

## SECTION 17.02

### RULES AND DEFINITIONS

#### 1. RULES.

The language set-forth in the text of this chapter shall be interpreted in accordance with the following rules of construction:

- A. The singular number includes the plural, and the plural the singular;
- B. The present tense includes the past and future tense, and the future the present;
- C. The word "shall" is mandatory, while the word "may" is permissive;
- D. The masculine gender includes the feminine and neuter genders.
- E. Whenever a word or term defined hereinafter appears in the text of this chapter, its meaning shall be construed as set-forth in the definition thereof; and any word appearing in parentheses between a word and its definition herein shall be construed in the same sense as that word;
- F. The phrase "including, but not limited to" shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.
- G. (Created 2013-01) References in this Chapter to sections of the United States Code, or State of Wisconsin Statutes, or the Wisconsin Administrative Code shall be interpreted to include such amendments, repeal, renumbering and binding judicial interpretation of such State and federal laws as may be made from time to time, unless expressly stated otherwise. No such reference to State or federal law shall be interpreted to delegate interpretation authority to any person or entity outside of the Town of Delafield municipal government, however, and the Town of Delafield reserves to itself the right to interpret applicable laws and to appeal interpretations that it believes are incorrect, and to seek the repeal or amendment of laws that it believes are not in the best interests of the Town of Delafield.

#### 2. SPECIFIC WORDS AND PHRASES.

For the purpose of this chapter, certain words and phrases shall be defined as follows:

**Abutting.** Having a common border with, or being separated from such common border only by an easement.

**Access.** A means of vehicular approach, i.e., entry to a property from a street, road or highway, or exit from a property to a street, road or highway.

**Accessory buildings and structures.** (Amd. 00-507a) Buildings and structures, including private detached garages and boathouses, that are customarily incidental to the permitted uses in the District and located upon the same lot occupied by the principal building or structure.

**Accessory use.** Subordinate uses that are customarily incidental to the permitted uses in the District and located upon the same lot occupied by the principal use or principal structure.

**Acre.** 43,560 square feet.

**Addition.** Any new construction whereby an existing building or structure, or building or structure in course of construction, is expanded in perimeter or height.

**Adjacent.** Having a common border with, or being separated from such common border only by an easement.

**Administrative official.** Town Clerk, Town Engineer, Code Enforcement Officer, Building Inspector, Plan Commission, and Superintendent of Public Works.

**Adult-oriented establishment.** Repealed and recreated at §12.08, Town of Delafield Municipal Code per Ord. 00-515.

**Aggrieved person.** Any person who alleges that he or she has been injured by an error in an order, requirement, decision or determination made by an administrative official in the enforcement of § 62.23, Wis. Stats., or of this chapter.

**Agriculture.** All uses, commonly classified as agriculture, horticulture, floriculture, viticulture, or forestry, such as: the tilling of soil, crop and tree farming, truck farming, gardening, plant nurseries, dairy farming, keeping or raising of domestic livestock or poultry and sod farming together with the operation of any machinery or vehicles that are incidental to the above uses and any agricultural business such as fruit packing, dairying or similar activities.

**Air pollution.** Dust, fumes, mist, liquid, smoke, other particulate matter, vapor, gas, odorous substances or any combination thereof excluding uncombined water vapor.

**Airport.** Transportation facility providing takeoff, landing, servicing, storage or other services to any type of air transportation.

**Alley.** A public right-of-way usually of reduced width which affords a secondary means of access to abutting property.

**Animal hospital.** An enclosed structure principally used to medically or surgically treat animals, which may include a commercial kennel as an accessory use.

**Antique.** A business engaged in selling or exhibiting works of art, pieces of furniture, decorative objects or other things that were made at an earlier time, generally at least twenty years earlier.

**Apartment.** A room or suite of rooms in a multiple family dwelling which is arranged, intended or designed to be occupied as a residence by one individual or by one family.

**Apartment House.** *See Multiple family dwelling.*

**Appeal.** A means for obtaining review of a decision, determination, order or failure to act pursuant to the terms of this chapter as expressly authorized by the provisions of section 10 of this chapter.

**Arts and crafts studio.** A business operated by an individual who is a painter, sculptor, potter, furniture builder, or similar crafter or artisan of material goods, where the product of the individual's work is sold, exhibited or both.

