

CHAPTER 12

DEFINITIONS OF TERMS

- 12.01 **DEFINITION OF CONSTRUCTION CODE TERMS (See Chapter 9)**
- 12.02 **ZONING DEFINITIONS (See Chapter 7)**
- 12.03 **FLOODPLAIN TERMS (See Chapter 7A)**

This chapter is a index of all terms and definition used in this Code.

12.01 **DEFINITIONS OF CONSTRUCTION CODE TERMS** (See chapter 9)

The following definitions shall apply in the interpretation and enforcement of this sub-chapter:

- (1) **ACCESSORY BUILDING** means any detached building or structure not used as a dwelling unit, but whose use is incidental to that of the principal building and which is located on the same lot or parcel.
- (2) **BASEMENT** means a space of full story height below the first floor which is not designated or used primarily for year-around living accommodations. Space, partly below the grade, which is designed and finished as habitable space is not basement space.
- (3) **VILLAGE BOARD** means the Village Board of the Village or his authorized representative.
- (4) **CELLAR** means a portion of a building located partly or wholly underground, having two-thirds (2/3) or more of its clear floor to ceiling height below the average grade of the adjoining ground.
- (5) **DWELLING** means any building which is wholly or partly used or intended to be used for living or sleeping by human occupants; provided temporary housing shall not be regarded as a dwelling.
- (6) **DWELLING UNIT** means any room or group of rooms located within a dwelling, forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.
- (7) **EXTERMINATION** means the control and elimination of insects, rodents, or other pests by removing or making inaccessible materials that may serve as their food, poisoning, spraying, fumigating, trapping or by any other recognized, legal pest elimination methods approved by the Village Board.
- (8) **GARBAGE** means the animal and vegetable waste resulting from the handling, preparing, cooking and consuming of food.
- (9) **HABITABLE ROOM** means a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating excluding bathrooms, water closet compartments, laundries, pantries, foyers, or communicating corridors, closets and store spaces.
- (10) **INFESTATION** means the presence, within or around a dwelling, of any insects, rodents or other pests. **MULTIPLE DWELLING** means any dwelling containing more than two (2) dwelling units.
- (12) **OCCUPANT** means any person over one year of age living, sleeping, cooking, eating in, or having actual possession of a dwelling unit or rooming unit.

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- (13) OPERATOR means any person who has charge or care of a building, or part thereof, in which dwelling units or rooming units are offered for rent.
- (14) OWNER means any person who, alone, jointly or severally:
- (A) Shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; provided, whenever the dwelling or dwelling unit is subject to conditional sales contract, lease with option to purchase, or any other form of written contract under the terms of which any person is entitled to a conveyance of legal title upon payment of a specified sum, **Owner** shall mean the person who shall have such a contractual right or equitable title, rather than the person holding the legal title; or
 - (B) Shall have charge or care of any dwelling or dwelling unit, as owner, agent of the owner, as personal representative, administrator, trustee, receiver or guardian of the estate of the owner. Any person representing the owner shall comply with the provisions of this sub-chapter and of the rules and regulations adopted pursuant thereto, as if he were the owner. Any person acting as the agent of the owner shall not be construed to be the owner within the terms of this sub-chapter, but shall be bound to notify the owner, by means of a registered letter addressed to the owner at his last known address, of any order or notice to be issued by the Village Board relating to the property of the owner.
- (15) PLUMBING means all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washers, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.
- (16) RUBBISH means combustible and noncombustible waste materials, except garbage; and the term shall include the residue from the burning of wood, coal, coke and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery, and dust.
- (17) SUPPLIED means paid for, furnished or provided by or under the control of the owner or operator.
- (18) TEMPORARY HOUSING means any tent, trailer or other structure used for human shelter designated to be transportable which is not attached to the ground, to another structure or to any utilities system on the same premises for more than thirty (30) consecutive days.
- (19) MEANING OF CERTAIN WORDS. Whenever the words **dwelling**, **dwelling unit**, or **premises** are used in this sub-chapter, they shall be construed as though they were followed by the words **or any part thereof**.
- (20) Except for those terms specifically defined in this sub-chapter, the definitions set forth in the State Building Code, State Plumbing Code and State Electrical Code, which are adopted by reference in Chapters 14, 15 and 16, respectively, of this Code, are hereby adopted by reference.

