

DEFINITIONS

DEFINITIONS. For the purposes of this ordinance, the following definitions shall be used. Words used in the present tense include the future, the singular number includes the plural number and the plural number includes the singular number. The word "shall" is mandatory and not optional.

- 1) **Accessory Use or Structure.** A use or detached structure subordinate to the principal use of a structure, land or water and located on the same lot or parcel serving a purpose customarily incidental to the principal use or the principal structure.
- 2) **Animal Unit.** One animal unit is equal to 1,000 pounds.
- 3) **Basement.** That portion of any structure located partly below the average adjoining lot grade.
- 4) **Bed and Breakfast.** Bed and Breakfast Inn: A commercial establishment in a pre-existing building offering overnight lodging and meals to registered overnight guests. Meals or beverages shall not be provided to non-overnight guests. The building and use are subject to all state building and health codes governing such purposes.
- 5) **Boarding House.** A building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for four (4) or more persons, not members of a family, but not exceeding twelve (12) persons and not open to transient customers.
- 6) **Building.** Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery or materials.
- 7) **Building Area.** The total living area bounded by the exterior walls of a building at the floor levels but not including basement, utility rooms, garages, porches, breezeways and unfinished attics.
- 8) **Building Height.** The vertical distance, measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of flat roofs; to the mean height level between the eaves and ridges of gable, gambrel, hip and pitch roofs or to the deck line or mansard roofs.
- 9) **Centerline.** A line equidistant from the edges of the median separating the main traveled ways of an existing or planned divided road or highway or the centerline of the main traveled way of a nondivided road or highway.
- 10) **Cluster Development.** A development approach in which building lots may be reduced in size and buildings sited closer together, usually in groups or clusters, provided that the total development density does not exceed that which could be constructed on the site under conventional zoning and subdivision regulations. The additional land that remains undeveloped is then preserved as open space.
- 11) **Conditional Uses.** Uses of a special nature as to make impractical their predetermination as a principal use in a district.
- 12) **Dwelling.** A detached building used or intended to be used exclusively as a home residence or sleeping place for human habitation but does not include boarding or lodging houses, motels, hotels, tents, cabins, camping trailers, or motorhomes.
- 13) **Dwelling Unit.** One (1) or more rooms designed as a unit for occupancy by not more than one (1) family or household for living and sleeping purposes.
- 14) **Essential Services.** Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, communication systems and accessories thereto such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings.
- 15) **Family.** Any number of persons related by blood, marriage, or adoption, living together in one dwelling as a single housekeeping entity.

- 16) Floodplain. The land which has been or may be hereafter covered by flood water during a regional flood, including the floodway and flood fringe as defined in Chapter NR 116, Wisconsin Administrative Code.
- 17) Floodway. The channel of a stream and those portions of the floodplain adjoining the channel that are required to carry and discharge the floodwater or flood flows of any river or stream including but not limited to flood flows associated with the regional flood.
- 18) Flood Fringe. That portion of a floodplain that is not floodway.
- 19) Foundation. The foundation of a residence or building that the superstructure rests. It is the support for the building. The foundation includes footings, foundation walls, pedestals, piers, mats, pilings, and all other parts that provide support for the building and transmit load to the underlying earth. Buildings are to be erected on permanent foundations with footings below the frost line. The foundation shall be composed of poured concrete, cemented concrete block, or of like material that is accepted in the building trade as being permanent in nature.
- 20) Front Yard. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and line parallel thereto through the nearest point of the principal structure. Corner lots shall have two such yards.
- 21) Frontage. The smallest dimensions of a lot abutting a road or highway measured along the street line.
- 22) Group Home (developmental care). A residential facility, licensed by the state, to provide a family residential living environment for persons who have developmental disabilities and/or are being treated for chemical addiction or other problems. A counselor or house parent(s) shall be resident in the structure during those times residents are living in the structure. A Group Home provides overnight lodging for the residents. Variations of the traditional group home are day-care facilities described below. A Foster Home is the placement of children in a traditional family setting, which may include biological children of the adult family, and is not considered a Group Home.
 - a) Family Day-Care Home. A family day-care home is a dwelling also licensed as a day-care center by the state Department of Health and Social Services where, for compensation or consideration, a resident of the dwelling provides group care for at least four (4) but not more than eight (8) children between the ages of infancy and seven (7) years of age at a location other than the child's own home or the home of relatives or guardians. Overnight lodging is not to be provided at a day-care center.
 - b) Elderly Day-Care Home. Locations which provide day-care and food service for adults who are unable to be left alone while other family members are at work or otherwise not at home during the day. Overnight lodging is not to be provided at a day-care center.
- 23) Home Occupation. Any occupation for gain or support conducted entirely within a home by resident occupants which is customarily incidental to the principal use of the premises.
- 24) Household. One person, or two or more unrelated persons, living in the same dwelling unit. Occupancy of a dwelling unit by more than four (4) unrelated persons, shall not be permitted
- 25) Junk Yard. An area consisting of buildings, structures or premises where junk, waste, discarded or salvage materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled including automobile wrecking yards, house wrecking, structural steel materials and equipment yards but not including the purchase or storage of used furniture and household equipment or used cars in operable conditions.
- 26) Living Rooms. All rooms within a dwelling except closets, foyers, storage areas, utility rooms and bathrooms.
- 27) Loading Area. A complete off-street space or berth on the same lot for the loading or unloading of freight carriers having adequate ingress and egress to a public street or alley.

