

SECTION 13.0 – DEFINITIONS

13.1 Usage

- (1) For purposes of these regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this section.
- (2) Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word “herein” means “in these regulations”; the word “regulations” means “these regulations.”
- (3) “Shall” is always mandatory.
- (4) A “building” includes a “structure”; a “building” or “structure” includes any part thereof; “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied.”
- (4) Any words not defined herein shall be presumed to have their customary dictionary definitions as provided by the most recent edition of Webster's Collegiate Dictionary.

13.2 Words and Terms Defined

Accessory Building. Any building except the principal building on a lot. In the case of a house and detached garage on a lot, the accessory building is the garage.

Adjacent. Located on land parcels that touch each other, or on land parcels that are separated only by a river, stream, or transportation or utility right-of-way.

(Created by Ordinance 100206)

Airport Not Open to the Public. Any airport on privately owned land used solely by the property owner.

Airport Open to the Public. Any airport, whether publicly or privately owned, which is open for use by the general public without the necessity of obtaining prior use approval.

Alley. A street or thoroughfare less than 21 feet wide and affording only secondary access to abutting properties.

Animal Unit. The meaning that was given in Section NR 243.03(3) of the Wisconsin Administrative Code as of April 27, 2004. A horse or pony shall constitute one animal unit. For any animal unit not named in the above-cited Chapter of the Wisconsin Administrative

Code, the equivalent of an animal unit shall be determined by the Planning & Zoning Committee in a manner so as to be generally consistent with the above-specified standards, depending upon the size and use of the animal.

(Amended by Ordinance 100206)

Applicant. The owner of the land or his or her representative. If the owner's representative is the applicant, consent shall be required in writing from the legal owner of the premises.

Arterial Roads & Highways. Streets serving inter-community travel within and outside the area, providing a high level of urban mobility with little variation in operating conditions, and forming a continuous system with other arterials as indicated on the Rock County Functional Highway Classification Map.

Basement. A story partly underground.

Boarding House. A building other than a hotel where meals or lodging and meals are provided for compensation for three or more persons not members of the owner's family.

Bond. Any form of security including cash deposit, surety bond, collateral, property, or instrument of credit in the amount and form satisfactory to the governing body. All bonds shall be approved by the Planning & Zoning Committee wherever a bond is required by these regulations.

Building. Any structure used, designed, or intended for the protection, shelter, enclosure, or support of persons, animals, or property.

Building Area. Total ground coverage in square feet of all buildings and structures including garages, carports, and other attached or accessory structures.

Building Height. The vertical distance from the top of the building roof to the top of the basement or to the finish grade at the building line, whichever is less.

Carport. A shelter for an automobile consisting of a roof extended from the side of a residence or attached garage, sometimes with an additional wall. The combined area of a carport and attached garage may not exceed the maximum area for an attached garage as allowed in this Chapter.

(Amended by Ordinance 11199)

Center Pivot Manure Distribution Systems. A system for spreading manure which involves spraying the manure in liquid form through nozzles attached to a pivoting arm located in a farm field.

(Amended by Ordinance 060611A)

Certified Survey Map. A division of a lot, parcel, or tract of land by the owner thereof or his or her agent for the purpose of sale or building development where the act of division creates not more than four (4) parcels of land.

Child or Children. A first degree descendant, not a grandchild or one farther removed in

degree of descendance.

Collector Roads & Highways. Streets serving intermediate to long trips within an area, collecting and distributing traffic to and from local roads and adjacent land within the area, providing fair mobility, and forming a generally continuous pattern when combined with the arterial system as indicated on the Rock County Functional Highway Classification Map.

Committee. The Planning & Zoning Committee for the Town of Harmony.

Common Area. An area or space designed for joint use of tenants or owners residing in a Planned Unit Development or Condominium Development.

Common Sewerage. A legal sewage system that serves two or more dwelling units.

Community. A legal entity organized under appropriate statutory authority as a body corporate which represents a town, village, city, or county such as the case may be.