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12.02 ZONING DEFINITIONS CHAPTER 7

- (1) **ACCESSORY USE OR STRUCTURE** means a use of detached structure subordinate to the principal use of 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. When an accessory building is a part of the main building or is substantially attached thereto, the side yard and rear yard requirements of the main building shall be applied to the accessory building.
- (2) **ALLEY** means a special public right of way affording only secondary access to abutting properties, said right of way being less than twenty-one (21) feet wide.
- (3) **APARTMENT HOUSE:** See **MULTIPLE DWELLING**.
- (4) **AUTOMOBILE SERVICE STATION** means a building or place of business where gasoline, oil and gases, batteries, tire and automobile accessories are supplied and dispensed directly to the motor vehicle trade at retail and where minor repair service is rendered.
- (5) **BASEMENT** means that portion of any structure located partly below the average adjoining lot grade.
- (6) **BED AND BREAKFAST ESTABLISHMENT** means a building that provides four (4) or fewer sleeping rooms for temporary occupancy for compensation by transient guests who are traveling for business or pleasure and is the owner's personal residence and is occupied by the owner at the time of the rental.
- (7) **BOARDINGHOUSE** means a building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for three (3) or more persons not members of a family, but not exceeding twelve (12) persons and not open to transient customers.
- (8) **BUILDING** means any structure used, designed or intended for protection, shelter, enclosure or support of persons, animals or property. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building.
- (9) **BUILDING AREA** means 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.
- (10) **BUILDING HEIGHT** means the vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure or from the curb level in the front of lot, whichever is higher, to the point of flat roofs; to the mean height level between the eaves and ridges of gable, gambrel hip and pitch roofs; or to the decline of the mansard roofs.
- (11) **BULKHEAD LINE** means a geographic line along a reach of navigable body of water that has been adopted by a Village ordinance approved by the Department of Natural Resources, pursuant to Wis. Stat. ' 30.11, and which allows complete filling on the landward side except where such filling is prohibited by the floodway provisions of this chapter.
- (12) **CENTERLINE** means a line equidistant from the edge of the median separating the main traveled ways of an existing or planned divided road or highway, or the center line of the main traveled way of a non-divided road or highway.

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- (13) CHANNEL means a channel is a natural or artificial watercourse with definite bed and banks to confine and conduct the normal flow of water.
- (14) CLOTHING REPAIR SHOPS means shops where clothing is repaired, such as shoe repair shops, seamstresses, tailor shops, shoe shine shops and clothes pressing shops, but non employing over five (5) persons.
- (15) CLOTHING STORES means retail stores where clothing is sold, such as department stores, dry goods and shoe stores and dress, hosiery and millinery shops.
- (16) COMMUNITY means the Village of Rock Springs.
- (17) CONDITIONAL USES means uses of a special nature as to make impractical their predetermination as a principal use in a district.
- (18) CORNER LOT means a lot abutting two (2) or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 or less, measured on the lot side.
- (19) DEVELOPMENT means any man-made change to improved or unimproved real estate, including, but not limited to, construction of or additions or substantial improvements to buildings, other structures, accessory uses, the placement or mobile homes, mining dredging, filling, grading, paving, excavation or drilling operations, deposition of materials.
- (20) DWELLING, ONE-FAMILY means a detached residence designed for or occupied by one family only.
- (21) DWELLING, TWO-FAMILY means a residence designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each.
- (22) DWELLING, MULTIPLE-FAMILY means a residence designed for or occupied by three (3) or more families with separate housekeeping and cooking facilities for each, including row houses, apartment houses and apartment hotels.
- (23) DWELLING UNIT means one or more rooms, including cooking facilities, and sanitary facilities in a dwelling structure designed as a unit for occupancy by not more than one family for living and sleeping purposes.
- (24) EMERGENCY SHELTER means public or private enclosures designed to protect people from aerial, radiological, biological or chemical warfare or fire, flood, windstorm, riots and invasions.
- (25) ENCROACHMENT/FLOODWAY LINES means encroachment lines are limits of obstruction to flood flows. These lines are both sides of and generally parallel to the stream. The lines are established by assuming that the area landward (outside) of the encroachment lines will be ultimately developed in such a way that it will not be available to convey flood flows.
- (26) END OF TAPER means the point of intersection between the outer edges of the ramp pavement and the mainline pavement.
- (27) EQUAL DEGREE OF HYDRAULIC ENCROACHMENT means the effect of any encroachment into the floodway must be computed by assuming an equal degree of hydraulic encroachment on the other side of a river or stream for a significant hydraulic reach. This computation assures the property owners up, down or across the river or stream will have the same rights of hydraulic

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encroachment. Encroachments are analyzed on the basis of the effect upon hydraulic conveyance, not the distance the encroachment extends into the floodway.