**Automobile service station (Convenience store).** A place where petroleum products, stored in underground tanks for the operation of motor vehicles are offered for sale directly to the public, including but not limited to such facilities that also sell motor vehicle parts and accessories, groceries, or any other products or services.

**Base Setback Line.** The street line as established by this chapter from which all required setbacks shall be computed.

**Basement.** A story that is more than one-half under grade level.

**Bed and breakfast establishment.** Any place of lodging that provides six (6) or fewer rooms for rent to guests, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast. "Breakfast" shall mean any meal served between 6:00 a.m. and 11:00 a.m.

**Bedroom.** A room in a residence that is marketed, designed, or otherwise likely to function primarily for sleeping.

**Boat.** A vessel that is designed to carry at least one individual on the surface of a body of water, and is propelled by oars, paddles, sail or motor power. Motor power includes, but is not limited to, power generated by steam engine, electric motor or combustion engine of any kind.

**Boathouse.** A structure designed to protect or store boats and not for human habitation.

**Building.** A structure that has a roof supported by columns or walls that is used, designed or intended for the protection, shelter or enclosure of individuals, animals or property. *See also, Accessory building, Height of building, Principal building and Public and Semi-public building.*

**Building separation.** The narrowest distance between two buildings.

**Building setback line.** A line parallel to the base setback line located at the minimum setback distance as set forth in the individual zoning district.

**Building size.** Synonymous with floor area.

**Business.** Any commercial or industrial activity or establishment.

**Business park.** A building project that is developed as a coordinated entity with similar building facades, landscaping, common parking and access drives, and unified site design.

**Campground.** A plat of ground designated for two (2) or more sites for temporary occupancy with tents and/or recreational vehicles.

**Chicken Coop.** (amended 2012-02) A covered enclosure used to keep chickens.

**Chicken Run.** (amended 2012-02) A covered, permeable, fenced in area allowed for chickens to run outside of the chicken coop.

**Code enforcement officer.** (repealed and re-created 2017-05) The Town employee or Town contractor charged by the Town Board with the application and interpretation of this chapter.

**Commercial greenhouse.** A business that grows and sells primarily plants and related goods on a retail or wholesale basis, and that includes a structure for the cultivation of plants.

**Commercial kennel.** An establishment, structure or premises where dogs or other household pets are raised, sold, bred, boarded, trained or groomed for commercial purposes. *See also, Hobby*

*kennel.*

**Commercial stable.** A tract of land on which horses or other livestock are kept for hire, board, training, sale or any other commercial use.

**Commercial truck.** Any motor vehicle used for business or institutional purposes that weighs more than 10,000 pounds.

**Common Open Space.** (Amd. 05-003) Land within a subdivision or other development that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the community. Common Open Space may have varied forms of ownership including but not limited to: fractional share of the owners of property within a subdivision or development; public ownership; and fee simple or easement interest by a third party land trust. Common open space is typically free of structures, but may contain historic or rustic structures, share recreational structures including but not limited to pool houses or stables, as may be indicated on the approved development plan.

**Communication tower.** Free-standing broadcasting, receiving, or relay structures, and any office, studio or other land uses directly related to the function of the tower.

**Comprehensive plan.** The comprehensive plan of the Town of Delafield, as adopted and as subsequently amended.

**Conditional uses.** A land use which requires a conditional use permit in order to be developed.

**Condominium.** (Amd. 05-003) A community association combining individual unit ownership with share use or ownership of common property or facilities, established in accordance with the Condominium Ownership Act and §703 Wisconsin Statutes.

**Corner lot.** A lot abutting on 2 or more streets at their intersection, provided that the interior angle of such intersection is less than 135 degrees.

**Deck.** A structure, other than a stoop or walkway, characterized by a flat open horizontal surface or platform either at grade or suspended above the grade of the land it covers and which may or may not be supported by posts, beams, cantilevers or by any other methods, including a flat roof of a structure intended to be occupied for recreational purposes.

**Density.** The number of dwelling units or housing structures per unit of land.

**Detailed Site Analysis.** (Amd. 05-003) A plan or set of plans designed to provide the clear identification of permanently protected green space and open space areas on a site which is proposed for development, and which identifies permanently protected natural resource areas defined as required protected areas under State and Federal regulation; any environmental corridor component identified by the Southeastern Wisconsin Regional Planning commission, including primary corridors, secondary corridors, and isolated natural resource areas; or any other environmental feature designated in the Town Land Use Plan requiring a Detailed Site Analysis and Mitigation Plan in conjunction with development review.

