

SECTION 2. RULES AND DEFINITIONS

2.010 Rules of General Construction. The following rules of general construction shall be applied in this ordinance:

- A. The present tense includes the future tense, and the singular includes the plural,
- B. The word “shall” is mandatory, the word “may” is permissive,
- C. All measured distances shall be to the nearest integral foot or meter, and increments of one-half (½) or more of a foot or meter shall cause the next highest foot or meter to be applied,
- D. The word “person” includes a family, firm, association, organization, government entity, partnership, trust, company, corporation as well as an individual,
- E. The word “used” or “occupied” also means intended, designed, or arranged to be used or occupied,
- F. As to the herein contained words, the following construction shall apply. The term “structure” shall include any part thereof; the phrase “use for” shall include “arrange for”; the word “lot” shall include the words “parcel”, “plot”, “site”, “zoning lot”, and “tract”, unless the text clearly dictates otherwise.

2.020 Definitions. The following definitions shall apply in this ordinance unless the context clearly dictates otherwise:

“A-Zones” Those areas shown on the official floodplain zoning map as inundated by the base flood or regional flood (see “Regional flood”). A-Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

“Access Road” A road designed to provide vehicular access to abutting property and to discourage, if not prevent, through traffic.

“Agriculture” The production, keeping, or maintenance, for sale, lease, or personal use, or plants and animals useful to culture and society, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; vegetables; nursery, floral, ornamental, and greenhouse products; or lands devoted to soil conservation.

“Alley” A public way used as a secondary vehicular access to the side or rear of abutting property.

“Animal Boarding Facility” (see “Kennel”)

“Apartment” A room(s) in a multiple dwelling structure or multiple use structure intended to be used as a separate housing unit.

“Aquifer” The rocks which hold groundwater and from which significant quantities of groundwater may be extracted. (see “groundwater”)

“Army Corps of Engineers [ACOE]” A federal regulatory agency governing navigable waters (see “Navigable Waters”) and wetlands. (see “wetlands”)

“Automotive Gasoline Station” A business whose principal activity is the sale of gasoline, oil, and other automotive products, and the accessory of minor tune-up and repair work.

“Automotive Sales and Service” A business whose principal activity is the sale of new and used motor vehicles, and the performance of repair work as an integral part of the business.

“Barn” A structure used primarily for the storage of agricultural equipment and implements and/or the housing of livestock.

“Base Flood” A flood having a one percent (1%) chance of being equaled or exceeded in any given year.

“Base Flood Elevation” An elevation equal to that which reflects the height of the base flood. (see “base flood”)

“Basement” A portion of a building with the floor located below the mean grade level. For the purposes of this ordinance, any such basement with more than four (4) feet above grade level shall be counted as a story. (see “story”)

“Bed and Breakfast Establishment” Any place of lodging that provides four (4) or fewer rooms for rent for more than ten (10) nights in a twelve (12) month period; is owner occupied; and in which the only meal served to guests is breakfast.

“BIA” The Bureau of Indian Affairs of the Department of the Interior.

“Block” A platted tract of land bounded by streets or by a combination of streets and public parks or other recognized lines of demarcation.

“Board” The Menominee County Board of Supervisors

“Boarding House” An owner occupied dwelling where lodging and meals are furnished for compensation for three (3) or more persons not members of the same family.

“Boathouse” A structure at or near the water to house boats and boating accessories.

“Building” A structure, including a roof supported by walls designed or built for the support, enclosure, shelter, or protection of persons, animals, possessions, or property of any kind.

“Building Envelope” The three dimensional space within which a structure is built.

“Camp” A place of temporary habitation. (see “habitation”)

“Camper” (see “recreational vehicle”)

“Cemetery” A parcel of land used for the burial and/or entombment of deceased persons pursuant to cultural or religious protocol, as well as health and safety regulations.

“Cemetery Structures” All structures used in conjunction with a cemetery use. (see “cemetery”)

Such structures include, but are not limited to, mausoleums, statues, memorial markers, worship/ceremonial buildings, and grounds keeping buildings.

“Certificate of Occupancy” A certificate issued by the Zoning Administrator, stating that the use of land, and the use and location of structures conforms to the provisions of this ordinance and any additional requirements placed on the property through the Conditional Use or Variance Procedures.

“Channel” A natural or artificial watercourse with definite bed and banks which confine and conduct normal flow of water.

“Church” A building designed or used as the principal place of worship of a religious organization or congregation along with associated uses such as fellowship rooms, and “Sunday School” rooms. The term church includes temple, synagogue, etc., but does not include elementary or secondary schools, day care centers or seminaries.

