

### 7.03 DEFINITIONS OF TERMS

- (1) **General.** For the purpose of this ordinance, the following shall apply as indicated throughout the ordinance:
  - (a) The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
  - (b) The present tense includes the future tense and the singular includes the plural.
  - (c) The word "shall" is mandatory; the word "may" is permissive.
  - (d) The words "used" or "occupied" also mean intended, designed or arranged to be used or occupied.
- (2) **Definition of Terms.** For the purpose of this ordinance, the following terms are defined:
  - (1) **Accessory Use or Structure.** A use or structure on the same lot with the principal use or structure, and of a nature customarily incidental and subordinate to the principal structure.
  - (2) **Adult Establishments:** *Establishments which include bookstores, motion picture theaters, mini-motion picture theaters, bath houses, massage parlors, modeling and body painting studios and cabarets whose principal use is to depict, describe, engage in or relate to "specified anatomical areas" or "Specified sexual activities." 1-30-06*
  - (3) **Alley.** A public or approved private way which affords only a secondary means of access to abutting property.
  - (4) **Airport.** (Public). Any airport which complies with the definition contained in Chapter 114 Wis. Stats., or any airport which serves or offers to serve common carriers engaged in air transport.
  - (5) **Alteration.** A change or rearrangement in the structural parts of a structure, an enlargement of a structure, whether by extending on the side or by increasing the height, or the movement of a structure from one location to another.

- (6) **Automobile Filling Station.** Buildings and premises where gasoline, oil, grease, batteries, tires and automobile accessories and convenience retail goods may be supplied, dispensed and sold and where minor repair or maintenance work may be performed such as ignition service, tire repair, repair and replacement of minor parts such as pumps and filters and the like.
- (7) **Automobile Salvage Yards.** Premises used for the storing, dismantling, crushing, shredding or disassembly of used motor vehicles or their parts.
- (8) **Billboard.** See off-premise signs 7.07 (v).
- (9) **Boarding Houses.** An establishment where meals and lodging are provided for compensation by prearrangement other than in dwelling units, without limitation on time periods involved.
- (10) **Building.** A structure having one or more stories and a roof which is used or intended to be used for shelter or enclosure for persons, property or animals.
- (11) **Building Height.** A building's vertical measurement, from the main level of the finished grade in front of the building to the highest point on the roof line of a flat roof or a roof having a pitch ratio of less than 1.4 from the horizontal, and to a point midway between the peak and the eaves of a roof having a pitch ratio of more than 1.4.
- (12) **Building Frontage.** The front of a building shall be construed to be the portion facing a street. For purposes of computation of the number and area of signs, the frontage of a building shall be computed as nearly at ground level as computation of horizontal distance permits. In cases where this test is indeterminate or cannot be applied, as for instance where there is a diagonal corner entrance, the Administrator or Inspector shall select building frontage on the basis of interior layout of the building, traffic on adjacent streets or other indicators.

- (13) **Building Line.** The rear edge of any required front yard or the rear edge of any required setback line.
- (14) **Building Site.** The lot or lots or portion of a lot or lots used for a building, the total area of which lots is ascribed to the building for compliance with these zoning regulations.
- (15) **Clinic.** An office or group of offices relating to the health care professions including physicians, dentists and the like engaged in the treatment of persons.
- (16) **Common Open Space.** A parcel or parcels of land or an area of water or combination of land and water designated and intended for either the recreational use and enjoyment of residents of the development for which it was established and for the general public, or for the exclusive recreational use and enjoyment of residents of the development for which it was established. No yard required in connection with any principal use or structure shall be designated or intended for use as common open space.
- (17) **Community Living Arrangement.** Facilities defined in Section 46.03 Wis. Stats.
- (18) **Conservation Subdivision.** A subdivision wherein not less than 50% of the total area of the plat is set aside and restricted as common open space by a conservation easement or other suitable instrument as set forth in the Town of Greenville Subdivision Ordinance.
- (19) **Convalescent Home and Nursing Home.** A place where regular care is provided to three or more infirmed persons, children, or aged persons, who are not members of the family which resides on the premises.
- (20) **County.** Outagamie County, Wisconsin.
- (21) **Day Care.** (Family) A place where regular day care is provided to not more than eight children and is licensed pursuant to Chapter 48 Wis. Stats. (Group) A place where regular day care is provided to nine or more children and is licensed pursuant to Chapter 48 Wis. Stats.