- (28) ESSENTIAL SERVICES means 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, electrical, steam, water, sanitary sewage, 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.
- (29) FAMILY means any number of persons related by blood, adoption or marriage, or not more than two (2) unrelated persons, living together in one dwelling as a single housekeeping entity.
- (30) FENCE means a structure providing enclosure or serving as a barrier but not protecting against the elements.
- (31) FLOOD means a temporary rise in stream flow or stage that results in water overtopping its banks and inundating areas adjacent to the area.
- (32) FLOOD INSURANCE STUDY MAP means a map prepared by the U.S. Department of Housing and Urban Development designating areas of special flood hazard and flood insurance rate zones for a given community. Flood hazard and insurance rate zones are designated as flood plain zones. Said map forms the basis for the regulatory and/or the insurance aspects of the National Flood Insurance Programs.
- (33) FLOOD PLAIN means the land adjacent to the Baraboo River which has been or may be hereafter covered by flood water including, but not limited to, the regional flood.
- (34) FLOOD PLAIN ZONES means those areas on a community's Official Flood Plain Zoning Map which would be inundated by the base flood or regional flood as defined herein. These zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
- (35) FLOOD PROTECTION ELEVATION means the flood protection elevation shall correspond to a point two (2) feet of freeboard above the water surface profile associated with the regional flood and the official floodway lines. See also FREEBOARD.
- (36) FLOODWAY means the channels of the Baraboo River, Narrows Creek and those portions of the flood plain adjoining the channels that are required to carry and discharge the flood water or flood flows of the Baraboo River and Narrows Creek including but not limited to, flood flows associated with the regional flood.
- (37) FLOODWAY PROFILE means a graph or a longitudinal profile showing the relationship of the water surface elevation of a flood event to location along the Baraboo River.
- (38) FLOODPROOFING means structural provisions to properties and structures subject to flooding. Floodproofing shall be designed and supervised by a registered professional engineer.
- (39) FLOOD STATE means, for purposes of this chapter, the term is used to mean the height or elevation of a flood as referred to some datum. For other purposes, it is commonly used to refer to the elevation at which a stream will overtop its normal stage banks.

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- (40) FREEBOARD means a factor of safety usually expressed in terms of a certain amount of feet above a calculated flood level. Freeboard compensates for the many unknown factors that contribute to flood heights greater than the height calculated. These unknown factors include, but are not limited to, ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of urbanization on the hydrology of the watershed, loss of flood storage areas due to development, and aggravation of the river or stream bed.
- (41) FRONTAGE means all property abutting on one side of a street between two (2) intersecting streets or all of the property abutting on one side of a street between an intersecting street and the dead end of a street.
- (42) FRONT YARD means the smallest dimension of a lot abutting a public street measured along a street line.
- (43) GARAGE, PRIVATE means an accessory building or space for the storage only of not more than three (3) motor driven vehicles.
- (44) GARAGE, PUBLIC means any garage other than a private garage which is open to the public and used for the storage or major repair of motor vehicles.
- (45) GOVERNING BODY means the Village Board of Rock Springs.
- (46) HEIGHT OF BUILDING means the vertical distance from the mean elevation of the finished grade along the front of the building to highest point of a flat roof, the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs, but not including church spires, belfries, cupolas, domes, monuments, water towers, chimneys, smokestacks, flag poles, radio and television towers, masts and aerials, or parapet walls.
- (47) HOME OCCUPATION means any occupation for gain or support conducted within buildings by resident occupants which is incidental to the principal use of the premises, does not exceed twenty-five percent (25%) of the area of any floor, and no stock in trade is kept or sold except that made on the premises, and that no sign other than one name plate not more than four (4) square feet in area is installed. A household occupation includes uses such as baby sitting, millinery, dressmaking, canning, laundering and crafts, but does not include the display of any goods nor such occupations as barbering, beauty shops, dance schools, real estate brokerage or photographic studios.
- (48) HOTEL means a building in which there are more than five (5) sleeping rooms designed for occupancy as the temporary residence of transient guests for compensation, who are lodged with or without meals, and in which no provision is made for cooking in any individual room or suite.
- (49) INTERCHANGE means a grade-separated intersection on a state trunk highway with one or more turning roadways for travel between intersection legs.
- (50) INTERIOR LOT: See LOT, INTERIOR.
- (51) INTERSECTING HIGHWAY means a highway of any political jurisdiction which forms one or more legs of an interchange and to which access is not fully controlled.
- (52) JUNK YARD means an area consisting of buildings, structures or premises where junk, waste, discarded or salvage materials are bought, sold, exchanged, stored, baled, packed,