**Developer.** The legal or beneficial owner(s) (including, but not limited to, optionee(s) or contract purchaser(s) of a lot or parcel of any land proposed for inclusion in a development.

**Development.** (Amd. 05-003) The combination of parcels; division of a parcel of land into two or more parcels; the erection, construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or structure; any use or change in use of any buildings, structures or land; any extension of any use of land; or any clearing, grading, or other movement of

land, for which permission may be required pursuant to this Chapter. Also, the result of said acts.

**Development Envelope.** (Amd. 05-003) That portion of a parcel of land which is intended to be cleared, graded, and built upon including areas for accessory uses and structures.

**Direct access.** A condition of immediate physical connection resulting from adjacency of a road or right-of-way abutting a property.

**District.** A specifically delineated area in a municipality within which regulations and requirements uniformly govern the use, placement, spacing and size of land and structures.

**Drainage.** The removal of surface water or groundwater from land by drains, grading, or other means. Drainage includes the control of runoff, to minimize erosion and sedimentation during and after development, and the means necessary for water supply preservation or alleviation of flooding.

**Dwelling.** A residential building or one or more portions thereof occupied or intended to be occupied exclusively for residential purposes, but not including habitations provided in nonresidential uses such as lodging uses and commercial campgrounds. *See also, Multiple family dwelling, One family dwelling, Two family dwelling, and Dwelling unit.*

**Dwelling unit.** A room or group of rooms, providing or intended to provide living quarters for not more than one (1) family.

**Easement.** A right given by an owner of land to another party for a specific limited use of that land or portion thereof.

**Eave.** The lower border of a roof that overhangs the wall.

**Efficiency apartment.** A small, usually furnished, apartment with minimal kitchen and bathroom facilities.

**Elderly housing.** Residential development designed to meet the needs of and reserved exclusively for senior citizens.

**Elderly housing unit.** Synonymous with elderly housing.

**Erosion.** The detachment and movement of soil or rock fragments by water, wind, ice, and/or gravity.

**Established grade.** The elevation of the finished street at the centerline or curb as fixed by the Town Engineer or by such authority as shall be designated by law to determine such an elevation.

**Family.** One or more individual(s) related by blood, adoption or marriage, or 3 or fewer individual(s) not so related, living together in one dwelling and maintaining a common household.

**Farm.** The location of a farming operation.

**Farming.** Engaging in a farming operation.

**Farming operation.** (Amd. 06-007) One or more parcel(s) of land under a single ownership and/or management upon which natural fibers, animals, and/or plants for human or animal consumption are produced for profit.

**Farm roadside stand.** A farm building or structure used or intended to be used for the sale of unprocessed farm products raised on said farm solely by the owner or tenant of the farm on which such building is located.

**Farmstead.** That portion of a farm which consists of the home and adjacent accessory buildings.

**Fast food restaurant.** An establishment whose principal business is the sale of prepared or rapidly prepared food directly to the consumer in a ready-to-consume state for consumption either within the restaurant building or off-premises.

**Feed lot operation.** A plot of land on which livestock are fattened for market.

**Fence.** A structure which is used as a boundary or means of protection, screening, barrier, confinement or architectural treatment.

**First floor level.** Livable floor area that is not above any other livable floor area.

**Flood.** A temporary rise in water level that results in water overtopping land banks and inundating adjacent areas.

**Floodplain.** Land which has been or may be covered by flood water during the regional flood. The floodplain includes the floodway, shallow depth flooding, flood storage and coastal floodplain areas.

**Floor area.** 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 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.

**Frontage.** The length of any one property line of a premises that abuts a street right-of-way, waterway, or end of a dead-end street.

**Frontage street (Frontage road).** A street (road) contiguous and parallel to a traffic artery and affording direct vehicular access to abutting property.

**Front lot line.** A lot line which abuts a public or private street right-of-way. In the case of a lot which has two or more street frontages, the lot line most closely parallel with the front door of the house shall be the front lot line.

**Front yard.** A yard extending along the full width of the front lot line between side lot lines and extending from the abutting front street right-of-way line to a depth required in the yard regulations for the District in which such lot is located.

**Fur farm.** A farming operation devoted in whole or part to the raising of fur bearing animals for commercial purposes.

