standards under 42 U.S.C. § 5401 to 5425, and built after June 14, 1976. A manufactured home shall be considered a single-family dwelling for the purposes of this chapter only where it meets the building, height, area and design standards delineated in the single-family residential districts and is located in the single-family residential districts. When located in the single-family residential districts, all wheels, axles, transportation lights, and other related towing apparatuses shall be removed. For the purposes of this chapter, a manufactured home shall be considered a dwelling unit when located in the Mobile Home/Manufactured Home Park/Subdivision District.

## **MANUFACTURING**

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

## **MARINA**

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

## **MATERIAL MODIFICATION**

With respect to quarrying and non-metallic mining operations, "material modification" means any change in the approved plan of operations or the approved plan of reclamation which is significant in terms of the concerns addressed by Section ZN 5.03(8)(b)96a of this Ordinance, including, without limitation, any non-approved enlargement.

## **MICRON**

A unit of length, equal to one thousandth part of one millimeter (.001 millimeter).

## **MINI-WAREHOUSING**

Establishments used for the dead storage of customers' goods and wares where individual stalls or lockers are rented out to different tenants for storage where one (1) or more of the stalls or lockers is less than five hundred (500) square feet in area.

## **MITIGATION**

Balancing measures that are designed, implemented and function to restore natural functions and values that are otherwise lost through development and human activities.



**MOBILE HOME**

A transportable factory built structure as is defined in §101.91(2)(a), Wis. Stats., designed for long-term occupancy by one (1) family and built prior to June 15, 1976, the effective date of the Federal Manufactured Housing Construction and Safety Standards Act. For the purposes of this chapter a mobile home is considered to be a dwelling unit and is not considered to be a type of single-family dwelling, two-family dwelling, three-family dwelling or multi-family dwelling. All mobile homes shall be located in a Mobile Home/Manufactured Home Park/Subdivision Residential District.

**MOBILE HOME LOT**

A parcel of land, in a mobile home/manufactured home park/subdivision, for the placement of a single mobile home or a single manufactured home and the exclusive use of its occupants.

**MOBILE HOME/MANUFACTURED HOME PARK/SUBDIVISION**

A parcel of land or subdivision used for the placement of two (2) or more mobile homes and/or manufactured homes. Manufactured home developments and subdivisions shall not be included under definition where all manufactured homes meet the regulations in each zoning district for a residential dwelling.

**MODERATE BURNING**

Implies a rate of combustion described by a material which supports combustion and is consumed slowly as it burns.

**MODULAR HOME**

A structure transported in one (1) or more sections, which is built on a permanent foundation and meets the minimum requirements of the Wisconsin Uniform Dwelling Code.

**MORGUE**

A place where the unidentified and derelict dead are at all times received and kept and exposed to public view for the purposes of identification.

**MOTEL OR TOURIST CABIN**

A building or group of buildings which: (a) contains sleeping accommodations, each unit having a private bathroom attached thereto, (b) has individual entrances from outside the building to serve each such sleeping unit, (c) is furnished by the owner prior to occupancy, and (d) is leased on a daily rate for transient occupancy.

**NAME PLATE SIGN**

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

**NAVD or NORTH AMERICAN VERTICAL DATUM**

Elevations referenced to mean sea level datum, 1988 adjustment

**NAVIGABLE WATERS**

Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of the state, including the Wisconsin portion of



boundary waters which are navigable under the laws of the state. Under §144.26(2)(d), Wis. Stats., notwithstanding any other provision of the law or administrative rule promulgated thereunder, shoreland ordinances required under §59.971, Wis. Stats., and Wis. Admin. Code §NR 115 do not apply to lands adjacent to farm drainage ditches if:

- (a) Such lands are not adjacent to a navigable river or stream;
- (b) Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
- (c) Such lands are maintained in non-structural agricultural use.

Wisconsin's Supreme Court has declared navigable bodies of water that have a bed differentiated from adjacent uplands and levels or flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis (Muench v. Public Service Commission, 261 Wis. 492 (1952) and DeGayner and Co., Inc. v. Department of Natural Resources, 70 Wis. 2d 936 (1975)). For example, a stream which is navigable by skiff or canoe during normal spring high water is navigable in fact under the laws of the state though it may be dry during other seasons.

