

ZONING

ARTICLE II. DEFINITIONS

Sec. 23-21. Purpose

The following words and terms, wherever they occur in this chapter, shall be construed as herein defined. Words not defined in this zoning ordinance shall be interpreted in accordance with definitions in Municipal Code of the City of Appleton, *The New Illustrated Book of Development Definitions* by Harvey S. Moskowitz, the Wisconsin State Statutes, the State Building Code or Uniform Dwelling Code. If a word or term is not defined as identified by the protocol above, it shall have the meaning set forth in the latest edition of Webster's New World College Dictionary. (Ord 24-20, §1, 3-25-20)

Sec. 23-22. Words and terms defined.

For the purposes of this article, certain terms shall have the meanings ascribed to them in this section, unless the context clearly indicates otherwise.

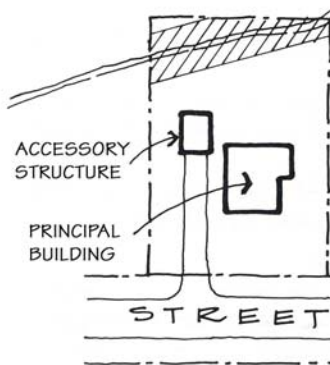
A

**Abandonment** means to cease or discontinue a use or activity without intent to resume, but excluding the temporary or short term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

**Abutting** means having a common border with, or being separated from such a common border by a right-of-way, alley or easement.

**Accessory building** means a subordinate building, the use of which is incidental to and customary in connection with the principal building, structure or use, and which is located on the same lot with such principal building, structure or use. Examples of accessory buildings include, but are not limited to, attached garages, detached garages, attached carports, detached carports, sheds and gazebos.

**Accessory structure** means a subordinate structure, the use of which is incidental to and customary in connection with the principal building, structure or use, and which is located on the same lot with such principal building, structure or use. An accessory structure is not necessarily a building. Examples of non-building accessory structures include, but are not limited to, parking lots, fences, patios, decks, play equipment, swimming pools and tennis or basketball courts.



**Accessory use** means a subordinate use that is incidental to and customary in connection with the principal building, structure or use, and is located on the same lot with such principal building, structure or use.

**Addition or Expansion** means an increase in gross floor area, gross square foot area, height, lot coverage, building coverage, length, or width of an existing building, structure, off-street parking lot, off-street loading area or use.

**Adjacent.** See *Abutting*.

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**Agriculture** means a use involving the raising of field crops and horticulture.

**Alley** means a public thoroughfare that generally affords only a secondary means of access to abutting property.

**Alteration, Building or Structure** means any change involving the addition, removal, replacement, relocation of supporting members of an existing building or structure, not including off-street parking lots and loading areas, such as bearing walls, posts, columns, beams, plates, doors, windows, foundation walls, roofs or exterior walls.

**Amusement arcade** means a use in which fifteen (15) or more pinball machines, video games or other similar player-operated amusement devices (see §9-126) are maintained. Principal uses which require a special use permit are not considered an amusement arcade (e.g. taverns, neighborhood recreation centers).

**Antenna** means any exterior apparatus designed for telephonic, radio or television communications through the sending and/or receiving of electromagnetic waves, digital signals, radio frequencies, wireless telecommunications signals, including, but not limited to, directional antennas, such as panel(s), microwave and satellite dishes, and omni-directional antennas, such as whip antennas.

**Apartment dwelling** means a use containing a room or suite of rooms rented or leased, with cooking facilities available within the suite of rooms which is occupied as a residence by a single family or a group of individuals living together as a single family unit. This includes any unit in residential buildings with three (3) or more dwelling units or any one (1) or more units in a building used primarily for nonresidential uses.

**Architectural features** means ornamentation or decorative features attached to or protruding from an exterior wall including, but not limited to, cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments.

**Arterial street** means a street that is designed to efficiently carry substantial traffic volumes within and through the City. Access to abutting properties is a subordinate arterial street function.

**Asphalt plant** means use that stores materials for and manufactures asphalt products for distribution off premises.

**Assisted living and retirement home** means a use involving a nonprofit residential facility, which as its primary function provides personal care above the level of room and board to retired persons, where three (3) or more unrelated adults or their spouses have their principal residence and where support services, including meals from a common kitchen, are available to residents.