“Clinic” An establishment of physicians or dentists for the examination and treatment of persons on an exclusive out-patient basis.

“Clinic, Veterinarian” An establishment for the examination and treatment of animals.

1. **“Without Outside Runs”** Is a clinic with no facilities to house or exercise animals outside the clinic.
2. **“Full Veterinarian Service”** Outdoor sheltering and exercising facilities are available.

“Committee” The Zoning Committee as appointed by the Menominee County Board.

“Community Based Residential Facility [CBRF]” A place where three (3) or more unrelated adults reside; in which care, treatment or services above the room and board level, but not including nursing home care, are provided to persons residing in the facility as a primary function of the living facility.

“Community Living Arrangement” Means, but is not limited to, any of the following facilities licensed and operated, or permitted under the authority of the Health and Human Services Department: child welfare agencies, group homes for children, and community based residential facilities; but, however does not include day care centers, general hospitals, special hospitals, prisons, and jails.

“Community Water System” (see “municipal water system”)

“Conditional Use” A use, either public or private which because of its unique characteristics, cannot properly be classified as an approved or permitted use in a particular district. Based on the facts in each case, the impact of the proposed use upon the neighboring lands and the public need for that particular use at that particular location, the Committee may recommend to the County Board to grant such a use, subject to the standards and conditions as may be deemed appropriate and necessary.

“Day Care Center” A facility used for the care of pre-school or school age children which meets the requirements of a day care center formulated by the Wisconsin Department of Health and Social Services.

“Development” Any man made change to improved or unimproved real estate, including but not limited to, construction of, or additions to, or substantial improvements to buildings, other structures, or accessory uses, the placement of mobile homes, mining, dredging, filling, grading, excavation, drilling operations, or deposition of materials.

“Discharge Outfall Structure” A man made water source such as a sewage treatment facility.

“District” A zoning classification of a specific area or parcels within the scope of this ordinance wherein regulations governing the use and erection of structures and the use of land is uniformly applied.

“Drainage way” A natural or artificial watercourse including, but not limited to, streams, rivers, creeks, ditches, channels, conduits, culverts, waterways, gullies, ravines, or washes in which water flows in a definite direction or course, either continually or intermittently, or in which run-off water accumulates permanently or temporarily, including any adjacent area subject to inundation by overflow or flood waters.

“Driveway” A private roadway providing access to a street, road or highway.

“Duplex” A residential structure containing two (2) dwelling units. (see “dwelling unit, low density multiple family”)

“Dwelling Unit” A residential structure or portion thereof, containing separate and complete living area, for one family, not including boarding houses, camping trailers, hotels, motor homes, or motels.

1. **“Single Family Dwelling Unit”** A residential structure containing only one dwelling unit.
2. **“Low Density Multiple Family Dwelling Unit”** A residential structure containing two (2) to four (4) individual dwelling units. (see “duplex” and “Quad-plex”)
3. **“High Density Multiple Family Dwelling Unit”** A residential structure containing more than four (4) dwelling units.

“Dryland Access” A vehicular access route which is above the regional flood (see “regional floor”) elevation and which connects land located in the floodplain, such as a road with its

surface above the regional flood elevation and wide enough for wheeled rescue and relief vehicles.

“Easement” A grant of one or more property rights by the property owner to and/or for the public, a corporation, or another person or entity.

“Encroachment” Any obstruction, or illegal or unauthorized intrusion in a delineated floodway, right-of-way, or on adjacent land.

“Enforcement” The administration of citations and penalties in order to compel compliance to this ordinance.

“Essential Services” Services provided by public and private utilities, necessary for the exercise of the principal, accessory, or conditional use or service of a principal, accessory, or conditional structure. These services include underground, surface, or overhead; electrical, gas, steam, water, sanitary sewerage, storm water drainage, and communications systems and accessories thereto, such as poles, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, conduits, cables, fire alarms, lift stations, and hydrants, but not including buildings and structures.

“Family Day Care Home” A dwelling licensed as a home occupation day care center by the Department of Health and Social Services, where care is provided for not more than eight (8) children.

“Fast Food Establishment” A restaurant (see “restaurant”) but specializes in food that can be prepared and served quickly. Usually a franchise operation.

“FEMA” The Federal Emergency Management Agency.

“FIA” The Federal Insurance Administration

“Filling, Dredging, Grading, Lagooning, Ditching, Excavating” Alteration to any navigable water (see “navigable water”) and/or wetland (see “wetland”) by either removing from or adding to the water’s banks or bed, being natural or man-made materials.