**NET RESIDENTIAL AREA**

That portion of a project site designated for residential lots and common open space areas.

**NIGHT CLUB**

An establishment which shall include, in addition to the serving of food and entertainment, the provision for dancing and sale of malt beverages to the public.

**NON-CONFORMING LOT**

See Section ZN 5.02(2)(c).

**NON-CONFORMING STRUCTURE**

See Section ZN 5.02(2)(d).

**NON-CONFORMING USE**

See Section ZN 5.02(2)(e).

**NOXIOUS MATTER**

Material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being of individuals.

**NUISANCE**

Anything that interferes with the use or enjoyment of property, endangers personal health or safety or is offensive to the senses.

**NURSERY**

Shall be any land used to raise trees, shrubs, flowers, and other plants for sale or for transplanting.





**NURSERY SCHOOL**

A place where three (3) or more children are kept for the purpose of providing supplemental parental care, including day nursery, day care home for children, and kindergarten.

**NURSING HOME**

An institution for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders; but not including facilities for surgical care. See also "Retirement Home" and "Home For the Aged".

**OCCUPY**

To take or enter upon possession of.

**OCTAVE BAND**

A prescribed interval of sound frequencies which permits classifying sound according to its pitch.

**ODOR THRESHOLD**

The lowest concentration of odorous matter in the air that will produce a response in the normal human nose.

**ODOROUS MATTER**

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

**OFFICE**

A room or building in which a person transacts his business or carries on his stated occupation.

**OFFICE BUILDING**

A building designed or used only for office purposes.

**OFFICIAL FLOODPLAIN ZONING MAP**

That map, adopted and made part of this Ordinance, as described in Section ZN 1.02(13), which has been approved by the DNR and FEMA.

**OFFICIAL LETTER OF MAP CHANGE (LOMC)**

LOMC is a letter which reflects an official revision to an effective National Flood Insurance Program (NFIP) map. LOMCs are issued in place of the physical revision and republication of the effective map. Different types of LOMCs may include: a Letter of Map Amendment (LOMA) is an official amendment, by letter, to an effective NFIP map. A LOMA establishes a property's location in relation to the SFHA or a Letter of Map Revision (LOMR) is an official revision, by letter, to an effective NFIP map. A LOMR may change flood insurance risk zones, floodplain and/or floodway boundary delineations, planimetric features, and/or BFE or a Letter of Map Revision Based on Fill (LOMR-F) is an official revision, by letter, to an effective NFIP map. A LOMR-F provides FEMA's determination concerning whether a structure or parcel has been elevated on fill above the BFE and excluded from the SFHA. .

**OFFICIALLY APPROVED MEANS OF ACCESS**

Those roads that have never been formally dedicated but are maintained by the state, Village or town.



**ON-SITE SEWAGE DISPOSAL ABSORPTION SYSTEM**

Includes a state approved septic or mound system for collection of sanitary waste and eventual absorption of such waste into the surrounding soils.

**OPEN SPACE**

That ground area and the space above which is unimpeded from the ground to the sky by any main structure except that the area may be used for landscaping, recreational purposes such as for swimming, shuffleboard, tennis, etc. Parking lots and storage areas for vehicles and material shall be considered as open space.

**ORDINARY HIGH WATER MARK**

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

**PARK**

A pleasure ground set apart for recreation of the public to promote its health and enjoyment.

**PARK, AMUSEMENT**

An area, publicly or privately owned, containing amusement and recreation facilities and devices, whether operated for profit or not.

**PARK, PUBLIC**

An area owned by the Village, operated for the convenience and recreation of the public, and containing such facilities as the owning municipality shall see fit.

**PARKING AREA**

An off-street area containing one (1) or more parking spaces, with passageways and driveways appurtenant thereto. In general, there shall be an average of at least three hundred fifty (350) square feet of parking area per parking space to insure adequate aisle widths.

**PARKING AREA, PRIVATE**

An open area, other than a street or alley, used for the parking of the automobiles of occupants of a dwelling.

**PARKING AREA, PUBLIC**

An area other than a private parking area, street or alley, used for the parking of automobiles and available for public or quasi-public use.

**PARKING LOT**

An open area other than a street used for the parking of more than four (4) automobiles and available for public use whether free, for compensation, or as an accommodation for clients or customers.