**Attached building or structure** means a building or structure, which is attached to another building or structure by a wall, a roof or by a continuous foundation.

**Automobile/vehicle car wash.** See *Car wash*.

**Automobile maintenance shop** means a use where the exclusive service performed or executed on any motor vehicles of less than twenty-six thousand (26,000) pounds gross vehicle weight rating (GVWR), for compensation, includes the installation of exhaust system, repair of the electrical system, transmission repair, brake repair, tire repair and installation, rust proofing, motor vehicle diagnostic center, major and minor mechanical repairs.

**Automobile, RV, truck, cycle and boat rental and display lot** means a use involving the display and temporary storage of motor vehicles, including recreational vehicles, trucks, motorcycles and boats for rental or lease to the general public and where repair or service work to those vehicles is incidental to the operation of the rental fleet.

**Automobile, RV, truck, cycle and boat sales and display lot** means a use involving the display and temporary storage, for sale, of new or used motor vehicles including recreational vehicles, trucks, motorcycles and boats, and where repair or service work is incidental to the operation of new or used vehicle sales.

# **B**

**Bar.** See *Tavern*.

**Barrier** means anything that prevents access to a particular location.

**Base course** means the horizontal layer of stone aggregate or other compacted material underneath the surface course.

**Bed and breakfast establishment** means a use involving lodging in a single-family dwelling that provides for overnight accommodations and a morning meal to transients for compensation.

**Berm** means earthen material and soil covered with sod placed in an irregular shaped mound or linear shaped mound along a property line, right-of-way, or other feature. Berm shall also include earthen berm.

**Bicycle parking space** means an area designated and equipped for the purpose of parking and securing a bicycle.

**Body repair or paint shop** means a use conducting body work, frame work, welding and painting of an entire vehicle, boat, RV, or truck or a major portion thereof of any of the aforementioned motor vehicles of less than twenty-six thousand (26,000) pounds gross vehicle weight rating (GVWR), or boats.

**Brewery** means a use which manufactures, bottles and packages a total of more than 10,000 barrels or 310,000 U.S. gallons of fermented malt beverages per calendar year on premises including storage and distribution of fermented malt beverages that have been manufactured on the premises.

**Buffer** means the use of land, topography, difference in elevation, space, fences or landscape planting to screen, or partially screen, a use or property from another use or property.

**Buildable area** means the space remaining on a lot after the minimum setback, open space, easements and other site constraint requirements of this chapter have been satisfied.

**Building** means any structure having a roof that may provide shelter, support, protection or enclosure of persons, animals or property of any kind.

