

**SECTION 2 – DEFINITIONS**

In the construction of this Ordinance, the definitions contained in this Section shall be observed and applied.

**2.1 Accessory Building**

A subordinate building or a portion of a main building, the use of which is incidental to that of the main building, and which is located on the same lot as the main building.

**2.2 Accessory Use**

An accessory use is one which is incidental to the dominant use of the premises.

**2.3 Agriculture**

The use of a tract of land of not less than thirty-five ( 3)5 acres for growing crops in the open, dairying, pasturage, horticulture, floriculture, and animal and poultry husbandry (but expressly prohibiting the feeding of garbage to any animal or poultry), and necessary accessory uses; the feeding (other than grazing in open pasture) or sheltering in penned enclosures of animals or poultry within 100 feet of any lot line.

**2.4 Alley**

A special public right-of-way affording only secondary access to abutting properties and not intended for general traffic circulation.

**2.5 Alteration, Structural**

See Structural Alteration.

**2.5.1 Alternative Tower Structure**

Man-made structures to which towers and/or antennas may be attached that camouflage or conceal the presence of the tower and/or antenna, including by way of illustration but not limitation elevated tanks, electric transmission poles or towers, non-residential buildings, clock towers, bell steeples, and silos. See COMMUNICATION TOWER.

**2.5.2 Antenna**

Exterior apparatus designed for transmitting and/or receiving communications signals through electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar), or any other form of wireless telecommunication signal, including radio, television, telephone, microwave, cellular, and PCS signals. See ANTENNA ARRAY.

### **2.5.3 Antenna Array**

A set of interconnected antennas installed on one tower by one telecommunications provider that receive and/or transmit one type of telecom munications signal.

### **2.6 Area, Net Developable**

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

### **2.7 Automobile Accessory Store**

The sale of tires, batteries, seat covers, and other accessories for automobiles and other motor vehicles.

### **2.8 Automobile Laundry**

A building, or portion thereof, containing facilities for washing more than two (2) automobiles using production-line methods with a chain conveyor, blower, steam-cleaning device, or other mechanical device.

### **2.9 Automobile and Motor Vehicle Repairs and Storage**

The repairing and servicing of automobiles and other motor vehicles in operating condition including body work, painting, motor rebuilding, and the storage of such vehicles in operating condition, but not including the storage of trucks that exceed ten (10) tons in weight.

### **2.10 Automobile Sales and Storage**

The sale of new and used automobiles and other motor vehicles in operating condition, the storage of automobiles and other motor vehicles in operating condition, but not including storage of trucks more than five (5) tons in weight or buses; and the repair and servicing of such vehicles, but not including body work, painting, or motor rebuilding.

### **2.11 Automobile Service Station**

A building or other structure and surrounding land used for the storage and sale of gasoline and for accessory uses such as the sale of lubricants, accessories or supplies, the incidental washing of motor vehicles, and performing minor repairs or adjustments.

### **2.12 Automobile Wrecking or Salvage Yard**

The use of any tract of land for the storage, keeping, or abandonment of junk, including scrap metals or other scrap material, or for the dismantling, demolition, or abandonment of structures, automobiles or other vehicles, equipment and machinery or parts thereof, but not including dumps for the disposal

or abandonment of garbage, refuse, trash, or any premises on which more than two (2) self-propelled vehicles in not running or operating condition, or are unlicensed, and are stored in the open.

### **2.13 Basement**

A space having one-half or more of its floor-to-ceiling height below the average level of the adjoining ground and with a floor-to-ceiling height of not less than six and one-half feet (6-1/2'), which, if used for dwelling, office, or similar purposes, shall be counted as a story.

### **2.14 Boarder**

An individual other than a member of the family occupying the dwelling unit or part thereof who, for a consideration, is furnished sleeping accommodations and may be furnished meals or other services as part of the consideration.

### **2.15 Boarding House**

A dwelling, or part thereof, in which lodging is provided by the owner or operator to more than three (3) boarders.

### **2.16 Building**

A covered structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and which is permanently affixed to the land.

### **2.17 Building, Accessory**

A subordinate structure on the same lot as the principal building or use occupied or devoted to a use incidental to the principal use.

### **2.18 Building Bulk Regulations**

Restrictions controlling the size of buildings or other structures and the relationship of buildings, structures, and uses to each other and to open areas and lot lines. Bulk regulations include restrictions controlling:

- a. Maximum height;
- b. Maximum lot coverage;
- c. Gross floor area of buildings in relation to lot area (floor area ratio);
- d. Minimum size of yards.

