

ARTICLE N

Definitions

SEC. 10-1-180 DEFINITIONS.

- (a) For the purposes of this Chapter, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not optional.
- (1) Abutting. Having a common property line or district line.
 - (2) Accessory Use or Structure. A use or detached structure subordinate to the principal use of a structure, land, or water and located on the same lot or parcel serving a purpose customarily incidental to the principal use or the principal structure, and, in the case of a building, does not occupy more than thirty (30%) percent of the required rear yard.
 - (3) Alley. A special public right-of-way affording only secondary access to abutting properties.
 - (4) Apartment. A portion of a multiple dwelling used as a separate housing unit and having cooking facilities and a private bath.
 - (5) Arterial Street. A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways as well as arterial streets, highways, and parkways.
 - (6) Basement. That portion of any structure located partly below the average adjoining lot grade which is not designed or used primarily for year-around living accommodations. Space partly below grade which is designed and finished as habitable space is not defined as basement space.
 - (7) Billboard. An advertising device, either freestanding or attached to a building, which is used to display information not related to the use or ownership of the establishment or the property upon which it is located.
 - (8) Block. A tract of land bounded by streets or by a combination of streets and public parks, or other recognized lines of demarcation.
 - (9) Boarding House. A building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for four (4) or more persons not members of a family, but not exceeding six (6) persons and not open to transient customers.
 - (10) Building. Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery or materials.
 - (11) Building Area. The total living area bounded by the exterior walls of a building at the floor levels, but not including basement, utility rooms, garages, porches, breezeways, and unfinished attics.
 - (12) Building Height. The vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of flat roofs; to the mean height level between the eaves and ridges of gable, gambrel, hip, and pitch roofs; or to the deck line of mansard roofs.
 - (13) Building, Principal. A building in which is conducted the main use of the lot on which said building is located.
 - (14) Building Inspector. The employee of the Village officially designated to administer the Building and Zoning Ordinances.
 - (15) Building Line, Front. A line parallel to the street, intersecting the foremost point of the building, excluding uncovered steps.

- (16) Business. A commercial establishment engaged in the purchase and sale of goods and services for a profit (not including manufacturing or industrial establishments).
- (17) Canopy or Marquee. A roof-like structure, of a permanent nature, which projects from the wall of a building.
- (18) Cellar. A portion of a building located partly or wholly underground, and having two-thirds (2/3) or more of its clear floor-to-ceiling height below the average grade of the adjoining ground. (See paragraph entitled "Basement".)
- (19) Certificate of Occupancy. A written statement issued by the Zoning Administrator which permits the use of a building or lot or a portion of a building or lot, and which certifies compliance with the provisions of this Chapter for the specified use and occupancy.
- (20) Clinic. A building used by a group of doctors or dentists for the examination or treatment of persons on an out-patient or non-boarding basis only.
- (21) Club. A building owned, leased or hired by a nonprofit association of persons, who are bona fide members paying dues, the use of which is restricted to said members and their guests.
- (22) Clothing Repair Shops. Shops where clothing is repaired, such as shoe repair shops, seamstress, tailor shops, shoe shine shops, clothes pressing shops, but none employing over five (5) persons.
- (23) Clothing Stores. Retail stores where clothing is sold, such as department stores, dry goods and shoe stores, dress, hosiery, and millinery shops.
- (24) Collector Highway. Serves as a linkage between local roads and arterials. "High" collectors serve communities exceeding two hundred (200) population and significant recreational centers. "Low" collectors de-emphasize mobility and carry generally low traffic volumes.
- (25) Conditional Uses. Uses of a special nature as to make impractical their predetermination as a principal use in a district.
- (26) Conforming Use. Any lawful use of a building or lot which complies with the provisions of this Chapter.
- (27) Corner Lot. A lot abutting two or more streets at their intersection provided that the corner of such intersection shall have an angle of one hundred thirty-five (135) degrees or less, measured on the lot side.
- (28) Curb Grade. The level of the established curb in the front of the building, measured at the center of such front. Where no curb has been established, the Village Board shall authorize and approve the establishment of such curb level or its equivalent for the purpose of this Chapter.
- (29) Dwelling. A detached building designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotels, tents, cabins, or mobile homes.
- (30) Dwelling Unit. One (1) or more rooms designed as a unit for occupancy by not more than one (1) family for living and sleeping purposes.
- (31) Dwelling, One-Family. A detached building designed, arranged or used for, and occupied exclusively by one (1) family.
- (32) Dwelling, Two-Family. A building designed, arranged or used for, or occupied exclusively by two (2) families, living independently of each other.
- (33) Dwelling, Multiple. A building or portion thereof used or designated as a residence for three (3) or more families as separate housekeeping units, including apartments, apartment hotels and group houses.
- (34) Efficiency. A dwelling unit consisting of one principal room with no separate sleeping rooms.
- (35) Emergency Shelter. Public or private enclosures designed to protect people from aerial, radiological, biological, or chemical warfare; fire, flood, windstorm, riots, and invasions.

