

400.12 DEFINITIONS.

For the purpose of this Zoning Ordinance, certain words and terms are defined as follows:

400.12 (1) WORDS AND PHRASES IN GENERAL.

(a) Words used in the present tense include the future; the singular number includes the plural number and the plural number includes the singular number, and the masculine gender includes the feminine and neuter genders.

(b) The word "shall" is mandatory and not discretionary.

(c) The word "City" or "city" shall mean the City of Richland Center.

(d) The words "Council," "City Council" and "Common Council" shall be interchangeable, and shall refer to the Common Council of the City of Richland Center.

(e) The words "Planning Commission" and "Plan Commission" shall refer to the Planning Commission of the City of Richland Center, which is the same as the City Plan Commission for said City created pursuant to sec. 62.23(1) Wis. Stats.

(f) The words "Zoning Administrator" shall mean the person duly hired or appointed by the City of Richland Center to perform the duties of the zoning administrator for said City under this Zoning Ordinance.

(g) The words "Building Inspector" shall mean the person duly hired or appointed by the City of Richland Center to perform the duties of building inspector for said City under this Zoning Ordinance and under any other provision of the Wis. Statutes, Wis Adm. Code or City ordinances.

(h) Whenever a word or term defined hereinafter appears in the text of this Zoning Ordinance, its meaning shall be construed as set forth in such definition thereof.

(i) All definitions contained in **Chapter 485 Regulating Signs in the City of Richland Center** are hereby incorporated by reference in this Zoning Ordinance.

(j) Any words not herein specifically defined shall be construed as defined in the building codes of the City of Richland Center or in the Wisconsin Statutes or the Wisconsin Administrative Code.

(k) The abbreviation "Wis. Stats." shall mean the Wisconsin Statutes, as the same are from time to time amended.

(l) The abbreviation "Wis. Adm. Code" shall mean the Wisconsin Administrative Code, as the same may be from time to time amended.

(2) Abutting: Making contact with or separated only by public thoroughfare, railroad, public utility right-of-way, or navigable waters.

(3) Accessory Building: A detached building not used as a dwelling unit but is incidental to that of the main building and which is located on the same lot. Accessory building does not mean a farm building. [SPS 320.07(1)]. **[Amended by Ord 2008-1]**

(3) Accessory Use, Building or Structure: A non-residential use, building or structure, subordinate to and serving the principal use, building or structure on the same lot and incidental to the principal use, building or structure. Examples are private garages, gazebos, garden green houses and utility sheds. **[Amended by Ord 2017-5]**

(4) Addition: New construction performed on a building which increases the outside dimensions of the building.

(4) Addition: New construction performed on a building which increases the outside dimensions of the building [SPS 320.07(2)]. **[Amended by Ord 2017-5]**

(5) Airport or Heliport: Any land, water, or structure which is used or intended for use for the landing and take-off of aircraft and any appurtenant land or structure used or intended for use for port buildings or other port structures or right-of-ways.

(6) Alley: A public right-of-way which affords a secondary means of access to abutting property.

(7) Alteration: An enhancement, upgrading or substantial change or modification other than an addition or repair to a building or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a building. [SPS 320.07(4)] **[Amended by Ord 2008-1 and 2017-5]**

(8) Animal Unit: A means of quantifying animals, poultry and other domesticated or owned creatures. Each of the following constitutes one animal unit:

- (a) One (1) bull, cow, steer, heifer or calf.
- (b) One (1) horse, colt, donkey, mule or burro.
- (c) One (1) sheep or lamb.
- (d) One (1) goat or kid.
- (e) One (1) mink or other fur bearing animal.
- (f) Three (3) chickens, turkeys, ducks or other fowl, including chicks.
- (g) Three (3) rabbits.
- (h) One (1) of any other type or species of owned animal, excluding household pets such as dogs or cats not owned or raised for sale.

(9) Attic: A space under the roof and above the ceiling of the topmost part of a dwelling.

(10) Automobile Reduction Yard: A lot or yard where two (2) or more unlicensed motor

vehicles, or the remains thereof, are kept for the purpose of dismantling, wrecking, crushing, repairing, rebuilding, sale of parts, sale as scrap, storage or abandonment.

(11) Automobile Repair-Major: General repair, rebuilding or reconditioning of engines, motor vehicles or trailers, including body work, frame work, welding and major painting service.

(12) Automobile Repair-Minor: The replacement of any part or repair of any part which does not require the removal of the engines, head or pan, engine, transmission or differential; incidental body and fender work, minor painting and upholstering service when said service above stated is applied to passenger automobiles and trucks not in excess of three-quarter (3/4) ton rating.

(13) Balcony: A landing or porch projecting from the wall of a building.

(14) Basement: That portion of a building below the first floor or ground floor of a building with its entire floor below the grade of the surrounding ground.

(15) Bed and Breakfast Establishment: Any place of lodging that:

- (a) Provides 8 or fewer rooms for rent to no more than a total of 20 tourists or transients;
- (b) Provides no meals other than breakfast and provides the breakfast only to renters of the place;
- (c) Is the owner's personal residence;
- (d) Is occupied by the owner at the time of rental;
- (e) Was originally built and occupied as a single-family residence, or, prior to use as a place of lodging, was converted to use and occupied as a single-family residence; and
- (f) Has had completed, before May 11, 1990, any structural additions to the dimensions of the original structure, including by renovation, except that a structural addition, including a renovation, to the structure may, after May 11, 1990, be made within the dimensions of the original structure. [Reference: 50.50(1) Wis. Stats] **NOTE:** The Uniform Dwelling Code applies to the third floor of any bed and breakfast establishment if such 3rd floor is used for anything other than storage [101.05(2) Wis. Stats.]

