

20.02.000

INTERPRETATIONS

20.02.010 INTERPRETATIONS. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the City and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes. Where a provision of this Ordinance is required by a standard in Chapters NR 116 or NR 117 of the Wisconsin Administrative Code, and where the ordinance provision is unclear in a specific application, the provision shall be interpreted in the light of the NR 116 and NR117 standards in effect on the date of the adoption of the affected provision.

20.02.020 SEVERABILITY. Should any portion of this Ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, the remainder of the Ordinance shall continue in full force and effect.

20.02.030 WARNING AND DISCLAIMERS OF NONLIABILITY. In adopting this Ordinance setting forth land, water and building use regulations including site development and appearance standards, and in delegating to the Plan Commission and to the City Engineer or to the Building Inspector certain powers of interpretation and enforcement of this Ordinance, and to the Zoning Board of Appeals the power to grant variances to said provisions or to the actions of the aforementioned, the Common Council does not guarantee, warrant, or represent that if such provisions or variances are adhered to that under all conditions persons or property will not be subject to some degree of the adverse consequence being protected against by enforcement of the provisions. For example, floodwaters may exceed levels defined through this Ordinance, wetlands or soils that are deemed unsuitable for specific uses may extend farther than delineated, driveway connections to public streets arranged under the terms of this Ordinance to reduce traffic congestion and improve safety may still experience some levels of congestion and experience some accidents, landscape requirements imposed to screen adverse views may still admit partial views. Therefore the City asserts that adoption and enforcement of this Ordinance does not create liability on the Council, its Commissions, Boards or employees that may result from reliance upon this Ordinance.

20.02.040 SPECIFIC WORDS AND PHRASES. When used in this Ordinance the following words and phrases shall have specific meaning as hereinafter defined:

1. Apartment: A suite of rooms or a room in a multiple dwelling which suite or room is arranged, intended or designed to be occupied as a residence of a single-family, individual or group of individuals.
2. Apartment House: See “Dwelling, Multiple”.
3. Base Setback Area: The land lying between the edge of the existing street right-of-way and the Base Setback Line.
4. Base Setback Line: The line from which all required setbacks are measured, which line corresponds to the established ultimate street right-of-way line as set forth in Section 20.15.020 (1).

5. Basement: A story partly underground which, if occupied for living purposes shall be counted as a story for purposes of height measurement.
6. Bed & Breakfast Lodging: Any place of lodging that provides 5 or fewer rooms for rent, is the owner's personal residence and is occupied by the owner at the time of rental.
7. Boarding House: A building or premises where meals, or meals and lodging are offered for compensation for 5 or more persons, but not more than 12 persons, and having no more than 5 sleeping rooms for this purpose. An establishment where meals are served for compensation for more than 12 persons shall be deemed a restaurant. An establishment with more than 5 sleeping rooms shall be deemed a hotel or motel. For purposes of this Ordinance, group homes shall be defined as boarding houses.
8. Building: Any structure used, designed or intended for all roofed shelter, enclosure, or protection of persons, animals or property.
9. Building, Accessory: A building or portion of a building used for a purpose customarily incident to the permitted principal use of the lot or to a principal building and located on the same lot as the principal use.
10. Building, Principal: The building on a lot in which is conducted the principal use as permitted on such lot by the regulations of the district in which it is located.
11. Building, Height of: The vertical distance from the average established street grade in front of the lot or the average finished grade at the front building line, whichever is higher, to the highest point of the coping of a flat roof, to the deck line of a mansard roof or to the average height of the highest gable of a gambrel, hip or pitch roof.
12. Camping Trailer: A self propelled or towable vehicle designed to travel over public highways and when parked to provide temporary living accommodations without hook-up to water or sanitary sewer.
13. Channel: Those floodlands normally occupied by a stream, lakebed, or other body of water under average annual high-water flow conditions while confined within generally well established banks.
14. Clinic, Medical or Dental: A group of medical or dental offices organized as a unified facility to provide medical or dental treatment as contrasted with an unrelated group of such offices, but not including bed patient care.
15. Court: An occupied open space, other than a yard, on the same lot with a building, which is bounded on two or more sides by the wall of such building.