Community Living Arrangement. Any of the following facilities licensed, operated, or permitted under the authority of the Wisconsin Department of Health and Family Services: child welfare agencies under Section 48.60 of the Wisconsin Statutes, group foster homes for children under Section 48.02(7) of the Wisconsin Statutes, and community-based residential facilities under Section 50.01 of the Wisconsin Statutes, but not including day care centers, nursing homes, general hospitals, special hospitals, prisons, or jails.

Complete Application for Local Approval. An application that contains everything required under Sections ATCP 51.30(1)-(4) of the Wisconsin Administrative Code.

(Created by Ordinance 100206)

Conditional Use. A use allowed under this Chapter, provided that certain conditions are met and a Conditional Use Permit is granted by the Planning & Zoning Committee.

Density. The number of living units per acre allowable under a schedule of district regulations.

Department. The Department of Agriculture, Trade and Consumer Protection.

(Created by Ordinance 100206)

Developer. The owner of land proposed for subdivision or his or her representative. If the owner's representative is the developer, consent shall be required from the legal owner of the premises.

Development Guide. The Town's Development Plan.

Drive-in Establishment. A place of business in which patrons can be served while remaining in their automobiles.

Driveway. A minor private way used by vehicles and pedestrians for common access to a lot, small group of lots, or facility.

Dwelling, Single-Family. A building designed to be occupied by one household.

(Amended by Ordinance 030303B)

Dwelling, Two-Family. A building designed to be occupied by two households.

(Amended by Ordinance 030303B)

Dwelling, Multiple-Family. A building or portion thereof designed to be occupied by three or more families or households.

Earthwork. The moving of more than 2 cubic yards of any type of soils.

Easement. Authorization by a property owner for the use of any designated part of his property by another and for a specified purpose.

Emergency Shelter. Public or private enclosures designed to protect people from flood, windstorm, fire, riots, or invasions, and from aerial, radiological, biological, or chemical warfare.

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, or overhead gas, electricity, steam, water, sanitary sewer, storm water drainage, and 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 does not include buildings.

Expanded Livestock Facility. The entire livestock facility that is created by the expansion, after May 1, 2006. "Expanded livestock facility" includes all livestock structures in the expanded facility, regardless of whether those structures are new, existing, or altered.

(Created by Ordinance 100206)

Expansion. An increase in the largest number of animal units kept at a livestock facility on at least 90 days in any 12-month period. The acquisition of an existing livestock facility, by the operator of an adjacent livestock facility, does not constitute an "expansion" unless that operator increases the largest number of animal units kept at the combined livestock facilities on at least 90 days in any 12-month period.

(Created by Ordinance 100206)

Expressway. A divided arterial street or highway, either with full or partial control of access, and with or without grade-separated intersections.

Family. A group of persons related by blood or marriage and living together as a single

housekeeping entity.

Farm Consolidation. The sale or acquisition of farm acreage to or from another farm owner. A farm owner is a person who earns at least \$6,000/year in farm income.

Farm Family Business. Farm family business shall be defined as set forth in Section 91.75(8) of the Wisconsin Statutes.

Flood Plain. The land adjacent to a body of water which is subject to periodic overflow therefrom as designated on the official maps of the Rock County Shoreland Zoning Ordinance.

Floodway. The channel of a stream and such adjacent portions of the floodplain as are required to accommodate flood flows as designated on the official maps of the Rock County Shoreland Zoning Ordinance.

Floor Area. The area within the exterior walls of a building which is usable as living quarters.

Freeway. An expressway with full control of access and with fully grade-separated intersections.

Frontage. The side of a lot abutting a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

Garage, Attached. A closed shelter for the storage of automobiles attached to a residence. The combined area of a carport and attached garage may not exceed the maximum area for an attached garage as allowed in this Chapter.

(Amended by Ordinance 11199)

Garage, Private. Any building or space for the storage of automobiles.

(Amended by Ordinance 11199)

Garage, Public. Any building or premises, other than a private or storage garage, where motor vehicles are equipped, repaired, serviced, hired, sold or stored.

Garage, Storage. Any building or premises used for storage only of motor vehicles.

Grade School. A facility used for the education of students, kindergarten through the twelfth grade.