(16) Boarding House or Rooming House: A building other than a hotel or motel where, for compensation and by prearrangement for definite periods, lodgings are furnished for three (3) or more unrelated persons but not to exceed eight (8) unrelated persons who reside on the premises on a permanent or long-term basis in rooms which do not have individual kitchen facilities. All food preparation is done in a common kitchen by or under the supervision of person who is in charge of the premises. In addition, the owner of the premises or a person who operates or supervises the premises for the owner, and his/her immediate family, may maintain living quarters in the same building. A building which accommodates tourists or transients is not a boarding house. [Amended by Ord 2014-14]

(16a) Boulevard or Boulevard Strip: That portion of the right-of-way of a city street which lies between a paved city street and the edge of the abutting lot nearest the street. [Added by Ord 2014-14]

(16b) Breezeway. An enclosed portion of a residential building which at one end is attached to or a part of the primary building on the lot and at the other end is attached to or a part of a private garage or other accessory building on the lot. **[Added by Ord 2014-14]**

(17) Building: Any structure having a roof which may provide shelter or enclosure of persons, animals or chattels, and when said structure is divided by party walls without openings, each portion of such building so separated shall be deemed a separate building.

(18) Building Height: The vertical distance from: (a) the average elevation of the adjoining ground level or (b) the established grade, whichever is lower, to the top of the cornice of a flat roof, to the deck line of a mansard roof, to a point of the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch type roof, to the mean distance of the highest gable on a pitched or hip roof.

(19) Building Line: The building line shall be defined as the front yard set-back line, as contained in this Zoning Ordinance.

(19a) Cabinet/Countertop Shop: A business in which cabinets and or countertops are assembled or constructed on a job-lot basis from pre-sawn lumber, plywood/OSB, plastic laminates, stone or cultured products. Sawing and planing of lumber from trees, manufacture of plywood, plastic laminate and like products are not included in this definition. **[Added by Ord 2001-14]**

(20) Carport: A wood framed permanent structure used for storing motorized vehicles that is attached to a dwelling and that has at least 2 sides completely unenclosed. [SPS 320.07(10t)]. A carport structure shall be subject to the restrictions and requirements of the minimum open space requirements of this Zoning Ordinance. **[Amended by Ord 2017-5]**

(21) Ceiling Height: The clear vertical distance from the finished floor to the finished ceiling.

(22) Chimney: One or more vertical or nearly vertical passageways or flues for the purpose of conveying flue gases to the atmosphere.

(23) Commission: The City of Richland Center Planning Commission.

(23a) Community Based Residential Facility: A facility defined in sec. 50.01(1g) Wis. Stats. which is duly licensed as such by the Wis. Dept. of Health and Family Services or any other state agency assigned the authority to license such facilities. **[Added by Ord 2008-1]**

(24) Community Living Arrangement: Any of the following facilities licensed or operated, or permitted under the authority of the Wisconsin Department of Health & Human Services:

(a) Child welfare agencies under sec. 48.60 Wis. Stats.

(b) Group homes for children under sec. 48.02 (7) Wis. Stats.

(c) Community based residential facilities under sec. 50.01 Wis. Stats. but does not include day care centers, nursing homes, general hospitals, special hospitals, prisons and jails. [Reference sec. 46.03(22) Wis. Stats.] **NOTE:** Subject to Uniform Dwelling Code. [SPS 320 thru 325, Wis. Adm. Code.]

(25) Complete Bath and Toilet Facilities: A flush toilet attached to the public sewer system; a lavatory; a bath or shower and a kitchen sink, all of which are fully functional and supplied from outside with a continuous supply of water.

(26) Conditional Uses: [As Amended by Ord 2004-10] Those occupations, vocations, skills, arts, businesses, professions or uses specifically designated in each Zoning District, which for their respective conduct, exercise or use in such designated use districts may require reasonable but special, peculiar, unusual or extraordinary limitations, facilities, plans, structures, thoroughfares, conditions, modifications or regulations in such use district for the promotion or preservation of the general public welfare, health, convenience or safety There shall be three classes of Conditional Uses, as follows:

(a) Specific Conditional Use: A use specific to one location, and to one individual, partnership, or business, for an occupation, vocation, skill, art, business, profession or use specifically designated in each zoning district, for which its respective conduct, exercise or use. A Specific Conditional Use Permit is granted to the specific location by the City Council after completion of all studies, reviews and public hearings on the application thereof, which are required by this Zoning Ordinance. A Specific Conditional Use may be appropriate on some sites within a District, but not appropriate on other sites. A Specific Conditional Use Permit shall be deemed to run with the land.

(b) Planned Unit Development: A large scale development, consisting of more than one lot or parcel, which permits alternative standards for development, as defined in Section 400.04 (21) of the Ordinances of the City of Richland Center. It is individually granted to the owner or developer by the City Council after completion of all studies, review, and public hearings on the application therefore, which are required by this Zoning Ordinance. A Planned Unit Development shall be deemed to run with the land.

