

**ST. CROIX COUNTY
CODE OF ORDINANCES
LAND USE AND DEVELOPMENT**

**CHAPTER 17
ZONING**

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ST. CROIX COUNTY PLANNING AND ZONING DEPARTMENT
GOVERNMENT CENTER
1101 CARMICHAEL ROAD
HUDSON, WI 54016
715-386-4680
715-386-4686 FAX
WWW.CO.SAINT-CROIX.WI.US

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SUBCHAPTER I

GENERAL PROVISIONS

17.01 INTRODUCTION AND DECLARATION.

(1) **INTRODUCTION.** This subchapter contains basic rules on how ordinances are to be interpreted. In addition to these general statements, which primarily repeat rules of legal interpretation established by the State Legislature or by the courts, the reader should consult §17.09 which contains definitions of terms found throughout the chapter.

(2) **DECLARATION.** This chapter is enacted for the purpose of promoting the public health, safety and general welfare.

17.02 COMPLIANCE.

(1) The use of any land or water, the size, shape and placement of lots, the use, size and locations of structures on lots, the installation and maintenance of water supply and waste disposal facilities, the filling, grading, lagooning and dredging and any land, the cutting of shoreland vegetation and the subdivision of lots, shall be in full compliance with the terms of this chapter and other applicable regulations.

(2) Unless specifically exempted by law, all cities, villages, towns and counties are required to comply with this chapter and obtain all necessary permits. State agencies are required to comply when §13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of State highways and bridges by Wisconsin Department of Transportation are exempt when §30.12(4)(a), Wis. Stats., applies.

17.03 INTERPRETATION. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other powers granted by Wisconsin Statutes.

17.04 SEVERABILITY. If any section, clause, provision or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

17.05 ABROGATION AND GREATER RESTRICTIONS.

(1) **GENERAL SUPERSESSION.** This chapter supersedes all inconsistent provisions of any County Zoning Ordinance enacted under §59.97, Wis. Stats. However, when an ordinance adopted under a statute other than §59.97 Wis. Stats., is more restrictive than this chapter, that ordinance shall continue in full force and effect to the extent of the greater restriction, but not otherwise.

(2) **NONIMPAIRMENT OF DEEDS.** It is not otherwise intended by this chapter to repeal, abrogate or impair any existing deed restrictions, easements, covenants or permits already issued or

ordinances, other than zoning, to the extent specified in sub. (1). However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

(3) **BUILDINGS UNDER CONSTRUCTION.** Nothing in this chapter shall require any change in the plans, construction, size or designated use of any building or structure or part thereof on which construction has started or a particular use has been commenced or for the construction of a building or structure or part thereof upon which a bona fide construction contract has been entered into before the effective date of this chapter.

17.06 RELATIONSHIP TO TOWN ORDINANCES AND POWERS.

(1) The following chapters and subchapters of this chapter are exempted by State statute from modification or veto by any town board:

- (a) Subchapter III Section 17.30 Shoreland Overlay Districts
- (b) Subchapter III.V Section 17.36 Lower St. Croix Riverway Overlay District
- (c) Subchapter IV Section 17.40 Floodplain Overlay District

(2) The following subchapters of this chapter are exempted by State statute from modification or veto by any town board insofar as they apply to Shoreland and Floodplain areas as defined in this chapter:

- (a) Subchapter I 17.01-17.08 General Provisions
- (b) Subchapter I 17.09 Definitions
- (c) Subchapter V 17.55-17.57 Off-Street Parking
- (d) Subchapter VI Section 17.60 Road or Highway Setbacks, Access and Driveways
- (e) Subchapter VI Section 17.65 Sign Regulation
- (f) Subchapter VII 17.70-17.72 Administration and Enforcement
- (g) Subchapter VIII 17.80-17.90 Wireless Communication Service and Other Transmission Facilities

(3) Town Boards have approval power under §59.97, Wis. Stats., overall parts of this chapter specified in subs. (1) or (2).

(4) Town subdivision ordinances may be adopted and enforced despite inclusion of the town under the County subdivision ordinance. In the event of inconsistency between town and County subdivision codes, the most restrictive rule shall apply.

17.07 EFFECTIVE DATE.

(1) GENERAL ZONING. The term "effective date of this chapter", when it appears in sections of the chapter which appeared in the like form in ordinances enacted by the County Board on November 14, 1967, effective January 1, 1968, shall refer to the January 1, 1968, effective date of such ordinances. When the term appears in this chapter in a section which was not part of the preexisting ordinance, it shall mean November 15, 1974, which is the effective date of all parts of this chapter which differ in substance from the 1967-1968 version.

(2) SHORELAND-WETLAND OVERLAY DISTRICT. The effective date of the shoreland-wetland provisions of this chapter shall be August 9, 1983.

(3) INLAND-WETLAND OVERLAY DISTRICT. The effective date of the inland-wetland provisions of this chapter shall be April 1, 2014.

17.08 DETERMINATION OF DISTRICT BOUNDARIES. The boundaries of the districts established by this chapter for general zoning are shown on the maps on file in the County Clerk's Office and the County Zoning Administrator's Office. The maps on file in the office of the County Zoning Administrator shall be the official version and shall control in any case where differences occur between it and other copies. All notations and references shown on the district maps are as much a part of this chapter as though specifically described herein. The Zoning Administrator shall periodically update all maps to reflect adopted changes.

(1) When the district boundaries are either roads or streets, unless otherwise shown, and where the designation on the district map indicates that the various districts are bounded by a road or street line, the centerline of such road or street shall be the district boundary line.

(2) Except where otherwise indicated on the map, it is intended that the district boundary line be measured at right angles to the nearest highway right-of-way line and be not less than 300' in depth. However, whenever a commercial district is indicated on the district map as a strip paralleling the highway, the depth of such strip, unless otherwise indicated, shall be 200' measured at right angles to the right-of-way line of the street or highway to which it is adjacent. The length of each strip shall be as shown on the map. When such commercial district is located at the intersection of streets or highways, the length shall be measured from the intersection of each street or highway right-of-way line included in such district.

(3) For subdivided property, where not otherwise indicated and where the designations on the district map are approximately bounded by lot lines, such lot lines shall be construed to be the boundary of the district. Where district boundary lines are indicated as adjacent and parallel or approximately parallel to street lines, such district boundary lines shall be assumed to be the rear line of the lots abutting such streets.

(4) For subdivided property, where not otherwise indicated, the district boundaries are property lines, section lines, quarter section lines, or quarter-quarter section lines. In unplatted areas of 10 acres or less, the district boundary lines, where not otherwise indicated, shall be determined by use of the scale shown on the district map.

17.09 DEFINITIONS.

This section contains brief definitions of key words and phrases used throughout this chapter.

1. INTERPRETATION

- a. For the purpose of administering and enforcing this ordinance, the terms or words used herein shall be interpreted as follows:
 - 1) Words used in the present tense include the future: in the singular include the plural and in the plural include the singular.
 - 2) The word “shall” is mandatory, not permissive.
 - 3) All distances, unless otherwise specified shall be measured horizontally.
 - 4) All definitions that refer to Wisconsin Statutes shall incorporate any revisions or amendments to statutory language.