“Flood or Flooding” A general and temporary condition of partial or complete inundation of normally dry land areas and from the overflow of inland waters, or the unusual and rapid accumulation of run-off of surface waters from any source.

“Flood Frequency” The probability of a flood occurrence. A flood frequency is generally determined from statistical analysis. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years, or as a percent (%) chance of occurring.

“Flood Fringe” That portion of the floodplain outside of the floodway which is covered by floodwater during the regional flood (see “regional flood”), and is generally associated with

standing rather than rapidly moving water.

“Flood Hazard Boundary Map” A map prepared by FEMA, designating areas of special flood hazard within a given community as A-Zones, and forming the basis for both the regulatory and insurance aspects of the National Flood Insurance Program. To be used as the “Official Floodplain Zoning Map” for this ordinance.

“Floodplain” The portion of a river valley, adjacent to the channel and has been or may hereafter be covered with water when the river overflows its banks at flood stages.

“Flood Profile” A graph or a longitudinal profile showing the relationship of the water surface elevation of a flood event to locations along the stream or river.

“Flood Proofing” Any combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the purpose of reducing or eliminating flood damage to properties, water and sanitary facilities, structures and contents of buildings in flood hazard areas.

“Flood Protection Elevation” A point two (2) feet of freeboard (see “freeboard”) above the water surface profile associated with the regional flood (see “regional flood”) and the official floodway lines.

“Floodway” Those flood lands, including the channel, required to carry and discharge the regional flood. (see “regional flood”)

“Floor Area” The sum of the usable horizontal area of the several floors of a building as measured from the exterior walls, including interior balconies and mezzanines, elevator shafts, stairwells and utility rooms, but not including basements, garages, breezeways and unenclosed porches.

“Floor Area Ratio” The gross area of all buildings or structures on a lot divided by the total lot area.

“Flowages” (see “drainage way”)

“Foundation” The underlying base or support of a building especially the masonry or sub-structure, such as a basement or crawl space.

“Freeboard” A factor of safety usually expressed in terms of a certain amount of feet above a calculated flood level, compensating for the many unknown factors that contribute to flood heights greater than the height calculated, including, but not limited to, ice jams, dams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of urbanization on the hydrology of the watershed, and the loss of flood storage areas due to development and grading/leveling of the river or stream bed.

“Frontage” The width of a lot as measured on a public street, road, or highway and having access to said street, road, or highway.

“Four Lane Divided Highway” A thoroughfare which has at least two (2) lanes for each direction, which is separated by a median or barrier.

“Garage, Municipal” A structure or portion thereof owned and operated by a municipality for parking, storing, and maintaining exclusively municipal vehicles.

“Garage, Private” An accessory structure or portion of a principal structure utilized for the private storage of motor vehicles.

“Garage, Public” A structure or portion thereof, whether privately or municipally owned, where motor vehicles of the general public are stored for compensation or for free.

“Greenhouse” A structure exclusively used for the cultivation of plants in which natural sunlight is allowed to enter through transparent material and temperature and humidity are controlled.

“Greenhouse, Commercial” A structure from which plants, seeds, and those items related to cultivation are sold, traded, or bartered to the public.

“Groundwater” The water that fills or saturates consolidated or unconsolidated formations in the subsurface environment below the water table.

“Habitation” A fixed place of residence.

“Heavy Industrial Uses” Includes, but is not limited to, the following: chrome plating, bottling, clothing manufacturing, slaughter house, paper and wood product manufacturing and storage, machine shop, metal fabrication, processing, and welding.

“High Flood Damage Potential” Damage that could result from flooding that includes any danger to life or health or significant economic loss to a structure or building and its contents.

“Home Occupation” A gainful occupation customarily conducted within a dwelling or accessory building by the resident thereof, which is clearly secondary to the residential use and does not change the character of the structure as a residence.

“Hospital” An establishment of physicians for the examination and treatment of persons on an emergency, out-patient, and/or in-patient basis.

“Hotel” (see “Motel and Hotel”)

“Hydraulic Reach” That portion of the river or stream extending from one significant change in the hydraulic character of the river or stream to the next significant change, usually associated with breaks in the slope of the water surface profile, and may be caused by bridges, dams, expansion and construction of the water flow, and changes in stream bed slope and vegetation.

“Impervious Surface” An area that releases as run-off all or a majority of the precipitation that

falls on it. “Impervious surface” excludes frozen soil, but includes rooftops, sidewalks, driveways, parking lots and streets unless specifically designed, constructed, and maintained to be pervious.