(c) Temporary Conditional Use: A Temporary Conditional Use is a discretionary, temporary use of the land, with special conditions and time limits on that use, and is specific to the individual receiving it. It is individually granted to the owner of a specific property by the City Council after completion of all studies, reviews and public hearings on the application therefore, which are required by this Zoning Ordinance. A Temporary Conditional Use Permit, when issued, is personal to the permittee, for the site identified, and the permit shall not be deemed to run with the land. Any transfer of ownership of a lot for which a Temporary Conditional Use Permit has been issued, whether legal or equitable, shall automatically terminate and void any previously issued Temporary Conditional Use Permit affecting the parcel. All Conditional Use Permits existing at the time of passage of this amendment shall be Temporary Conditional Uses, provided, however, that Conditional

Use Permits existing at the time of passage of this amendment shall remain in effect for the period of time for which they were granted.

(27) Conditional Use Permit: A discretionary permit allowing a specified use of a lot or parcel of land, which may be specifically and individually granted to the owner of a specific property by the City Council after completion of all studies, reviews and public hearings on the application therefore which are required by this Zoning Ordinance. **[As Amended by Ord 2004-10]**

(28) Condominium: Property subject to a condominium declaration established under Chapter 703 Wisconsin Statutes, as regulated by said Chapter 703.

(28a) Contractor's Storage Yard: A lot or parcel of land used for by a contractor for storage outside of an enclosed structure of equipment or materials held or intended to be used off the site for landscaping or similar projects, including by way of illustration but not limitation: landscaping materials such as gravel, dirt, sand, rock, ties, timbers, blocks and paving stone and heavy construction materials such as ties or timbers, pipe, pipeline components and precast concrete items. **[Added by Ord 2014-14]**

(28b) Crematory: A facility for reducing human remains to ashes. **[Added by Ord 2010-7; Renumbered by Ord 2014-14]**

(29) Curb Grade: The established elevation of the curb in front of the building measured at the center of such front. Where no curb grade has been established the City may establish such curb lev building measured at the center of such front. Where no curb grade has been established the City may establish such curb level or its equivalent for the purpose of this Zoning Ordinance.

(30) Curb Level: Synonymous with "Curb Grade".

(31) Day Care Center: A use where for compensation care and supervision are provided for four (4) or more children under the age of seven (7) years for less than 24 hours a day, and which is required by sec. 48.65 Wis. Stats. to be licensed by the Wisconsin Department of Health & Social Services.

(32) Day Care Home, Family: A dwelling which is licensed as a day care center, where care and supervision are provided for not more than eight (8) children. (Reference: sec. 66.304 Wis. Stats.)

(33) Deck: An unenclosed exterior structure, attached to or adjacent to the exterior wall of a building, which has a floor but no side walls or roof. The open sides of a deck which are more than 24 inches above grade or above a floor shall be protected with guardrails meeting the standards set forth in SPS 321.04 Wisconsin Administrative Code. **[Amended by Ord 2014-14]**

(33a) Development Regulations: That part of this zoning ordinance that applies to elements including setback, height, lot coverage and side yard. **[Added by Ord 2014-14]**

(34) District: Areas of land for which regulations concerning the use and buildings are uniform.

(35) Dwelling: A building or one or more portions thereof occupied or intended to be occupied for residence purposes; but not including rooms in motels, hotels, nursing homes, boarding houses, trailers, tents, cabins or trailer coaches.

(36) Dwelling - Attached: A dwelling which is joined to another dwelling at one or more sides by a party wall or walls.

(37) Dwelling - Detached: A single dwelling unit not attached to another dwelling or structure.

(38) Dwelling - Townhouse: A building housing multiple single family dwelling units having only one or more than one wall in common with another single family dwelling unit, oriented so that all exits open directly to the outside. Also, means a dwelling unit in such a building where the context so requires.

(39) Dwelling Unit: A structure, or that part of a structure, which is intended to be used as a home, residence or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others.

(39a) Duplex Dwelling: A structure which contains two (2) dwelling units. A 'Duplex Dwelling' includes a manufactured home which contains two (2) dwelling units. **[Added by Ord 1993-15]**

(40) Efficiency Unit: A dwelling unit wherein the cooking area, living area and sleeping area are all located in one room, whether or not such room is divided by partial dividers such as counters or screens.

(41) Erosion Control Plan: A plan for the implementation of erosion control procedures to a specific lot or development.

(42) Erosion Control Procedure: A practice or a combination of practices implemented to prevent or reduce erosion and the resulting deposition of soil, sediment or rock fragments into waters of the state, public sewers or off the owner's land. These procedures include, but are not limited to, silt or filter fences, straw or hay bales, tarps or riprap, berms, sediment basins or vegetative strips.

(43) Essential Services: Underground or overhead gas, electrical, steam or water transmission or distribution systems; collection, communication, supply or disposal systems including poles, wires, mains, drains, sanitary sewers, storm sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants or other similar equipment and accessories in conjunction therewith; but not including buildings.

(44) Essential Service Structure: A building, structure or enclosure which is a part of a system for the providing of essential services, such as a substation, pump station, pumphouse or similar use, and including towers utilized in providing such services.

(44a) Factory Outlet Store: A store which is owned and operated by an entity whose primary operation on the premises is the manufacturing, production, or assembly of goods or products and which sells to the public products of the type actually manufactured, produced, processed or assembled on the premises.

(45) Family: An individual, or two or more persons each related by blood, marriage or adoption, living together as a single housekeeping unit; or a group of not more than four (4) persons not so related, maintaining a common household and using common cooking and kitchen facilities.

(46) Farm: A parcel of land having an area of 3 acres or more which is under agricultural cultivation or any combination of parcels aggregating 10 acres or more of unimproved lands which may or may not be occupied by a farmstead and outbuildings as the major improvements.

(47) Fence: A fence is defined for the purpose of this Zoning Ordinance as any partition, structure, wall or gate erected as a dividing marker, barrier or enclosure and located along a lot boundary or within a lot or parcel.