**PARKING SPACE**

A surfaced area, enclosed or unenclosed, sufficient in size to store one (1) automobile not less than nine (9) feet wide and eighteen (18) feet long, together with a driveway connecting the parking space with a



street, road or alley and permitting ingress and egress of that automobile without the necessity of moving any other automobile.

**PARTICULATE MATTER**

Dust, smoke, or any other form of airborne pollution in the form of minute separate particles.

**PARTIES IN INTEREST**

Includes all abutting property owners, all property owners within three hundred (300) feet of a parcel and all property owners of opposite frontages and of properties that may be directly and immediately affected by a proposed change in this Ordinance.

**PARTY WALL**

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

**PATIO**

An uncovered and unenclosed surface with no roof or walls, primarily constructed of concrete, brick or other masonry material, which is not elevated above the average level of the ground by more than six (6) inches and primarily intended for outdoor living and recreational purposes.

**PERFORMANCE STANDARD**

A criterion established for the purposes of (1) assigning proposed industrial uses to proper districts, and (2) making judgments in the control of noise, odor, smoke, toxic matter, vibration, fire and explosive hazards, or glare generated by, or inherent in, uses of land or buildings.

**PERMANENT OCCUPANCY**

The rental of housing accommodations or rooms on a week-to-week, month-to-month or year-to-year basis with a fixed rent for each period of occupancy.

**PERSON**

An individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, syndicate, or other group or combination acting as a unit.

**PETS, HOUSEHOLD**

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

**PIERHEAD LINE**

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

**PLACE**

The establishment of a building or structure in a particular location, whether by original construction or erection or by moving a building or structure to a particular location.

**POLE OR POST COVER/ENCLOSURE**

A cover or enclosure consisting of painted metal, brick, decorative masonry, natural and decorative stone, or masonry with a stucco finish which encloses and is permanently attached to a sign pole, post or pylon that supports the sign. No additional sign copy of lettering is permitted on the cover or enclosure, except for street address numbers.

**PORCH, OPEN/ENCLOSED**

A roof partially or wholly supported by columns and/or wall sections including sunrooms, three-season porches, screen porches, etc.

**PREVIOUSLY DEVELOPED**

A lot or parcel that was developed with a structure legally placed upon it.

**PRIMARY STREET YARD**

A yard normally including the driveway access extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing street right-of-way line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have one (1) primary street yard and one (1) secondary street yard.

**PRINCIPAL USE**

The primary purpose or function that a lot serves or is intended to serve.

**PRIVATE ON-SITE WASTEWATER TREATMENT SYSTEM OR POWTS**

A sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. This term also means an alternative sewage system, approved by the Department of Commerce, including a substitute for the anaerobic treatment tank or dispersal cell, a holding tank, a system serving more than one (1) structure or a system located on a different parcel than the structure. A POWTS may be owned by the property owner or by a special purpose district.

**PROFESSIONAL HOME OFFICES**

Residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, lawyers, professional engineers, registered land surveyors, artists, teachers, authors, musicians or other recognized professions used to conduct their professions where the office does not exceed one half (½) the area of only one floor of the residence and only one (1) non-resident person is employed.

**PROFESSIONAL OFFICE**

The office of a person engaged in any occupation, vocation, or calling, not purely commercial, mechanical, or agricultural in which a professed knowledge or skill in some department of science or learning is used by its practical application to the affairs of others, either advising or guiding them in serving their interest or welfare through the practice of an act founded thereon.



**PUBLIC ENTRANCE**

An architecturally enhanced entrance to an establishment which is provided primarily for use by the patrons or customers of the establishment and not for delivery purposes.

**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.

**QUARRY**

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

**QUARRY OR OTHER NON-METALLIC MINING OPERATION**

All of the activities undertaken for the purpose of extracting from the earth, for sale or use by the operator or any person affiliated or related to the operator, or any person with whom the operator has a contractual relationship, mineral aggregates such as stone, sand and gravel, and other non-metallic minerals such as asbestos, beryl, clay, feldspar, peat, talc and topsoil, and all related activities and processes on the site, including, without limitation, stripping, drilling, shooting, excavating, dredging, grading, scalping, dewatering, crushing, screening, washing, blending, loading, hauling, stockpiling, and selling.