1. **A Zones:** Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. 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. **Access and Viewing Corridor:** A strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone.
3. **Accessory Building:** A subordinate building or portion of the main building, the use of which is incidental to the permitted use of the main building.
4. **Accessory Structure:** A subordinate structure, the use of which is incidental to, customarily found in connection with, and located on the same lot as the principal structure or use of the property. Accessory structures include, but are not limited to, detached garages, sheds, barns, gazebos, swimming pools, hot tubs, fences, retaining walls and detached stairways and lifts; and impervious, pervious or porous driveways, parking lots, sidewalks, patios and decks (both detached and attached).
5. **Accessory Use:** A use subordinate to and serving the principal use on the same lot and customarily incidental thereto. It must also be subordinate in area, extent or purpose to the principal building or use served. Accessory uses include, but are not limited to, family daycare, home occupations, and seasonal roadside stands.
6. **Agricultural Accessory Building or Structure:** Any building or structure that performs an incidental function in support of the primary agricultural use of property and which is customarily associated with the primary agricultural use of the property.

- 7. Agricultural Accessory Use:** A use that is incidental to and customarily associated with an agricultural use of property. To be deemed incidental, a use must not be the primary use of the property but is one that is minor in significance to the primary use and which has a reasonable relationship to the primary use. To be deemed customary, a use must be commonly and by long practice established as being reasonably associated with the primary agricultural use. Additionally, an accessory use, whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm that requires no buildings, structures or improvements other than those defined as being Accessory Structures and that employs no more than 4 full-time employees annually and does not impair or limit the current or future agricultural use of the farm or of other protected farmland on which it is situated. This includes seasonal “you-pick” and road side stands. The uses defined within this section are solely applicable to state certified zoning districts, AG-1 and AG-2.
- 8. Agricultural Entertainment.** A farm based enterprise or business that combines the elements and characteristics of agriculture and tourism. Agricultural Entertainment includes a wide array of farm and farm-related activities, including **outdoor recreation** (nature based tourism, fishing, hunting, wildlife study, horseback riding); **educational experiences** (day camps, hands-on chores, cannery tours, cooking classes, wine tasting, on-farm museums); **entertainment** (harvest festivals, barn dances, “petting” farms); and **hospitality services** (weddings, overnight farm or ranch stays, guided tours, on-farm direct sales, “pick-your-own” operations, roadside stands, and farmers markets. The uses defined within this section are solely applicable to state certified zoning districts, AG-1 and AG-2.
- 9. Agricultural Related Use:** A facility, whether or not located on a farm, that has at least one of the following as a primary, and not merely incidental, purpose: (a) Providing agricultural supplies, agricultural equipment, agricultural inputs or agricultural services directly to farms, including farms in the farmland preservation zoning district. (b) Storing, processing or handling raw agricultural commodities obtained directly from farms, including farms in the farmland preservation zoning district. (c) Processing agricultural by-products or wastes received directly from farms, including farms in the farmland preservation district. The uses defined within this section are solely applicable to state certified zoning districts, AG-1 and AG-2.
- 10. Agricultural Use:** Any of the following activities conducted for the purpose of an income or livelihood: crop or forage production, keeping livestock, beekeeping, wholesale nursery, sod or Christmas Tree production, floriculture, aquaculture, fur farming, forest management, or enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
- 11. Agriculture Products Processing:** A facility used for the cooking, dehydrating, refining, bottling, canning, or other treatment of agricultural products which changes the naturally grown product for consumer use. Does not include slaughterhouses, animal reduction yards, tallow works or rendering plants. May include warehousing and packaging as secondary uses. Warehousing may include controlled atmosphere and cold storage of processed and/or packaged agricultural products. Packaging may include washing, sorting, crating and other functional operations such as drying, field crushing or other preparation in which the agricultural product remains essentially unaltered.

12. **Animal Unit:** As defined in Wisconsin Administrative Code Chapter NR 243.
13. **Animal Waste:** Manure, milking center waste and other organic waste generated by livestock, farm animals, or any number combination of animal units or portion thereof. It includes animal bedding, water, soil, hair, feathers, and other debris that becomes intermingled with animal excreta in normal waste handling operations.
14. **Animal Waste Storage Facility:** One or more animal waste storage structures used for temporary storage of animal waste or other organic waste, including stationary equipment and piping used to load and unload an animal waste storage structure if the equipment is specifically designed for that purpose and is an integral part of the facility. It does not include equipment used to apply animal waste to land or animal waste that is confined within an animal housing structure.
15. **Animal Waste Storage Structure:** A waste storage impoundment made by constructing embankments, excavating a pit or dugout, or fabricating a structure. It does not include equipment used to apply waste to land. For purposes of §§ ATCP 51.12 (2) (setbacks) and 51.14 (odor), does not include any of the following:
 - (a) A structure used to collect and store animal waste under a livestock structure (housing facility).
 - (b) A waste digester consisting of a sealed structure in which animal waste is subjected to managed biological decomposition.
16. **Animal Waste Utilization:** The application of animal waste on suitable land in a manner which will achieve compliance with livestock performance standards and prohibitions established in Wisconsin Administrative Code Chapter NR151, NRCS Conservation Practice Standard Code 590 and meet other designated water quality objectives. Land suitable for animal waste utilization excludes wetlands or lands below the OHWM, closed depressions, slopes in excess of 25% and other areas that may be determined as sensitive and adversely affecting surface water or groundwater quality.
17. **Antenna:** Any device or equipment used for the transmission or reception of electromagnetic waves, which may include an omni-directional antenna (rod), a directional antenna (panel) or a parabolic antenna (disc).
18. **Applicant:** Any person who applies for a permit under this chapter.
19. **Automotive Service, Repair, & Towing:** Repairs, incidental body and fender work, replacement of parts and motor services, towing and steam cleaning to passenger automobiles and trucks not exceeding 12,000 pounds gross weight.
20. **Base Flood:** A flood having a one percent chance of being equaled or exceeded in any given year. (See also Regional Flood)
21. **Base Flood Elevation:** An elevation equal to that which reflects the height of the base flood as defined above.
22. **Basement:** Any enclosed area of a building having its floor sub-grade, i.e., below ground level, on all sides. If occupied for living purposes shall be counted as a story.
23. **Base Zoning District:** The underlying zoning district as outlined in Subchapter II, §17.11 of this ordinance.