Home Occupation. A gainful occupation conducted by members of a family only within their place of residence, provided that no article is offered for sale on the premises except

such as is produced by such occupation, that no stock in trade is kept or sold, and that except for telephones, fax machines, personal computers, stock and/or commodities quote machines and other similar equipment, no mechanical equipment is used other than such as is permissible for purely domestic purposes. (A home occupation includes, for example, such activities as babysitting, millinery, dressmaking, canning, laundering, crafts, telemarketing, data processing and document preparation, but does not include, for example, such occupations as barbering, beauty shops and hairdressing, dancing schools, or photographic studios.)

Hotel. A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than 5 sleeping rooms with no cooking facilities in any individual room or apartment.

Household Pet. Tame animals which have been traditionally kept in the home, to include dogs, cats, rabbits, birds, hamsters, and other animals which in their adult life do not exceed 250 pounds, or 4 feet in height at normal posture.

Household. A body of persons who live together in a common living area, usually sharing kitchen and bathroom facilities. The persons comprising a household will normally be related by blood, marriage, co-habitation, or a similar social connection other than their common address.

(Amended by Ordinance 030303B)

Incidental. Minor land uses or secondary uses directly supported by the principal or permitted use (for example, a detached garage is an incidental use to a residential structure).

Intensive Soils Survey. The testing of soil at a particular geographic location as to its individual assets and limitations.

Interchange. A grade-separated highway intersection with one or more turning lanes for travel between intersecting roads or highways.

Kennel. An establishment for the breeding or boarding of dogs.

Land Division. The division of a tract or interest in real property by the owner thereof for the purpose of sale or building development which creates one or more lots, parcels, ownership units, or the need for a public land dedication.

Large Farm Animal. Any horse, head of cattle, pony, sheep, goat, or hog.

Livestock. Domestic animals traditionally used in this state in the production of food, fiber,

or other animal products. “Livestock” does not include equine animals, bison, farm-raised deer, fish, captive game birds, ratites, camelids, or mink.

(Created by Ordinance 100206)

Livestock Facility. A feedlot, dairy farm, or other operation where livestock are or will be fed, confined, maintained, or stabled for a total of 45 days or more in any 12-month period. A “livestock facility” includes all of the tax parcels of land on which the facility is located, but does not include a pasture or winter grazing area. Related livestock facilities are collectively treated as a single “livestock facility” for purposes of ATCP 51, except that an operator may elect to treat a separate species facility as a separate “livestock facility.”

(Created by Ordinance 100206)

Livestock Structure. A building or other structure used to house or feed livestock, to confine livestock for milking, to confine livestock for feeding other than grazing, to store livestock feed, or to collect or store waste generated at a livestock facility. “Livestock structure” includes a barn, milking parlor, feed storage facility, feeding facility, animal lot, or waste storage facility. “Livestock structure” does not include a pasture or winter grazing area, a fence surrounding a pasture or winter grazing area, a livestock watering or feeding facility in a pasture or winter grazing area, or a machine shed or like facility that is not used for livestock.

(Created by Ordinance 100206)

Loading Area. A completely off-street space or berth on a lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

Local Roads & Highways. Streets serving primarily to provide direct access to adjacent land, providing for short distance travel within the area, and providing access to the Collector and Arterial systems. Through traffic movement on locals is generally discouraged.

Lodging House. A building other than a hotel where lodging only is provided for compensation for not more than 12 persons not members of the owner's family.

Lot. A parcel of land described in a recorded plat or deed.

Lot Area. The total area reserved for exclusive use of the owners of a particular piece of real property.

Lot, Corner. A lot abutting on two or more streets at their intersection.

Lot Lines and Area. The peripheral boundaries of a parcel of land and the total area lying within such boundaries.

Lot Depth. The mean horizontal distance between the front and rear lot lines.

Lot Width. The width of a parcel of land measured at the front of the specified road side of

the parcel.

Master Plan. A comprehensive plan for development by the local government, prepared and adopted by the local government pursuant to state law, and including any part of such plan separately adopted and any amendment to such plan or parts thereof.