**QUARRY OR NON-METALLIC MINING REFUSE**

Waste soil, rock, mineral, liquid, vegetation, and other waste material resulting from a quarry or other non-metallic mining operation. This term does not include merchantable by-products resulting directly from or displaced by the quarry or other non-metallic mining operation, provided that the operator intends to market such by-products and the operation is active.

**QUARRY OR NON-METALLIC MINING SITE**

The location where a quarry or other non-metallic mining operation is proposed to be conducted or is conducted, including, without limitation, all areas where minerals are proposed to be or are removed, processed or stored, and all areas where are proposed to be or are disturbed or improved in connection with the operations (but not including public streets, highways, or other public improvements), and all setback areas surrounding the operations.

**QUARRYING**

The digging out of stone or slate from an open excavation.

**RAILROAD RIGHT OF WAY**

A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.

**REACH**

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





**REAR YARD**

An open space, including driveways and parking areas, unoccupied other than by permitted accessory buildings or uses, extending from the rear building line of a principal building to the rear lot line, between the side building lines, projected to the rear lot line.

**RECLAMATION**

With respect to quarrying and non-metallic mining operations, "reclamation" means the rehabilitation of a quarry or other non-metallic mining site, including, but not necessarily including, and not limited to, removal of quarry or other non-metallic mining refuse, grading of the site, modification of sheer rock walls for purposes of safety and utility, replacement of topsoil, stabilization of soil and rock conditions, establishment of vegetative cover, landscaping, control of surface water and groundwater, prevention and remediation of environmental pollution, construction of fences, returning the site to a safe, useful, and aesthetically pleasing condition, and, if practical, restoration of plant, fish, and wildlife habitat.

**RECREATIONAL CAMP**

An area containing one (1) or more permanent buildings used occasionally or periodically for the accommodation of members or guests of associations or groups for recreational, educational or religious purposes.

**RECREATIONAL VEHICLE (RV)**

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

- (1) Travel trailers. A vehicular unit, mounted on wheels, of such size or weight as not to require special highway movement permits when drawn by a motorized vehicle, initially designed and constructed to provide temporary living quarters for recreational, camping or travel use, and a body length of no more than thirty-five (35) feet and a body width of no more than eight (8) feet and six (6) inches when factory equipped for the road.
- (2) Truck camper. A portable unit, designed to be loaded onto or affixed to, the bed or chassis of a truck, constructed to provide temporary living quarters for recreational, camping or travel use.
- (3) Motor homes. A vehicular unit built on a self-propelled motor vehicle chassis, initially designed to provide temporary living quarters for recreational, camping or travel use.
- (4) Camping trailer. A vehicular unit mounted on wheels and constructed with collapsible partial sidewalls which fold for towing by another vehicle and unfolds at the campsite and is initially designed to provide temporary living quarters for recreational, camping or travel use.
- (5) Vans, buses, and other vehicles when equipped for camping purposes, designed to provide temporary living quarters for recreational, camping or travel use.



**RECREATIONAL VEHICLE (RV) PAD**

A location on an RV lot or campground site constructed of gravel, asphalt or concrete designed to provide proper drainage for placement of an RV and where possible, having amenities such as sewer, water and electrical connections.

**RENDERING PLANT**

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

**REPLACEMENT OF TOPSOIL**

The replacement of the topsoil which was removed and disturbed by a quarry or other non-metallic mining operation or the provision and placement of soil which is at least as adequate, in the opinion of the Village Administrator, as the topsoil which was removed or disturbed, for the purposes of providing adequate vegetative cover and stabilization of soil conditions.

**RESORT**

A hotel or motel that serves as a destination point for visitors. A resort generally provides recreational facilities for persons on vacation. A resort shall be self-contained and provide personal services customarily furnished at hotels, including the serving of meals.

**REST HOME**

An agency, organization or individual providing care for three (3) or more sick or aged persons not related by blood or marriage to the operator.

**RESTAURANT**

A public eating establishment in which the primary function is the preparation and serving of food on the premises.

**RESTAURANT WITH DRIVE-IN SERVICE**

An establishment designed, in whole or part, to cater to or accommodate the consumption of food and/or beverage in automobiles on the premises of such establishment.

**RESTRICTIVE COVENANT**

See "deed restriction."