“Increase in Regional Flood Height” A calculated upward rise in the regional flood elevation, equal to or greater than one one-hundredth (0.01) of a foot, resulting in comparison of existing conditions and proposed conditions which are directly attributable to displacement caused by development in the floodplain. By this definition, an increase cannot be attributed to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients, and discharge.

“Institution” An organization, either public or private, dedicated to serving the public interest, generally a non-profit organization.

“Improvement” Any permanent changes placed upon or otherwise affixed to real estate that would increase the value or desirability of the property. Improvements include, but are not limited to, structures, landscaping, septic systems and wells.

“Junk Yards” Any establishment or premises where worn out or discarded materials, whether purchased, donated, or abandoned are kept, or where two (2) or more unlicensed motor vehicles, operable or inoperable, are kept or stored either for purposes of sale or otherwise.

“Junk Yard Materials” Include, but are not limited to, the following: waste paper, scrap metal, rags, bottles, machines and machine parts, motor vehicles and motor vehicle parts, and used secondhand items.

“Kennel” A place where four (4) or more dogs over the age of three (3) months are boarded, bred, or offered for sale.

“Lease” A contract by which the owner of property, generally real estate, but may include personal property, conveys use of said property for a specified term and for a specified fee and a specified use.

“Leaseholder” The individual receiving and therefore responsible for, any and all of the benefits and responsibility put forth in a lease.

“Light Industrial Uses” Includes, but is not limited to, the following: carpentry, woodworking, bottled gas storage and distribution, radio and television broadcast transmission functions, highway maintenance facilities, plumbing fixture and equipment wholesale, and welding supply wholesale.

“Limited Access Highway” A thoroughfare which is normally entered and exited by a ramp system, usually characterized by continuous speed limits of forty-five (45) miles-per-hour or greater and a lack of traffic stopping mechanisms (i.e. traffic lights, stop signs, railroad crossings). A specific example of Limited Access Highway is the Federal Interstate Highway System.

“Lot” A parcel of land, legally platted which is occupied or designed to provide space for one principal structure and approved uses, including the open space required by the ordinance.

1. **“Corner Lot”** A lot situated at the intersection of two (2) streets, roads, and / or highways.
2. **“Interior Lot”** A lot with frontage on only one (1) street, road, or highway.
3. **“Through Lot”** A lot other than a corner lot with frontage on two (2) streets, roads or highways.

“Lot Area” That area located within lot lines, not including any part of a street, highway, alley, or railroad right-of-ways. Access easements are part of the lot area unless otherwise specified in this ordinance.

“Lot Depth” The shortest horizontal distance between the front lot and the rear lot line.

“Lot Width” The horizontal distance between the side lot lines along the entire length of the front yard setback line, as delineated in section 20 (highway access and setbacks)

“Lots of Record” A lot which has been legally created prior to the effective date of this ordinance.

“Manicured Lawn” A yard which is kept intact with the use of applications of herbicides, pesticides, and fertilizers.

“Manufacture” The process of making, fabricating, constructing, forming or assembling a product from raw, unfinished, semi-finished or finished materials.

“Manufactured Dwelling” A structure assembled, to varying stages of completion, usually in a factory or plant, then transported, in one or more sections, to a permanent site by means of a removable chassis. Once erected on site, it is intended to be attached to the property as a permanent structure. A manufactured dwelling is constructed to meet the standards of the Wisconsin Uniform Dwelling Code (U.D.C.)

“Manufactured Home” A structure assembled, usually to completion, in a factory or plant, then transported, in one or more sections, to a permanent site by means of a removable rolling gear assembly and a removable towing tongue. Once erected on site it is intended to be attached to the property as a permanent structure. The chassis is an integral part of the structure. A manufactured

home is constructed to meet the standards of the Federal Housing and Urban Development Code. (H.U.D.) A manufactured home is not a mobile home. (see “mobile home”)

“Mitigation” Balancing measures that are designed, implemented and function to restore natural functions and values to the landscape that are otherwise lost through development and human activity.

“Mobile Home” A vehicle, manufactured or assembled, before June 15,1976, designed to be a

portable structure with a permanent chassis with axles and wheels, and designed to be towed as a single unit upon a highway and is equipped, used or intended to be used primarily for human habitation; with walls of rigid uncollapsible construction; and which has an overall length in excess of forty-five (45) feet. The construction of which may or may not be in compliance with standard construction codes. A Mobile Home is not a recreational vehicle.