16. Court, Inner: A court enclosed on all sides by exterior walls of a building, or by exterior walls and lot lines on which walls are allowable.
17. Court, Outer: A court extending to a street line or opening upon any front, side or rear yard.
18. 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 deposition of materials.
19. Dwelling, Single Family Attached: A residential structure designed to house a single family unit from lowest level to roof, with private entrance, but not necessarily occupying a private lot, and sharing a common wall between adjoining units.
20. Dwelling, Single Family Detached: A residential structure designed to house a single family on a private lot and surrounded on all sides by a private yard.
21. Dwelling, Multiple: A building or portion thereof designed for and occupied by 2 or more families, including 2 family “flats”, apartment houses and apartment hotels.
22. Dwelling Unit: A housekeeping unit designed and used for occupancy by a single individual or family.
23. Equal Degree of Encroachment: The effect of any encroachment into the floodplain 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 right of hydraulic encroachment. Encroachments are analyzed on the basis of the effect upon hydraulic conveyance, not upon the distance the encroachment extends into the floodplain.
24. Extractive Operations: The removal of rock, slate, gravel, sand, topsoil or other natural material from the earth by excavating, stripping, leveling or any other process.
25. Family: One or more persons related by blood, adoption or marriage or not to exceed three persons not so related occupying the premises and living as a single housekeeping unit, as distinguished from a group of individuals occupying a boarding house, group home, rooming house, club, fraternity-sorority, or hotel.
26. First Floor Area: In residential structures the total of all livable floor area which is not over any other livable floor area. Liveable floor area shall be limited to that space meeting the minimum requirements for room size, height and light and ventilation as set forth by the Building Code or in this Ordinance.
27. Flood: A temporary rise in stream flow or stage that results in water overtopping its banks and inundating areas adjacent to the channel.

28. Flood Insurance Study: An examination, evaluation, and determination of flood hazards, and if appropriate, corresponding water surface elevations; or an examination, evaluation and determination of mud slide or mud flow, and/or flood related erosion hazards. Such studies shall result in the publication of a Flood Insurance Rate Map showing the intensity of flood hazards.
29. Flood Profile: A graph showing the relationship of the flood water surface elevation of a flood event of a specific recurrence interval along a stream.
30. Floodproofing: Measures designed to prevent and reduce flood damage for those uses which cannot be removed from, or which, of necessity, must be erected in the floodplain, ranging from structural modifications through installation of special equipment or materials to operation and management safeguards, such as the following: reinforcement 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 timbers; elevation of flood, vulnerable utilities; use of waterproof cement; provision of 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 the use of flood-vulnerable areas; temporary removal or waterproofing of merchandise; operation of emergency pump equipment; closing of backwater sewer valve; placement of plugs and flood drain pipes; placement of movable watertight bulkheads; erection of sandbag levees; and shoring of weak walls or structures. Floodproofing 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.
31. Floor Area Ratio: The term "Floor Area Ratio" or F.A.R. shall be used to indicate the total floor area of buildings, exclusive of basement, allowed on a given lot, expressed as a percentage ratio to the total area of the lot; i.e. an F.A.R. of 100% allows a floor area equal to the total area of the lot, an F.A.R. of 50% allows a floor area of 1/2 the total area of the lot, etc. A floor area ratio of 50% could be applied to a one-story building occupying 50% of the lot or a two-story building occupying 25% of the lot.
32. Garage, Private: A structure primarily intended and used for the enclosed storage or shelter of the private motor vehicles of the families' resident upon the premises.
33. Garage, Public or Commercial: Any garage not falling within the definition of "private garage" as herein established, and used for storage, repair, rental or servicing of motor vehicles.