24. **Bed and Breakfast:** A place of lodging that meets the definition and standards found in Wisconsin Statutes §254.61.
25. **Bedrock:** The solid rock that underlies the soil and other unconsolidated material or that is exposed at the surface.
26. **Best Management Practices (BMPs):** Practices and industry standards designed to minimize environmental damage.
27. **Bluffline:** A line along the top of the slope preservation zone. There can be more than one bluffline.
28. **Board Of Adjustment:** The St. Croix County Board of Adjustment.
29. **Boarding House:** A building other than a hotel where meals or lodging and meals are furnished for compensation for 3 or more persons not members of a family, not open to transients, in contradistinction to hotels and restaurants.
30. **Boathouse:** A building or portion thereof used for the housing or care of boats and other associated marine equipment for noncommercial purposes and not permitted to be used for human habitation.
31. **Building:** A structure used, designed or intended for the protection, shelter, enclosure or support of person, animals or property. When a building is divided into separate parts by a division wall without openings, extending from the ground up, each part shall be deemed a separate building.
32. **Building Envelope:** The three-dimensional space within which a structure is built.
33. **Building Line:** A line measured across the width of a lot at that point where the principal structure is placed in accordance with setback provisions.
34. **Bulkhead Line:** A geographic line along a reach of navigable water that has been adopted by this ordinance and approved by the WI DNR pursuant to § 30.11, Wis. Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.
35. **Camouflage Design:** A wireless communication service facility that is disguised, hidden or screened, but remains recognizable as a tower or antenna.
36. **Campground:** Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.
37. **Camping Unit:** Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping or travel trailer, motor home, bus, van, pick-up truck, tent or other mobile recreational vehicle.
38. **Centerline:** A line connecting the points on highways from which setback distances shall be measured, at any point on the highway.
39. **Certificate Of Compliance:** A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.

40. **Channel:** A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
41. **Club:** An association of persons for some common purpose, but not including any groups organized primarily to render a service which is customarily carried on as a business.
42. **Cluster Subdivision:** A subdivision in which the lot sizes are reduced below those normally required in the zoning district in which the development is located, in return for the provision of permanent undeveloped land.
43. **Commercial:** Open to the public for a fee or operated with the intention of making a profit.
44. **Commercial Speech:** Any sign wording, logo or other representation advertising a business, profession, commodity, service or entertainment for business purposes.
45. **Committee:** The St. Croix County Comprehensive Parks, Planning, and Zoning Committees.
46. **Compliant Building Location:** An area on a lot where a building could be located in compliance with all applicable ordinance requirements.
47. **Conditional Use:** A use that would not be appropriate generally or without restriction throughout the zoning district but would not be detrimental to the public health, safety or general welfare if appropriate conditions are imposed on the use.
48. **Connecting Streets:** Streets of cities and villages that connect State trunk highways as defined in §84.92(11), Wis. Stats.
49. **Conservation Practice:** A facility or practice that is designated to prevent or reduce soil erosion, prevent or reduce non-point pollution, or achieve or maintain compliance with soil and water conservation standards; it includes a nutrient management plan.
50. **Construction Contractor:** General contractors and operating builders engaged in the construction of residential, farm, industrial, commercial and/or other buildings. General building contractors who combine a special trade with the contracting are included.
51. **Construction Permit:** A written document issued by the Code Administrator authorizing design, location, enlargement, construction and/or reconstruction of an animal waste storage facility or part thereof.
52. **Contiguous:** Adjacent to or sharing a common boundary.
53. **Contractor's Storage Yard:** The outdoor portion of a lot or parcel, where a construction or service contractor maintains a permanent business office, that is used to store and maintain construction or service equipment and other materials customarily used by the construction or service contractor. If permitted to be used in this manner, the entire lot or parcel would then be classified as a contractor's storage yard and will be required to conform to all applicable zoning district standards and regulations.
54. **Convenience Store:** A facility associated with the sale of gasoline products that also offers for sale prepackaged food items and consumer goods, primarily for self-service by the consumer. Hot beverages, fountain-type beverages and pastries may be included in the food items offered for sale.

55. **Crawlways Or Crawl Space:** An enclosed area below the first usable floor of a building, generally less than five (5) feet in height, used for limited access to plumbing and electrical utilities.
56. **Deck:** An unenclosed exterior structure that has no roof or sides, but has a permeable floor that allows the infiltration of precipitation.
57. **Department:** The Department of Natural Resources.
58. **Development:** Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.
59. **Diameter at Breast Height (DBH):** The width of a tree as measured at 4.5 feet above the ground surface.
60. **Disabled:** Having a physical or mental impairment that substantially limits one or more major life activities.
61. **District:** Parcels or sections of St. Croix County, Wisconsin, for which the regulations governing the use of land and buildings are uniform.
62. **Dock, Piers and Wharves:** Structures extending into the water to facilitate the launching or mooring of watercraft or for fishing during the open water season.
63. **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.
64. **Dryland Access:** A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.
65. **Dwelling, Multiple:** A building or portions thereof designed for and used by more than 2 families. Classification of a residential structure shall be determined by its present or projected occupancy and design and not by the characteristics of ownership and tenancy such as condominium arrangements.
66. **Dwelling, One Family:** A detached building designed for or occupied exclusively by one family.
67. **Dwelling, Two Family:** A detached or semidetached building designed for and occupied exclusively by 2 families.
68. **Earth-tone:** Colors that harmonize with the natural surroundings on the site during leaf on conditions.

- 69. Encroachment:** Any fill, structure, equipment, building, use, accessory use or development in the floodway.
- 70. Expansion:** An addition to an existing structure regardless of whether the addition is vertical or horizontal or both.
- 71. Family:** The body of persons who live together in one dwelling unit as a single housekeeping entity.
- 72. Farm:** All contiguous land under common ownership that is over 50% devoted to agricultural use per the St. Croix County's tax assessment records.
- 73. Farm Animals:** Dairy cattle, beef cattle, swine, sheep, horses, ducks, chickens, turkeys and animals or fowl of similar character and customarily maintained in a large parcel setting for food, recreational, breeding, zoological or similar purposes.
- 74. Farm Residence:** A single family residence that is the only residential structure on the farm.
- 75. Farmland, Prime:** Land identified within the county's certified farmland preservation plan as having Land Evaluation Scores (LESA) greater than 66 points.
- 76. Farmland, Protected:** Lands that are considered to be any of the following: located in a farmland preservation zoning district as certified under ch. 91, Wis. Stats, covered by a farmland preservation agreement under ch. 91, Wis. Stats, covered by an agricultural conservation easement under s. 93.73, Wis. Stats, or otherwise legally protected from nonagricultural development.
- 77. Federal Emergency Management Agency (FEMA):** The federal agency that administers the National Flood Insurance Program.
- 78. Filtered View of the St. Croix River:** A view in which one can see the river through the vegetation, while any structure remains visually inconspicuous.
- 79. Flag:** Any fabric, bunting or other flexible material that contains one or more colors, patterns symbols or words.
- 80. Flood or Flooding:** A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:
1. The overflow or rise of inland waters,
 2. The rapid accumulation or runoff of surface waters from any source,
 3. The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm or other unanticipated force of nature.
- 81. Flood Frequency:** The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent (%) chance of occurring in any given year.
- 82. Floodfringe:** That portion of the floodplain outside of the floodway, which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.

- 83. Flood Hazard Boundary Map:** A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.
- 84. Flood Insurance Rate Map (FIRM):** A map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.
- 85. Flood Insurance Study:** A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.
- 86. Floodplain:** Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.
- 87. Flood Profile:** A graph or a longitudinal line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.
- 88. Floodproofing:** Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.
- 89. Flood Protection Elevation:** An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see Freeboard).
- 90. Flood Storage:** Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.
- 91. Floodway:** The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
- 92. Floor Area:** The area within the exterior wall lines of a building, provided that the floor area of a dwelling shall not include space not usable for living quarters, such as attics, basements or utility rooms, garages, breezeways, unenclosed porches or terraces.
- 93. Footprint:** The land area covered by a structure at ground level, measured on a horizontal plane. The “footprint” of a residence includes attached garages and porches, but excludes decks, patios, carports and roof overhangs.
- 94. Forest Products Processing:** A facility used for the dry processes of chipping, grinding, sawing, planing of cut trees, which changes them for consumer use. This use does not include any wet processing such as paper manufacturing. May include warehousing and packaging as secondary uses.