**Garage.** *See Private Garage.*

**Gift shop.** A business engaged in selling merchandise that is suitable for, and often is, transferred by the purchaser to another without compensation.

**Glare.** The brightness of a light source which causes eye discomfort.

**Gravel Pit.** A type of quarry.

**Gross floor area.** Synonymous with Floor area.

**Group day care center.** A facility, that is not in an occupied residence, where care and supervision is provided for four (4) or more children under the age of seven (7) for less than 24 hours a day.

**Grub.** To clear the vegetation from an area of land by digging up roots and stumps.

**Hard or impervious surface.** The area of a lot devoid of grass, trees or other natural landscape features that is developed in a manner that prevents filtration of water into the underlying soil.

**Height of building (base - principal).** (Amd. 00-507a) The greatest vertical distance between the elevation of the lowest finished grade and the eave, measured on the side(s) of the building having the lowest finished grade.

**Height of building (base - accessory)** (Created 00-507a) The vertical distance between the elevation of the highest finished grade and the eave measured on the side of the building having the highest finished grade.

**Highway.** A right-of-way for the principal purpose of providing vehicular thoroughfare and not necessarily affording direct access to abutting property.

**Hobby kennel.** A non-commercial establishment, structure or premises accessory to the principal use of the property where 3 or more household pets of 6 months minimum age are kept for such private purposes as pets, field trials, shows or hobby. The occasional raising of not more than 2 litters of household pets per year on the premises and the sale or disposal of the animals within 6 months of the birth shall also be considered a hobby kennel. *See also, Commercial kennel.*

**Home Occupation.** A gainful occupation or profession conducted by a member or members of a family within his, her or their dwelling, where the space used is incidental to the principal residential use of the property.

**Horticulture.** The act of cultivating plants for private ornamental use and/or the cultivation of fruits or vegetables for private use.

**Hospital.** An institution providing primary health services and medical or surgical care to individuals, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.

**Hot Tub.** (Amd. 2008-004) A structure, being a large tub or small pool of water, used for soaking, relaxation, massage or hydrotherapy, in most cases with jets for massage purposes.

**Hotel.** A building in which lodging, with or without meals, is offered for compensation and which has more than 5 sleeping rooms for this purpose.

**House trailer.** Synonymous with Mobile Home.

**Household pets.** Common household animals such as dogs, cats, parrots, and other domestic animals kept for pleasure and not for utility, excluding domesticated wild animals not usually found in the home.

**Human habitation.** Entrance or presence of any individual for any purpose other than maintenance.

**Individual.** A human being.

**Industrial park.** A large tract of land that has been planned, developed and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

**In law unit.** A room or suite of rooms used or occupied as a separate housekeeping entity and located in a single-family dwelling occupied by individuals related by blood or marriage to the family or individuals occupying the single-family dwelling.

**Institutional.** Uses, facilities, or organizations dedicated to public service.

**Intermediate day care home.** Occupied residence in which a qualified individual or individuals provide child care for 9 to 15 children.

**Junkyard.** 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, or machinery or two or more unregistered, inoperable motor vehicles or other work materials.

**Kennel.** Either a commercial or hobby kennel.

**Lake resort.** A commercial enterprise that is located adjacent to a lake and that provides overnight lodging, recreation and entertainment, especially to vacationers.

**Legal nonconforming lot.** Any lawfully established lot or parcel of land at the time of the enactment of this chapter or any amendment applicable thereto which does not meet the requirements for minimum lot width and area for the District in which it is located.

**Legal nonconforming structure.** Any lawfully established building or structure at the time of the enactment of this chapter or any amendment applicable thereto that does not conform to the use regulations or dimensional regulations for the District in which it is located.

**Legal nonconforming use.** Any lawfully established use of land, premises, building or structure at the time of the enactment of this chapter or any amendment applicable thereto that does not conform to the use regulations for the District in which it is located.

**Light industrial.** Industrial establishments such as those engaged in warehousing, wholesaling and distribution, assembly, fabrication, repair and maintenance services that comply with the standards listed in this chapter.

**Livable floor area.** Floor area measured at each level from the outside edge of wall to outside edge of wall and for purposes of computing total floor area shall not include attached or detached garages, or other outbuildings, open unheated porches and breezeways or basements.

**Livestock.** Domestic farm animals that are typical of this area including, but not limited to, cattle, horses and sheep.

**Local residential street.** A road which primarily serves to collect traffic originating directly from residential driveways and private residential courts and streets.