(48) First Floor: The first floor level above any ground floor or basement or, in the absence of a ground floor or basement, means the lowest floor level in the building. [SPS 320.07 (34e)] [Amended by Ord 2017-5]

(49) Floor Area - Gross: The sum of the gross horizontal areas of the several floors of a building including interior balconies, mezzanines, closets, basements and attached accessory buildings, excepting that area primarily devoted to unenclosed porches, detached accessory buildings utilized as dead storage, heating and utility rooms, inside off-street parking of vehicles, loading docks or loading space.

(50) Floor Area of Room: The area of a room that has a ceiling height of at least 7 feet. Rooms with ceilings less than 7 feet in height for more than 50% of the room are not considered to be floor areas [SPS 320.07(34m)]. [Amended by Ord 2008-1 and 2017-5]

(51) Floor Area Ratio: The numerical value obtained through dividing the gross floor area of all buildings on a lot by the area of the lot on which such building or buildings are located.

(52) Frontage: That portion of a lot abutting on the right-of-way line of a street, whether one side of a street between two (2) intersecting streets or between an intersecting street and the dead-end of a street.

(52a) Garage: An enclosed permanent structure designed to be used primarily for storing one or more motor vehicles and having one or more doors large enough to allow passage of a

passenger automobile. [Amended by Ord 2017-5]

(52b) Garage - Attached. A private garage which is physically connected to the principal building on the lot where one wall of the garage abuts one wall of the principal building on the lot or where one wall of the garage abuts one wall of a fully enclosed breezeway connecting the principal building on the lot and the garage. [Added by Ord 2014-14]

(52b) Garage, Portable: A structure comprised of a frame, typically metal, covered by a non-rigid covering of polyvinyl, canvas or similar soft material which extends to ground level, regardless of whether it is used for parking of one or more vehicles, for storage of other personal property or for any other purpose. [Added by Ord 2017-5]

(53) Garage, Private: A garage which is accessory to a primary residential structure on the same lot, whether attached or detached from the primary structure, which is designed to be used primarily for storing passenger vehicles owned by the owner or occupant of the primary residential structure on the lot. [Amended by Ord 2017-5]

(54) Garage, Public: Any building or premises, other than a private garage or a storage garage, where the business of equipping, repairing, servicing, rebuilding, renting, selling or storing motor-driven vehicles for members of the public is carried on. [Amended by Ord 2008-1 ans 2017-5]

(55) Garage, Storage: Any enclosed structure, not accessory to a residential use on the lot, which is used for the storage of any of the following items held for personal use and not held for resale: motorized vehicles, boats, campers or similar personal recreational equipment or other personal property and where no equipment, repair parts, fuel, grease or oil is sold to members of the public and vehicles are not equipped, serviced, repaired, rented or sold to members of the public. [Amended by Ord 2017-5]

(56) Garage Sale: Any display of used goods and/or salesman's samples and sale of said goods on a property ordinarily used as a residence. The person conducting the sale shall be resident on the site.

(57) General Floor Plans: A graphic representation of the anticipated utilization of the floor area within a building or structure, but not necessarily as detailed as construction plans.

(58) Ground Floor: That level of a building, below the first floor, located on a site with a sloping or multilevel grade and which has a portion of its floor line at grade.

(59) High Density Farming Operation: Any farm operation (including the leasing of pasture or operation of a feedlot) involving or utilizing an animal unit density in excess of one (1) animal unit per acre of contiguous tillable or open pasture land.

(60) Home Occupation: Any gainful occupation carried on in a residential zoning district which meets all of the following requirements:

- (a) The occupation is engaged in only by persons residing in their dwelling.
- (b) The occupation is conducted entirely within the principal structure.
- (c) Evidence of the occupation is not visible from the street.
- (d) No signs other than those permitted in the applicable residential district are displayed.
- (e) No stock in trade is stored on the premises.
- (f) Over-the-counter retail sales are not involved.
- (g) Entrance to the home occupation is gained from within the structure.

(61) Horticulture: The production and storage of fruits, vegetables, grains, ornamental trees or other crops but not including the keeping, raising or production of livestock.

(62) Hotel: A building containing five (5) or more guest rooms in which lodging is provided with or without meals for compensation and which is open to transient or permanent guests or both, and where no provision is made for cooking in any guest room, and in which principal access to and from all rooms is made through an inside lobby or office supervised by a person in charge.

(63) Hotel-Apartment: A hotel providing one or more dwellings where cooking facilities are present.

(64) Improvement: Means and includes all construction necessary or pertinent to the preparation or conditioning of a building lot, site or parcel for occupancy by a permitted use under the provisions of this Zoning Ordinance or by a conditional use if a conditional use permit therefor has been issued and shall include but not be limited to buildings, parking areas, loading areas, trackage, fences, lawns and landscaping.

(64a) Indoor Shooting Range: a facility for shooting firearms or air rifles which is located completely within an enclosed building. **[Added by Ord 1010-9]**

(65) Junk Yard: An area where used, waste, discarded or salvaged materials are brought, sold, exchanged, stored, baled, cleaned, abandoned, packed, disassembled or handled, including but not limited to, scrap iron and other metals, paper, rags, rubber products, bottles and lumber. Storage of such materials in conjunction with a permitted manufacturing process when within an enclosed area or building or as otherwise permitted by this Zoning Ordinance shall not be included in this definition.