**RETIREMENT HOME**

A building or institution for the accommodation of elderly persons, with or without nursing or medical care; provided that if such nursing or medical care is to be provided on a continuing basis for at least three (3) persons for not less than seventy-two (72) hours per week, such building or institution shall be classified as a nursing home. See also "Nursing Home" and "Home for the Aged".

**RIDING STABLE**

A building or premises used for the rent or lease of horses or animals for riding.



**RIDING STABLE (PRIVATE)**

A principal agricultural building and/or land use that is designed, arranged, used, or intended to be used for the keeping of equines for the private use of the occupants of a principal dwelling and their boarders and/or guests. Breeding, boarding, or training of equines may also be conducted. These facilities are not open to the public.

**RIDING STABLE (PUBLIC)**

A principal building and/or land use in or on which equines are kept for sale or hire to the public. Breeding, livery, boarding, riding lessons, or training of equines may also be conducted.

**RIGHT-OF-WAY LINE**

The dividing line between a highway and the abutting lots or other divisions of land.

**RINGELMANN CHART**

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

**RINGELMANN NUMBER**

The number appearing in the Ringelmann Chart ascribed by the observer to the density of the smoke emission. Where the density or light-obstructing capacity of the smoke as observed falls between two (2) consecutive Ringelmann Numbers, the lowest Ringelmann Number shall be considered the density of the smoke observed.

**ROUTINE MAINTENANCE OF VEGETATION**

Normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require earth disturbance.

**ROW HOUSE**

One (1) of a group of three (3) or more houses sharing a common or party wall on one (1) or both side lot lines.

**SANITARIUM**

A health station or retreat--an institution for the recuperation and treatment of persons suffering from physical or mental disorders.

**SANITARY LANDFILL**

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

**SCHOOL**

A place for systematic instruction in any branch or branches of knowledge.



**SECONDARY STREET YARD**

A yard normally not including the driveway access extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing street right-of-way line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have one (1) primary street yard and one (1) secondary street yard.

**SEDIMENT**

Soils or other surficial materials transported by winds or surface waters as a product of erosion.

**SEPARATION DISTANCE**

The required distance between the outer boundary of a cluster group and another specified feature of the development.

**SERVICE STATION**

See "Gasoline Station".

**SETBACK**

The distance between a street line and the front building line of a principal building or structure, projected to the side lines of the lot, and including driveways and parking areas, except where otherwise restricted by this Ordinance.

**SHED**

A subordinate structure or building used primarily for storage purposes, of a height no greater than fifteen (15) feet and the total square footage of which does not exceed one hundred fifty (150) square feet.

**SHELTER, FALLOUT**

A structure or portion of a structure intended to provide protection to human life during periods of danger to human life from nuclear fallout, air raids, storms, or other emergencies.

**SHORE YARD**

A yard extending across the full width or depth of a lot, the depth of which shall be the minimum horizontal distance between a line intersecting both side lot lines at the same angle and containing the point of the ordinary high water mark of a pond, stream, lake or wetland nearest the principal structure and a line parallel thereto containing the point of the principal structure nearest the high-water line.

**SHORELAND SETBACK also known as the "Shoreland setback area"**

An area in a shoreland that is within a certain distance of the ordinary high-water mark in which the construction or placement of structures has been limited or prohibited under an ordinance enacted under §59.692, Wis. Stats.

**SHORELAND WETLAND DISTRICT**

Means a zoning district created as a part of a Village zoning ordinance, comprised of shorelands that are designated as wetlands on the Wisconsin wetland inventory maps prepared by the department.





**SHORELANDS**

All land, water and air located within the following distances from the ordinary high water mark of navigable waters as defined in §144.26(2)(d), Wis. Stats.: one thousand (1,000) feet from a lake, pond or flowage; three hundred (300) feet from a river or stream or to the landward side of the floodplain, whichever distance is greater. If the navigable water is a glacial pothole lake, the distance shall be measured from the high water mark thereof.

**SHORELINES**

The intersection of the land surfaces abutting lakes, ponds, streams, flowages and wetlands with the ordinary high water mark.

**SIDE YARD**

An open unoccupied space within the lot between a side lot line and the parts of the building, structure, or outbuilding nearest thereto. Such side yard shall extend on both sides of the lot through from the street line to the rear line of said lot.