**Lot.** A designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law. *See also, Corner lot, Front lot line, Legal nonconforming lot, Lot lines, Lot*



*area, Lot of record, Lot width, Rear lot line, Shore lot line, Side lot line, and Street lot line.*

**Lot area.** The area of contiguous land bounded by lot lines, exclusive of the area between the base setback line and the existing property line ultimately to be included in the street, but may include land zoned "Wetland-Floodplain" subject to compliance with this chapter.

**Lot lines.** The lines bounding a lot as defined herein.

**Lot of record.** A platted lot or lot described in a certified survey map or metes and bounds description which has been approved by the Town, and has been recorded in the office of the Register of Deeds.

**Lot width.** The length of the building setback line.

**Manufacturing.** The mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins or liquors.

**Marina.** A tract of land together with associated structures on the land and in the water where boat launching, boat mooring, boat anchoring, and/or dry land boat storage is provided to boat owners for a fee or other remuneration.

**Master plan.** A plan, map, report, or other document pertaining to the physical development of the Town which has been adopted by the Town Plan Commission, as described in Wisconsin Statutes § 62.23 (2) and (3).

**Minor street.** A minor street as set forth in Chapter 18 of the Town of Delafield Municipal Code.

**Mitigation Area.** (Amd. 05-003) The portion of a lot or development site which could be included in a Development Envelope, but which is restricted for use as undeveloped open space in order to alleviate or less the impact of development.

**Mobile home.** A constructed unit which is or was, as originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped and used primarily for sleeping, eating and living quarters or is intended to be so used, and includes any additions, attachments, annexes, foundations and appurtenances thereto.

**Mobile home park.** A planned residential development containing sublots for stationing individual mobile home units and providing on site sanitary facilities, laundry facilities and recreational facilities, with public sewer, public water supply service, gas and electric power utilities for connection directly to each mobile home unit and having interior roads and walks permanently surfaced.

**More restrictive.** A regulation imposed by this chapter is more restrictive than another if it prohibits or limits development to a greater extent or by means of more detailed specifications.

**Motel.** A building or series of buildings in which lodging, without meals, is offered for compensation and which may have more than 5 sleeping rooms or units for this purpose and which is distinguished from a hotel primarily by reason of providing direct independent access and adjoining parking for each rental unit.

**Multiple family dwelling.** A structure arranged or designed to be occupied by three or more families living independently of each other.

**Nonconforming use, building or structure.** *See Legal nonconforming lot, Legal nonconforming structure, and Legal nonconforming use.*

**Nuisance.** An unreasonable interference with the enjoyment and use of one's property as defined in Chapter 10.02 of the Town of Delafield Code of Ordinances.

**Occupancy permit.** A required permit that allows occupancy of a building, structure, land, or use, which certifies that the occupancy complies with the provisions of this chapter and any other applicable governmental regulations.

**Office.** A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government.

**Office park.** A project owned, developed and managed by a single owner or a group of owners similar to a business park with the primary establishments being a related group of offices including, but not limited to corporate, medical, financial, insurance and real estate.

**Offset.** (Amd. 00-507a) The horizontal distance between the side or rear lot lines of a lot and the nearest foundation wall of a structure.

**Off-street parking space.** A usable off-street area with independent access designated for the parking of motor vehicles.

**Open Cell Pavers.** (Amd. 2008-004) Pervious paving materials of at least 50% open area, used to reduce the imperviousness of firm surfaces such as patios, walkways, driveways, fire lanes, and parking areas, for the purpose of reducing surface runoff and increasing filtration. Open Cell Pavers may include pervious interlocking concrete blocks, concrete grid pavers, turf block and perforated brick pavers.

**Open space.** (Amd. 2008-004) A natural area or manmade landscaped area not occupied by any structures, impervious surfaces, gravel drives, or gravel parking areas.

**Ordinary high water line.** A point on the bank or shore of a body of water up to which the presence and action of surface water is so continuous as to leave a distinctive mark by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognizable characteristics.

**Outdoor recreational facilities.** Land, buildings and structures along with accessory equipment, designed and utilized for leisure time activities of a predominantly outdoor nature.