(65a) Kitchen: An area used, or designated to be used, for the preparation of food [SPS 320.07(46)]. **[Added by Ord 2008-1 and 2017-5]**

(66) Laboratory: A place devoted to experimental study such as testing and analyzing and that is incidental to the manufacturing of the product or products of a permitted use. The actual manufacturing of product or products is not permitted within a laboratory as herein defined.

(67) Land Reclamation: Depositing six hundred (600) cubic yards or more of material so as to elevate the grade.

(68) Limited Access Highway: A public highway or street designed for through traffic and to, from or over which the owners of abutting property or persons having an interest in abutting property or other persons have no right or easement, or only a limited right of easement, of access, crossing, light, air, or view by reason of the fact that their property abuts upon such highway or street, or for any other reason.

(69) Livestock: Any animals, or poultry or other fowl, except dogs, cats and birds, owned by the resident of the premises and kept as pets but not for commercial sale except incidental to their character as pets.

(70) Loading Berth: An unobstructed area provided and maintained for the temporary parking of trucks and other motor vehicles for the purpose of loading and unloading goods, wares, materials, and merchandise.

(71) Lot: A parcel of land occupied or intended to be occupied by a principal structure and optional accessory building(s) or accessory uses, which parcel is of sufficient size to meet the minimum requirements of this Zoning Ordinance for use, coverage and area and to provide such yards and other open spaces as are required, whether the land is used or intended for occupancy or for any other use, regardless of whether such parcel is a platted lot or is described by metes and bounds.

(72) Lot Area: The area of a lot in horizontal plane bounded by the lot lines, but not including any area occupied by the waters of a duly recorded lake or river or area which has been dedicated as public thoroughfare or road.

(73) Lot Area Per Unit: The number of square feet of lot area required per dwelling unit.

(74) Lot-Corner: A lot situated at the junction of, and abutting on two (2) or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed one hundred and thirty-two (132) degrees.

(75) Lot Depth: The mean horizontal distance between the front lot line and the rear line of a lot.

(76) Lot Line: A lot line is a property line bounding a lot except that where any portion of a lot extends into a public right-of-way or a proposed public right-of-way, the nearest line of such public right-of-way shall be deemed the lot line for purposes of applying this Zoning Ordinance.

(77) Lot Line-Front: That boundary of a lot which abuts an existing or dedicated public street. In the case of a corner lot, the front lot line shall be presumed to be the side of the lot having the shortest dimension on a public street. However, the owner of a vacant lot whose dimensions are within 50% of equal on all sides may select and designate in writing which lot line abutting a street shall be the front lot line, which designation shall be filed in the City Clerk and shall thereafter permanently designate the front lot line of the lot. **[Amended by Ord 2014-14]**

(78) Lot Line-Rear: That boundary of a lot on the opposite side of the lot from the front lot line. If the rear boundary line of the lot is less than twenty (20) feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line within the lot which is parallel to the front lot line connecting the side lot lines at the nearest point to the front line where the side lot lines are twenty (20) feet apart. **[Amended by Ord 2014-14]**

(79) Lot Line-Side: Any boundary of a lot other than the front lot line or the rear lot line.

(80) Lot of Record: Part of a city plat, subdivision or land division, the plat or a certified survey map of which has been recorded in the office of the Richland County Register of Deeds; or a parcel of land, the conveyance of which as a separate parcel was recorded in the office of said Register of Deeds, prior to June 14, 1990.

(81) Lot-Through: A lot which has a pair of opposite lot lines abutting two (2) substantially parallel streets, and which is not a corner lot.

(82) Lot Width: The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

(82a) Lumber Yard or Building Material Yard: A lot or parcel of land used for sales and storage of component building materials and supplies used for building construction such as lumber, siding, roof coverings, insulation materials and similar items either within a structure, outside of a structure or a combination of inside and outside storage. **[Added by Ord 2014-14]**

(83) Manufactured Dwelling: A structure which is a manufactured building as defined in sec. 101.71(6) Wis. Stats. containing one or more dwelling units, but not including a manufactured home. **[Amended by Ord 1993-15]**

(84) Manufactured Home: A structure certified and labeled as a manufactured home under 42 US Code secs. 5401 to 5406 which, when placed on a site:

(a) Is set on an enclosed foundation in accordance with sec. 70.043(1) Wis. Stats., which meets the standards set forth in subchapters III, IV and V of chap. SPS 321, Wis. Adm. Code, or is set on a comparable enclosed foundation system approved by the Building Inspector. The Building Inspector may require a plan certified by a registered architect or registered professional engineer to be submitted in order to ascertain that a proposed comparable enclosed foundation system provides proper support for the structure.

(b) Is installed in accordance with the manufacturer's instructions.

(c) Is properly connected to utilities. **[Amended by Ord 1993-15]**

(85) Mining: The extraction of sand, gravel, or other material from the land in the amount of six hundred (600) cubic yards or more and removal from the site.

(86) Mobile Home: A vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, which has an overall length in excess of 45 feet. 'Mobile Home' includes the structure, its plumbing, heating, air conditioning and electrical systems, and all appliances and all other equipment carrying a manufacturer's warranty. The removal of the wheels, axles or other components of the running gear and/or the mounting of such a structure or vehicle on a foundation or over a basement shall not be deemed to change its status from that of a mobile home. A structure manufactured after June 15, 1976, which is certified and labeled as a manufactured home under 42 US Code secs. 5401 to 5406 but which is not set on an enclosed foundation in the manner described in subpar. (84) (a) shall be deemed to be a mobile home under this Zoning Ordinance. **[Amended by Ord 1993-15]**

(86a) Mobile service: Has the meaning given in 47 USC 153 (33). **[Added by Ord 2017-5]**

(86b) Mobile service facility: The set of equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide mobile service to a discrete geographic area, but does not include the underlying support structure. **[Added by Ord 2017-5]**

(86c) Mobile service support structure: A freestanding structure that is designed to support a mobile service facility. **[Added by Ord 2017-5]**

(87) Motel, Motor Hotel or Motor Court: A building or group of buildings other than a hotel used primarily as a temporary residence for motorists, tourists or travelers, where no meals are furnished to lodgers and typified by each unit being accessible directly to the outside via its own exterior door. This definition includes tourist cabins.