- (22) **Development.** Any man-made change to improved or unimproved real estate, including but not limited to construction or additions or substantial improvements to buildings, other structures, or accessory uses, mobile homes, mining, dredging, filling, grading, paving, excavation or drilling operations, and deposition of materials.
- (23) **Dog Kennel.** A place where more than three adult dogs are boarded for a fee on a recurrent basis, or a place that keeps, harbors or has custody of more than three dogs for any purpose
- (24) **Drive-in Restaurant.** Any establishment dispensing or serving food in automobiles including those establishments where customers serve themselves and may eat or drink in the building or in their automobiles on the premises.
- (25) **Dwelling Unit.** A room or rooms connected together, constituting a separate, independent housekeeping establishment for one family only, for owner occupancy or for rental, lease or other occupancy on a weekly or longer basis, physically separated from any other rooms or dwelling units, and containing independent cooking and sleeping facilities.
- (26) **Dwelling, Single-Family Detached.** A building containing not more than one dwelling unit, entirely separated from structures on adjacent lots. The term "detached dwelling" shall not include mobile/manufactured homes, travel trailers, or other forms of portable or temporary housing.
- (27) **Dwelling, Single-Family Attached.** A building containing not more than one dwelling unit attached at the side or sides in a series or group of three or more buildings each containing not more than one dwelling unit. Each building shall be separated from the adjoining building or buildings by a party wall or walls extending from footings through roofs. The term "attached dwelling" is intended to imply townhouses, patio, or atrium houses or any form which conforms to this definition.

- (28) **Dwelling, Two Family.** One building containing not more than two dwelling units or two buildings, attached at the side, with not more than one dwelling unit per building. The term "two-family dwelling" is intended to imply single-family semi-detached buildings and duplexes or any form which conforms to this definition.
- (29) **Dwelling, Multiple Family.** A building containing three or more dwelling units. The term "multi-family dwelling" shall include cooperative apartments, condominiums, apartments and the like. Regardless of how rental units are equipped, any multi-family dwelling in which units are available for rental periods of less than one week shall be considered a motel.
- (30) **Dwelling, Mobile/Manufactured home.** A building transportable in one or more sections, built on a permanent chassis, with body width exceeding eight feet or body length exceeding 32 feet, designed to be used as a single dwelling with or without a permanent foundation when connected to the required utilities.
- (30) **Dwelling, Modular Home.** A building made up of two or more modular sections transported to the home site, put on a permanent foundation and joined to make a single dwelling. For the purposes of this ordinance, modular homes shall be allowed as a single-family detached dwelling.
- (31) **Fair Market Value.** Assessed value adjusted for equalized value.
- (32) **Family.** One or more persons occupying a single dwelling unit, provided that unless all members are related by blood, marriage or adoption, no such family shall contain over five persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as family.
- (33) **Floor Area.** The sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings,

excluding public corridors, common restrooms, attic areas, unenclosed stairways, elevator structures, heating or other building machinery or equipment or basement space.

- (34) **Floor Area Ratio.** The ratio of the total floor area of a building to the total lot area.
- (35) **Fur Farm.** Land, buildings or structures used for the purpose of raising or harboring fur bearing animals including those defined in Sec. 29.01 Wis. Stats., and also including chinchillas, whether the animals are kept for breeding, slaughtering or petting.
- (36) **Garage, Private.** An accessory building designed or used for inside parking of private motor vehicles, recreational vehicles or boats by the occupant of the principal building. A private garage attached to or a part of the main building is to be considered part of the main building.
- (37) **Home Occupations** The term "home occupation" shall mean an occupation in a residential district conducted entirely in a dwelling unit. See 7.05 (11).
- (38) **Hotel.** An establishment where sleeping accommodations are offered to the public and intended primarily for rental to transients with daily charge, as distinguished from multi-family dwellings and boarding houses, where rentals are for periods of a week or longer and occupancy is generally by residents rather than transients. Hotel may serve meals to both occupants and others. The term "hotel" is also intended to imply motel, motor court, motor lodge, tourist court or any form which conforms to this definition.
- (39) **Junk Yard.** Premise where land, building or structures where junk, waste, discarded, salvaged or similar materials such as old metals, wood, lumber, glass, paper, rags, cloth, cordage, barrels, containers, etc., are brought, sold, exchanged, baled, packed, stored or handled, including used lumber and building materials, equipment, wrecking yards and the like. This definition shall not include automobile salvage

or wrecking yards or pawnshops and establishments for the sale, storage or purchase of secondhand vehicles, clothing, furniture, appliances or similar household goods, all of which shall be usable, nor shall it apply to the processing of used, discarded or salvageable materials incident to manufacturing activity on the same site.