“Mobile Home Park” A single parcel on which is provided the required space for the accommodation of two (2) or more mobile homes, together with the necessary accessory buildings.

“Motel and Hotel” A structure or group of structures containing rooms which are offered to the public for temporary accommodations in exchange for compensation.

“Motor Vehicle” Any self propelled vehicle including, but not limited to, the following: any automobile, truck, bus, motorcycle, semi-tractor, motor home, snowmobile, watercraft, all-terrain vehicle.

“Municipal Water System” A public water system that pipes water for human consumption to at least fifteen (15) service connections.

“Navigable Waters” All natural inland lakes, flowage and any other waters which have beds and banks, and in which it is possible to float a canoe or other small craft at sometime of the year; even if only during spring floods. (also see “wetlands”)

“Net Acreage” The gross area less land dedicated for public streets.

“Nonconforming Lot” A lot of record which does not meet the minimum area, depth, width, or frontage required by this ordinance.

“Nonconforming Structure” A structure which existed on the date of adoption of this ordinance or amendments thereto, which does not conform to the yard, parking, loading, height, and access requirements of this ordinance.

“Nonconforming Use” The use of land, water, or structures existing at the time of the adoption of this ordinance or amendments thereto, which does not meet the requirements of this ordinance and which have been continually maintained.

“Obstruction to Flood” Any development (see “development”) which physically blocks the conveyance of floodwaters, such that this development by itself or in conjunction with any future similar development will cause an increase in the regional flood height.

“Occupied” The use of a structure originally designed for human habitation on a permanent basis for a specified purpose.

“Official Floodplain Zoning Map” That “Flood Hazard Boundary Map”, as adopted and made part of this ordinance, which has been approved by the FIA office of FEMA.

“Official Letter of Map Amendment” The official notification from the FIA office of FEMA that a flood hazard boundary map or flood insurance study map has been amended.

“Open Space Use” Those uses having a relatively low flood potential and not involving structures.

“Ordinary High Water Mark” The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

“Outhouse” An accessory structure that is an outdoor toilet facility, designed without sewage treatment and disposal system. Also known as “privy”.

“Panelized Home” A factory built structure that is shipped in small sections to the site, such as wall by wall or room by room; as opposed to manufactured home or dwelling, or a mobile home, which are towed as a single or a bisected unit and placed on site as a completed unit.

“Parking Area” A portion of a lot with access to a street or alley, which is suitably surfaced and maintained for the temporary storage of motor vehicles, but not including the display of vehicles for sale.

“Parking Space, Off Street” A space containing parking area or a stall in a private garage.

“Parks and Playgrounds” Public area usually characterized by open space, outdoor, recreational equipment for children (i.e. swings, slides, sandboxes, etc.), and/or memorial markers.

“Path” A pedestrian walkway, that is not more than four (4) feet in width, devoid of heavy vegetation, which provides access between two points. A path may have light vegetative cover (i.e. grass or moss), or be paved with a water absorbing surface (i.e. wood chips, gravel, or paving brick).

“Planned Unit Development [PUD]” A lot or tract of land containing two (2) or more principal buildings or uses developed as a unit where such buildings or uses may be located in relation to each other rather than to a lot line or rezoning district.

“Platted” A recording of a lot by a certified survey map.

“Porch” A roofed open area, which may be screened, usually attached to or part of and with direct access to or from a building. A porch shall also have the window area greater than the wall area and shall not be climate controlled, such as heat and/or air conditioned.

“Private Sewage System” A sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field on the same parcel as the structure. This term may also apply to an alternative sewage system approved by the State of Wisconsin such as a

substitute for the tank or soil absorption field, a holding tank, a system serving more than one (1) structure.

“Professional Office” The office of one engaging in a occupation requiring specialized knowledge and often long and intensive academic preparation; including but not limited to offices of doctors of medicine or dentistry, architects, engineers, attorneys, musicians, or artists.

“Provisions” Stipulations and requirements to be satisfied prior to approval or for continuance of approval of the use and/or structure.

“Public Utilities” Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection system such as water, sanitary sewer, and storm sewer.

“Quad-plex” A residential structure containing four (4) dwelling units

“Quarter Section and Quarter-Quarter Section” A division of a section of land according to the rules of the original United States Government Public Land Survey System.

“Quasi - Public Uses” Those facilities which are partially public in nature such as churches and schools.

“Recharge” The source of groundwater from precipitation or surface that percolates down into the aquifer.

“Recharge Area” Permeable deposits directly overlaying the aquifer.