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disassembled or handled, including automobile wrecking yards, house wrecking and structural steel materials and equipment yards, but not including the purchase or storage of used furniture and household equipment or used cars in operational condition. Storage of three (3) or more unlicensed vehicles on the same premises shall be evidence of operation of a junk or salvage yard.

- (53) **LOADING AREA** means a completely 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.
- (54) **LODGING HOUSE** means a building other than a hotel where lodging only is provided for compensation to three (3) or more persons.
- (55) **LOT** means a parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the area and other open space provisions of this chapter.
- (56) **LOT, CORNER:** See **CORNER LOT**.
- (57) **LOT, DEPTH OF** means the mean horizontal distance between the front and rear lines.
- (58) **LOT, INTERIOR** means a lot other than a corner lot.
- (59) **LOT, THROUGH** means an interior lot having frontage on two (2) non-intersecting streets.
- (60) **LOT LINES AND AREA** means the peripheral boundaries of a parcel of land and the total area lying within such boundaries.
- (61) **LOT WIDTH** means the width of a parcel of land measured at the building setback line.
- (62) **MOBILE HOMES** means all mobile units intended for occupancy as a year-round permanent residence and so placed as to be permanently affixed to the site.
- (63) **MOTEL** means a series of attached, semi-attached or detached sleeping units for the accommodation of transient guests.
- (64) **MUNICIPAL LIMITS** means Village boundaries.
- (65) **NONCONFORMING USES OR STRUCTURES** means any structure, land or water, lawfully used, occupied or erected at the time of the effective date of this chapter or amendments thereto which does not conform to the regulations of this chapter 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.
- (66) **OFFICIAL FLOOD PLAIN ZONING MAP** means that map, adopted and made part of this chapter as described in Section 17.60(2) of this chapter, which has been approved by the Department of Natural Resources and Federal Insurance Administration of HUD and which delineates those areas which would be inundated by the base or regional flood, including, but not limited to, numbered and unnumbered **FLOOD PLAIN ZONES** and where applicable, floodways, is the Flood Insurance Study Map.
- (67) **OCCUPIED** means already occupied or intended, designed or arranged to be used or occupied.

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- (68) ORDINARY HIGH WATER MARK means the highest point on the bank of the normal stage channel at which water level has been for a sufficient period of time to leave a definite mark.
- (69) PARKING LOT means a structure or premises containing ten (10) or more parking spaces open to the public for rent or a fee.
- (70) PARKING SPACE means a graded or surfaced area of not less than one hundred eighty (180) square feet, either enclosed or open, for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley.
- (71) PARTIES IN INTEREST includes all abutting property owners, all property owners within one hundred (100) feet and all property owners of opposite frontages.
- (72) PLANNED DEVELOPMENT GROUP means a group of three (3) or more principal buildings designed to be maintained and operated as a unit in single ownership or control and which has certain facilities in common such as yards, open spaces, recreation areas, garages and parking areas.
- (73) PROFESSIONAL HOME OFFICE means a residence of a clergyman, architect, landscape architect, professional engineer, registered land surveyor, lawyer, artist, teacher, author, musician or persons in other recognized professions used to conduct their professions where the office does not exceed twenty-five percent (25%) of the area of any one floor of the residence and no more than one nonresident person is employed. Only one name plate not exceeding four (4) square feet in area containing the name and profession of the occupant shall be exhibited.
- (74) PUBLIC AIRPORT means any airport which complies with the definitions contained in the Wisconsin Statutes.
- (75) REACH means a hydraulic engineering term to describe longitudinal segments of the Baraboo River and Narrows Creek. A reach will generally include the segment of the flood plain where flood heights are primarily controlled by manmade or natural flood plain obstructions or restrictions. In an urban area, the segment of the Baraboo River between two (2) consecutive bridge crossings would most likely be a reach.
- (76) REAR YARD means 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 on the principal structure. This yard shall be opposite the street yard or one of the street yards on a corner lot.
- (77) REGIONAL FLOOD means the regional flood is a flood determined by the U.S. Corps of Engineers which is representative of large floods known to have occurred generally in Wisconsin and reasonably characteristic of what can be expected to occur on the Baraboo River and Narrows Creek. The regional flood generally has an average frequency in the order of the one hundred (100) year recurrence interval flood determined from an analysis of floods on the Baraboo River and other streams in the same general region.
- (78) SETBACK means the minimum horizontal distance between the street line and the nearest point of a building or any projection thereof, excluding uncovered steps.