### **2.19 Building Coverage**

The horizontal area measured within the outside of the exterior walls of the ground floor of all principal and accessory buildings on a lot.

**2.20 Building Height**

The vertical distance of a building measured from the average elevation of the finished grade within twenty (20) feet of the structure to the highest point of the roof.

**2.21 Building Line**

A line parallel to the street line at a distance therefrom equal to the depth of the front yard required for the zoning district in which the lot is located.

**2.22 Building Lot Area**

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

**2.23 Building, Principal**

A non-accessory building in which is conducted a principal use of the lot on which the building is located.

**2.24 Building, Temporary**

Any building not designed to be permanently located at the place where it is or where it is intended to be temporarily placed or affixed.

**2.25 Business**

An occupation, employment, or enterprise which occupies time, attention, labor, and materials, or wherein merchandise is exhibited or sold, or where services are offered other than home occupations.

**2.26 Business Offices**

Any office used primarily for accounting, correspondence, research, editing, or administration such as general or administrative offices of business, commercial, or industrial enterprises, and including real estate, insurance, and stock and bond sales, advertising agencies, employment agencies, and other similar office. No merchandise shall be displayed or handled upon the premises of a business office unless such display or handling of merchandise would otherwise be permitted by this Ordinance at the site where the business office is located.

**2.27 Capacity in Persons**

The maximum number persons that can avail themselves of the services (or goods) of such establishment at any one time with reasonable comfort.

**2.28 Carport**

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

### **2.29 Child Care Center**

An establishment enrolling four (4) or more children between two (2) and five (5) years of age and where tuition, fees, or other forms of compensation for the care of the children is charged, and which is licensed or otherwise approved to operate as a child care center.

### **2.30 Clinic**

An establishment for the medical examination and treatment of patients, but where patients are not usually lodged overnight. For the purpose of this Ordinance, a doctor's or dentist's office in his own home, when it complies with the requirements of this Ordinance relating to such offices, shall not be considered a clinic; but any doctor's or dentist's office which is not a part of his own home, or the office of two (2) or more doctors or dentists, whether in a residence or not, shall be considered a clinic.

### **2.31 Club**

An association of persons organized for some common purpose and usually characterized by membership qualifications, payment of dues, regular meetings, and a constitution and by-laws. A club shall not include groups organized primarily to render a service which is customarily carried on as a business (i.e., racquet clubs operated for profit).

#### **2.31.1 Co-Location**

Location of antennas or antenna arrays operated by more than one wireless communication service provider on a single tower or alternative tower structure.

### **2.32 Common Elements**

Land amenities, parts of buildings, central services and utilities, and any other facilities owned and used by all condominium unit owners and designated in the master deed as common elements.

#### **2.32.1 Communication Tower**

Any structure that supports one or more antennas, including self-supporting lattice towers, guyed towers, monopole towers, and alternative tower structures, and further including all bases and supports for the structure of the tower.

### **2.33 Community Living Arrangements**

Community living arrangements means facilities and arrangements under Wis. Stat. § 46.03(23).

### **2.34 Conditional Use**

A use permitted in a particular zoning district, after it has been shown that such use in a specified location will comply with all the conditions and standards for the location or operation of such use, as specified in a zoning ordinance and authorized by the planning body.

### **2.35 Condominium**

A form of real property ownership under which a declaration of condominium has been recorded pursuant to Chapter 703 of the Wisconsin Statutes. Typically, a building or groups of buildings in which units are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

### **2.36 Condominium Association**

The community association which administers and maintains the common property and common elements of a condominium.

### **2.37 Conforming Building or Structure**

A building, or other structure, which is designed or intended for a conforming use and which complies with all the regulations of this Ordinance, or of any amendment hereto, governing use, lot size, building bulk, and off-street parking and loading for the zoning district in which such building or structure is located.

### **2.38 Conservancy District**

Shall be that area set out on the Zoning District Map of the Town of Sheboygan and shall conform to the forty foot (40') contour or such area, if greater, as is set out by the State of Wisconsin or the County of Sheboygan for flood plain control, wet lands, and regulation along rivers flowing in and through the Town of Sheboygan.

### **2.39 Corner Lot**

A lot which adjoins the point of intersection of two or more streets and in which the interior angle formed by the street lines is 135 degrees or less. If the street lines are curved, the angle shall be measure at the point of intersection of the extensions of the street lines in the directions which they take at the intersection of the street line with the side lot line and with the rear lot line of the lot. If the street line is curved at its point of intersection with the side lot line or rear lot line, the tangent to the curve at that point shall be considered the direction of the street line.