“Recreational Vehicle” A vehicular-type portable structure without permanent foundation that can be towed, hauled, driven and primarily designed as a temporary living accommodation for recreational camping and travel uses; including but not limited to: travel trailers, truck campers, camping trailers, and self-propelled motor homes. A Mobile Home is not a recreational vehicle.

“Recycling Drop-Off Station” A facility consisting of appropriate storage containers designed to accept a limited volume of recyclable materials from households, including aluminum food and beverage containers, glass food and beverage containers, magazines or other material printed on similar paper, newspapers or other material printed on newsprint, kraft paper (i.e. paper grocery bags), corrugated cardboard, office paper, plastic food and beverage containers, steel or bimetal food or beverage containers, and waste tires, that are intended to be stored temporarily in the containers provided before being taken to a Resource Recovery Facility or a Resource Recovery Processing Facility. (see “resource recovery facility” and “resource recovery processing facility”) Sorting, shredding, crushing, bailing or other separation, other than that required of residents using a recycling drop-off station to separate recyclable materials for placement in the appropriate containers, shall be prohibited. A recycling drop-off station can be a permitted or an accessory use except when the facility accepts waste tires and then it shall be a conditional use.

“Regional Flood” A flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of the physical characteristics. The flood frequency of the regional flood in every one hundred (100) years; this means that in any given year there is a one percent (1%) chance that the regional flood may occur or be exceeded.

“Resource Recovery Facility” A building in which collected recyclables from residential and commercial sources, including aluminum food and beverage containers, glass food and beverage containers, magazines or other material printed on similar paper, newspapers and other material printed on newsprint, kraft paper (i.e. grocery bags), corrugated cardboard, office paper, plastic food and beverage containers, steel or bimetal food or beverage containers, or other incidental recyclable items that may be delivered from time to time provided no dismantling is necessary according to market requirements and in which the incoming recyclables are sorted, shredded, crushed, baled, or otherwise separated and processed using equipment not to exceed fifteen (15) horsepower, for later shipment to markets. All activities that take place at a Resource Recovery shall take place inside the building. Dismantling, salvaging, crushing, or storage of motor vehicles, machinery, or appliances, or the processing or storage of decomposable, hazardous or toxic wastes are prohibited.

“Resource Recovery Processing Facility” A Resource Recovery Facility which collects from residential, commercial, and industrial sources where equipment of any horsepower may be used, outdoor storage may be allowed, and where dismantling of separate motor vehicle parts or components and separate machinery parts or components may be allowed. Resource Recovery Facilities may be allowed in conjunction with Salvage Yards. (see “salvage yards”)

“Restaurant” A business structure consisting of a kitchen and separate dining area, whose primary purpose is to prepare and serve food to be consumed on the premises.

“Restaurant, Drive-in” A business establishment consisting of a kitchen, with or without a dining room, where a portion of the food sold is consumed either off the premises or within automobiles on the premises.

“Right-of-way” A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied by a road, crosswalk, railroad, electrical transmission lines, oil or gas pipeline, water line, sanitary and storm sewer, and other similar other uses.

“Right-of-Way Lines” The lines that form the boundaries of a right-of-way.

“Riprap” Large formation of broken rock, thrown together irregularly (as offshore or on a soft bottom of a water body) or fitted together (as on the downstream face of a dam). Its purpose is to prevent erosion by wave or currents and thereby preserve a surface, slope, or underlying structure. It is used for irrigation channels, river improvement works, spillways at dams, and sea walls for shore protection.

“Rural Area” or “Rural Community” A sparsely developed area, with a population density

of less than one hundred (100) persons per square mile and where the land is developed or primarily used for agricultural purposes and/or forestry management.

“Salvage Yard” Any establishment or premises where motor vehicle or other materials are collected for the purposes of dismantling, salvaging, or demolition.

“Seasonal Structure” A structure used occasionally or periodically for a period not to exceed six (6) months of a calendar year.

“Setback Lines” Lines established parallel to right-of-ways, lot lines, or water bodies for the purpose of defining limits within which structures, buildings, or uses must be constructed, maintained or confined.

“Shed” An accessory structure not to exceed one hundred forty-four (144) square feet, used exclusively for the storage of material, tools, and equipment accessory to the primary use.

“Shorelands” Lands within the following distances from the ordinary high water mark of navigable waters: one thousand (1,000) feet from a lake, pond, or flowage; Five hundred (500) feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

“Sign” Any structure or natural object or part thereof, device attached thereto, or printed thereon which is intended to attract attention to any object, product, place, activity, person, institution, organization, or business. Such a display shall include any letter, word, model, flag, pennant, insignia, device, or representation, used as an announcement, direction, or advertisement.