34. Garage, Private Attached: A garage, the roof of which is attached to the principal building.
35. Gasoline Service Station: A place where gasoline, kerosene, or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, and including facilities greasing, oiling, washing and minor repair or vehicles on the premises, but not including automatic car washing or any body repair facilities, or storage of vehicles for scrap or spare parts.
36. Grade, Established: The elevation of the finished street at the center line of curb as fixed by the Engineer or by such authority as shall be designed by law to determine such an elevation.
37. Height of Buildings, how measured, see Building, Height of.
38. Highway: Same as "Traffic Artery".
39. Home Occupation: A gainful occupation conducted primarily by members of the family, within its place of residence, where the space used is incidental to residential use.
40. Hospital: An institution intended primarily for the medical diagnosis, treatment, and care of patients being given medical treatment. A hospital shall be distinguished from a clinic by virtue of providing for bed patient care.
41. Hospital, Animal: An establishment providing for medical care and treatment of animal pets, but distinguished from a kennel in that no outdoor runs shall be permitted for boarded animals and all indoor runs shall be sound proofed.
42. Hotel: A building in which lodging, with or without meals, is offered for compensation and which may have more than 5 sleeping rooms for this purpose, but not including kitchen facilities in individual rooms.
43. House Trailer, see Mobile Homes and Camping Trailer.
44. Kennel, Commercial: An establishment where dogs or other animal pets not part of the actual household on the lot on which the facility is located, are raised, bred or boarded.
45. Legal Non-conformity: The zoning status of a structure or parcel of land which, or the use of which, though legal prior to the passage of this Ordinance does not comply with one or more of the provisions of this Ordinance.
46. Lodging House: A building where lodging only is provided for compensation and having not more than 5 sleeping rooms for this purpose.

47. Lot: A single parcel of contiguous land occupied or intended to be occupied by such structures and uses as permitted under this Ordinance together with the open spaces required by this Ordinance, and abutting on a public street or officially approved way.
48. Lot Area: The area of contiguous land bounded by lot lines, exclusive of land designated for public thoroughfare.
49. Lot Lines: The lines bounding a lot as defined herein.
50. Mean: A distance measurement having a value intermediate between the values of other distances; an average obtained by adding several distance measurements together and dividing the sum by the number of measurements. (For example: the mean of 1, 5, 2, and 8 feet is 4 feet).
51. Mobile Home: A structure, designated to be a permanent single family residence, which is constructed and inspected in a factory or intended by its inherent design to be transportable from factory to site, and from its original site to possible subsequent sites. The structure at its site may rest upon wheels, or upon a slab or pier foundation, and to be habitable requires hook-up to water, sanitary sewer and electricity.
52. Modular Housing: A structure, designed to be a permanent residence, which is constructed and inspected in a factory, then shipped to its site and placed together with other modules on a permanent foundation and hooked up to utilities to form a larger dwelling or to form a multiple dwelling structure.
53. Motel: A building or series of buildings in which lodging only is offered for compensation and which may have more than 5 sleeping rooms or units for this purpose and which is distinguished from a hotel primarily by reason of providing direct independent access to, and adjoining parking for, each rental unit.
54. Non-Conforming Structure: A structure which does not conform to the Building Location, Height, Building Size or Floor Area Regulations of the district in which it is located.
55. Non-Conforming Use of Structure: A use carried on within any building which use does not conform to the Use of Residential Density Regulations of the district in which it is located.
56. Non-Conforming Lot: A lot which does not conform to the Lot Size Regulations of the district in which it is located.
57. Non-Conforming Use of Land: A use of any land in a way which does not conform to the Use, Residential Density or Open Space Regulations of the district in which it is located.

58. Official Letter of Map Amendment: Official notification from the Federal Emergency Management Agency (FEMA), that a Flood Hazard Boundary Map of Flood Insurance Rate Map has been amended.
59. Off Street Parking Space: The area on a lot designed to accommodate a parked motor vehicle as an accessory service to the use of said lot and with adequate access thereto from the public street. For purposes of satisfying parking requirements of this Ordinance an off-street parking space shall be an area of no less than 160 square feet.
60. Offset: The shortest horizontal distance between any structure and a lot line, other than a street line.
61. Open Space: An unoccupied space opens to the sky on the same lot with the building and not used for parking or driveway purposes.
62. Outdoor Recreational Facilities: Land and structure, along with accessory equipment, designed and utilized for leisure time activities of a predominantly “outdoor” nature and for more specific purpose than passive park-like open areas, and further classified as follows:
- i. Public: Facilities owned and operated by a governmental agency for limited or general use.
 - ii. Private Commercial: Facilities owned and operated by an individual or group for profit as a business whether or not open to general public use.
 - iii. Private Non-Commercial Group: Facilities owned and operated by a group for the exclusive use of the members of such a group and their guests and not for profit as a business.
 - iv. Private Residential: Facilities owned by an individual, located on the same or adjoining lot to this residence, and intended solely for the use of his family and guests.
63. Primary Floor Area (P.R.A.): The floor area of a building for purposes of determining required parking ratios, which area shall include only that portion of the total floor area devoted to customer service, sales and office space and shall not include warehouse, utility, hallways and other accessory space which does not generate parking demand.
64. Private Club or Lodge: A structure of grounds used for regular or periodic meetings or gatherings of a group of persons organized for a non-profit purpose, but not groups organized to render a service customarily carried on as a business.
65. Professional Office: The office of a doctor, Christian Science practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, artist, musician or other similar recognized profession.