- (36) Essential Services. Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, firealarm boxes, police call boxes, traffic signals, lift stations, and hydrants, but not including buildings.
- (37) Expressway. A divided Principal or Primary Arterial highway with full or partial control of access and with or without grade separated intersections.
- (38) Family. Any number of persons related by blood, adoption, or marriage, or not to exceed four (4) persons not so related, living together in one dwelling as a single housekeeping entity.
- (39) Farm. Land consisting of two (2) or more acres on which produce, crops, livestock or flowers are grown primarily for off-premise consumption or use.
- (40) Floor Area.
 - a. For Residential Uses, the sum of the gross horizontal areas of the several floors of a dwelling unit, exclusive of porches, balconies, garages and basements, measured from the exterior faces of the exterior walls or from the centerlines of walls or partitions separating dwelling units.
 - b. For Uses Other Than Residential, the area measured from the exterior faces of the exterior walls, or from the centerline of walls or partitions separating such uses, including all floors, lofts, balconies, mezzanines, cellars, basements, and similar areas devoted to such uses.
- (41) Freeway. An expressway with full control of access and with fully graded separated intersections.
- (42) Front Yard. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two such yards.
- (43) Frontage. The smallest dimension of a lot abutting a public street measured along the street line.
- (44) Frontage, Lot. The smallest dimension of a lot abutting a public street, measured along the street line.
- (45) Garage, Private. An accessory building or portion of the principal building used for vehicular storage only, and having a capacity of not more than three (3) automobiles, or not more than one (1) automobile per family housed in the building to which such garage is accessory, whichever is the greater, and in which space may be used for not more than one (1) commercial vehicle, and in which space may be rented for not more than three (3) vehicles of others not occupants of the building to which such garage is accessory. The term also includes carport and, when related to the context, shall relate to the storage of one (1) or more vehicles.
- (46) Gift Stores. Retail Stores where items such as art, antiques, jewelry, books, and notions are sold.
- (47) Hardware Stores. Retail stores where items such as plumbing, heating, and electrical supplies, sporting goods, and paints are sold.
- (48) Hotel. An establishment for transient guests having more than six (6) sleeping rooms without individual cooking facilities.
- (49) Household Occupations. Any occupation or profession for gain or support conducted entirely within buildings by resident occupants which is customarily incidental to the principal use of the premises. It shall include residences of baby-sitters, milliners, dressmakers, launderers, crafts and canners, but does not include the display of any goods nor such occupations as barbering, beauty