**Outdoor storage.** The keeping, in an unenclosed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four hours.

**Owner.** The person or persons having the right of legal title.

**Parcel.** A lot.

**Parking area.** Any public or private land area designed and used for parking motor vehicles including parking lots, garages, private driveways and legally designated areas of public streets. *See also, Off-street parking space.*

**Patio.** A type of deck.

**Performance standard.** Criterion established to control and limit the impacts generated by, or inherent in, uses of land or buildings.

**Permanent structure.** A structure placed on or in the ground or attached to another structure in a fixed and determined position, and intended to remain in place for a period of more than four (4) months.

**Permitted use.** A use that is permitted by right, subject to the provisions of this chapter.

**Person.** An individual, firm, corporation, voluntary association, owner or agent.

**Pig farm.** A farming operation devoted in whole or in part to the raising and feeding of pigs and/or hogs.

**Plan Commission.** The Plan Commission of the Town of Delafield.

**Planned Unit Development (PUD).** (Amd. 05-003) A self contained development in which subdivision and zoning controls are applied to the project as a whole rather than to individual lots, and in which specific benefits are provided to the community as well as the developer and the future citizens who will reside within the development. Within PUD's, densities are calculated for the entire development, usually permitting a trade-off between clustering of homes and provisions of common open space.

**Planting screen.** An area landscaped with natural growing evergreen type of plants that are sufficiently dense and of adequate height at all times as to effectively screen off from view the object that is intended to be hidden.

**Plat.** A map or plan of a parcel of land showing such data as the location, boundaries, dimensions, bearings, lot or unit location and designation, and ownership of individual properties in accordance with Chapters 236 and 703 of the Wisconsin Statutes.

**Poultry farm.** A farming operation devoted in whole or in part to the raising of poultry or fowl, such as chickens, ducks, geese and turkeys for commercial purposes.

**Preliminary plat.** A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration.

**Premises.** A distinct and definite locality, as determined from the context in which the word is used, and may include, but is not limited to, a room, shop, building, yard, or lot.

**Principal building or structure.** A building or structure used or intended to be used for the principal use as permitted on such lot by the regulations of the zoning District in which it is located.

**Principal use.** The main or primary use of land, premises, buildings or structures as permitted by the regulations of the District in which such use is located.

**Private club.** Real property exclusively used for regular or periodic meetings or gatherings of a group of persons solely organized for a nonprofit purpose.

**Private garage.** (Amd. 00-507a) Any structure for the primary purpose of keeping private vehicles and wherein such use is accessory to the residential use of the property on which it is located.

**Private stable.** A tract of land on which horses or other livestock are kept for the non-commercial

use of the individual residing on the tract of land.

**Processing.** A series of operations, usually in a continuous and regular action or succession of actions, taking place or carried on in a definite manner. The term processing is generally associated with the transformation of raw materials or substances into new products. For purposes of use in this chapter, processing shall not include heavy industrial uses such as tanneries, meat packing, foundries, hazardous waste recycling, chemical production, and other similar uses.

**Professional office.** The office of a doctor, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician or other similar recognized profession.

**Public and semipublic buildings.** Structures that serve a public need such as: hospitals, rest homes, nursing homes, schools (including, but not limited to, private academic schools and nursery schools), libraries, museums, post offices, police and fire stations, public and private utilities and other similar public services; but not including bars, restaurants or recreation facilities.

**Public improvement.** Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs such as: streets, roads, alleys or pedestrian walks or paths, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility and energy services.

**Public utility.** Any person or municipal department duly authorized, under public regulation, to furnish electricity, gas, steam, telephone, communication, transportation or water to the public.

**Quarrying.** The removal of rock, slate, gravel, sand, topsoil or other natural material from the earth by excavation, stripping, leveling or any other such process, excluding the removal solely of sod.

**Quasi-public.** Owned or operated by a non-profit, religious or charitable institution and providing educational, cultural, recreational, religious or similar types of public programs.

**Rear lot line.** The lot line opposite to and most distant from the front lot line.

**Rear yard.** A yard extending along the full width of the rear lot line between the side lot lines and extending toward the front lot line for a depth as specified in the yard regulations for the District in which such lot is located.

**Recreational vehicle or equipment.** A vehicle or piece of equipment which can be towed, hauled, carried or driven and designed as a temporary living accommodation for recreational camping and travel use and including but not limited to travel trailers, truck campers, tent trailers, camping trailers, self propelled motor homes, and boats.

**Refuse disposal site.** A tract of land operated by a public or private person where more than one family takes refuse for disposal.