1. **“Advertising (Off-Premise)”** A billboard, poster panel, printed bulletin board, or other sign which is used to advertise products, goods or services which are not exclusively related to the premises on which the sign is located.
2. **“Area Identification”** A freestanding sign which identifies a subdivision, a multiple residential complex consisting of three (3) or more structures, a shopping center consisting of three (3) or more separate business concerns, an industrial area, or an office complex consisting of three (3) or more structures or any combination thereof.
3. **“Business (On-Premise)”** Any sign which identifies a business or group of businesses, either retail or wholesale, or any sign which identifies a profession or is used in the identification of any principal commodity or service, including entertainment, offered or sold upon the premise where such sign is located.
4. **“Campaign Sign”** A sign erected for the purpose of soliciting support for or application to a candidate or a political party or relating to a referendum question during an election.
5. **“Construction”** A temporary sign placed at a construction site identifying the project or the name of the architect, engineer, contractor, financier, or other involved parties.
6. **“Directional”** A sign which bears the address and name of a business, institution, church, or other use or activity plus direction arrows or information on location.

7. **“Flashing”** An illuminated sign upon which the artificial light is not kept constant in terms of intensity or color at all times when the sign is illuminated. (not including time, temperature, and public information signs)
8. **“Freestanding”** A stationary or portable, self-supporting sign not affixed to any other structure.
9. **“Illuminated”** A sign which is by an artificial light source either directed upon it or illuminated from an interior source.
10. **“Information”** A sign giving information to employees, visitors, or delivery vehicles, but containing no advertising or identification.
11. **“Name Plate”** A sign indicating the name and address of a building and its functions or the name of the occupant thereof and the practice of home occupation.
12. **“Portable”** A sign so designed as to be movable from one location to another and which is not permanently attached to the ground, sales display or devise or structure.
13. **“Projecting”** A sign other than a wall sign, which is affixed to a building and which extends in a perpendicular manner from the building wall.
14. **“Roof”** A sign which is erected, constructed, or wholly or in part upon the roof of a building and which projects completely above the parapet wall.
15. **“Temporary”** A sign which is erected for a specific period of time.
16. **“Wall”** A sign which is affixed to the exterior wall or mansard roof of a building and which is parallel to the building.

“Sign Alteration” Any structural change to a sign but shall not include routine maintenance, painting, or change to copy of an existing sign.

“Sign Area” The entire face of a sign, including the advertising surface and any framing, trim, or molding, but not including the supporting structure.

“Sign Structure” The supports, uprights, bracing, and framework for a sign including the sign area.

“Silviculture” The art and science of growing and replacing stands of timber on a bases of permanency.

“Site-Built Homes” A structure, designed for human habitation, in which the component parts are erected, installed, or constructed on the lot in which the structure is to be placed.

“Slope Percent” The net result from one of two formulas to describe the incline of land surface and is expressed as a percentage (%). Also called “Percent Grade.” (i.e. a slope that has a three (3) foot vertical rise in a one hundred (100) foot horizontal distance; is a three percent (3%) slope)

“Storage Capacity of a Floodplain” The volume of space above an area of floodplain land that can be occupied by flood water of a given stage at a given time, regardless of whether the water is moving.

“Storage Shed” (see “shed”)

“Story” That part of a building between a floor and either the next floor above, or the ceiling. A basement shall constitute a story if more than one-half (½) of its vertical elevation is above grade.

“Streets, Roads, or Highways” A thoroughfare which may either provide the principal means and/or movement of pedestrians and vehicular access to abutting property.

1. **“Private Streets, Roads, or Highways”** A thoroughfare which is owned and maintained by a private entity for the use by a limited membership.
2. **“Public Streets, Roads, or Highways”** A thoroughfare which is owned and maintained by a government entity for use by the general public.

“Structural Alteration” Any change in the supporting members of a building such as bearing walls, columns, rafters, beams, girders, footings, and piles.

“Structure” Anything constructed or erected, the use of which requires a permanent or temporary location on or in the ground, stream bed, or lake bed, including but not limited to objects such as buildings, sheds and cabins, fences, mobile homes, docks, dams, retaining walls, bridges, and transmission towers.

1. **“Accessory Structure”** A subordinate structure which is clearly and customarily incidental to and located on the same lot as a principal structure except that mobile homes are not allowed as storage structures.
2. **“Principal Structure”** The main structure on the lot.