### **2.40 Development**

The division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance, and any use or extension of the use of land.

### **2.41 District**

A portion of the territory of the Town of Sheboygan within which certain uniform regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.

**2.41.1 Dog Grooming**

An establishment in which dogs are groomed, where the animals are brought to the groomer and picked up the same day, with no overnight boarding.

**2.41.2 Dog Day Care**

An establishment in which dogs are boarded for an extended period of time, from one (1) day up to one (1) month.

**2.42 Drive-in Establishment**

An enterprise which accommodates the patrons' automobiles and from which the occupants of the automobiles may take purchases, transact business, or view motion pictures or other entertainment.

**2.43 Dwelling**

A building, or portion thereof, but not a mobile home or house trailer, designed or used exclusively for the residential occupancy.

**2.44 Dwelling, Multiple-family**

A building containing three or more dwelling units. A multiple-family dwelling does not include a hotel or a motel as defined in this Ordinance.

**2.45 Dwelling, Single-family**

A building containing one (1) dwelling unit only.

**2.46 Dwelling, Two-family**

A building containing two (2) dwelling units only (duplex).

**2.47 Dwelling Unit**

One or more rooms in a residential building, or a residential portion of a building, which are arranged, designed, used, or intended for use, by one or more persons living together and maintaining a common household, and which includes lawful cooking space and lawful sanitary facilities reserved for the occupants thereof.

**2.47.1 FAA**

Federal Aviation Administration.

## **2.48 Family**

Either (a) an individual or two (2) or more persons related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit; or (b) a group of not more than four (4) persons, who need not be related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit; plus, in either case, usual domestic servants.

### **2.48.1 FCC**

Federal Communications Commission.

## **2.49 Floating Zone**

An unmapped zoning district where all the zone requirements are contained in this Ordinance and the zone is fixed on the map only when an application for development, meeting the zone requirements, is approved.

## **2.50 Floor Area, Gross**

The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two (2) buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six feet (6').

## **2.51 Floor Area, Net**

The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

## **2.52 Floor Area Ratio**

The gross floor area of all buildings on a lot divided by the lot area.

## **2.53 Food Stores**

Stores which sell foods and other items commonly sold in connection therewith and including, but not limited to, stores commonly referred to as candy stores, dairy stores, delicatessens, fish markets, groceries, health food stores, ice cream stores, meat markets, nut shops, and supermarkets. Sales must be made at retail on the premises, but not for consumption on the premises.

## **2.54 Frontage**

The part of a lot, building, or other structure that fronts on or faces a public street.

**2.55 Fur Farm**

Any property comprising land or buildings or both, used for the purpose of raising or harboring fur bearing animals, including those defined in Wis. Stat. § 29.01(3)(c), and also including chinchillas and other fur bearing animals, if any, whether or not the animals are kept for breeding, slaughtering, or pelting purposes.

**2.56 Garage, Private**

An accessory building or accessory portion of a main building or use which is used primarily for the parking and storage of vehicles owned and operated by the residents or visitors of the main use, and which is not necessarily available to the general public.

**2.57 Garage, Public**

Any building, or portion thereof, not accessory to a residential building or structure used primarily for the parking and storage of vehicles and available to the general public.

**2.58 Garage, Repair**

Any building, premises, and land in which or upon which a business, service, or industry involving the maintenance, servicing, repair, or painting of vehicles is conducted or rendered.

**2.58.1 Governing Authority**

The Town Board of the Town of Sheboygan, or in cases in which authority has been delegated by ordinance to the Park Commission, the Park Commission.

**2.59 Grade**

The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

**2.60 Grade, Natural**

The elevation of the ground surface in its natural state, prior to any development.

**2.61 Grading**

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

**2.62 Ground Floor**

The first floor of a building other than a cellar or basement.

### **2.63 Ground Sign**

Any sign placed upon or supported by the ground independently of the main building or structure on the property. Signs attached to trees, light poles, or accessory buildings shall be considered ground signs.

### **2.64 Group Family Household**

A group of individuals not related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping unit under a common management plan providing organization and stability.

### **2.65 Home Occupations**

Any home occupation that is customarily incidental to the principal use of a building as a dwelling shall be permitted in any dwelling unit.