Minor Structures. Any small, movable accessory structure or construction such as birdhouses, tool houses, pet houses, play equipment, arbors, and walls and fences less than 4 feet in height.

Mobile Home. A vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used or intended to be used primarily for human habitation, with walls of rigid uncollapsible construction, which has an overall length in excess of 45 feet. "Mobile home" includes the mobile home structure, its plumbing, heating, air conditioning, and electrical systems, and all appliances and all other equipment carrying a manufacturer's warranty.

Motel. A series of attached, semi-attached, or detached sleeping units for the accommodation of transient guests.

Navigable Waters. The meaning given in Section 30.01(4m) of the Wisconsin Statutes.

(Created by Ordinance 100206)

New Livestock Facility. A livestock facility that will be used as a livestock facility for the first time, or for the first time in at least 5 years. "New livestock facility" does not include an expanded livestock facility if any portion of that facility has been used as a livestock facility in the preceding 5 years.

(Created by Ordinance 100206)

Non-conforming Structure. A building or premises lawfully used, occupied, or erected at the time of the passage of this Zoning Ordinance or any amendments thereto, which does not conform to the regulations of this Chapter, or any amendments thereto, with respect to frontage, width, height, area, yard, parking, loading, or distance requirements.

Non-conforming Use. The use or occupancy of a building or premises which is lawful at the time of the passage of this Zoning Ordinance or any amendments thereto, but which use or occupancy does not conform to the provisions of this Chapter or any amendments thereto.

Operator. A person who applies for or holds a local approval for a livestock facility.

(Created by Ordinance 100206)

Ordinance. Any legislative action, however denominated, of a local government which has the force of law, including any amendment or repeal of any ordinance.

Outdoor Furnace. A furnace located outside a structure and intended to be used to heat that structure.

(Created by Ordinance 060611B)

Owner. Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land or water which is subject to the terms of this Chapter, or in any building or structure located thereon.

Permit. A written zoning permit or certification issued by the Zoning Officer or the Planning & Zoning Committee pursuant to the provisions of Section 6 of this Chapter.

Permitted Use. Uses listed under this heading are permitted as of right. This means that an applicant for a zoning permit must be given a permit if he meets the other requirements of this Chapter, e.g., yards, setbacks, and so forth.

Person. An individual, corporation, partnership, cooperative, limited liability company, trust, or other legal entity.

(Amended by Ordinance 100206)

Populate. To add animal units for which a permit or other local approval is required.

(Created by Ordinance 100206)

Principal Structure. The building of primary importance or permitted use on a parcel of land, in contrast to those which are accessory or of secondary importance. In an agricultural district a barn for agricultural use or swine confinement facilities can be considered a principal structure.

Property Line. A line that separates parcels of land owned by different persons.

(Created by Ordinance 100206)

Recreational Vehicle. A touring or recreational unit other than a primary housing unit designed to be either self-propelled or towed which does not exceed the minimum statutory size of a mobile home under Section 348.07(2) of the Wisconsin Statutes. Commonly referred to as a motor home, pop-up-camper, fifth wheel mobile home, or similar type of vehicle equipped and used or intended to be used for temporary human habitation. A unit may or may not include plumbing, heating, and electrical systems or appliances.

Related Livestock Facilities. Livestock facilities that are owned or managed by the same person, and related to each other in at least one of the following ways:

- (A) They are located on the same tax parcel or adjacent tax parcels of land.
- (B) They use one or more of the same livestock structures to collect or store manure.

- (C) At least a portion of their manure is applied to the same landspreading acreage.

(Created by Ordinance 100206)

Rooming House. A building other than a hotel where lodging only is provided for compensation to three or more persons not members of the owner's family.