95. **Foundation:** The underlying base of a building or other structure, including but not limited to pillars, footings, and concrete and masonry walls.
96. **Freeboard:** A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.
97. **Frontage:** All the property abutting on one side of a road or street between 2 intersecting roads or streets or all of the property abutting on one side of a street between an intersecting street and the dead end of a street.
98. **Frontage, Reversed:** When the rear lot line of a corner lot coincides with part or all of the side lot lines of another lot in the same block, reversed frontage exists.
99. **Game Management or Fur Farm:** A commercial operation raising and harvesting wild game and fur producing animals for meat and/or fur, including such animals as deer, elk, mink and chinchilla.
100. **Garage, Private:** An accessory building or space for storage only of not more than 3 private motor driven vehicles.
101. **Garage, Public:** A building or portion thereof used for the housing or care of motor vehicles for the general public or where any such vehicles are equipped or repaired for remuneration or kept for hire or sale.
102. **Garden Center:** A place of business where retail and wholesale products and produce are sold to the consumer. These centers, which may include a nursery and/or greenhouses, import most of the items sold, and may include plants, nursery products and stock, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm variety tools and utensils.
103. **Ground Cover:** Small plants such as mosses, forbs, ferns, grasses, and undershrubs growing on a forest floor.
104. **Groundwater:** Any of the waters of the state, as defined in Wisconsin Statutes §281.01(18), occurring in a saturated subsurface geological formation of rock or soil.
105. **Group Day Care:** A facility licensed as a day care center by the State Department of Health and Social Services under Wisconsin Statutes § 48.65 where a person or persons provide group care. It includes preschools and nursery schools.
106. **Habitable Structure:** Any structure or portion thereof used or designed for occupation by humans for the purpose of cooking, eating, sleeping, recreation and general living periods.
107. **Heavy Industry:** A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials or a use engaged in storage of or manufacturing processes using toxic, corrosive, flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions, such as smoke, noise, soot, dirt, vibration, odor, etc.

- 108. High Flood Damage Potential:** Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.
- 109. Historic Structure:** Any structure that is either:
1. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register,
 2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district,
 3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior, or
 4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.
- 110. Home Occupation:** A gainful occupation conducted by members of the family only within their place of residence, such as handicrafts, dressmaking, millinery, laundering, preserving and home cooking.
- 111. Horse Production, Commercial:** Training, riding, boarding and breeding horses for profit.
- 112. Hotel or Motel:** A building or group of buildings containing rooms which are offered for compensation for the temporary accommodations of transients and where there is no permanent occupancy of any unit except by the owner, his agent or employees.
- 113. Household Pets:** Animals commonly found in residence as pets, such as dogs, cats, birds, and other small animals, provided that they are not raised or reared for commercial resale.
- 114. Impervious Surface:** Any land cover that prevents rain or melting snow from soaking into the ground, such as roofs including overhangs, roads, sidewalks, patios, driveways and parking lots, including gravel surfaces.
- 115. Increase In Regional Flood Height:** A calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, based on 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.
- 116. Indoor Maintenance and Repair of Goods and Equipment:** A use inside a building including repair and service of small engines or small motors, such as lawn mowers, washing machines, sewing machines, jet ski, four wheelers and small equipment such as guns, chain saws, shoes, etc.
- 117. Inland Wetlands:** Wetlands one acre or greater in size, located throughout unincorporated St. Croix County that are not within a shoreland.

- 118. Indoor Recreation Facility:** A use inside a building used for recreation, including but not limited to tennis, racquet ball, driving ranges, curling, dance schools, ice arenas, shooting ranges, pool hall, and health club.
- 119. Institutional:** A use including but not limited to government building, library and public, private or charter school.
- 120. Junction:** The point upon which 2 highway centerlines, as herein established, or a highway centerline and the centerline or a railway right-of-way meet.
- 121. Junk:** Items, materials or products that are no longer usable as originally intended and/or though capable of being converted to another use are not actually still being used. A motor vehicle is junk for purposes of this chapter if it meets any of the following criteria:
- (a) It is not currently registered.
 - (b) It is not capable of operation, lawful or otherwise, on public highways of Wisconsin and remain in that condition for more than 10 days after receipt of a registered or certified letter from the Zoning Administrator notifying the owner, occupant or custodian of the premises of the violation.
 - (c) No automobile licensable as an antique or special interest vehicle under §341.265, and §341.266 Wis. Stats., or any parts car thereof shall be considered junk, provided such vehicle is stored as required by §341.266(4), Wis. Stats.
- 122. Junkyard Or Salvage Yard:** Any premises on which there is an accumulation of scrap metal, paper, rags, glass, lumber or other materials stored or customarily stored for salvage or sale.
- 123. Karst Feature:** An area or surficial geologic feature subject to bedrock dissolution so that it is likely to provide a conduit to groundwater, and may include caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps or swallets.
- 124. Kennel Commercial:** An establishment, structure or premises where five (5) or more adult dogs or cats, six months of age or older, are bred and raised for sale, boarded, groomed and/or trained as a service.
- 125. Land Disturbance Activity:** Any alteration or disturbance that may result in soil erosion, sedimentation, or change in runoff including, but not limited to, filling, grading, lagooning, dredging, ditching, flooding, excavating and removal of ground cover.
- 126. Land Division:** Any division of a parcel of land by the owner or the owner's agent, for the purpose of transfer of ownership or building development, which creates one or more parcels or building sites of 35 acres or less.
- 127. Landscape Architect:** A person who has graduated with a major in landscape architecture from a college accredited by the American Society of Landscape Architects.
- 128. Lift:** A mechanical device, either temporary or permanent, containing a mobile open top car including hand or guard rails, a track upon which the open top car moves, and a mechanical device to provide power to the open top car.