- a. Standards. In addition to all of the standards applicable to the district in which it is located, no home occupation shall be permitted unless it complies with the following standards:
  - (1) No person other than a member of the immediate family occupying such dwelling unit shall be employed.
  - (2) No stock in trade (except articles produced by the members of the immediate family residing on the premises) shall be displayed or sold on the premises.
  - (3) No alteration of the principal building shall be made, which changes the character thereof as a dwelling.
  - (4) No more than twenty-five percent (25%) of the area of one story of a single-family dwelling, nor more than twenty percent (20%) of the area of any other dwelling unit, shall be devoted to the home occupation; provided, however, that rooms let to roomers are not subject to this limitation.
  - (5) No extensive mechanical or electrical equipment other than normal domestic or household equipment shall be used.
  - (6) The home occupation shall be conducted entirely within the principal residential building or in a permitted private garage accessory thereto.
  - (7) There shall be no outside storage of equipment or materials used in the home occupation.
  - (8) No signs shall be permitted other than those permitted by the applicable regulations in Section 9.
- b. Particular Occupations Permitted. Customary home occupations include, but are not limited to, the following list of occupations; provided, however, that each listed occupation shall be subject to the requirements of Section 2 of this Ordinance, as well as to any limitations specifically imposed on such occupation by this Section 2:

- (1) Dressmakers, seamstresses, tailors;
- (2) Music teachers, provided that the instruction shall be limited to one pupil at a time, except for occasional groups;
- (3) Artists, sculptors, or authors;
- (4) Physicians, dentists, or other licensed medical practitioners;
- (5) Lawyers, architects, engineers, realtors, insurance agents, brokers, and members of similar professions;
- (6) Ministers, rabbis or priests;
- (7) The letting for hire of not more than two (2) rooms for residential use only and for not more than four (4) persons, none of whom is a transient.

c. Particular Occupations Prohibited. Permitted home occupations shall not in any event be deemed to include:

- (1) Barber shops, unless specifically permitted by the district regulations or obtaining a conditional use permit.
- (2) Beauty parlors, unless specifically permitted by the district regulations or obtaining a conditional use permit.
- (3) Dancing schools.
- (4) Funeral homes.
- (5) Nursery schools.
- (6) Restaurants.
- (7) Tourist homes.
- (8) Renting of trailers.
- (9) Clinics or hospitals.
- (10) Repair shops or service establishments.
- (11) Animal kennels, hospitals, or stables.

## **2.66 Junkyards**

Any area, lot, land, parcel, building, or structure, or part thereof, used for the storage, collection, processing, purchase, sale, or abandonment of wastepaper, rags, scrap metal, or other scrap or discarded goods, materials, machinery, or two (2) or more vehicles not in running or operating condition or are unlicensed, or other type of junk.

**2.67 Kennels<sup>1</sup>**

An establishment in which more than four (4) dogs or domesticated animals more than one year old are housed, bred, boarded, trained, or sold.

**2.68 Loading Areas**

An off-street space or berth used for the loading or unloading of commercial vehicles.

**2.69 Lot**

A parcel of land that is designated by its owner or developer at the time of applying for a building permit (or at the time of applying for an occupancy certificate) as a tract, all of which is to be used, developed, or built upon as a unit under single ownership. So long as it satisfies the above requirements, such lot may consist of:

- a. a single lot of record, or
- b. a portion of a lot of record, or
- c. a combination of complete lots of record and portions of lots of record, or of portions of lots of record only.

**2.70 Lot Area**

The area of a horizontal plane bounded by the front, side, and rear lot lines, but not including any area occupied by the waters of a fully recorded lake or river.

**2.71 Lot, Corner**

(See Section 2.39)

**2.72 Lot Depth**

The mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundary.

**2.73 Lot, Interior**

A lot other than a corner lot.

**2.74 Lot Line, Front**

The boundary of a lot which is along an existing or dedicated public street, or where no public street exists, is along a public way.

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<sup>1</sup> Repealed and Recreated by Ordinance 2004-05, Enacted August , 2004.

**2.75 Lot Line, Rear**

The boundary of a lot which is most distant from, and is, or is most nearly, parallel to the front lot line. If a rear lot line is less than fifteen feet (15') long, or if the lot comes to a point at the rear, the rear lot line shall be a line at least fifteen feet (15') long lying wholly within the lot parallel to the front lot line.

**2.76 Lot, Substandard**

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

**2.77 Lot, Through**

A lot which fronts upon two (2) substantially parallel streets, or which fronts upon two (2) streets which do not intersect at the boundaries of the lot.