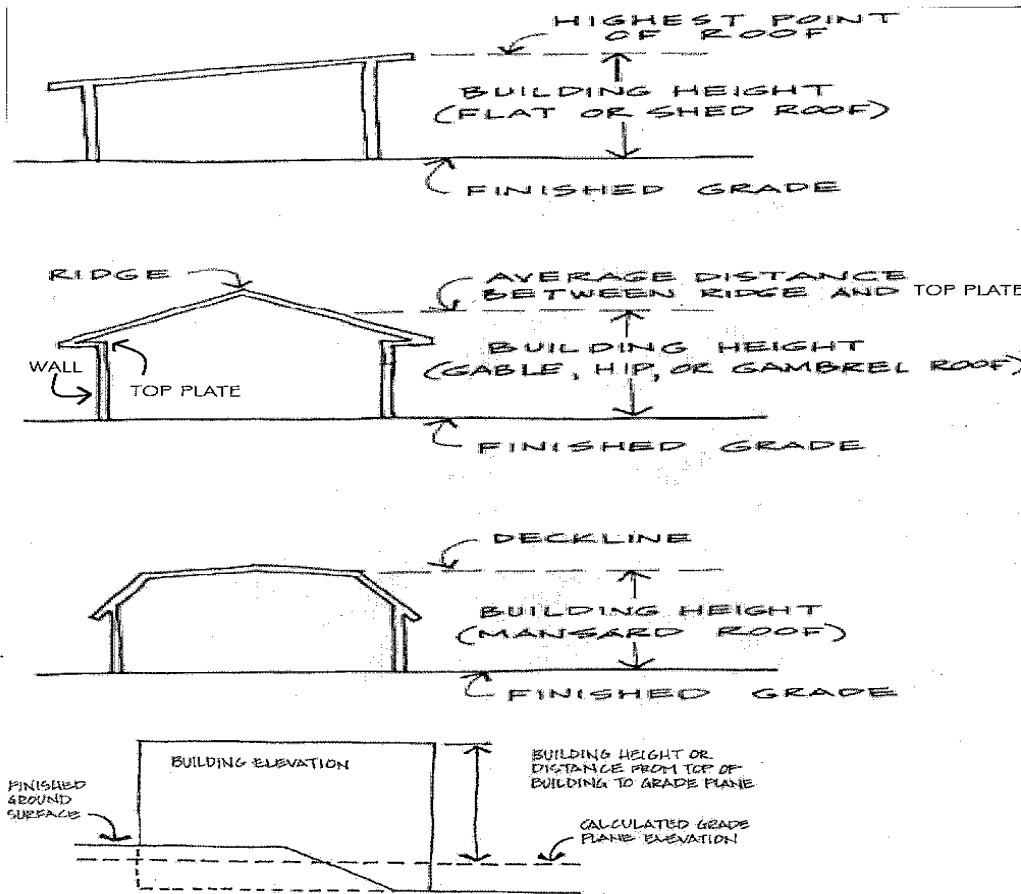
**Building coverage** means a percentage figure referring to that portion of a lot covered with principal and/or accessory buildings.

**Building footprint** means the ground area covered by and including the exterior dimensions of a building, including enclosed porches, attached garages and carports.

**Building height** means the vertical distance to be measured from the finished grade plane of a building line, to the cornice of a flat roof, to the deck line of a mansard roof, to a point of the roof directly above the highest wall of a shed roof, to the average height between the top plate and ridge for gable, hip and gambrel roofs. (See graphic on the following page)

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**Building line** means a line separating buildable area from any required yards or open spaces as defined herein. Building line will constitute the footing walls rather than the overhang.

**Building, principal** means a building which contains the primary use of the lot, as contrasted to accessory structure, building or use. In any residential zone a dwelling shall be deemed to be the principal building on the lot.

**Bulk flammable or combustible liquid storage or distribution facility** means a use involving the storage and eventual resale to distributors or retail dealers of liquids, chemicals, or petroleum products that, by reason of their toxic, caustic, corrosive, abrasive, flammable or combustible nature, may be detrimental to the health of any person handling or otherwise coming into contact with such liquids.

**Bus terminal** means any use involving the storage or parking of motor-driven buses and the loading and unloading of passengers.

**Business** means any lawful use, occupation, employment or enterprise where merchandise is exhibited or sold or where services are offered for compensation.

# C

**Canopy** means a structure constructed of fabric or pliable material, metal, wood, brick or other material, consisting of a roof and support by columns or stanchions, not enclosed, attached or unattached to a building. Examples of canopies include, but are not limited to, gas pump canopies at gasoline stations, canopies associated with a temporary use, drive-through canopies at banks, pharmacies and restaurants.  
(Ord 33-15, §1, 3-24-15)

**Car wash** means the use of a tract of land, building, or portion thereof, for the manual or automatic washing and cleaning of passenger vehicles, recreational vehicles or other light duty equipment.

**Carpport** means a detached or attached accessory building that consists of a roof and that has at least two (2) sides completely unenclosed from the ground to the roof, which is designed primarily for storage and/or parking of passenger vehicles, trailers, recreational vehicles, and trucks of a rated capacity not in excess of ten thousand (10,000) pounds gross weight.

**Cemetery** means the use of land or land dedicated for the burial of the dead, including mausoleums, necessary sales and maintenance facilities.