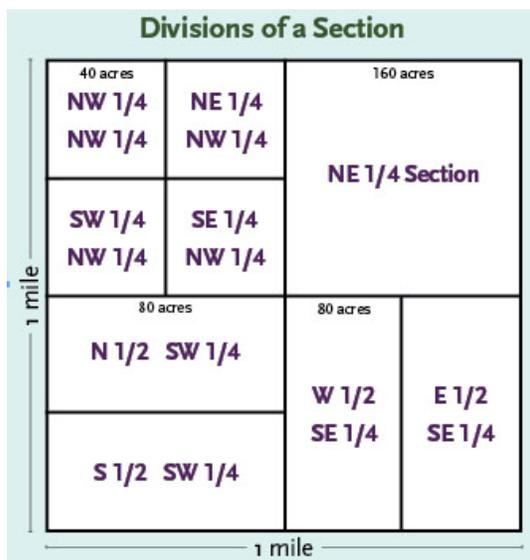
- 129. Light Industry:** A use engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including research, development, processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing, which activities are conducted wholly within an enclosed building.
- 130. Livestock:** Bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites and farm-raised fish.
- 131. 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. It 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 this ordinance, except that an operator may elect to treat a separate species facility as a separate livestock facility.
- 132. 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 animal waste storage structure. 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.
- 133. Lodging House:** A building other than a hotel or motel where lodging only is provided for compensation.
- 134. Lot:** A parcel of land occupied or designed to provide space necessary for one main building and its accessory buildings or uses, including the open spaces required by this chapter and abutting on a public street or other officially approved means of access. A lot may be a parcel designated in a plat or described in a conveyance recorded in the office of the Register of Deeds, or any part of a large parcel when such part complies with the requirements of this chapter as to width and area for the district in which it is located. No land included in the street, highway, access easement or railroad right-of-way shall be included in computing lot area.
- 135. Lot, Corner:** A lot located at the intersection of 2 streets, any 2 corners of which have an angle of 120° or less, or if bounded by a curved street in which case the chord within the limits of the lot line forms an angle of 120° or less.
- 136. Lot, Interior:** A lot other than a corner lot.
- 137. Lot Lines:** The lines bounding a lot as herein described.
- 138. Lot Width:** For the purposes of this chapter, the width of a lot shall be the shortest distance between the side lot lines and the setback lines.
- 139. Low Flood Damage Potential:** Structures that are not designed for human habitation, have a small footprint (about 500 square feet or less) and are designed to minimize damages resulting from floods. Such structures include but are not limited to; open sided park shelters, parking areas, camping sites, picnic areas and playground equipment.

- 140. Lower St. Croix Riverway or Lower St. Croix National Scenic Riverway:** The area described in § NR 118.02 (1).
- 141. Management Zones:** The Lower St. Croix Riverway management zones established in § NR 118.04.
- 142. Manufactured Home:** A factory- built, single-family structure that is manufactured under the authority of 42 U.S.C. Sec 4501, the National Manufactured Home Construction and Safety Standards Act, is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame.
- 143. Manufactured or Mobile Home Park:** An area or premises on which is provided the required space for the accommodation of mobile homes, together with necessary accessory buildings, driveways, walks, screening and other required adjuncts.
- 144. Marquee:** Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.
- 145. Marquee Sign:** Any sign attached to, in any manner, or made a part of a marquee.
- 146. Minor Subdivision:** The creation of not more than 4 parcels much of which is 20 acres or less in size, as specified in §18.03(2).
- 147. Mitigation:** Action taken to minimize the adverse impacts of development. Mitigation includes, but is not limited to, the installation of vegetative buffers, the removal of nonconforming structures from the shoreland setback area, and the implementation of best management practices for erosion control and storm water management. Mitigation should compensate for loss of shoreland vegetation when development or improvements occur.
- 148. Mobile Home:** A vehicle 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. A mobile home exceeding statutory size under s. 348.07(2) shall be considered a primary housing unit. A mobile home not exceeding the statutory size shall be considered a mobile recreational vehicle or travel trailer.
- 149. Mobile Recreational Vehicle or Travel Trailer:** A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured or mobile homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles." The term "mobile recreational vehicle" does not include a temporarily placed "manufactured" or "mobile" home.

- 150. Model Home:** A dwelling unit that has never been occupied for residential purposes, temporarily open for inspection by the general public in order to sell that unit or similar dwelling units that can be constructed for sale or rental in a particular subdivision or other residential development approved by the County. Model homes may also incorporate sales or rental offices for dwellings within that development.
- 151. Modification:** Includes but is not limited to, any addition, alteration, rebuilding or replacement of any existing building, accessory building or accessory use.
- 152. Native Vegetation:** Those species of vegetation that occurred naturally in pre-settlement Wisconsin. Refer to the Original 1830's Vegetation Map of Wisconsin.
- 153. Navigable Waters:** 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. Under §281.31(2)(d), Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under §59.692, Wis. Stats., and Ch. NR 115, Wis. Adm. code, do not apply to lands adjacent to farm drainage ditches if:
- (a) Such lands are not adjacent to a natural navigable stream or river.
 - (b) Those parts of such drainage ditches adjacent to such lands were nonnavigable streams before ditching or had no previous stream history.
 - (c) Such lands are maintained in nonstructural agricultural use.
- 154. Net Project Area:** Developable land area minus slope preservation zones, floodplains, road rights-of-way, and wetlands.
- 155. New Construction:** For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.
- 156. Noncommercial Speech:** Any message that is not commercial speech, which includes but is not limited to, messages concerning political, religious, social, ideological, public service and informational topics.
- 157. Nonconforming Sign:** Any sign which was lawful prior to July 1, 2007 but which does not comply with the terms of this ordinance (or its amendment).
- 158. Nonconforming Structure:** A building or other structure whose location, dimensions or other physical characteristics do not conform to the standards of this ordinance but which was legally constructed or placed in its current location prior to the enactment of this ordinance or its amendment that made it nonconforming.
- 159. Nonconforming Use:** Any use that does not conform to the land use restrictions in this ordinance, but which was legally established prior to the enactment of this ordinance or its amendment that made it nonconforming.

- 160. Non-Flood Disaster:** A fire, ice storm, tornado, wind storm, mud slide, or other destructive act of nature, but not including a flood.
- 161. Non-residential Health Care Facility:** A use that provides out-patient medical care including but not limited to health maintenance, diagnosis, therapy or treatment of disease, pain, injury, deformity, mental illness and addiction.
- 162. Nonresidential Property:** A property where dwelling units for personal residences are not allowed as the principal use.
- 163. North American Vertical Datum (NAVD):** Elevations referenced to mean sea level datum, 1988 adjustment.
- 164. Nursery, Wholesale:** The onsite propagation and growing of plants, shrubs, trees, or vines. Products raised onsite may be sold onsite. Retail sales of any other products are not allowed. Garden centers are not included.
- 165. Obstruction To Flow:** Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.
- 166. Official Floodplain Zoning Map:** That map, adopted and made part of this ordinance, as described in § 17.40 B.
- 167. Open Space Use:** Those uses having relatively low flood damage potential and not involving structures.
- 168. Operation Permit:** A signed document issued by the Code Administrator authorizing operation, closure or use conversion of an animal waste storage facility or part thereof.
- 169. Ordinary High Water Mark:** The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristic.
- 170. Ordinary Maintenance and Repair:** Any work done on a nonconforming structure that does not constitute expansion, structural alteration or reconstruction and does not involve the replacement, alteration or improvement of any portion of the structure's foundation.
- 171. Outdoor Recreation Facility:** A use including but not limited to athletic fields, golf courses, club house, miniature golf, batting cages, driving range, paint ball and go-kart tracks.
- 172. Outlot:** A lot remnant or parcel of land within a plat remaining after platting, which is intended for open space use, for which no development is intended other than that which is accessory to the open space use. An outlot may not be developed for any use or structure that requires a private, onsite wastewater treatment system.
- 173. Overstory:** The upper forest canopy layer.
- 174. Parcel:** Contiguous land under single ownership.
- 175. Parking Lot:** A lot where automobiles are parked or stored temporarily but not including the wrecking of automobiles or other vehicles or storage for the purpose of repair or wrecking.