(40) **Landscape Buffer.** The use of properly planted and maintained buffer areas may reduce and ease potential incompatibility between and among different uses of land in proximity to each other.

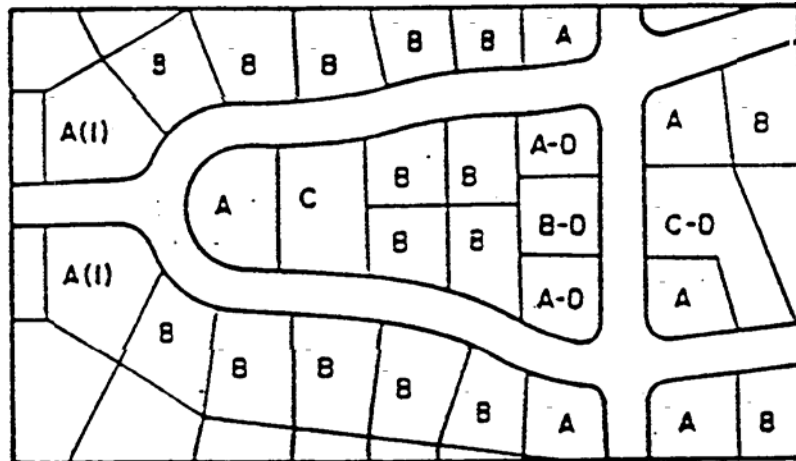
(a) **Requirements.** Where these regulations require a landscape buffer area, the following requirements shall be met.

1. The landscaped buffer area shall not be less than eight feet in width measured at right angles to property lines and shall be established along the entire length of and contiguous to the designated property line or lines.
2. The area shall be so designed, planted and maintained as to be seventy-five percent or more opaque at least ten feet above average ground level when viewed horizontally.
3. Types and number of plantings for landscaped buffers shall be submitted with application for a building permit or special exception, along with plans and statements demonstrating how the buffer will be maintained in the future.
4. Plantings shall be of a size and type that will insure the meeting of the seventy-five percent opacity requirement within no longer than twelve months of the date of the first planting.
5. Failure to maintain the landscaped buffer area as set out above shall be a violation of these zone regulations.

- (b) **Sight Distance.** When an access way intersects a public right of way, all landscaping shall provide unobstructed visibility at a level between 3 ½ and ten feet.
- (41) **Landscaping.** Landscaping shall consist of, but not be limited to, grass, ground covers, shrubs, vines, hedges, trees, berms and complementary structural landscape architectural features such as rock, fountains, sculpture, decorative walls and tree wells.
- (42) **Lot.** A parcel of land used or set aside and available for use as the site for one or more buildings and buildings accessory thereto or for any other purpose, in one ownership and not divided by a street nor including any land within the limits of a public or private street right-of-way. The term "record lot" shall mean land designated as a distinct and separate parcel on a legally recorded deed or plat in the Register of Deeds' office.
- (43) **Lot Area.** The total horizontal area within the lot lines of the lot.
- (44) **Lot Coverage.** The percentage of the lot area covered by the principal or accessory structure.
- (45) **Lot Depth.** Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- (46) **Lot Frontage.** The front of an interior lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to a street shall be considered frontage, and yards shall be provided as set out in these zoning regulations. For the purpose of computing number and area of signs, frontage of a lot shall be established by orientation of the frontage of buildings thereon, or of principal entrance points to the premises if building frontage does not clearly indicate lot frontage. If neither of these methods are determinant, the Building Inspector

shall select on the basis of traffic flow on adjacent streets, and the lot shall be considered to front on the street with the greater flow.

- (47) **Lot Types.** The diagram that follows illustrates terminology used in these zoning regulations with reference to corner lots, interior lots, reversed frontage lots and through lots.



**A =** corner lot, defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost point of the lot meet at an interior angle of less than 135 degrees. See lots A(1) in the diagram.