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- (79) SIDE YARD means a yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure.
- (80) SIGNS means any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trade marks 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 street or highway.
- (81) STANDARD PROJECT FLOOD means a hypothetical flood, estimated by the U.S. Corps of Engineers, representing the critical flood runoff volume and peak discharge that may be expected from the most severe combination of meteorological and hydrological conditions that are considered reasonably characteristic of the geographical region involved, excluding rare combinations.
- (82) STORAGE CAPACITY OF A FLOOD PLAIN means the volume of space above an area of flood plain that can be occupied by flood water of a given stage at a given time, regardless of whether or not the water is moving.
- (83) STORY means that portion of a building included between the surface of a floor and surface of the floor next above it or, if there be no floor above it, then the space between the floor and ceiling above it. A basement or cellar having one-half (2) or more of its height above grade shall be deemed a story for purposes of height regulation.
- (84) STORY, HALF means the space under any roof except a flat roof which if occupied for residential purposes, shall be counted as a full story.
- (85) STREET means all property dedicated or intended for public or private street purposes or subject to public easements therefor and twenty-one (21) feet or more in width providing access to abutting properties.
- (86) STREET LINE means a dividing line between a lot, tract or parcel of land and a contiguous street.
- (87) STREET YARD means a yard extending across the full width of the lot, the depth of which shall be minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two (2) such yards.
- (88) STRUCTURAL ALTERATIONS means any change in the supporting members of a structure such as foundation, bearing walls, columns, beams or girders.
- (89) STRUCTURE means any erection of construction such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery and equipment which requires a more or less permanent location on or in the ground.
- (90) SUBSTANTIAL IMPROVEMENT means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the present equalized assessed value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. The term does not, however, include either of the following:

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- (A) Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or
- (B) Any alteration of a structure or side documented as deserving preservation by the Wisconsin State Historical Society or listed on the National Register of Historic Places.

Ordinary repairs are not considered structural repairs, modifications or additions; such maintenance repairs include internal and external painting, decorating, paneling and the replacement of doors, windows and other nonstructural components

- (91) TEMPORARY STRUCTURE means a moveable structure not designed for permanent human occupancy for the purpose that would commonly be expected to be relatively short term.
- (92) THROUGH LOT: See LOT, THROUGH.
- (93) TRAILERS means units, including camp trailers, intended for temporary occupancy.
- (94) UTILITIES means any public or private water supply or waste collection and/or disposal system, including, but not limited to septic systems, private and public wells and their attendant facilities, public sewage collection systems, and treatment facilities.
- (95) VISION CLEARANCE means an unoccupied triangular space at the street corner or a corner lot which is bounded by the street lines and a setback line connecting points specified by measurements for the same lot with a building, unoccupied at the corner of each line.
- (96) YARD means an open space on the same lot with a building unoccupied and unobstructed from the ground upward except as otherwise provided herein.