- 176. Pennant:** Any lightweight plastic, fabric or other material whether or not containing a message of any kind, suspended from a rope, wire or string, usually in series, designed to move in the wind.
- 177. Person:** An individual, or group of individuals, corporation, partnership, association, municipality or state agency.
- 178. Plan Revision:** A modification to an approved application where a valid permit is in effect.
- 179. Pollution:** Contaminating or rendering unclean or impure the land and/or waters of the state or making the same injurious to public health, harmful for commercial or recreation use or deleterious to fish, bird, animal or plant life.
- 180. Porch:** A building walkway with a roof over it, providing access to a building entrance.
- 181. Principal Structure:** The main building or other structure on a lot that is utilized for the property's principal use. Principal structure includes attached garages and porches.
- 182. Principal Use:** The primary purpose for which a lot or parcel is used.
- 183. Professional Engineer:** One who is trained, registered and professionally engaged in a specific branch of engineering pursuant to Wisconsin Statutes §443.04.
- 184. Professional Office:** The office of a doctor of medicine or dentistry, practitioner, minister, architect, landscape architect, professional engineer, lawyer, author, musician or other recognized profession.
- 185. Public Utilities:** Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.
- 186. Quarrying:** The removal of mineral aggregates, topsoil or other natural materials from the earth by excavating, stripping or any other mining process.
- 187. Quarter-Quarter ($\frac{1}{4}$ - $\frac{1}{4}$):** A federal subdivision of a Public Land Survey System Section, commonly known as a "forty." A **Quarter-Quarter ($\frac{1}{4}$ - $\frac{1}{4}$)** is nominally 40 acres.

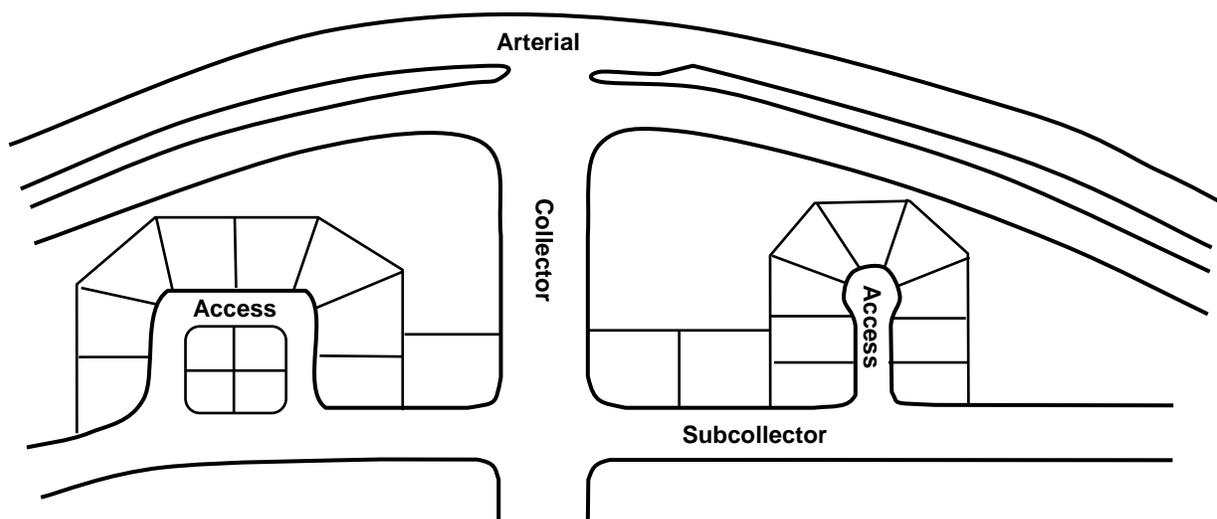


- 188. Reasonable Accommodation:** Allowing a disabled person to deviate from the strict requirements of the county's zoning ordinances if an accommodation is necessary and reasonable, in order not to unlawfully discriminate against the disabled person and to allow them equal housing opportunity.
- 189. Reasonably Safe From Flooding:** Base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and any subsurface waters related to the base flood will not damage existing or proposed buildings.
- 190. Reconstruction:** The replacement of all or substantially all of the components of a structure other than the foundation.
- 191. Regional Flood:** A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.
- 192. Replat:** A plat which changes the boundaries of a recorded plat or part thereof. The legal dividing of a large block, lot or outlot within a recorded plat without changing the exterior boundaries of such block, lot or outlot is not a replat.
- 193. Residential Property:** A property where dwelling units for personal residences are allowed as the principal use including accessory structures and uses.
- 194. Retail Sales and Services:** The provision of goods and/or services such as cards or gifts, clothing, video games, lumber or building supplies, hardware, sports equipment, etc.
- 195. Road:** A public way for vehicular traffic; this term includes highways.
- 196. Road Classification System:** Roads are classified based on many factors, including speed and volume of traffic. Road classifications fall into a four-category hierarchy. The classifications, in descending order, are arterial, collector, subcollector and access roads (see diagram below). The Wisconsin Department of Transportation (WisDOT) and the St. Croix County Highway Department determine arterial and major and minor collector road status on their respective systems and the current functional classification will be used. The St. Croix County Planning and Zoning Department, in conjunction with the appropriate municipal jurisdiction, determines subcollector and access roads. Classifications are shown on the St. Croix County Official Functional Classification Road Map. Residential roads may fall into any of these classifications except arterials. The functional descriptions of each of these classifications follow:
- (a) Arterials provide for rapid speed and movement of high volumes of traffic between areas. An arterial road should have no private accesses on it. Its function is to conduct traffic between communities and activity centers and to connect communities to major state and interstate highways. There are two types of arterials, principal arterials and minor arterials. Principal arterials are those highway corridors that have trip length and travel density characteristics of an interstate or interregional nature. Principal arterials, in general, serve all urban areas greater than 5,000 population and may include: interstate highways, freeways, expressways, four-lane divided highways and two-lane highways. Minor arterials are those highways, which in combination with principal arterials, serve cities, communities and other major traffic generators providing intra-

regional and inter-area travels. Minor arterials may include four-lane divided highways, two-lane highways and county trunk highways.