**Regional flood.** A flood having an average frequency of the 100 year recurrence interval flood.

**Residential planned unit development.** An area of a minimum contiguous size, as specified by this chapter, to be planned and developed as a single entity containing one or more residential unit(s).

**Residential zoned.** A property located in a residential District.

**Restaurant.** A commercial establishment where food and beverages are prepared, served and consumed primarily within the principal building, and where food sales constitute more than eighty

percent of the gross sales receipts for food and beverages. *See also, Fast food restaurant.*

**Retail.** The sale of commodities or goods in small quantities to ultimate consumers.

**Retaining Wall.** (Amd. 06-007) A vertical structure used to hold back earth or keep earth from sliding.

**Revetment.** A facing (as of stone or concrete) to sustain an embankment.

**Riding stable.** Any structure and/or land used, designed or arranged for the maintenance or rental of horses, mules, ponies or donkeys either with or without a bridle path or riding area, but excluding structures and/or land used, designed or arranged for the maintenance of horses or mules used exclusively for agricultural purposes.

**Right-of-way.** A strip of land acquired by reservation, dedication, forced dedication, or condemnation and occupied or intended to be occupied by a street, cross-walk, railroad, electric transmission line, oil or gas pipeline, water line, sanitary or storm sewer and other similar uses.

**Riprap.** A layer of rocks, stones, or chunks of concrete thrown together without order either on an embankment slope to prevent erosion, or not on an embankment slope to create a sustaining wall or foundation.

**Road.** Synonymous with street.

**Roadside stand.** Synonymous with Farm roadside stand.

**Rustic structure.** (cr. 2002-09-002A) Any existing structure permanently located on property, which is set apart from other structures as being distinct due to its construction technique, materials, age, local historic significance or design, and characteristic of past agricultural practice and which is structurally safe.

**Safe vehicular access.** An access of sufficient width and adequate horizontal alignment to accommodate emergency vehicles and having a slope not to exceed 12% at any point.

**Sand Pit.** A type of quarry.

**Secondary access.** A means of vehicular or non-vehicular approach, i.e., entry to a property from a source other than a public street or highway, or exit from a property to a source other than a public street or highway.

**Sedimentation.** The deposition of soil that has been transported from its site of origin by water, ice, wind, gravity, or other natural means as a result of erosion.

**Service establishments.** Establishments primarily engaged in providing services for individuals, business and government establishments and other organizations; including hotels and other lodging places; establishments providing personal business, repair and amusement services; health, legal, engineering, and other professional services; educational institutions; membership organizations, and similar establishments.

**Service Pedestal.** (Amd. 2008-004) A cabinet, box or enclosure that houses transformers, distribution equipment or metering equipment servicing residential, industrial or commercial properties that is less than 20 cubic feet in size and is less than 3 feet in height. Service pedestals shall not be considered structures.

**Setback.** The horizontal distance between the base setback line and the nearest portion or projection of a building.

**Sewage Treatment Plant.** Any facility designed for the treatment of sewage which serves in excess of two (2) structures or dwelling units.

**Shore lot line.** The ordinary high water line of the lake or stream which the lot abuts.

**Shrub.** A low-lying deciduous or evergreen plant.

**Side lot line.** Any boundary of a lot which is not a front lot line, a street lot line, a shore lot line, or a rear lot line.

**Side yard.** A yard extending along the side lot line between the front and rear yards, having a width as specified in the yard regulations for the District in which such lot is located.

**Sign.** See section eight (8) of this chapter.

**Single family dwelling (One family dwelling).** A dwelling designed for and occupied exclusively by one family.

**Single floor area.** Livable floor area that is not over any other livable floor area.

**Sod.** The grass-covered surface of the ground, and the soil below the surface only to the depth of the roots of the grass.

**Soil Processing.** An operation which entails the import of soil material for purposes of machine processing, sifting, pulverizing, blending or like process, for resale.

**Solid fence.** Any fence which cannot be seen through. Such fences include but are not limited to basketweave fences, stockade fences, and plank fences.

**Stable.** Either a private stable or a commercial stable.

**Stoop.** A structure, which is less than 12 square feet in area, intended to provide ingress and egress to a building.

**Storage structure.** A detached structure, other than a principal garage, that is used for the parking and/or storage of motor vehicles, boats, campers, recreational vehicles, and lawn/garden equipment owned by the resident household.

**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 is no floor above it, then the space between the floor and the ceiling next above it.