- shops, dance schools, real estate brokerage or photographic studios. It shall not include the display of goods visible from outside the premises.
- (50) Interchange. A grade separated intersection with one or more turning lanes for travel between intersection legs.
 - (51) Joint Extraterritorial Zoning Committee. Any Zoning Committee established in accordance with Section 62.23 (7a) of the Wisconsin Statutes.
 - (52) Junk Yard. An area consisting of buildings, structures or premises where junk, waste, discarded or salvage materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, house wrecking and structural steel materials and equipment yards, but not including the purchase or storage of used furniture and household equipment or used cars in operable condition.
 - (53) Living Rooms. All rooms within a dwelling except closets, foyers, storage areas, utility rooms, and bathrooms.
 - (54) Loading Area. A complete off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.
 - (55) Local Highway. Roads which are intended to move vehicles from individual parcels to the higher order road systems, and should not carry through traffic. Local roads carry low traffic volumes.
 - (56) Lot. 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 lot width, lot frontage, lot area, yard, parking area, and other open space provisions of this Chapter.
 - (57) Lot, Corner. A lot abutting intersecting streets at their intersection.
 - (58) Lot Coverage. The percent of the area of a lot occupied by buildings or structures, including accessory buildings or structures.
 - (59) Lot, Reversed Corner. A corner lot which is oriented such that it has its rear lot line coincident with or parallel to the side lot line of the interior lot immediately to its rear.
 - (60) Lot, Through. A lot having a pair of opposite lot lines along two (2) more or less parallel public streets and which is not a corner lot. On a "through lot," both public streets shall be deemed front lot lines.
 - (61) Lot, Zoning. A single tract of land located within a single block, which at time of filing for a building permit is designated by its owner or developer as a tract to be used, developed or built upon as a unit under single ownership or control.
 - (62) Lot Area. The total area in a horizontal plane within the peripheral boundaries of a lot.
 - (63) Lot Lines and Area. The peripheral boundaries of a parcel of land and the total area lying within such boundaries.
 - (64) Lot Width. The width of a parcel of land measured at the rear of the specified street yard.
 - (65) Machine Shops. Shops where lathes, presses, grinders, shapers, and other wood and metal working machines are used, such as blacksmith, tinsmith, welding, and sheet metal shops; plumbing, heating and electrical repair and overhaul shops.
 - (66) Minor Structures. Any small, movable accessory erection or construction such as birdhouses; tool houses; pet houses; play equipment; arbors; and walls and fences under four (4) feet in height.
 - (67) Mobile Home. A one-family dwelling unit of vehicular design, built on a chassis and originally designed to be moved from one site to another, and used without permanent foundation.
 - (68) Mobile Home Park. Any lot on which two (2) or more mobile homes are parked for the purpose of temporary or permanent habitation.

- (69) Motel. A series of attached, semi-attached, or detached sleeping units for the accommodation of transient guests.
- (70) Non conforming Uses or Structures. 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.
- (71) Nursery School. Any building used routinely for the daytime care and education of pre-school age children and including all accessory buildings and play areas, other than the child's own home or the homes or relatives or guardians.
- (72) Nursing Home. Any building used for the continuous care, on a commercial or charitable basis, of persons who are physically incapable of caring for their own personal needs.
- (73) Parking Facility/Lot. A structure or an open space other than a street or alley used for temporary parking of more than four (4) self-propelled vehicles and available for public uses, whether free, for compensation, or as an accommodation for clients or customers.
- (74) Parking Space. A graded and surfaced area of not less than one hundred eighty (180) square feet in area either enclosed or open for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley.
- (75) Parties in Interest. Includes all abutting property owners, all property owners within one hundred (100) feet, and all property owners of opposite frontages.
- (76) Planned Area Development. A tract of land which contains or will contain two (2) or more principal buildings, developed under single ownership or control; the development of which is unique and of a substantially different character than that of surrounding areas.
- (77) Primary Arterial Highway. Serves long trips with high mobility. Connects regions or important cities. Serves communities with over five thousand (5,000) population by 1990. Continuous system in combination with Principal Arterials. Provides high level of service with only slight variation.
- (78) Principal Arterial Highway. Serves longest trips with highest mobility. Connects states, regions or metropolitan areas, serves cities with over fifty thousand (50,000) population by 1990. Continuous, interconnected system with uninterrupted maximum level of services.
- (79) Professional Home Offices. Residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians, or other recognized professions where the office does not exceed one-half (1/2) the area of only one floor of the residence and only one nonresident person is employed.
- (80) Railroad Right-of-Way. A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.
- (81) Rear Yard. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the front yard or one of the front yards on a corner lot.
- (82) Setback. The minimum horizontal distance between the front lot line and a structure.

