

CHAPTER XXXI
ZONING ORDINANCE
VILLAGE OF SLINGER, WASHINGTON COUNTY, WISCONSIN

ARTICLE 16.00 DEFINITIONS

16.01 GENERAL DEFINITIONS

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

16.02 SPECIFIC WORDS & PHRASES

- A1. **ACCESSORY GARAGE APARTMENTS.** A dwelling unit located in a detached garage accessory to a principal residential dwelling located on the same lot. See Section 4.02 F. for related requirements.
- A2. **ALLEY.** A special public right-of-way affording only secondary access to abutting properties.
- A3. **ARTERIAL STREET.** 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.
- A4. **A ZONES.** Areas of potential flooding shown on the Village's "Flood Insurance Rate Map" or "Flood Hazard Boundary Map" which would be inundated by the regional flood as defined herein. These numbers may be numbered as A0, A1 to A99, or be unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
- A5. **AQUIFER.** A saturated permeable geologic formation that contains and will yield significant quantities of water.
- B1. **BUILDING HEIGHT.** The vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of the roof.

C1. COMMUNITY LIVING ARRANGEMENTS (CLA).

A facility licensed and operated under the authority of the State of Wisconsin including group homes for children, foster homes, treatment foster homes, adult family homes, and Community Based Residential Facilities, but not including nursing homes or day care facilities.

C1.1 COMMUNITY BASED RESIDENTIAL FACILITY (CBRF).

A community living arrangement licensed and operated under the authority of the State of Wisconsin, and subject to requirements as defined and described in Wisconsin Statutes. Said requirements in Wisconsin Statutes as may be applicable to CBRF's are incorporated herein for purposes of regulation of such facilities under this section.

C2. CONDITIONAL USES. Use of a special nature as to make impractical its predetermination as a principle use in a district.

C3. CONE OF DEPRESSION. A roughly conical concavity (or dimple) in the water table (unconfined aquifer) around a pumping well.

C4. CORNER LOT. A lot abutting two(2) or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side. Corner lots shall have two street yards and two side yards. Corner lots with (3) street yards shall have only (1) side yard.

C5. CELLULAR AND DIGITAL COMMUNICATION ANTENNAS AND TOWERS.

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

D1. DECKS, UNCOVERED. Any structure which serves as a raised horizontal platform on a floor constructed of wood or other materials, attached or adjacent to the exterior wall of a building without enclosing walls or roof.

D2. DECKS, POOL. Any structure which serves as a raised horizontal platform on a floor constructed of wood or other materials, attached or adjacent to the exterior wall of a pool.

D3. DEVELOPMENT. Any man-made change to improved or unimproved real estate, including but not limited to construction of or additions or substantial improvements to buildings, other structures, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations, or disposition of materials.

D4. 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 (such as Residential, Commercial, and Industrial District classifications).

- D5. **DOUBLE FRONTAGE LOT.** A parcel of land other than a corner lot, with frontage on more than one street or with frontage on a street and a navigable body of water. Double frontage lots shall be deemed to have two front yards and no rear yard.
- D6. **DOUBLE WIDE MOBILE HOME.** A double wide mobile home is a mobile home consisting of two (2) mobile home sections combined horizontally at the site while still retaining their individual chassis for possible future movement.
- D7. **DRIVEWAY.** That area of a parcel or property used to provide access to a public or private street to a primary attached or detached garage or parking pad. Such area is neither dedicated public street right-of-way nor a public alley.
- D8. **DRIVEWAY APPROACH.** That area of a public street right-of-way lying between the edge of the street pavement and its right-of-way line which provides vehicular access to an abutting driveway or property.
- E1. **EQUAL DEGREE OF HYDRAULIC ENCROACHMENT.** The effect of any encroachment into the floodway must be computed by assuming an equal degree of hydraulic encroachment on the other side of a river or stream for a significant hydraulic reach. This computation assures that property owners up, down, or across the river or stream will have the same rights of hydraulic encroachment. Encroachments are analyzed on the basis of the effect upon hydraulic conveyance, not upon the distance the encroachment extends into the floodway.
- E2. **ESSENTIAL SERVICES.** Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pump lift stations, and hydrants.
- F1. **FAMILY.** The body of person related by blood, marriage or adoption, or not more than four(4) unrelated persons who live together in one (1) dwelling unit as a single housekeeping entity.
- F2. **FLOOD.** A temporary rise in stream flow or stage that results in water overtopping its banks and inundating areas adjacent to the channel.
- F3. **FLOOD PROFILE.** A graph showing the relationship of the floodwater surface elevation of a flood event of a specified recurrence interval to the stream bed and other significant natural and man-made features along a stream.