66. Regional Flood: A flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics. The flood frequency of the regional flood is once in every 100 years, this means that in any given year there is one (1) percent chance that the regional flood may occur or be exceeded. During a typical 30-year mortgage period, the regional flood has a 26 percent chance of occurrence.
67. Road: Synonymous with street.
68. Rooming Houses: Same as Lodging House.
69. Setback: The shortest horizontal distance between any structure and the base setback line. See Section 20.15.020 (3).
70. Shorelands: Those lands which have been defined by state statute lying within the following distances from the ordinary high water mark of navigable waters: 100 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.
71. Sign: Any structure or part thereof, or any device attached to a structure, or any other form of visual communication applied by paint, illumination, embossing or other technique to a structure for the purpose of directing, advertising, informing, warning or otherwise conveying information visually to the viewer.
72. Sign, Directional: A sign intended solely for the purpose of directing patrons or customers to an establishment off the main traveled road and not including promotional advertising unnecessary to such directional purpose.
73. Sign, Non-Accessory: A sign related to commercial or similar activities other than those actually engaged in on the site on which non-accessory sign is located.
74. Story: That portion of a building between the surface of a floor and the surface of the floor next above it, if there be no floor above it, then the space between the floor and the ceiling next above it. A basement or cellar having one-half of its height above grade shall be deemed a story for purposes of height regulation.
75. Street: A public or private right-of-way usually affording primary access to abutting property.
76. Street, Frontage: A street contiguous and parallel to a traffic artery and affording direct vehicular access to abutting property.
77. Street Right of Way Line: A dividing line between a lot, tract or parcel of land and contiguous street.

78. Structure: A combination of materials other than natural terrain or plant growth erected or constructed to form a shelter, enclosure, retainer, container, support, base pavement or decoration.
79. Structure, Principal: A structure used or intended to be used for the principal use as permitted on such lot by the regulations of the district in which it is located.
80. Structure, Accessory: A structure or portion of a structure used for a purpose customarily incident to the permitted principal use of the lot and located on the same lot as the principal use.
81. Structure, Permanent: A structure placed on or in the ground or attached to another structure in a fixed and determined position, and intended to remain in place for a period of more than 9 months.
82. Structure, Temporary: Any structure other than a permanent structure.
83. Structural Alterations: Any change in the supporting members of a building or any substantial change in the roof structure or in the exterior walls.
84. Trailer, House: See Mobile Home.
85. Trailer Camp: Any tract or parcel of land upon which 2 or more trailers, as herein defined are located or where trailer or camp sites are provided for the purpose of either temporary or permanent habitation.
86. Tourist Home: A building in which lodging, with or without meals, is offered to transient guests for compensation and having no more than 5 sleeping rooms for this purpose with no cooking facilities in any such individual room or apartment.
87. Traffic Artery: A right-of-way, (designed on a comprehensive system) for the principal purpose of providing a vehicular thoroughfare and not necessarily affording direct access to an abutting property.
88. Use, Accessory: A use subordinate to and customarily incident to the permitted principal use of the property or buildings and located upon the same lot as the principal use.
89. Use, Permitted: The utilization of land by occupancy, activity, building or other structure which is specifically enumerated as permissible by the regulations of the zoning district in which said land is located.
90. Use, Principal: The main or primary use of property or structures as permitted on such lot by the regulations of the district in which it is located.
91. Vision Setback: An unoccupied triangular space, at the street corner of a corner lot, as established by Section 20.15.020 (6).

92. Wetlands: Those areas where water is at, near or above the land surface long enough to support aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.
93. Wetland Alterations: Any construction filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization measures or dike and dam construction in a wetland area.