Separate Species Facility. A livestock facility that meets all of the following criteria:

- (A) It has only one of the following types of livestock, and that type of livestock is not kept on any other livestock facility to which the separate species facility is related (see definition of "Related Livestock Facilities"):
1. Cattle;
 2. Swine;
 3. Poultry;
 4. Sheep;
 5. Goats.
- (B) It has no more than 500 animal units.
- (C) Its livestock housing and manure storage structures, if any, are separate from the livestock housing and manure storage structures used by livestock facilities to which it is related.
- (D) It meets one of the following criteria:
1. Its livestock housing and manure storage structures, if any, are located at least 750 feet from the nearest livestock housing or manure storage structure used by a livestock facility to which it is related.
 2. It and the other livestock facilities to which it is related have a combined total of fewer than 1000 animal units.

(Created by Ordinance 100206)

Service Building. A structure housing toilet, washing, and bathing facilities, and such other facilities as may be required by this Chapter.

Setback. The minimum horizontal distance between the lot line and the nearest point of a building or any projection thereof. The nearest point of a building for purposes of this definition shall not include uncovered steps or roof overhangs of 36 inches or less. If a roof overhang exceeds 36 inches, the setback shall be measured to the point on the underside of the overhang located 36 inches from its outer edge.

(Amended by Ordinance 5399)

Sign. A structure or devise on which advertising is displayed, or by which attention is directed to advertising on the same or any other structure, by any means visible to the eye.

Sign, Temporary. Any sign that is designed to be portable or easily removed from the ground. Portable signs include those mounted on trucks, trailers, or other objects which are not permanently affixed to real estate. Signs located on licensed motor vehicles or trailers used on a regular basis for a bona fide business purpose other than advertising are not temporary signs.

(Amended by Ordinance 030303B)

Standards. The setbacks, vision corners, sideline requirements, height limitations, square footage requirements, and other specifications as required by this Chapter.

Standard Soils Survey. A soils survey of Rock County by the Soil Conservation Service, U.S. Department of Agriculture.

Story. That portion of a building included between the surface of the floor and the surface of the floor next above it, or the space between the floor and the ceiling next above it if there is no floor above it. A basement or cellar having one-half or more of its height above grade is a story for purposes of height regulation.

Story, Half. The space under any roof except a flat roof, the wall plates of which on at least two opposite exterior walls are not more than 4 feet above the floor of such story.

Street. All property dedicated or intended for public or private street purposes or subject to public easements 21 feet or more in width.

Street Right-of-Way Line. The dividing line between a lot, tract, or parcel of land and an abutting street.

Structure. Anything constructed or having stationary location on the ground, not including roadways and small landscaping accoutrements, or small non-permanent structures of less than 40 square feet, such as dog houses, play houses, and compost bins, but including, without limitation, other storage sheds, and further including swimming pools, tennis courts, and their related accessories, such as fencing and lighting structures.

(Amended by Ordinance 101303A)

Structural Alteration. Any change in the supporting elements of a structure, such as foundations, bearing walls, columns, beams, or girders, or any substantial change in the roof structure or in the exterior or interior walls.

Structure, Single-Family. A building designed to be occupied by one household.

(Amended by Ordinance 030303B)

Structure, Two-Family. A building designed to be occupied by two households.

Structure, Multiple-Family. A building or portion thereof designed to be occupied by three or more families or households.

Subdivision Plat. Any divisions of a lot, parcel, or tract of land by the owner thereof or his or her agent for the purpose of sale or building development where:

- (A) The act of division creates five (5) or more parcels or building sites,
- (B) Five or more parcels or building sites are created by successive divisions within a period of 5 years, or
- (C) There is a dedication or reservation for public improvements.

Taper. Point at which the access road to or from a highway interchange meets another intersecting road.

Temporary Structure. A removable structure not designed for human occupancy, not for the protection of goods or chattels, and not forming an enclosure.

Travel Trailer. A vehicular, portable unit designed as a temporary living unit for travel, recreation, and vacation, which may take one of the following forms, or a similar form:

- (A) A unit built on a chassis, having a body width not exceeding 8 feet and body length not exceeding 32 feet;
- (B) A unit designed to be mounted on a truck chassis;
- (C) A unit constructed as an integral part of a self-propelled vehicle; or
- (D) A canvas, folding unit mounted on wheels.

Travel Trailer Camp. A parcel of land in which two or more spaces are occupied or intended for occupancy (not more than 7 days) by travel trailers for transient dwelling purposes.