- F4. **FLOOD PROTECTION ELEVATION.** A point two feet above the water surface elevation of the 100-year recurrence interval flood. This safety factor, also called "freeboard", is intended to compensate for the many unknown factors that contribute to flood heights greater than those computed. Such unknown factors may include ice jams, debris accumulation, wave action, and obstructions of bridge openings.
- F5. **FLOODLAND.** For the purpose of this ordinance, the floodland is all lands contained in the "regional flood" or 100-year recurrence interval flood.
- F6. **FLOOD PROOFING.** Measures designed to prevent and reduce flood damage for those uses which cannot be removed from, or which, of necessity, must be created in the floodplain, ranging from structural modifications through installation of special equipment or materials to operation and management safeguards, such as the following: reinforcing of basement walls; underpinning of floors; permanent sealing of all exterior openings; use of masonry construction; erection of permanent watertight bulkheads, shutters, and doors; treatment of exposed timers; elevation of flood vulnerable utilities; use of waterproof cement; adequate fuse protection; sealing of basement walls; installation of sump pumps; placement of automatic swing check valves; installation of seal-tight windows and doors; installation of wire reinforced glass; location and elevation of valuable items; waterproofing, disconnecting, elevation, or removal of all electric equipment; avoidance of use of flood vulnerable areas; temporary removal or waterproofing of merchandise; postponement of orders or rescheduling of freight shipments; operation of emergency pump equipment; closing of backwater sewer valve; placement of plugs and flood drain pipes; placement of movable watertight bulkheads; and the shoring of weak walls or structures. Flood proofing of structures shall be extended at least to a point two (2') feet above the elevation of the regional flood. Any structure that is located entirely or partially below the flood protection elevation shall be anchored to protect it from larger floods.
- F7. **FLOOD STAGE.** The elevation of the floodwater surface above an officially established datum plane, which is mean sea level datum (National Geodetic Vertical Datum), 1929, Adjustment.
- F8. **FRONTAGE.** The smallest dimension of a lot abutting another lot or a public street measured along the appropriate lot line or street right-of-way line. For lots abutting a lake or stream, the smallest dimension measured along the shoreline.
- G1. **GARAGE, PRIVATE.** A structure primarily intended for, and use for, the enclosed storage or shelter of the private motor vehicles of the families resident upon the premises. Carports are considered garages.
- G2. **GARAGE, PUBLIC OR COMMERCIAL.** Any garage other than a private garage.

- G3. GREEN SPACE. Areas defined as green space throughout this Ordinance shall refer to areas without structures, parking surfaces, patios, decks, pools, driveways, accessory structures and shall include lands in the Conservancy, Floodplain and Shoreland Zoning and designated outlots within any zoning districts. However, Conservancy, Floodplain and Shoreland classified areas and designated outlots shall only comprise 30% total Green Space required by this Ordinance. Developers may provide common Greenspace in any subdivision, business park, or industrial park to partially offset individual lot requirements. The Developer will be required to provide documentation as to how this common Greenspace is to be divided amongst the lots.
- G4. GROUP HOME. A household unit of more than five(5) unrelated persons living in a single dwelling unit under the supervision of a responsible adult or married couple. Such households may also be referred to "halfway houses."
- H1. HALF STORY. The space under any roof except a flat roof, which, if occupied for residential purposes, shall be counted as a full story.
- H2. HAZARDOUS/TOXIC SUBSTANCE. Any substance which is ignitable, corrosive, acute hazardous, reactive, EPA toxic, or toxic as defined in the State Code NR 181.
- H3. HOME OCCUPATION AND PROFESSIONAL HOME OFFICES. A business, profession, occupation or trade conducted for compensation entirely inside a residential dwelling or inside a structure accessory thereto. Such use shall be accessory to the use of the dwelling as a residence and shall not change the residential character of the dwelling.
- H4. HOME INDUSTRY. A home industry that is carried out in a structure separate from the principal structure; or the manufacture or assembly of a product, often on a contract basis, in a residence; or an occupation of a more intense nature than is normally defined as a home occupation; and shall be limited by the standard for home occupations set forth in Section 2.09(F).
- I1. (Reserved for future use)
- J1. JUNK OR SALVAGE YARD. An area consisting of buildings, structures, or premises where junk waste, discarded or salvage materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, house wrecking and structural steel materials and equipment yards, but not including the purchase or storage of used furniture and household equipment or used cars in operable condition.
- K1. (Reserved for future use)