(88) Motor Freight Terminal: A building or area in which freight brought by motor truck, or rail, is assembled and/or stored for routing in intrastate or interstate shipment by motor truck.

(89) Motor Fuel 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 of fuel are made directly into motor vehicles.

(90) Motor Fuel Station Convenience Store: Any store operated in conjunction with a motor fuel station or truck stop for the purpose of offering for sale goods not essential to the motoring public.

(90a) Motorhome: A self-propelled vehicle which can be readily adapted to or does provide facilities for a person or person to eat or sleep or both therein, and which is mounted on wheels or has provision for wheels. [Added by Ord 1993-15]

(90b) Multi-Family Residence. A structure which contains more than two dwelling units.

(91) Non-Conforming Structure: A dwelling or other building or structure that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform with one or more of the development regulations in the current zoning ordinance. [Amended by Ord 2014-14]

(92) Non-Conforming Use: Any use of land, use of a building or use of any other structure which pre-dated the effective date of this zoning ordinance or an amendment thereto and which does not comply with all current provisions of this zoning ordinance governing lands in the zoning district in which the use is located. [Amended by Ord 2014-14]

(93) Noxious Matter or Materials: Material capable of causing injury to living organisms by chemical reaction, or is capable of causing detrimental effects on the physical or economic well-being of individuals.

(93a) Nursing Home: A facility defined in sec. 50.01(3) Wis. Stats. which is duly licensed as such by the Wis. Dept. of Health and Family Services or any other state agency assigned the authority to license such facilities. [Added by Ord 2008-1]

(94) Open Sales Lot: A lot or parcel of land used or devoted in whole or in part to business of the displaying goods for sale, rent or lease or for advertising or trade where such goods are not enclosed within a building. [Amended by Ord 2014-14 and Amended by Ord 2017-5]

(95) Outdoor Amusement Facility: A privately owned use at which members of the public are invited to participate in amusement activities or to utilize amusement facilities which are entirely or substantially carried on outside as contrasted with activities carried on within a building. Examples of such outdoor amusement facilities are amusement parks, miniature golf courses, go-kart tracks and water slides. A public park or playground owned by the City, township, county or state government or an athletic facility owned or operated by a school district shall not be deemed to be an outdoor amusement facility under this definition. An activity which would otherwise constitute an outdoor amusement facility but which is temporary only and is established for not more than five (5) days per calender year shall not be deemed an outdoor amusement facility under this definition.

(95a) Parking Area: A portion of a lot or parcel of land used for the parking of motor vehicles as an accessory use to a primary use on the same lot or parcel. [Added by Ord 2017-5]

(95b) Parking Canopy: A structure comprised of a frame, typically metal, with a roof made of sheet metal or of a non-rigid substance such as polyvinyl, canvas or similar soft material extending part way down the sides or ends, with the one or more and/or ends open, regardless of

whether it is used for parking of one or more vehicles or for storage of other personal property or for any other purpose. [Added by Ord 2017-5]

(95c) Parking Lot: A lot or parcel of land used for the parking of motor vehicles on a lot or parcel of land which does not contain a primary structure or use to which the parking of vehicles is accessory. [Added by Ord 2017-5]

(96) Parking Space: A suitably surfaced or permanently maintained area on privately owned property either within or outside of a building of sufficient size to store one mid-size automobile.

(97) Party Wall: A wall which divides two independent structures.

(98) Performance Standard: Criterion established to control noises, odors, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat generated by or inherent in uses of land or buildings.

(99) Person: Male or female natural persons, and also bodies politic, business and non-profit corporations, partnerships of all types, cooperatives and all other forms of unincorporated associations.

(100) Pilaster: A projection of masonry or a filled cell area of masonry for the purpose of bearing concentrated loads or to stiffen the wall against lateral forces.

(101) Planned Unit Development: The development and use of an area or parcel of land, typically larger than the minimum lot size applicable to the zoning district in which it lies, upon which parcel of land there exists or will exist more than one principal use structure, and which development and use is pursuant to and in strict conformity with a master site plan for the area, submitted and approved prior to the commencement of any construction or use of lands in the development. A planned unit development is distinguished from a plat under chap. 236 Wis. Stats. by the fact that a plat is required to show basically lot, block and plat boundary lines, shorelines, streets and highways and other areas dedicated to the public while the site plan for a planned unit development shows in addition the location and use of principal structures, accessory uses and structures, utility services, and other matters required by this Zoning Ordinance.

(102) Planning Commission: Within this Zoning Ordinance the term Planning Commission shall refer to the Planning Commission of the City of Richland Center.

(103) Porch: An unenclosed exterior structure or appendage to a building, at or near grade, which is attached to or adjacent to one or more exterior walls of a building and which has a floor and a roof.