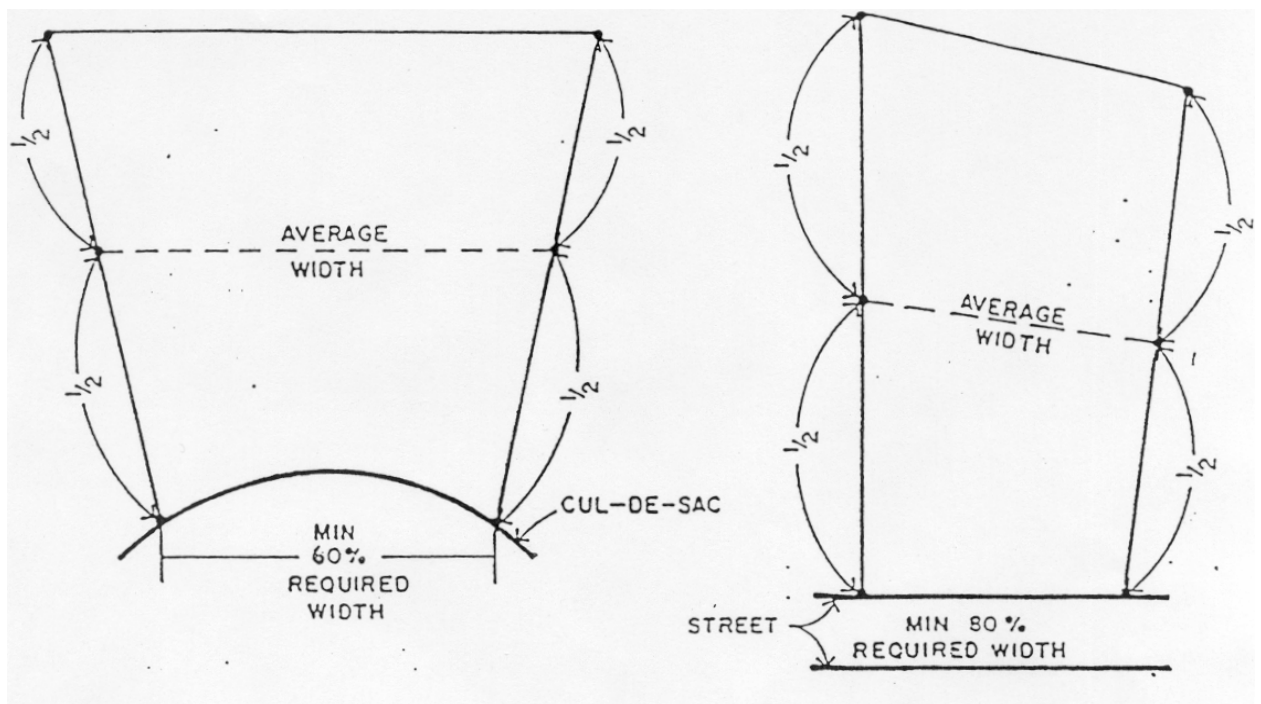
**B =** interior lot, defined as a lot other than a corner lot with only one frontage on a street.

**C =** through lot, defined as a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

**D =** reversed frontage lot, defined as a lot on which the frontage is at right angles or approximately right angles (interior angle less than 135 degrees) to the general pattern in the area. A

reversed frontage lot may also be a corner lot (A-D in the diagram), and interior lot (B - D) or a through lot (C - D).

- (48) **Lot Width.** Width of a lot shall be considered to be the average distance between straight lines connecting front and rear lot lines at each side of the lot, measured as straight lines between the foremost points of the side lot lines in front (where they intersect with street line) and the rear most points of the side lot lines in the rear, provided, however, that the width between the side lot lines at their foremost points in the front shall not be less than 80 percent of the required lot width except in the case of lots on the turning circle of a cul-de-sac, where the width shall not be less than 60 percent of the required lot width.



- (49) **Manufactured Dwelling.** Any structure or component thereof which is intended for use as a dwelling and is of closed construction and fabricated or assembled on site or off site in manufacturing facilities for installation, connection or assembly and installation

at the building site or is a building of open construction which is made or assembled in manufacturing facilities away from the building site for installation, connection, or assembly and installation on the building site and for which certification is sought by the manufacturer.

- (50) **Manufactured Home.** A factory built, single family structure that is manufactured under the authority of 42 U.S.C., Section 5401, the National Manufactured Home Construction and Safety Standards Act, is transportable in one or more sections, is built on a permanent chassis and fitted with wheels that is intended to be hauled to a site and is registered and titled with the Wisconsin Department of Motor Vehicles.
- (51) **Mobile Home.** A mobile home, transportable, factory built home, designed to be used as a year-round residential dwelling and built prior to the enactment of the Federal Manufactured Housing construction and Safety Standards Act of 1974, which became effective June 15, 1976.
- (52) **Mobile/Manufactured Home Park.** Premises designed and maintained for the location of two or more mobile/manufactured homes under a continuing local general management and including special facilities for common use by the occupants such as open space areas and recreational areas and buildings.
- (53) **Mobile/Manufactured Home Site.** A mobile/manufactured home site is a parcel or lot within a mobile/manufactured home park, designated for the accommodation of not more than one mobile/manufactured home.
- (54) **Mobile/Manufactured Home Subdivision.** Premises where more than two mobile/manufactured homes are located for non-transient living purposes and where lots are set aside and offered for sale for use as mobile/manufactured homes for living purposes.
- (55) **Net Acre.** The total acreage of a lot, tract or parcel of land excluding land in existing and proposed streets and street rights-of-way.