- (b) Collectors provide for moderate speed and movement of medium volumes of traffic and distribute traffic from arterial roads. There are two types of collector roads, major collectors and minor collectors. As the principal road within residential or commercial areas, collectors carry relatively high traffic volumes and convey traffic from arterial roads to lower-order roads. A collector's function is to promote the free flow of traffic; as such, the roads should not have parking or private residential access. A collector's secondary function is to serve abutting land uses. Major collectors provide service to moderate sized communities and other intra-area traffic generators and link those generators to larger population centers and higher function highways. Minor collectors provide service to all remaining smaller communities and tie local traffic generators with the rural surrounding area. Minor collectors are spaced consistent with population density so as to collect traffic and bring all developed areas within a reasonable distance of a higher-order road.
- (c) Subcollectors connect with access roads and convey traffic to major and minor collectors. Like an access road, a subcollector provides frontage and access to residential lots but also carries some through traffic to access roads. A subcollector is a relatively low speed, low-volume road. Subcollectors include all roads not identified as major or minor arterials, major or minor collectors or access roads. Generally, subcollectors are all town roads in the original town road grid system, and town roads identified as through roads or subcollectors on a town comprehensive plan or official map. Some roads in a subdivision may be subcollectors instead of access roads if the two ends of the road extend beyond the boundary of the subdivision and one end of the road eventually connects to another subcollector or higher order road.
- (d) Access roads are designed to conduct traffic between individual parcels or lots and higher order roads. Access roads provide for low speed and low volumes of traffic and convey traffic to subcollector, collector and arterial roads. As the lowest-order road in the hierarchy, the access road usually carries little through traffic and includes short roads, cul-de-sacs and courts. Access roads include local roads within conventional subdivisions, local roads within Conservation Design Development subdivisions, cul-de-sacs, loop roads, lakeshore roads that existed prior to 1974, and roads, not otherwise classified located in unincorporated hamlets, including Boardman, Burkhardt, Cylon, Emerald, Erin Corners, Forest, Hersey, Houlton, Huntington, Jewett, Johannesburg and New Centerville.
 - 1. Cul-de-sac roads are closed at one end with turn-arounds not platted for extension.
 - 2. Loop roads are short, one-way through roads that turn back to the originating road.
 - 3. Temporary dead-end roads terminate in a "T" turn-around and are platted for future extension.

Functional Classification System Diagram



- 197. Roadside Stand:** A structure having a ground area of not more than 300 sq. ft., not permanently fixed to the ground, readily removable in its entirety, not fully enclosed and to be used solely for the sale of farm products produced on the premises or adjoining premises.
- 198. Routine Vegetation Maintenance:** Normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require a land disturbing activity.
- 199. Salvage Operation:** Operations in which substantial numbers of automotive vehicles, other machinery or equipment or parts thereof which are no longer usable as originally intended are accumulated and stored outside of buildings for purposes of ultimate repair, reuse, sale or trade.
- 200. School, Charter:** A school under contract with a school board under Wisconsin Statute §118.40 or with one of the entities under §118.40 (2r) (b), or a school established and operated by one of the entities under §118.40 (2r) (b).
- 201. School, Private:** An institution with a private educational program that meets all of the criteria under Wisconsin Statute §118.165 (1) or is determined to be a private school by the state superintendent under §118.167.
- 202. Selection Cut:** The removal of selected trees throughout the range of merchantable sizes at regular intervals, either singly or in small groups, leaving a uniformly distributed stocking of desirable tree and shrub size classes.
- 203. Self-Storage:** Indoor storage of customer's items within partitioned buildings with individual access to each partitioned area.
- 204. Service Contractor:** Contractors engaged in providing property maintenance services including but not limited to lawn, pool and garden care; snow plowing and removal; and tree trimming and removal.

- 205. Service Station:** Any building, structure, premises or other place used for the dispensing, sale or offering for sale of any motor fuel or oils having pumps and storage tanks; also where battery, tire and similar services are rendered, but not including buildings or premises where such business is incidental to the conduct of a public garage used for the repair or storage of motor vehicles.
- 206. Setback:** The minimum horizontal distance between a structure and the OHWM, bluffline, side and rear lot lines, and roads.
- 207. Setback Lines:** Lines established adjacent to highways, lot lines, lakes and streams or other places for the purpose of defining limits within which any or certain buildings, structures or uses may not be constructed, maintained or carried on, except as shown herein. "Within a setback line" means between the setback line and the highway, lot line, lake or stream to which the setback line is adjacent.
- 208. Shelterwood Cut:** A partial removal of mature trees leaving trees of desirable species and form to provide shade, seed source and a desirable seedbed for natural regeneration with the final removal of the overstory after adequate regeneration is established.
- 209. Shoreland:** Lands within the following distances from the ordinary high water mark of navigable waters: 1,000' from a lake, pond, or flowage; and 300' from a river or stream or to the landward side of the floodplain, whichever distance is greater.
- 210. Shoreland-Wetland District:** The zoning district, created as a part of the shoreland overlay districts subchapter, comprised of shorelands that are designated as wetlands on the wetland maps which have been adopted and made part of this chapter.
- 211. Sign:** A display, illustration, structure or device that directs attention to an idea, object, product, place, activity, person, institution, organization or business.
- 212. Sign, Banner:** Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building at one or more edges. Flags that comply with §B.4.a.3) shall not be considered banners.
- 213. Sign, Beacon:** Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.
- 214. Sign, Building:** Any single-faced sign painted on, attached to or erected against the exterior wall of a building, structure, marquee, canopy or awning. Also including any sign placed on the interior of a window or painted on a window such that it can be read from the outside of the building.
- 215. Sign Component:** Any element of a sign or its source of support (excluding a building), including but not limited to support structure, accessories, wiring, framing. Paint, vinyl, paper, fabric, lightbulbs, diodes, or plastic copy panels on a sign do not constitute components.
- 216. Sign, Freestanding:** Any sign supported by structures or supports that are placed on or anchored in the ground and that are independent from any building or other structure, including, but not limited to, a ground mounted sign, detached sign, pole sign, pylon sign or monument sign.

- 217. Sign, Incidental:** A sign that is not legible to a person of ordinary eyesight with vision adequate to pass a state driver's license exam standing at ground level at a location on the public right-of-way or on other private property.
- 218. Sign, Monument:** A freestanding sign where the base of the sign structure is on the ground.
- 219. Sign, Off-Premise:** A sign, which displays a commodity, product, service, activity or any other person, place, thing or idea other than noncommercial speech, which is not located, found or sold on the premises upon which such sign is located.
- 220. Sign, Off-Premise Directional:** A sign displayed for the sole purpose of assisting wayfinding through disclosure of no more than the name of a place, its distance from the sign and one directional arrow.
- 221. Sign, On-Premise:** A sign which only displays a commodity, product, service, activity or any other person, place, thing or idea, which is located, found or sold on the premises upon which such sign is located, or a noncommercial speech.
- 222. Sign, On-Premise Directional:** A sign at the exit or entrance of a premises that has two or more driveways.
- 223. Sign, Pornographic:** Any sign that, in whole or in part, is obscene or pornographic as defined in Miller v. California and subsequent decisions, or shows specified anatomical areas or specified sexual activities.
- 224. Sign, Portable:** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A-or T-frames; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used for transportation in the normal day-to-day operations of the business.
- 225. Sign, Projecting:** Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.
- 226. Sign, Property Address:** A reflective red sign with white lettering that identifies the property address at a minimum and may provide limited additional information such as town name and road name.
- 227. Sign, Roof:** Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure and extending vertically above the highest portion of the roof.
- 228. Sign, Special Event:** A sign that is temporary in nature and is not permanently mounted or attached to the ground or sign surface, and is used for special events, such as but not limited to, grand openings, promotions, seasonal sales, garage sales, craft sales, graduation or birthday parties, festivals or fairs.
- 229. Sign, Temporary:** Any sign that is used only for a limited period of time and is not permanently mounted.