- L1. **LOADING AREA.** 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 a public street or alley for the temporary parking of a commercial vehicle while loading or unloading cargo.
- L2. **LOT.** For the purposes of this Ordinance, a lot shall be defined as a parcel of land on which a principal building and its accessory building are placed, together with the required open spaces; provided that no such parcel shall be bisected by a public street and shall not include any portion of a public right-of-way. No lands dedicated to the public or reserved for roadway purposes shall be included in the computation of lot size for the purposes of this Ordinance.
- L3. **LOT WIDTH.** The width of a parcel of land measured at the setback line.
- M1. **MOBILE HOME.** A mobile home is a transportable structure, being eight (8) feet or more in width (not including the overhang of the roof) or 32 feet or more in length (not including the overhang of the roof), built on a chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities.
- M2. **MOBILE HOME LOT.** A parcel of land for the placement of a single mobile home and the exclusive use of its occupants.
- M3. **MOBILE HOME PARK.** A parcel of land which has been developed for the placement of mobile homes and is owned by an individual, a firm, trust, partnership, public or private association, or corporation. Individual lots within a mobile home park are rented to individual mobile home users.
- M4. **MOTEL.** A series of attached, semi-attached, or detached sleeping units for the accommodation of transient guests.
- M5. **MULTIPLE-FAMILY DWELLING.** A residential building designed for, or occupied by three or more families, with the number of families in residence not to exceed the number of dwelling units provided.
- N1. **NONCONFORMING USES OR STRUCTURES.** Any structure, land, or water lawfully used, occupied, or erected at the time of the effective date of this Ordinance or amendments thereto, which does not conform to the regulations of this Ordinance or amendments thereto. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading, or distance requirements shall be considered a nonconforming structure and not a nonconforming use.

- N2. NORMAL HIGHWATER MARK. A line of reference commonly identified as being where the land is coterminous to the normal highwater elevation. For the purposes of this Ordinance, the normal highwater mark is defined as the line where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

- N3. NUDITY. The showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the areola, or the human male genitals in a discernible turgid state even if completely or opaquely covered.

- O1. OFFICIAL LETTER OF MAP AMENDMENT. Official notification from the Federal Emergency management Agency (FEMA), that a Flood Hazard Boundary Map or Flood Insurance Rate Map has been amended.

- P1. PARKING LOT. A structure or premises containing ten (10) or more parking spaces. Such spaces may be for rent for a fee.

- P2. PARTIES IN INTEREST. Includes all abutting property owners, all property owners within one hundred (100) feet and all property owners of opposing frontage.

- P3. PROFESSIONAL OFFICES. Offices where professional business is conducted in a singular or multiple use setting.

- Q1. (Reserved for future use)

- R1. REACH. A longitudinal segment of a stream generally including those floodlands wherein flood stages are primarily and commonly controlled by the same man-made or natural obstructions to flow.

- R2. REAR YARD. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the street yard.

- R3. RECHARGE AREA. The total area relative to a point of groundwater use in which water falling on or discharging to the ground may move via ground or surface waters to that point of use.

- R4. REGIONAL FLOOD. The regional flood is a flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics. The flood frequency of the regional flood is once in every 100 years

- R5. RETAIL SALES. Sale of material stocked and/or manufactured on site to the

public.

- R6. ROW HOUSE OR TOWN HOUSE. A row of two(2) to eight (8) attached, one-family, party wall dwellings, each having individual entrances and not more than three(3) rooms in depth measured from the building line.
- S1 SELF-STORAGE FACILITY. A building or group of buildings in a controlled access and fenced compound that contains individually controlled access storage units. Such units may be owned or leased only for the storage of household or personal goods, vehicles, recreational vehicles, boats, business supplies, or contractor supplies. No sales, service, repair, fabrication or manufacturing activities are permitted in such storage units or on the premises.
- S2 SEXUAL CONDUCT. Acts or simulated acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or if such person is a female, breasts.
- S3 SETBACK OR STREET YARD. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two(2) such yards.
- S4. SIDE YARD. A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure.
- S5. SIGNS. Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trade marks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity, or product and which is visible from any public street or highway.
- S6. STORAGE CAPACITY. The volume of space available above an area of floodplain fringe and for the temporary storage of flood water.
- S7. STORY. That portion of a building included between the surface of a floor and the surface of the floor next above it, or, if there be no floor above it, the space between the floor and the ceiling next above it.
- S8. STREET. A public right-of-way not less than fifty (5) feet wide providing primary access to abutting properties.
- S9. STRUCTURE. Any erection or construction, such as buildings, towers, masts, poles, booms, signs, decorations carports, machinery, and equipment.

- S10. STRUCTURAL ALTERATIONS. Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders.
- S11. SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the present equalized value of the structure either before the improvement or repair is started, or if the structure has been damaged, and is being restored, before the damage occurred. The term does not, however, include either; (a) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or (b) any alteration of a structure or site documented as deserving preservation by the Wisconsin State Historical Society or listed on the National Register of Historic Places. Ordinary maintenance repairs are not considered structural repairs, modifications or additions; such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows, and other nonstructural components.
- S12. SUSTAINED YIELD FORESTRY. Management of forested lands to provide annual or periodic crops of forest products.
- T1. TWO-FAMILY DWELLING. A detached building containing two separate dwelling (or living) units, designed for occupancy by not more than two families.
- U1. UTILITIES. Utility structures associated with the provision of sewer, water supply electrical or telephone service or other similar services.
- V1. (Reserved for future use)
- W1. (Reserved for future use)
- X1. (Reserved for future use)
- Y1. YARD. An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation. The street and rear yards extend the full width of the lot.
- Z1. (Reserved for future use)