Turning Lane. An existing or proposed connecting roadway between an arterial street and any other street. Turning lanes include grade-separated interchange ramps.

Unit. A part of a condominium intended for any type of independent use, including one or more cubicles of air at one or more levels of space or one or more rooms or enclosed spaces located on one or more floors (or parts thereof) in a building. A unit may include two (2) or more noncontiguous areas.

Use. (Land Use) That which is customarily or habitually done, may include seasonal uses, and need not have extended to the entire tract of land at the time of adoption of this Zoning Ordinance.

Use Consistent With Agricultural Use. Any activity that meets all of the following conditions:

1. The activity will not convert land that has been devoted primarily to agricultural use.
2. The activity will not limit the surrounding land's potential for agricultural use.
3. The activity will not conflict with agricultural operations on the land subject to a farmland preservation agreement.
4. The activity will not conflict with agricultural operations on other properties.

Vehicles and Equipment. Any motor vehicles, including but not limited to automobiles, trucks, buses, and motorcycles, and any machinery, equipment, trailers, semi-trailers, and mobile homes.

- (A) Abandoned Vehicles and Equipment. Any vehicles and equipment which remain in one location on public property for more than 48 hours. Also included are any vehicles and equipment which remain in one location on private property without any permission of the occupant of the private property for more than 1 hour. Any substantial part or parts of any vehicles and equipment are included in the above definition.
- (B) Inoperable Vehicles and Equipment. Any vehicles and equipment or any substantial part or parts thereof which are incapable of being operated.
- (C) Unlicensed Vehicles and Equipment. Any vehicles and equipment subject to a license law which do not have affixed thereto a current license under the applicable licensing law.

Vision Clearance Triangle. An unoccupied triangular space at the corner lot which is bounded by the street lines and a setback line connecting points determined by measurement from the corner of each street line.

Waste. Manure, milking center waste, and other organic waste generated by a livestock facility.

(Created by Ordinance 100206)

Waste Storage Facility. One or more waste storage structures, including stationary equipment and piping used to load or unload a waste storage structure if the equipment is

specifically designed for that purpose and is an integral part of the facility. “Waste storage facility” does not include equipment used to apply waste to land.

(Created by Ordinance 100206)

Waste Storage Structure. A waste storage impoundment made by constructing embankments, excavating a pit or dugout, or fabricating a structure. “Waste storage structure” does not include equipment used to apply waste to land. For purposes of Sections ATCP 51.12(2) and 51.14 of the Wisconsin Administrative Code, “waste storage structure” does not include any of the following:

- (A) A structure used to collect and store waste under a livestock housing facility.
- (B) A manure digester consisting of a sealed structure in which manure is subjected to managed biological decomposition.

(Created by Ordinance 100206)

Water Line. The shortest straight line at the waterfront end of a stream lot that lies wholly within the lot, provided that not less than 75% of the length of such water line shall be on or on the landward side of the normal high-water mark of such stream.

Winter Grazing Area. Cropland or pasture where livestock feed on dormant vegetation or crop residue, with or without supplementary feed, during the period from October 1 to April 30. “Winter grazing area” does not include any of the following:

- (A) An area, other than a pasture, where livestock are kept during the period from May 1 to September 30.
- (B) An area which at any time has an average of more than four (4) livestock animal units per acre.
- (C) An area from which livestock have unrestricted access to navigable waters of the state, such that the livestock access prevents adequate vegetative cover on banks adjoining the water.
- (D) An area in which manure deposited by livestock causes nutrient levels to exceed standards in Section ATCP 51.16 of the Wisconsin Administrative Code.

(Created by Ordinance 100206)

Yard. An open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

Yard, Front. A yard extending the full width of the lot between the front lot line and the nearest part of the principal building, excluding uncovered steps.

Yard, Rear. A yard extending the full width of the lot between the rear lot line and the nearest part of the principal building excluding only such projections as are permitted herein.

Yard, Side. A yard extending from the front yard, or from the lot line where no front yard is required, to the rear yard between the side lot line and the nearest part of the principal building.

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