- (56) **Net Density.** The term "net density" refers to the number of residential dwellings units permitted per net acre of land and is determined by dividing the number of units by the total area of land within the boundaries of a lot or parcel not including street rights-of-way. In the determination of the number of dwellings to be permitted on a specific parcel of land, a fractional unit shall not entitle the applicant to an additional unit.
- (57) **Office, Business.** A business office is an office for such activities as real estate agencies, advertising agencies (but not sign shops), insurance agencies, travel agencies and ticket sales, chamber of commerce, credit bureau (but not finance company), abstract and title agencies or insurance companies, stockbrokers, and the like. It is characteristic of a business office that retail or wholesale goods are not shown on the premises to a customer. A barber or beauty shop is not a business office.
- (58) **Office, Professional.** A Professional office is an office for the use of a person or persons generally classified as professionals, such as architects, engineers, attorneys, accountants, doctors, dentists, chiropractors, psychiatrists, psychologists, and the like.
- (59) **Planning Commission.** The agency or commission designated by the Town Board pursuant to Section 62.23 Wis. Stats.
- (60) **Planned Unit Development.** A residential or commercial development comprehensively planned as an entity via a unitary plan which permits flexibility in building siting, mixtures of housing types, usable open spaces and the preservation of significant natural features.
- (61) **Recreational Camp.** Premises and facilities used occasionally or periodically for the accommodation of members of groups or associations for outdoor recreational activities.
- (62) **Sign.** Any medium, including its structure, words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks

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.

- (63) **Special Exception.** Those uses or structures that may not be appropriate generally or without restriction throughout a district but which if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, comfort, convenience or the general welfare. Such uses or structures may be permitted in a zoning district if they meet the requirements of the district in which they are located and 7.23.
- (64) **Specified Anatomical Areas:** *Less than completely and opaquely covered human genitals, pubic region, buttocks, female breast below a point immediately above the top of the areola and human male genitals in a discernibly turgid state even if completely or opaquely covered. 1-30-06*
- (65) **Specified Sexual Activities:** *Activities where human genitals are in a state of sexual stimulation or arousal; acts of masturbation, sexual intercourse or sodomy; and fondling or erotic touching of the human genitals, pubic region, buttocks or female breast. 1-30-06*
- (66) **Stable.** Premises where more than one horse (livestock) is boarded, raised, kept or trained regardless of whether such horses are (livestock is) owned by the occupants or owners of the premises. A stable shall provide three (3) acres minimum of land required for one (1) horse or pony plus one (1) acre for each additional horse or pony.
- (67) **Stable, Riding.** Premises on which horses are (livestock is) kept for the purpose of renting them to the public on any basis. A riding stable shall consist of not less than five acres.

- (68) **Storage Establishment.** Premises where goods and materials or more than three motor vehicles, recreational vehicles or boats are stored for a fee.
- (69) **Story.** The portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding 14 feet in height shall be considered as an additional story for each 14 feet or fraction thereof. A basement having one-half or more of its height above grade shall be deemed a story for purposes of height regulation.
- (70) **Street Line.** The dividing line between the street and the lot. The street line shall be the same as the legal right-of-way line.
- (71) **Structure.** Anything constructed or erected with a fixed location on the ground, or attached to something with a fixed location on the ground.
- (72) **Variance.** A relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. Variances may be granted only if they meet the requirements of Section 7.29 of this ordinance.
- (73) **Yard.** An open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, provided, however, that fences, walls, poles, posts and other customary yard accessory ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction visibility. "Required yard" means that minimum distances specified by these regulations measured from the property line.
- (74) **Yard, Front.** A yard extending across the front of a lot between the side lot lines, and extending from the street line to the nearest line of the principal structure or projection of the principal structure.

- (75) **Yard, Rear.** A yard extending across the rear of a lot between the side lot lines, and extending from the rear of the property line to the nearest line of the principal structure or projection of the principal structure.
- (76) **Yard, Side.** A yard extending between the nearest building or projection thereto and the side lot line, and extending from the front yard to the rear yard.