**SIGN**

Any advertisement, announcement, direction, or communication produced in whole or in part by the construction, erection, affixing, or placing of a structure on any land or on any other structure, or produced by painting on or posting or placing any printed, lettered, pictured, figured, or colored material or impression on any building, structure, or surface. Signs placed or erected by governmental agencies or non-profit civic associations or public or private institutions for a public purpose in the public interest shall not be included herein, nor shall this include signs which are a part of the architectural design of a building.

**SIGN AREA**

The total square or rectangular area of space needed for advertising purposes, including the spaces between open-type letters and figures, including the background structure or other decoration or addition which is an integral part of the sign. Sign supports shall be excluded in determining the area of a sign. A double-faced sign shall have twice the total area of a single-faced sign.

**SIGN, AWNING**

A sign affixed to the surface of an awning provided that the sign does not extend vertically or horizontally beyond the limits of such awning.

**SIGN, BLADE**

A small, pedestrian-oriented sign that projects perpendicular from a structure or is hung beneath an awning or canopy.

**SIGN, BULLETIN BOARD**

Sign erected by a charitable, educational or religious institution, or a public body, which is erected upon the same property as said institution, for the purpose of notification to the public of an event or occurrence of public interest, such as a church service, political rally, civic meeting or other similar event.



**SIGN, BUSINESS**

A sign which directs attention to a business, product, service or activity conducted or sold on the premises where the sign is displayed.

**SIGN, CANOPY**

A sign affixed to the surface of a canopy provided that the sign does not extend vertically or horizontally beyond the limits of such canopy.

**SIGN, CHANGEABLE COPY**

A sign designed so that characters, letters, or illustrations can be changed or rearranged by mechanical, electronic or manual means without altering the face or surface of the sign. For the purpose of this Ordinance, a sign containing changeable copy shall not be considered a flashing sign.

**SIGN, DILAPIDATED**

A sign where elements of the display area or panel are visibly cracked, broken, or discolored, where the support structure or frame members are visibly corroded, bent, broken, torn, or dented, or where the message can no longer be read under normal viewing conditions.

**SIGN, FLASHING**

A sign that includes a message, image or any other component that intermittently flashes on and off or varies in intensity or color, with intermittent bursts of light, brightness, color or other feature of any kind which produces a visual flashing effect.

**SIGN, FREESTANDING**

A sign anchored directly to the ground or supported by one or more posts, columns, or other vertical structures or supports and not attached to or dependent for support from any building.

**SIGN, ILLUMINATED**

A sign designed to give forth any artificial light or reflect such light from an artificial source.

**SIGN, INFLATABLE**

A freestanding or moored sign or advertising medium expanded or inflated with air or another gas, such as, but not limited to, an air dancer or balloon, which may or may not rise and float above the ground and may or may not be imprinted with a product name or logo. Types of inflatables included within this definition are, but are not limited to: air dancers, air tubes, crazy tubes, tube dancers, dancing inflatables, giant inflatables, inflatable product replicas, rotatable inflatables, inflatable costumes, tethered balloons or blimps, or inflatable mascots, figures and characters.

**SIGN, MENU BOARD**

A freestanding sign displaying the type and price of food and beverages sold in connection with permitted outdoor dining, or a freestanding sign permanently affixed to the ground in connection with drive-through restaurant service.

**SIGN, MONUMENT**

A sign mounted on a solid-appearing decorative base or platform which supports a minimum of 75% of the horizontal dimension of the sign display and which encloses the structural members that support the



sign with brick, decorative masonry, natural or decorative stone or painted metal with the bottom of the sign face at or within a few feet of the base at grade.

**SIGN, OBSOLETE**

A sign which no longer correctly advertises a bona fide business, owner, landlord/tenant, product or activity conducted, or product available on the premises where the sign is displayed.

**SIGN, OFF-PREMISE (BILLBOARD)**

Any sign advertising goods, products or services not located or sold on the premises on which the sign is located.

**SIGN, ON-SITE INFORMATIONAL**

A sign which provides special information such as price, hours of operation, or parking regulations and information and which does not include brand names, or information regarding product lines or services. It may contain a business logo if the logo is under one square foot in area. Examples of such signs include: signs that give direction regarding parking and traffic, such as "enter" or "exit" or "employee parking" or "customer parking" or "do not enter" or signs that direct traffic to a specific area such as "drive-through".