12.03 Floodplain Terms (See Chapter 7A)

- (1) "A-zones" - Those areas shown on a municipality's "Official Floodplain Zoning Map" (see definition) which would be inundated by the base flood or "regional flood" as defined herein. These areas may be numbered or unnumbered A-Zones. The A-Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
- (2) "Accessory structure or use" - A detached subordinate structure or a use which is clearly incidental to, and customarily found with, the principal structure or use to which it is related and which is located on the same lot as that of the principal structure or use.
- (3) "Boathouse" - As defined in Wis. Stat. ' 30.121(1), means a permanent structure used for the storage of watercraft and associated materials and includes all such structures which are totally enclosed, have roofs or walls or any combination of structural parts.
- (4) "Bulkhead line" - A geographic line along a reach of navigable water that has been specified by adoption of a municipal ordinance and approved by the Department of Natural Resources pursuant to Wis. Stat. ' 30.11, and which allows limited filling between the bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.

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- (5) "Certificate of compliance" - A certification issued by the zoning administrator stating that any construction and use of land or a building, the elevation of fill or the first floor of a structure is in compliance with all of the provisions of this ordinance.
- (6) "Channel" - A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
- (7) "Conditional use" - A use which is permitted by this ordinance provided that certain conditions specified in the ordinance are met and that a permit is granted by the Board of Appeals or, where designated, the planning or zoning agency.
- (8) "Department" - The Wisconsin Department of Natural Resources.
- (9) "Development" - Any new use, change of use and any change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; any placement of mobile homes; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of buildings or structures; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of earthen materials, public or private sewage disposal systems or water supply facilities.
- (10) "Drainage system" - One or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.
- (11) "Dryland Access" - A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land which is outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.
- (12) "Encroachment" - Any fill, structure, building, use or development in the floodway.
- (13) "Environmental control facility" - Any facility, temporary or permanent, which is reasonably expected to abate, reduce or aid in the prevention, measurement, control or monitoring of noise, air or water pollutants, solid waste and thermal pollution, radiation or other pollutants, including facilities installed principally to supplement or to replace existing property or equipment not meeting or allegedly not meeting acceptable pollution control standards or which are to be supplemented or replaced by other pollution control facilities.
- (14) "Existing manufactured or mobile home park or subdivision" - A parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale on which the construction of facilities for servicing the lots (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this ordinance.
- (15) "Federal Emergency Management Agency (FEMA)" - The federal agency that administers the National Flood Insurance Program.
- (16) "Fixed houseboat" - As defined in Wis. Stat. ' 30.121(1), means a structure not actually used for navigation which extends beyond the ordinary highwater mark of a navigable waterway and is retained in place either by cables to the shoreline or by anchors or spudpoles attached to the bed of the waterway.

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- (17) "Flood" or "Flooding" - A general and temporary condition of partial or complete inundation of normally dry land areas caused by:
- a) The overflow or rise of inland waters;
 - b) The rapid accumulation or runoff of surface waters from any source; and
 - c) The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; and
 - d) The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.
- (18) "Floodfringe" - That portion of the floodplain outside of the floodway which is covered by floodwaters during the regional flood; it is generally associated with standing water rather than rapidly flowing water.
- (19) "Flood Hazard Boundary Map" - A map prepared for the municipality by FEMA designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. These maps form the basis for both the regulatory and insurance aspects of the National Flood Insurance Program.
- (20) "Flood Insurance Study" - A technical engineering examination, evaluation, and determination of flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and regional flood elevations as well as floodway lines. The flood hazard areas are designated as numbered or unnumbered A-Zones. Flood insurance study maps form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.
- (21) "Floodplain" - That land which has been or may be hereafter covered by floodwater during the regional flood. The floodplain includes of the floodway and the floodfringe and general floodplain areas.
- (22) "Floodplain Island" - A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
- (23) "Flood profile" - A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.
- (24) "Floodproofing" - Any combination of structural and nonstructural additions, changes or adjustments which reduce or eliminate flood damage to unimproved or improved real estate, water and sanitary facilities, structures and their contents.
- (25) "Flood protection elevation" - An elevation that corresponds to a point two feet of freeboard above the water surface profile associated with the regional flood. (Also see: FREEBOARD.)
- (26) "Floodway" - The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
- (27) "Floodway encroachment lines" - Represent the limits of obstruction to flood flows. These lines are designated on both sides of, and generally parallel to, the channel of a river or stream. They

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are established by assuming that the area landward (outside of the encroachment lines) will ultimately be developed in such a way that it will not convey flood flows, but the development will not cause an increase to regional flood elevations upstream. It is assumed that any development riverward of these lines will cause an obstruction and will require a detailed analysis to determine its effect on the regional flood elevations upstream.