(103a) Portable Garage: A structure comprised of a frame, typically metal, covered by a non-rigid covering of polyvinyl, canvas or similar soft material which extends to ground level, regardless of whether it is used for parking of one or more vehicles, for storage of other personal

property or for any other purpose. [Added by Ord 2017-5]

(104) Principal Use: The primary or predominate use of a lot or parcel of land or of a building or structure, to which any other uses on the lot or parcel are accessory or subordinate. A principal use may be either permitted or conditional. A principal use which is a conditional use shall require a conditional use permit. [Amended by Ord 2017-5]

(105) Professional Office: The office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician or other recognized profession.

(106) Property Line Grade: The elevation of the property line in front of a building measured at the center of such building. Where no property line grade has been established, the mean elevation of the finished lot grade at the property line shall be considered the "existing" property line grade.

(107) Public Airport: Any airport which complies with the definition contained in Section 114.002 (18m) Wis. Statutes, or any airport which serves or offers to serve common carriers engaged in air transport.

(108) Public Hearing: Whenever the term "Public Hearing" is used in this Zoning Ordinance, unless otherwise specifically redefined, it shall mean a hearing before a governmental official, board or entity which is open to members of the public and the news media and which is held pursuant to a prior public notice given as required by law for the specific type of hearing.

(109) Public Utility Services: The providing of electric power, gas, telephone, sanitary sewer, water and storm water drainage.

(110) Publication: Notice placed in the official city newspaper stating time, location and date of a meeting and a description of the topic, or other information required by law to be disseminated to the public.

(111) Pump Setback: The distance from the street right-of-way line to the center line of the motor fuel station pump island measured as a perpendicular distance from the right-of-way.

(112) Repair: The act or process of restoring to original soundness, including but not limited to redecorating, refinishing, non-structural repairs or maintenance repairs, or the replacement of existing fixtures, systems or equipment with a substantially equivalent fixture, system or equipment [SPS 320.07(61)]. [Amended by Ord 2017-5, Amended by Ord 2008-1]

(112a) Recycling: The collection, processing and disposal of aluminum, tin or bimetals cans, glass, plastics, steel, paper, polystyrene, light bulbs and ballasts, computers and other generally accepted items included in the State of Wisconsin recycling programs but shall not include oil, tires, nor salvage yard operations. Appliances may be included if so designated as part of the conditional use permit. [Added by Ord 2002-12]

(112b) Residential Care Apartment Complex: A facility defined in sec. 50.01(1d) Wis. Stats. which is duly licensed as such by the Wis. Dept. of Health and Family Services or any other state agency assigned the authority to license such facilities. **[Added by Ord 2008-1]**

(113) Roadside Stand: A portable or temporary structure which is not permanently fixed to the ground and which is readily removable in its entirety, which may be covered or uncovered but not wholly enclosed and which is used solely for the sale of farm products raised on the premises. No building for any such roadside stand shall be more than 400 square feet in area and there shall be not more than one roadside stand on any one premises.

(113a) Self-Storage Warehouse or Mini Warehouse: A building or premises in which storage units or space is rented to the public. **[Added by Ord 2000-15]**

(114) Setback: The distance from the point of a building, structure or other improvement nearest a public street or highway to the closest point on the right of way of such street or highway, regardless of whether the street or highway is paved, curbed or otherwise improved out to such nearest point on the right of way.

(114a) Shipping Container: A large metal container enclosed on all sides designed and built for intermodal freight transport. This definition includes and is synonymous with cargo or freight container, ISO container, sea or ocean container, container van or conex box. **[Added by Ord 2017-5]**

(115) Sign: Any device whatsoever designed to or which in fact does inform or attract the attention of persons not on the premises on which the sign is located. For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

The surface area of a sign shall be considered as including the entire area within a regular geometric form or combination of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of the surface area. Isolated letters comprising a sign on the outside of a building or structure shall include each separate letter only as a part of the total area of the sign.

(116) Single Family Dwelling: A structure which is used or intended to be used as a home, residence or sleeping place by one person or by two or more persons maintaining one common household, to the exclusion of all other persons. 'Single Family Dwelling' includes a manufactured home which contains one dwelling unit. **[Amended by Ord 1993-15]**

(117) Street: A public right-of-way not less than sixty (60) feet in width (unless platted by the City having a lesser width) which affords a primary means of access to abutting property, and

shall also include an avenue, highway or road excepting a half right-of-way where the intent is to acquire the other half. A street includes the full width of the right-of way regardless of whether the street is paved, curbed or otherwise improved to the such nearest point on the right of way.

(118) Street Line: The line between a lot, tract, or parcel of land and a contiguous street.

(119) 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, 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 an additional story for each 14 feet or fraction thereof. A basement or cellar having one-half (½) or more of its height above grade shall be deemed a story.

(120) Structure: Anything constructed or erected on or connected to the ground, including but not limited to buildings, fences, utility buildings on skids, antennas and signal receiving dishes.

(121) Structural Alterations: Any change in the supporting members of a building or any substantial change in the roof structure or in the exterior walls.

(121a) Student Dormitory: A building where lodging is furnished only to students who are enrolled and attending as full-time students an accredited college, university or technical college and for occasional use when school is not in session by attendees at educational programs sponsored by a college, university or technical college. In addition, the owner of the premises or person who operates or supervises the premises for the owner and his/her immediate family may maintain living quarters in the same building. **[Adopted by Ord 2013-13]**

(122) Temporary Structure: A movable structure not designed for human occupancy nor for the protection of goods or chattels and not forming an enclosure.

(123) Thoroughfare: Any street designated as a Town Road, County Highway, County State Aid Highway, or any State Trunk or Interstate Highway, as determined by the records of the Wisconsin Department of Transportation.