**SIGN, PORTABLE**

Any sign not permanently attached to the ground, a building, or other immovable object. Such sign shall include any sign attached to, or displayed on, a vehicle that is used for the expressed purpose of advertising a business establishment, product, service or entertainment, when that vehicle is parked adjacent to the public right-of-way and/or in a manner as to attract attention of motoring or pedestrian traffic.

**SIGN, PROJECTING**

Any sign that is attached in a plane approximately perpendicular to the surface of a building or other structure

**SIGN, REAL ESTATE**

A sign pertaining to the sale or lease of the lot or tract of land on which the sign is located or to the sale or lease of one (1) or more structures or a portion thereof located on such lot or tract of land.

**SIGN REFACING**

Repainting or replacing the advertising surface of a sign without moving, reconstructing, extending, enlarging, converting or making structural changes to the sign.

**SIGN, ROOF**

A sign erected, constructed or maintained on the roof of a building or structure above the eaves, or above mansards, parapets, or other similar architectural features of buildings or structures which are capable of supporting signs.

**SIGN, SUSPENDED**

A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.



**SIGN, UNIFIED BUSINESS CENTER**

A monument sign which identifies multiple tenants located on multiple parcels within a commercial development or business/industrial park.

**SIGN, WALL**

Any sign attached to, erected on or painted on the wall of a building or structure, with the exposed face of the sign in a plane approximately parallel to and projecting not more than twelve (12) inches from the face of the wall. Wall-mounted signs shall not extend above the top of the parapet wall (if one exists) or soffit-fascia line (if one exists) of a building. A wall sign may be of either one-piece construction or of individual connected or related letters or symbols. The sides of architectural projections do not constitute a wall per this definition.

**SIGN, WINDOW**

Any permanent or temporary sign, including any decal or graphic, that is legible from the outside, including plazas, public streets, and parking lots, and that is placed on the inside face of a window or mounted within two feet of the inside face of the window.

**SILT**

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

**SITE**

See "lot".

**SLAUGHTERHOUSE**

Any building or premise used for the killing or dressing of cattle, sheep, swine, goats, horses, or poultry and the storage, freezing and curing of meat and preparation of meat products.

**SLOW BURNING OR INCOMBUSTIBLE**

Implies materials which do not in themselves constitute an active fuel for the spread of combustion. A material which will not ignite, nor actively support combustion during an exposure for five (5) minutes to a temperature of one thousand two hundred (1200°) degrees Fahrenheit, shall be designated "incombustible".

**SMOKE**

Small gasborne particles other than water that form a visible plume in the air.

**SMOKE UNIT**

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

**SOIL**

Any earth, sand, gravel, rock or any similar material.





**SOLID WASTE**

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

**SOUND LEVEL**

An operation or use is the intensity of sound, measured in decibels, produced by such operation or use.

**SOUND LEVEL METER**

An instrument standardized by the American Standards Association for measurement of intensity of sound.

**SPECIAL EXCEPTION**

See "conditional use".

**START COMMENCEMENT**

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

**STEEP SLOPE**

A slope over twelve (12%) percent grade, which is characterized by increased run-off, erosion and sediment hazards.

**STORAGE**

Holding or safekeeping goods in a warehouse or other depository to await the happening of some future event or contingency which will call for the removal of the goods.

**STORAGE CAPACITY**

The volume of space available above a given cross-section of a floodplain for the temporary storage of flood water. The storage capacity will vary with stage.

**STORE**

A use devoted exclusively to the retail sale of a commodity or commodities.

**STORY**

That portion of a building included between a floor and the floor or roof next above it. A basement is not to be counted as a story unless the ceiling height exceeds four feet above the grade or unless more than forty (40%) percent of the basement is for living purposes.

**STORY-HALF**

A story which is situated in a sloping roof, the floor area of which does not exceed two-thirds (2/3) of the floor area of the story immediately below it, and which does not contain an independent dwelling unit.



**STREET**

A public thoroughfare, avenue, road, highway, boulevard, parkway, way, drive, lane, court or private easement providing, generally, the primary roadway to and egress from the property abutting along its length.

**STREET, ARTERIAL**

A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways, as well as arterial streets, highways and parkways.

**STREET LINE**

A dividing line between a lot and a street right-of-way.