- 28) Lot. A parcel of land having frontage on a road or highway, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this ordinance.
- 29) Lot Lines and Area. The peripheral boundaries of a parcel of land and the total area lying within such boundaries.
- 30) Lot Width. The width of a parcel of land measured at the rear of the specified road or street yard.
- 31) Manufactured Home. A dwelling unit that is primarily assembled at a off-site location, with interior electrical wiring, plumbing, and interior finishing substantially installed before location on the final site, but which is still not ready for occupancy without substantial preparation and construction at the site. Such homes are trucked to the site, but are not intended for frequent transport by highway, and the wheels are for initial transport only, and are removed from the structure upon its placement at the site. Such homes except those that are 16 feet or less in width are to be placed on a permanent footing foundation with either a poured slab, or dug basement, and foundation walls meeting the house walls beneath the entire house.
- 32) Mobile Homes. Any structure originally designed to be capable of transportation by motor vehicle upon public highway which does not require substantial on-site fabrication which is intended for occupancy as a year-round residence.
- 33) Mobile Home Park. Any plot of ground upon which mobile homes are to be located.
- 34) Motel. A series of attached, semi-attached or detached sleeping units with or without cooking facilities for the accommodation of transient guests.
- 35) Nonconforming Uses or Structures. Any structure, land or water lawfully used, occupied or erected at the time of the effective date of this ordinance or amendments thereto which does not conform to the regulations of this ordinance or amendments thereto. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading or distance requirements shall be considered a nonconforming structure and not a nonconforming use.
- 36) Open Space. Any parcel or area of land or water essentially unimproved and set aside dedicated, designated, or reserved for the public or private use or enjoyment of owners and occupants of land adjoining or neighboring such open space. Croplands, woodlands, fields, pastures, parklands, idle fields are some examples of unimproved lands.
- 37) Parking Lot. A structure or premises containing five (5) or more parking spaces open to the public.
- 38) Parking Space or Stall. A graded and surfaced area of not less than two hundred (200) square feet in an area either enclosed or open for the parking of motor vehicle having adequate ingress and egress to a public road or highway.
- 39) Parties in Interest. Includes all abutting property owners, all property owners within three hundred (300) feet and all property owners of opposite frontages.
- 40) Professional Home Offices. Residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians or other similar professions conducted within buildings by resident occupants which are customarily incidental to the principal use of the premises.
- 41) Rear Yard. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the front yard or one of the front yards on a corner lot.
- 42) Recreational Dwelling. A permanent structure occasionally or seasonally occupied and not used as a principal residence.
- 43) Road. A road or highway not otherwise defined lying within a recorded subdivision with a right-of-way not less than fifty (50) feet wide providing primary access to abutting properties.
- 44) Side Yard. A yard extending along an entire side lot line from the side lot line to the depth or width specified in the yard requirements for the applicable district.

- 45) Signs. Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity or product and which is visible from any public street or highway.
- 46) Structure. Any erection or construction such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery and equipment.
- 47) Structural Alterations. Any change in the supporting members of a structure such as foundations, bearing walls, columns, beams or girders.
- 48) Till. The process of preparing land for the raising of crops by plowing, harrowing, and/or fertilizing.
- 49) Turning Lanes. An existing or proposed connecting roadway between two (2) arterial highways or between an arterial highway and any other highway. Turning lanes include grade separated interchange ramps.
- 50) Trailers. A portable vehicle designed and used for temporary sleeping purposes while its occupants are engaged in the pastime of camping.
- 51) Utilities. Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays and gas regulation stations but not including sewage disposal plants, municipal incinerators, warehouses, shops and storage yards.
- 52) Variance. An exception to the requirements of this ordinance where strict application of the ordinance would result in a practical difficulty or undue hardship. Such an exception may be granted by the Town Board following review and recommendation by the Zoning Chairman or the Zoning Committee. A public hearing may be or may not be required.
- 53) Town Board. The Board of the Town of Hamburg and any Committee, Commission, or person designated by the Town Board to administer and enforce this Ordinance.
- 54) Yard. An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation. The street and rear yards extend the full width of the lot.