“Structure Height” The vertical distance measured from the mean grade level to the highest point of the structure.

“Structure Setback” The minimum distance between structure or use and the property line or right-of-way line or high water mark of a water body.

“Substance Abuse Treatment Facility” An establishment dedicated to aiding individuals needing and/or wanting treatment in regards to addiction to alcohol and/or drugs both prescription and controlled substances.

“Substantial Improvement” Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the present equalized assessed value of the structure either before the improvement or repair is started, or, if the structure has been damaged and is being restored, to the condition it was in before the damage occurred. The term does not, however, include either: 1) any project for improvement of a structure to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or 2) any alteration of a structure or site documented as deserving preservation by the Wisconsin State Historical Society or listed on the National Register of Historic Places. Ordinary maintenance repairs are not considered structural repairs, modifications, or minor additions; such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows, and other nonstructural components.

“Temporary” Lasting, continuing, or serving for a limited time

“Time of Travel” Recharge area (see “recharge area”) up-gradient of the cone of depression, the outer most boundary of which is determined or estimated that the groundwater (see “groundwater”) and potential contaminates will take a specific amount of time to reach the well.

“Tree” A woody perennial plant having a single elongated main stem generally with few or no branches on the lower part. For the purpose of this definition a tree is considered a tree when the trunk measures four (4) inches in diameter or greater at four (4) feet above grade.

“Traffic Visibility Triangle” An area adjacent to the intersection of two (2) or more of the following: street, road, highway, or railroad. The area shall be free of visual obstructions that would prevent a driver of a motor vehicle from seeing another vehicle or train on the intersecting road, street, highway, or railroad.

“Travel Trailers” A towed structure built on a chassis, with or without complete kitchen, toilet, and such facilities designed to be used for temporary habitation for travel or recreation.

“Unnecessary Hardship” That circumstance which as a result of special conditions which were not self created, affect a particular lot and make strict conformity with restrictions governing area, setbacks, frontage, height, or density unnecessarily burdensome or unreasonable in the light of the purposes of this ordinance. The courts have clarified that an unnecessary hardship is present only when an applicant “has demonstrated that he or she will have no reasonable use of the property, in the absence of a variance.”

“Use” The purpose for which land or structures, or portions thereof, are occupied or maintained.

1. **“Accessory Use”** A use which is clearly and customarily incidental to and located on the same lot as a principal use.
2. **“Permitted Use”** A principal or accessory use of land or structures which is allowed as a matter of right within a particular district or districts, provided it conforms to all applicable requirements and standards of the district.
3. **“Principal Use”** The primary or main use of land or structures as distinguished from accessory use.

“Utilities” Any public or private distribution, waste collection and/or disposal system, including but not limited to: private and public wells, including their attendant facilities, public sewage collection systems, and public utilities such as natural gas, electric, and telephone systems.

“Variance” A variance is a deviation from the code and may be granted only by the Menominee County Board of Adjustment, when special conditions unique to the property, will not allow the property owner to meet the standards of the ordinance. To be granted a variance the owner of the property must show unnecessary hardship (see “unnecessary hardship”) caused by this ordinance.

“Water Permeable Structures” Structures that allow rain water to infiltrate through them such as paths or driveways specially designed to be non-impervious surfaces.

“Water Surface Profile” A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood (see “regional flood”) is used in regulating floodplain areas.

“Well” An excavation opening in the ground made by digging, boring, drilling, driving, or other methods, for the purpose of obtaining groundwater regardless of its intended use.

“Well Field” A lot, parcel, plot of land used primarily for the purpose of locating wells to supply a municipal water system.

“Wetlands” Those areas where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation, and having soils indicative of wet conditions.

“Wisconsin Construction Site Best Management Practice Handbook” A document of the same name published and distributed by the Wisconsin Department of Natural Resources - Bureau of Water Resources Management. The document is intended to be a model on how to conduct a construction site in respect to water resources and erosion control.

“Yard” Open space on a lot. Space not occupied by structures.

1. **“Front Yard”** A yard extending the full width of the lot between any building and the road right-of-way line and measured perpendicular to the building at the closest point to the road right-of-way.
2. **“Rear Yard”** A yard extending the full width of the lot between the rear lot line to the nearest part of the structure.
3. **“Side Yard”** A yard on each side of the structure extending from the structure to the line and from the front yard line to the rear yard line.

“Zoning Administrator” The person appointed and empowered by the Menominee County Board to administrate and enforce the requirements of the Zoning Code.