**STREET YARD**

A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing right-of-way line and a line parallel thereto through the nearest point of the principal structure. Through lots (double frontage lots) shall have two (2) such yards.

**STREET YARD, PRIMARY**

See "Primary Street Yard."

**STREET YARD, SECONDARY**

See "Secondary Street Yard."

**STRIPPING**

Any activity which removes the vegetated surface cover, including tree removal, clearing, rubbing and storage or removal of topsoil.

**STRUCTURAL ALTERATIONS**

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

**STRUCTURAL REPAIRS**

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

**STRUCTURALLY ALTERED**

The making of such a substantial change in the construction, identity, and use of the present building.

**STRUCTURE**

Any production or piece of work, artificially built up or composed of parts and joined together in some definite manner and form. Structures may include, but are not limited to, a principal structure or any accessory structure or a garage, shed, boathouse, sidewalk, walkway, patio, deck, retaining wall, porch or firepit.



**STRUCTURE, MINOR**

Any small, movable accessory erection or construction, such as birdhouses; tool houses; play equipment arbors and walls and fences under four (4) feet in height meeting all street, sides, rear and shore yard setback requirements.

**STRUCTURE TEMPORARY**

A movable structure not designed for human occupancy nor for the protection of goods or chattels and not forming an enclosure.

**SUBDIVISION**

Has the meaning given in §236.02(12), Wis. Stats.

**SUBDIVISION ROAD**

A Village road or other officially approved means of access providing primary access to interior lots located within a subdivision as defined in Chapter 18 of the Village Ordinances.

**SUB-LOT**

A subordinate and integral part of a lot which lot is identified on a subdivision recorded in the maps and plats records of the Kenosha Village Register of Deeds.

**SWIMMING POOL**

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

**TEMPORARY USE**

A use of land, buildings or structures not intended to be of permanent duration and not located on a parcel for more than twelve (12) months.

**THEATER**

A structure used for dramatic, operatic, motion pictures, or other performance, for admission to which entrance money is received and no audience participation or meal service allowed.

**TOWN HOUSE**

A building that has one-family dwelling units erected in a row as a single building on adjoining lots, each being separated from the adjoining unit or units by a party wall or walls extending from the basement floor to the roof along the dividing lot line, and each such building being separated from any other building by space on all sides.

**TOXIC MATTER**

Those materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

**TRAFFIC LANE**

A strip of roadway intended to accommodate a single line of moving vehicles.

**TRANSIENT**

A person who travels to a location away from his or her permanent address for a short period of time for vacation, pleasure, recreation, culture, business or employment.

**TRUCK FARMING**

A farm devoted to the production of vegetables for the market.

**TURNING LANES**

An existing or proposed connecting roadway between two (2) arterial streets or between an arterial street and any other street. Turning lanes include grade separated interchange ramps.

**UNNECESSARY HARDSHIP**

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

**UNOBSTRUCTED OPEN SPACE**

Land not covered by buildings or structures.

**USE**

(a) Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied, or (b) any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.

**USE PRIVATE**

One which is restricted to the occupants of a lot or building, together with their guests, where compensation for such use is not received and where no business or commercial activity is associated with such use or building.

**USED CAR LOT**

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

**VARIANCE**

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

**VEGETATIVE BUFFER**

An area of dense vegetation intended to slow runoff and trap sediment. Vegetative Buffers are commonly referred to as filter or buffer strips. See Vegetative Buffer for Construction Sites (1054) Wisconsin Department of Natural Resources Conservation Practice Standard.





**VIDEO**

A recording of moving visual images.

**VIOLATION**

The failure of a structure or other development to be fully compliant with the provisions of this or any other Village Ordinance. 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.

**WAREHOUSE**

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

**WAREHOUSING**

Establishments used generally for large scale dead storage of goods and wares. A general warehouse may or may not include maintenance facilities for shipping vehicles.

**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.

**WATERSHED**

The entire region contributing runoff or surface water to a watercourse or body of water.

**WELL**

Means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

**WETLANDS**

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

**WHOLESALE TRADE**

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

**WIDTH**

A dimension measured from side to side at right angles to length.

**WRECKING, JUNK, DEMOLITION AND SCRAP YARD**

See "Junk Yard".



**YARD**

An open space, other than a court, on the same lot with a building, unoccupied and unobstructed from the ground upward.

**ZONE**

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