- (83) Shopping Center. A group of stores planned and designed for the site on which it is built, functioning as a unit, with off-street parking provided on the property as an integral part of the unit. (See "Planned Unit Development.")
- (84) Side Yard. 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 street.
- (85) Signs. Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity or product and which is visible from any public street or highway.
- (86) Smoke Unit. The number obtained when the smoke density in Ringelmann number is multiplied by the time of emission in minutes.
- (87) Standard Arterial Highway. Serves long trips with good mobility. Has intra-regional and inter-community connections. Serves communities with over one thousand (1,000) population. It is generally continuous system in combination with Principal and Primary Arterials. Provides good level of service under varying operating conditions.
- (88) Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between such floor and the ceiling next above it.
- (89) Story, Half. A story under a gable, hip or gambrel roof, the wall plates of which, on at least two (2) exterior walls, are not more than two (2) feet above the floor of such story.
- (90) Street. A public thoroughfare which may either provide the principal means of pedestrian and/or vehicular access to abutting property or may provide for the movement of pedestrian and/or vehicular traffic, or both.
- (91) Street Yard. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two such yards.
- (92) Structure. Any erection or construction, such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery and equipment.
- (93) Structural Alterations. Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders.
- (94) Travel Trailer. A vehicular portable structure, built on a chassis and designed to be used for temporary occupancy for travel, recreational or vacation use, limited in weight or length to either a maximum weight of four thousand, five hundred (4,500) pounds or a maximum length of twenty-eight (28) feet.
- (95) Turning Lanes. An existing or proposed connecting roadway between two (2) arterial highways or between an arterial highway and any other highway. Turning lanes include grade separated interchange ramps.
- (96) Use. The "use" of a property is the purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained, and shall include any manner of standards of this Chapter.
- (97) Utilities. Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops, and storage yards.

- (98) Yard. An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation. The street and rear yards extend the full width of the lot.
- (99) Zoning District. An area or areas within the corporate limits for which the regulations and requirements governing use, lot and bulk of buildings and premises are uniform.
- (100) Zoning Permit. A permit stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements under this Chapter for the zone in which it is to be located.

ORDINANCE NO. 7-20-85

AN ORDINANCE REGARDING
MANUFACTURED HOUSING

The Village Board of the Village of Bear Creek, Wisconsin, do ordain as follows:

SECTION I. SECTIONS REPEALED AND RECREATED.

Section 10-1-42(a) of the Village of Bear Creek Code of Ordinances is repealed in its entirety and recreated to read as follows:

(a) Permitted Uses and Structures.

- (1) Single-family dwellings, excluding all mobile homes; for purposes of this Chapter manufactured homes are included in the definition of single-family dwelling.
- (2) Structures and uses accessory to single-family dwellings.
- (3) Manufactured homes complying with all of the following requirements and limitations:
 - a. The home shall be a double wide of at least twenty-four (24) feet in width and thirty-six (36) feet in length.
 - b. The home shall be installed on an approved foundation system in conformity with the uniform building code. The wheels and axles must be removed. The enclosed foundation system shall be approved by the Building Inspector and/or Village Engineer; the Building Inspector may require a plan to be certified by a registered architect or engineer to ensure proper support for the home.
 - c. The home shall be equipped with foundation siding which in design, color and texture appears to be an integral part of the adjacent exterior wall of the manufactured home.
 - d. The home shall be covered by a roof pitched at a minimum slope of two (2) inches in twelve (12) inches, which is permanently covered with non-reflective material.
 - e. The home shall have a pitched roof, overhanging eaves and such other design features required of all new single family dwellings located within the Village of Bear Creek.
- (4) Public and semi-public nonprofit institutional uses including churches, schools, libraries and uses of a similar nature.
- (5) Parks, playgrounds, and community centers.
- (6) Uses customarily incident to any of the above uses, provided that no such use generates traffic or noise that would create public or private nuisance.

SECTION II. SECTION AMENDED.

Section 10-1-180 is amended by the addition of the following definitions:

- () Manufactured Home. A structure certified and labeled as a manufactured home under 42 USC Secs. 5401-5426, which, when placed on the site:
- Is set on an enclosed continuous foundation in accordance with Sec. 70.43(1), Wis. Stats., and ILHR 21, Subchapters III, IV, and V, Wis. Adm. Code, or is set on a comparable enclosed continuous foundation system approved by the Building Inspector, who may require a plan for such foundation to be certified by a registered architect or engineer to ensure proper support for such structure;
 - Is installed in accordance with the manufacturer's instructions;
 - Is properly connected to utilities; and
 - Meets other applicable standards of this Chapter.

SECTION III. SEVERABILITY.

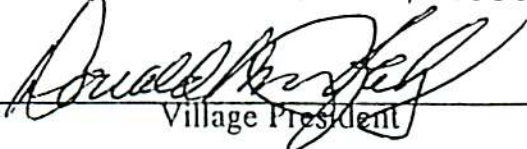
If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

SECTION IV. EFFECTIVE DATE.

This Ordinance shall take effect upon passage and publication as provided by law.

ADOPTED this 20th day of July 1995.

VILLAGE OF BEAR CREEK, WISCONSIN


Village President


Village Clerk

Published and/or Posted: July 21, 1995