- (28) "Freeboard" - Represents a factor of safety usually expressed in terms of a certain amount of feet above a calculated flood level. Freeboard compensates for the many unknown factors that contribute to flood heights greater than the height calculated. These unknown factors include, but are not limited to, ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of urbanization on the hydrology of the watershed, loss of flood storage areas due to development and the sedimentation of a river or stream bed.
- (29) "Hearing Notice" - Publication or posting meeting the requirements of Chapter 985 Wis. Stat. Class One (1) notice is required at a minimum for appeals; published once at least one week (7 days) before the hearing. Class (2) notice is required at a minimum for all zoning ordinances and amendments including map amendments; published twice, once each week consecutively, the last publication at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice exceeding these minimums.
- (30) "High flood damage potential" - Any danger to human life or public health or the potential for any significant economic loss to a structure or its contents.
- (31) "Increase in Regional Flood Height" - A calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, resulting from a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain, but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.
- (32) "Land use" - Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)
- (33) "Mobile home" or "Manufactured Home" - A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. For the purpose of this ordinance, it does not include recreational vehicles or travel trailers.
- (34) "Navigable waters" - Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. The Wisconsin Supreme Court has declared navigable bodies of water with a bed differentiated from adjacent uplands and with levels or flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. [Muench v. Public Service Commission, 261 Wis. 492 (1952) & DeGayner and Co., Inc. v. Department of Natural Resources, 70 Wis. 2d 936 (1975)]
- (35) "Obstruction to Flow" - Any development which physically blocks the conveyance of floodwaters such that this development by itself or in conjunction with any future similar development will cause an increase in regional flood height.
- (36) "Official floodplain zoning map" - That map, adopted and made part of this ordinance, as described in Section 7.31, which has been approved by the Department and FEMA.

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- (37) "Open space use" - Those uses having a relatively low flood damage potential and not involving structures.
- (38) "Ordinary highwater mark" - The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.
- (39) "Person" - An individual, or group of individuals, corporation, partnership, association, municipality or state agency.
- (40) "Planning agency" - The municipal planning commission, agency, committee or a board of public land commissioners of the municipality's governing body created under Wis. Stat. ' 62.23(1), which acts on matters pertaining to planning and zoning.
- (41) "Regional flood" - A flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics. The flood frequency of the regional flood is once in every one hundred (100) years. This means that in any given year, there is a one percent (1%) chance that the regional flood may occur or be exceeded. During a typical 30-year mortgage period, the regional flood has a twenty-six percent (26%) chance of occurrence. The regional flood is based upon a statistical analysis of stream flow records available for the watershed or an analysis of rainfall and runoff characteristics in the general watershed region or both. FEMA uses the term "base flood" which means the regional flood.
- (42) "Shorelands" - Lands within the following distances from the ordinary highwater mark of navigable waters; one thousand (1000) feet from a lake, pond or flowage; and three hundred (300) feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.
- (43) "Shoreland-wetland district" - The zoning district, created in this zoning ordinance, comprised of shorelands that are designated as wetlands on the wetlands inventory maps which have been adopted and made a part of this ordinance.
- (44) "Storage capacity of a floodplain" - The volume of space above an area of floodplain land that can be occupied by flood water of a given stage at a given time, regardless of whether the water is moving.
- (45) "Unnecessary hardship" - That circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with the restrictions governing dimensional standards (such as area, setbacks, frontage, or height) unnecessarily burdensome or unreasonable in light of the purpose of this ordinance. Unnecessary hardship is present only where, in the absence of a variance, no feasible use can be made of the property.
- (46) "Variance" - An authorization granted by the Board of Appeals to construct, alter or use a building or structure in a manner that deviates from the dimensional standards of this ordinance. A variance may not permit a use of property otherwise is prohibited by the ordinance or allow construction not protected to the flood protection elevation.
- (47) "Water surface profile" - A graphic representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

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- (48) "Wetlands" - Those areas where water is at, near or above the land surface long enough to support aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.
- (49) "Wetland alteration" - Any construction filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization measures or dike and dam construction in a wetland area.