**2.78 Lot Line, Side**

Any boundary of a lot which is not a front lot line or a rear lot line.

**2.79 Lot of Record**

A lot which is part of a subdivision, the plat of which has been recorded in the Office of the Register of Deeds of Sheboygan County, or a parcel of land, the deed to which was recorded in the Office of said Register prior to the adoption of this Ordinance.

**2.80 Lot Width**

The horizontal distance between the side lot lines of a lot measured within the lot lines at the building line established by the applicable required front yard, except that at no time shall the front lot line, as defined herein, be less than thirty-five (35) feet, measured by the horizontal distance between the side lot lines as they intersect with the public street or public way.

**2.81 Manufacturing Establishment**

All establishments, the principal use of which is manufacturing, fabricating, processing, assembly, repairing, storing, cleaning, servicing, or testing of materials, goods, or products.

**2.82 Mobile Home (Also Called Residential Manufactured Home)**

A structure, transportable in one or more sections, which is at least eight feet (8') in width and thirty-two feet (32') in length, which is built on a permanent chassis and designed to be used as a dwelling unit, with or without a permanent foundation when connected to the required utilities. As it relates to all such homes hereafter proposed to be located or relocated in the Town, mobile homes shall also be known as manufactured homes, shall conform with all requirements of the Manufacture Homes Construction and Safety Standards Act of 1974 (U. S. Department of Housing and Urban

Development), the American National Standards Institute (ANSI) Code, and the Wisconsin Uniform Dwelling Code.

### **2.83 Mobile Home Park**

An area or premises on which two (2) or more mobile homes or trailers are parked, or any premises on which space for the parking of mobile homes or trailers is rented or held out for rent, or on which free occupancy or camping is granted to the owners or users of mobile homes or trailers for the purpose of securing their trade. The term mobile home park does not include sales lots on which unoccupied mobile homes or trailers, whether new or used, are parked for the purposes of inspection and sale.

### **2.84 Motel**

An establishment providing transient accommodations containing six (6) or more rooms, with most typically having direct access to the outside without the necessity of passing through the main lobby of the building.

### **2.85 Nonconforming Lot**

A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of this Ordinance, but which fails thereafter to conform to the present requirements of the zoning district.

### **2.86 Nonconforming Structure**

A structure or building, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of this Ordinance, but which fails thereafter to conform to the present requirements of the zoning district.

### **2.87 Nonconforming Use**

A use or activity which was lawful prior to the adoption, revision, or amendment of this Ordinance, but which fails thereafter to conform to the present requirements of the zoning district.

### **2.88 Nursing Home**

A home for the care of children, the aged or infirm, or a place of rest for those suffering bodily disorders, but not including facilities for surgical care or for the treatment of sickness or injuries.

### **2.89 On-Site Sewage Disposal System**

An on-site sewage disposal system, or other county and state approved off-site cluster or common sewage disposal system, other than a municipal system.

**2.90 Open Space**

A parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining such open space.

**2.91 Outdoor Storage**

The storage of goods and materials outside of any building or structure, but not including storage of a temporary or emergency nature.

**2.92 Park**

A tract of land designated and used by the public for active and passive recreation.

**2.93 Parking Lot**

An off-street, ground level area, usually surfaced and improved, for the temporary storage of motor vehicles.

**2.94 Person**

An individual, group of individuals, partnership, firm, corporation, association, state, county, town, city, village, special district, or other government corporation.

**2.95 Planned Unit Development**

An area of land controlled by a single owner, corporation, or other legal entity, to be developed as a singled entity for a number of buildings, the plan for which is unique in its mixture of land uses and open spaces and not specifically provided for by applying customary block, lot, and density requirements of this Ordinance.

**2.95.1 Pre-existing Antenna or Tower**

Any antenna or tower constructed prior to the effective date of this ordinance.

**2.96 Principal Use**

The primary or predominant use of any lot.

**2.97 Professional Office**

The office of an architect, engineer, doctor, dentist, attorney, or other similar licensed professional person.

**2.98 Prohibited Use**

A use that is not permitted in a zoning district.

### **2.99 Recreation Facility**

A place, private, public, or commercial, designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities.

### **2.100 Recreational Vehicle**

A vehicular type portable structure without permanent foundation which can be towed, hauled, or driven, and primarily designed as temporary living accommodations for recreational, camping, and travel use; including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

### **2.101 Residential Building**

A building, all or part of which contains dwelling units, including single-family dwellings, two-family dwellings, and multiple-family dwellings, but excluding hotels and motels, mobile homes, dormitories, sororities and fraternities, nurses' residences, sanitariums, nursing homes, and convalescent homes.