- 230. Silvicultural Thinning:** A woodland management practice which, for the purposes of this chapter, the quality of adjacent surface water is maintained or improved through responsible cutting in shorelands and long-lived species are perpetuated and provision is made for efficient methods of slash disposal.
- 231. Single-Family Residence:** A detached structure used for human habitation for one family.
- 232. Slope Preservation Zone:** The area riverward from the bluffline where the slope towards the river is 12% or more, as measured horizontally for a distance of not more than 50 feet or less than 25 feet.
- 233. Small Regeneration Cut:** A harvest of not more than one-third of the contiguous forested ownership within a 10-year period with each opening not exceeding 6 acres in size and not closer than 75 feet at their closest points.
- 234. Solid Waste Processing or Transfer:** A facility for the collection, processing or temporary storage of solid waste prior to offsite disposal, not to exceed one year.
- 235. Specified Anatomical Areas:** Less than completely and opaquely covered human genitals, pubic region, buttocks, anal region or female breast below a point immediately above the top of the areola; or human male genitals in a discernibly turgid state even if completely and opaquely covered.
- 236. Specified Sexual Activities:** Any of the following:
- a. Human genitals in a state of sexual stimulation or arousal.
 - b. Acts of human masturbation, sexual intercourse or sodomy.
 - c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
 - d. Flagellation or torture in the context of a sexual relationship.
 - e. Masochism, erotic or sexually oriented torture, beating or the infliction of pain.
 - f. Erotic touching, fondling or other such contact with an animal by a human being.
 - g. Human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in a. through f. above.
- 237. Start Of Construction:** The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

- 238. State Defined Subdivision:** This shall mean the creation of 5 or more parcels or building site of 1½ acres each or less, as specified in §18.03(1).
- 239. Stormwater Runoff:** The waters derived from rains falling or snowmelt or ice melt occurring within the drainage area, flowing over the surface of the ground and collected in channels, watercourses or conduits.
- 240. Story:** The vertical distance between the surface of any floor and the floor next above it, or if there be no floor above it, the space between such floor and the ceiling next above it.
- 241. Story, Half:** A story under any roof except a flat roof, the wall plates of which on at least 2 opposite exterior walls are not more than 2' above the floor of such story.
- 242. Street:** A public or private thoroughfare which affords a primary means of access to abutting property.
- 243. Street Line:** A dividing line between a street and the abutting lot.
- 244. Structural Alteration:** The replacement or alteration of one or more of the structural components of any of a structure's exterior walls.
- 245. Structural Component:** Any part of the framework of a building or other structure. The structural components of a building's exterior walls include the vertical studs, top and bottom plates, and window and doorsills and headers. A structural component may be non-load-bearing, such as the framework of a wall at the gable end of a one-story house. Wall coverings, such as siding on the exterior and dry wall on the interior, are not included in the definition of structural component.
- 246. Structural Erosion Control Measure:** A retaining wall or other man-made structure whose primary function is to control erosion.
- 247. Structure:** Any man-made object with form, shape and utility that is constructed or otherwise erected, attached to or permanently or temporarily placed, either upon the ground, a river bed, stream bed or lake bed or upon another structure. Structure includes swimming pools, hot tubs, patios, decks and retaining walls, but does not include landscaping or earthwork such as graded areas, filled areas, ditches, berms or earthen terraces. Structure does not include small objects that are easily moved by hand, such as lawn chairs, portable grills, portable picnic tables, bird feeders, birdhouses and birdbaths.
- 248. Structure Height Measurement:** The vertical distance from the average ground elevation to the highest point of a flat roof, to the deckline of a mansard roof or to the average height of the highest gable of a gambrel, hip or pitched roof, except as provided for in §17.12(6). This measurement shall exclude chimneys.
- 249. Subdivision:** The division of a lot, parcel or tract by the owner thereof, or his agent, for the purpose of transfer of ownership or building development where the act of division creates 5 or more parcels or building sites of 20 acres or less in area or where the act of division creates 5 or more parcels or building sites of 20 acres or less in area by successive division within a 5 year period, as specified in §18.03(1).
- 250. Substantial Damage:** Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.

- 251. Successional Climax Forest:** Plant community dominated by native trees representing the culminating stage of natural succession for that specific locality and environment. Also referred to as old growth forest specific to the Lower St. Croix Riverway, including oak forest, maple-basswood forest, and white-pine forest.
- 252. Temporary Structure:** A movable structure not designed for human occupancy which may be used for the protection of goods or chattels.
- 253. To Place:** The putting of a building or structure in a particular situation, whether this is by original construction or erection or by moving a building or structure to the particular situation.
- 254. Transmission Services:** Electric power lines, telephone and telegraph lines, communication towers, cables, sewage lift stations, sewer and water pipes, and other pipes, conduits and accessory structures that are used to transport power, convey information or transport material between 2 points, other than wireless communication service facilities.
- 255. Truck Service, Repair, & Towing:** Repairs, incidental body and fender work, replacement of parts and motor services, towing and steam cleaning to freight vehicles and trucks equal to or exceeding 12,000 pounds gross weight.
- 256. Understory:** The layer formed by the crowns of smaller trees beneath the forest canopy.
- 257. Unnecessary Hardship:** Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this ordinance.
- 258. Variance:** An authorization by the Board of Adjustment for the construction, modification or maintenance of a building or structure in a manner that deviates from dimensional standards (not uses) contained in this ordinance.
- 259. Vehicle:** Every device, in, upon or by which any person or property is or may be transported or drawn upon a road or highway, including any car, truck, trailer, semi-trailer, watercraft, mobile home or other motorcraft, whether or not it is self-powered or remains capable of travel in its present state.
- 260. Vision Clearance:** An unoccupied triangular space at the intersection of highways or streets with railroads. Such vision clearance triangles shall be bounded by the intersecting highway, street or railroad right-of-way lines and a setback line connecting points located on such right-of-way lines by measurement from their intersection as specified in the Subchapter VI.
- 261. Visually Inconspicuous:** Difficult to see, or not readily noticeable, in summer months as viewed from at or near the mid-line of the Lower St. Croix River.
- 262. Wastewater Treatment System:** A wastewater treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative wastewater treatment system approved by the Department of Commerce, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

- 263. Watershed:** An entire land area contributing runoff or surface water to a watercourse or body of water.
- 264. Waters of the State:** Those portions of Lake Michigan and Lake Superior within the boundaries of Wisconsin, all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, water courses, drainage systems and other surface water or groundwater, natural or artificial, public or private within the state or under its jurisdiction, except those waters which are entirely confined and retained completely upon the property of a person.
- 265. Water Surface Profile or Flood Profile:** A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow.
- 266. Well:** An excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.
- 267. 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 conditions.
- 268. Yard:** An open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.
- 269. Yard, Front:** A yard extending the full width of the lot between the front lot line and the nearest part of the main building excluding uncovered steps.
- 270. Yard, Rear:** An open space, unoccupied except for accessory buildings extending from the rear lot line to the rear line of the main building for the entire width of the lot, excluding such projections as are permitted herein.
- 271. Yard, Side:** A yard or open space on each side of the main building extending from the side wall of the building to the side lot line and from the front yard to the rear yard. When an accessory building is constructed as part of the main building or constructed on one side of the main building the side yard requirements shall be the same for the accessory building as required of the main building.