**Street, Arterial.** (Amd. 05-003) A street used or intended to be used, primarily for fast or heavy

through traffic. Arterial street shall include freeways and expressways as well as standard arterial streets, highway and parkways.

**Street Collector.** (Amd. 05-003) A street used or intended to be used, to carry traffic from minor streets to the major system of arterial streets including the principal entrance streets to residential developments.

**Street, Cul-De-Sac.** (Amd. 05-003) A minor street with only one outlet and having an appropriate turnaround for the safe and convenient reversal or traffic movement.

**Street dedication.** The designation by plat, certified survey map, or written deed of a certain area to be used for public street purposes pursuant to Section 236.29, Wisconsin Statutes. A dedication transfers title to the dedicated area from the private landowner to the public domain.

**Street Frontage.** (Amd. 05-003) A minor street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.

**Street Line.** A dividing line between a lot, tract or parcel of land and a contiguous street.

**Street lot line.** Any lot line adjacent to a street.

**Street, Minor (Local).** (Amd. 05-003) A street used, or intended to be used, primarily for access to abutting properties.

**Street reservation (road reservation).** The designation by plat, certified survey map, or written deed of a certain area reserved for possible future public street purposes. A reservation does not transfer title of the reserved area to the public domain unless the area is accepted by the Town Board for public street purposes.

**Street width.** The total width of the strip of land dedicated or reserved for public travel, including roadway, curbs, gutters, sidewalks and planting strips.

**Strip development.** A pattern of land uses typified by nonresidential and/or multi-family development located along one or both sides of a street which is generally only one lot deep and which is characterized by many curb cuts, low green space ratios, low landscape surface ratios, and/or low quantities of landscaping.

**Structure.** Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, and uses standard building materials.

**Structural alterations.** Any change in the supporting members of a building or any substantial change in the roof structure or in the exterior walls.

**Subdivision.** The division of a lot, parcel or tract of land as defined in Chapter 18 of the Town of Delafield Code of Ordinances.

**Summer Home.** A dwelling designed and intended to be used, and which is used, only a few months each year, principally during the warm months of the year.

**Supper club.** A type of restaurant.

**Surveyor.** A licensed and certified land surveyor authorized to do business in the State of Wisconsin under Section 443.06 of the Wisconsin Statutes.

**Sustained Yield Forestry.** The management of forested lands to provide annual or periodic crops of forest products.

**Swimming Pool.** A structure, whether above or below grade level, designed to hold water more than thirty inches deep to be used for recreational purposes.

**Tavern.** An establishment where alcoholic beverages are sold to be consumed on the premises.

**Telecommuting.** Engaging in a gainful occupation or profession by a member or members of a family within his, her or their dwelling, while maintaining periodic communication with a principal office outside of the dwelling by the use of a computer modem.

**Temporary Uses and Structures.** Any uses or buildings or structures intended to remain in place for not more than four (4) months.

**Topsoil.** Generally, the top layer of soil, characterized by having a high organic matter content and by being optimal for the growth of plants.

**Townhouse.** A single family residence, usually 2 or more stories, attached on one side or both sides by party walls to other single family residences of similar type having individual street and rear yards, the end units only having a single side yard on the unattached side.

**Traffic artery.** Synonymous with Highway.

**Two family dwelling.** A dwelling designed for and occupied exclusively by 2 families.

**Unenclosed.** In reference to "unenclosed" storage of materials, vehicles, etc., unenclosed shall be defined as being within reasonable view of surrounding properties due to lack of adequate screening or enclosure.

**Utility Structure.** (Amd. 2008-004) A structure, greater than 20 cubic feet in size or greater than 3 feet in height, used for the primary purpose of housing telecommunications, electrical, cable television and similar equipment including utility cabinets, buildings and underground vaults.

**Variance.** Permission to depart from the literal requirements of this chapter.

**Vision setback.** An unoccupied triangular space, at the street corner of a corner lot.

**Walkway.** A passage at ground level, 4 feet or less in width, intended for pedestrian traffic.

**Warehouse.** A building used primarily for the storage of business generated goods and materials and/or as a distribution center.

**Wetland.** An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet condition.

**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.

**Yard.** A required open space on a lot, which is unoccupied and unobstructed by a structure from its lowest ground level to the sky, except as expressly permitted in this chapter. 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 District in which it is located. *See also, Front yard, Rear yard, and Side yard.*