### **2.102 Retail Services**

Establishments providing services or entertainment, as opposed to products, to the general public, including eating and drinking places, hotels and motels, finance, real estate and insurance, personal services, motion pictures, amusement and recreation services, health, education, social services, museums, and galleries.

### **2.103 Retail Trade**

Establishments engaged in selling foods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

### **2.104 Roadside Stand**

A small seasonal structure not permanently fixed to the ground, readily removable in its entirety, not fully enclosed, and used solely for the sale of farm products produced in Sheboygan County.

### **2.105 Service Station**

Any building, structure, premises, or other place used or intended to be used for the retail dispensing, sale, or offering for sale of any motor fuel or oils, having pumps and storage tanks; also where battery, tire, and similar services are rendered, but not including buildings or premises where such business is incidental to the conduct of a municipal garage used for the repair or storage of motor vehicles.

### **2.106 Setbacks**

The linear distance between a front, side, and rear lot line and a building or other structure located on such lot. A setback shall be measured at a right angle from each lot line from which a setback is required and it shall be measured to the nearest line of the building or other structure for which a setback is required.

### **2.107 Shorelands**

Those lands lying within the following distances: 1,000 feet from the ordinary high water mark of navigable lakes, ponds, and flowages; 300 feet from the ordinary high water mark of navigable streams, or to the landward side of the floodplain, whichever is greater.

### **2.108 Sewage Disposal Systems**

(See "On-site Sewage Disposal Systems")

### **2.109 Sight Triangle**

A triangular shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

### **2.110 Sign**

Any writing (including letters, words or numerals); pictorial representation (including illustrations or decorations); emblem (including devices, symbols or trademarks); flag (including banner or pennants); or any other figure of similar character, which:

- a. is a structure, or any part thereof, or is attached to, painted on, or in any other manner represented on a building or other structure; and
- b. is used to announce, advertise, or direct attention to an object, product, place, activity, person, institution, organization, or business; and,
- c. is visible from outside a building.

A sign shall include a writing, pictorial representation, or other figure of similar character within a building, only when it is illuminated and located in a window.

### **2.111 Sign, Gross Area of**

The entire area within a single continuous perimeter enclosing the extreme limits of such sign, and in no case passing through or between any adjacent elements of same. Such perimeter shall not include any structural elements lying outside the limits of such sign and which do not form an integral part of the display. The gross area of a sign shall be measured on only one side of such sign even though both sides thereof are utilized as a sign. Refer to Section 9.

### **2.112 Street**

Any vehicular way which (1) is an existing state, county, or local roadway; or (2) is shown upon a plat or survey map approved pursuant to law; or (3) is approved by other official action, and includes the land between the street right-of-way lines, whether improved or unimproved.

**2.113 Structural Alterations**

Any change in the supporting members of a structure such as foundations, bearing walls, columns, beams, and girders, or in the dimensions or configurations of the roof or exterior walls.

**2.114 Structure**

Any erection or construction such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery, and equipment, excepting utility lines and appurtenances.

**2.115 Substandard Structures**

Any structure conforming in respect to use, but not in respect to the frontage width, height, lot area, yard, parking, loading, or distance requirements of this Ordinance.

**2.116 Turning Lanes**

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

**2.117 Use**

The purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

**2.118 Use, Accessory**

A subordinate use on the same lot which is incidental and customary in connection with the principal use.

**2.119 Use, Permitted**

A use which may be lawfully established in a particular district.

**2.120 Use, Principal**

The primary or predominant use of any lot.

**2.121 Utilities**

Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops, and storage yards.

**2.122 Wholesale Trade**

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

**2.123 Yard**

An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward, except for vegetation or as may be specifically provided in this Ordinance. The street and rear yards extend the full width of the lot.

**2.124 Yard, Front**

A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure (also called street yard). Corner lots shall have two (2) such yards.

**2.125 Yard, Rear**

A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the street yard or one of the street yards on a corner lot.

**2.126 Yard, Side**

A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and the line parallel thereto through the nearest point of the principal street.

**2.127 Yard, Transitional**

A yard that must be provided on a lot in a business district which adjoins a lot in a residence district; or a yard that must be provided on a lot in a manufacturing district which adjoins a lot in either a residence or business district.