(124) Tourist Camp or Trailer Camp: A tract or parcel of land, with or without buildings or other equipment, on which one (1) or more camp cabins or tents are located, or where temporary accommodations are provided for two (2) or more motorhomes, campers, automobile trailers or house cars, which is open to the public either without charge or for a fee.

(125) Townhouse: See Dwelling - Townhouse.

(126) Trailer Camper: A vehicle designed to be towed as a single unit upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, which has an overall length of 45 feet or less, which is not equipped with complete year round living facilities and which is dependent upon sources to which it is not permanently connected

for disposal of sewage, supply of fresh water and electricity. **[Amended by Ord 1993-15]**

(127) Truck Stop: A motor fuel station devoted principally to the needs of over-the-road tractor/trailer units and trucks and which provides eating and/or sleeping facilities and is located within five hundred (500) feet of the right-of-way of a designated state trunk highway, a federally aided interstate highway or on a major city thoroughfare, city collector street, highway service road or highway.

(128) Use: The purpose or activity for which a lot or parcel of land or any building thereon is designated, arranged, or intended, or for which it is occupied, utilized, or maintained, and shall include the performance of such activity as defined by the performance standards of this Zoning Ordinance.

(129) Use-Accessory: See **Accessory Use**

(130) Use-Conditional: Those occupants, vocations, skills, arts, businesses, professions, or uses specifically designated in each zoning District, which for their respective conduct, exercise or performance in such designated Districts may require reasonable but special, peculiar, unusual or extraordinary limitations, facilities, plans, structures, thoroughfares, conditions, modification, or regulations in such District for the promotion or preservation of the general public health, welfare, convenience, or safety therein and which, therefore, may be permitted in such use district only by a Conditional Use Permit.

(131) Use-Permitted: A use which may be lawfully established in a particular zoning District or Districts, provided it conforms with all requirements, regulations, and performance standards (if any) applicable to such Districts.

(132) Use-Principal: The primary or predominate use of a lot or parcel of land or of a building or structure, to which any other uses are accessory or subordinate. A principal use may be either permitted or conditional. A principal use which is a conditional use shall require a conditional use permit. **[Amended by Ord 2017-5]**

(133) Variance: A variance is an authorization for the construction of or maintenance of a building or structure or for the establishment of a use of a lot in a manner which is otherwise prohibited by the terms of this Zoning Ordinance. A variance creates a vested right to a use which runs with the land and is transferable with the lot. A variance can be granted only upon a showing of unnecessary hardship (but not a hardship which is self-inflicted by the applicant) or practical difficulties of such magnitude that without the variance the landowner will be deprived of the beneficial use of the lot and a virtual confiscation of the property will result.

(134) Vending Machine: Any coin operated device which dispenses a product or service without an attendant.

(134a) Warehouse, Distribution: A building in which goods, merchandise or equipment are stored for distribution or use and which is regularly or frequently accessed for the purpose of

adding or removing stored items. **[Added by Ord 2008-1]**

(134b) Warehouse, Storage: A building in which goods, merchandise or equipment are stored only for occasional use and which is not regularly or frequently accessed for the purpose of adding or removing stored items. Access more than twelve times per year shall be deemed frequent access, and shall make the warehouse use that of a distribution warehouse rather than a storage warehouse. **[Added by Ord 2008-1]**

(135) Yard: A required open space on a lot which is unoccupied and unobstructed by a building from its lowest ground level to the sky except as expressly permitted in this Zoning Ordinance. A yard shall extend along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations for the zoning District in which such lot is located.

(136) Yard-Front: That yard extending along the full width of the front lot line between the side lot lines and extending from the abutting front street right-of-way line to a line parallel to such street right-of-way line, which parallel line is established where said parallel line touches that point of any building on the lot which is nearest to the street right-of-way line.

(137) Yard-Rear: A yard extending along the full width of the rear lot line between the side lot lines and extending from said rear lot line to a line parallel to such rear lot line, which parallel line is established where said parallel line touches that point of any building on the lot which is nearest to such rear lot line.

(138) Yard-Side: A yard extending along the side lot line between the front and rear yards as established above and extending from said side lot line to a line parallel to such nearest side lot line, which parallel line is established where said parallel line touches that point of any building on the lot which is nearest to such nearest side lot line.

(139) Illustration of Definitions Pertaining to Yards: See Separate Page

(140) Zoning Administrator: The person appointed by the City Council to act in the capacity described in this Zoning Ordinance. The Zoning Administrator may also serve as the Building Inspector, or the City Council may appoint a separate person to act in each capacity.

(141) Zoning District: An area or areas subject to this Zoning Ordinance and determined pursuant hereto, for which the regulations and requirements governing use, lot size and size of buildings and premises are uniformly consistent with other areas classified in the same District, notwithstanding that any lot or parcel in such District may have been granted a conditional use permit or a variance.

400.13 EFFECTIVE DATE

400.13 (1) Chapters 400 through 412 shall be in full force and effect from and after a public hearing, adoption by the City Council and publication or posting as required by law.

400.13 (2) Subsequent amendments to Chapters 400 through 412 shall be in full force and effect from and after a public hearing, adoption by the City Council and publication or posting as required by law of the amending ordinance.

Date Received by City Clerk and Opened for Public Inspection: 1-31-93

Publication Dates of Notice of Public Hearing: 4-15-93 & 4-22-93

Date of Public Hearing: 5-4-93

Date Passed: 5-4-93

Date of Publication of Enacting Ordinance: 5-13-93