**Change of use** means the replacement of an existing use on any portion of a lot, by a new use or change in the nature of any existing use, but does not include a change of ownership, tenancy, or management associated with a use in which the previous nature of the use remains unchanged. A change in use from a vacant building or structure to an occupied building or structure shall be considered a Change of use, unless the use is a continuation of a prior use. For the purposes of this chapter, the prior use includes the last established use that was issued a certificate of occupancy to legally occupy the vacant building or structure.

**Child welfare agency** means any use operated by a person required to be licensed by the Department of Health and Family Services that takes custody of and provides care and maintenance for four (4) or more children for a period of seventy-five (75) days in any consecutive twelve (12) month period.

**Christmas tree sales lot, outdoor** means a temporary use that is conducted outside of an enclosed permanent building or structure on a lot where a temporary merchant displays and sells Christmas trees and related holiday items such as wreaths and Christmas tree stands to the general public.

**Circus and carnival** means any use including a temporary outdoor amusement center, bazaar, or fair, involving the use of special purpose equipment operated by professional operators and where activities include such things such as: live performances, animal exhibits, rides, exhibitions, food services, sales, and/or small scale games.

**Class 2 notice** means notice of a public hearing that is required by Wisconsin Statutes to be inserted twice into the official municipal newspaper. For City planning matters, notice is required once in each of two (2) separate weeks prior to the scheduled hearing.

**Class A vehicle** means any combination of vehicles with a gross vehicle weight rating, actual gross weight or registered weight of over 26,000 pounds, if the aggregate total gross vehicle weight rating, actual gross weight or registered weight of the vehicle or vehicles being towed is in excess of 10,000 pounds.

**Class B vehicle** means any single vehicle with a gross vehicle weight rating, actual gross weight or registered weight of over 26,000 pounds, and any such vehicle towing a vehicle or vehicles with an aggregate total gross vehicle weight rating, actual gross weight or registered weight of 10,000 pounds or less.

**Class C vehicle** means any single vehicle with a gross vehicle weight rating, actual gross weight and registered weight of 26,000 pounds or less, including any such vehicle towing a vehicle with a gross vehicle weight rating, actual gross weight and registered weight of less than 10,000 pounds, if any of the following applies:

1. The vehicle is designed to transport sixteen (16) or more passengers, including the driver.

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2. The vehicle is transporting hazardous materials requiring placarding or any quantity of a material listed as a select agent or toxin under 42 CFR 73.

**Class D vehicle** is any motor vehicle not identified as a Class A, B, C, or M motor vehicle.

**Class M vehicle** means any type 1 motorcycle.

**Club** means any use where a nonprofit association of persons who are bona fide members paying regular dues, and who are organized for some common purpose. Clubs shall exclude places of worship or groups organized solely or primarily to render a service customarily carried on as a commercial enterprise.

**Clubhouse** means a support facility in conjunction with a golf course, that provides services to patrons of the golf course.

**College or university.** See *Educational institution, college or university.*

**Commercial entertainment** means a use that provides services related to the entertainment field within an enclosed building. Examples include: theaters, motion picture theaters, miniature golf, skate park, bowling alleys, pool and billiard halls and similar entertainment activities.

**Commercial truck body and/or paint shop** means a use conducting body work, frame work, welding and painting of the entire vehicle or major portion thereof any truck, tractor, semi-trailer or truck-trailer combination of 26,000 pounds gross vehicle weight rating (GVWR) or more.

**Commercial truck maintenance shop** means a use where the exclusive service performed or executed on any truck tractor, semi-trailer combination of 26,000 pounds gross vehicle weight rating (GVWR) or more, for compensation shall include the installation of exhaust system, repair of the electrical system, transmission repair, brake repair, tire repair and installation, rust proofing, truck diagnostic center, major and minor mechanical repairs.

**Commercial use** means a use that involves conducting business, including the sale of goods and/or services.

**Community-based residential facility** means a use where five (5) or more adults who are not related to the licensed operator or administrator and who do not require care above intermediate level nursing care, reside and receive care, treatment, or services that are above the level of room and board but that include no more than three (3) hours of nursing care per resident. (Considered a community living arrangement) A community-based residential facility is subject to the standards listed in §23-52 of this ordinance.

“Community-based residential facility” does not include any of the following:

(a) A convent or facility owned or operated by members of a religious order exclusively for the reception and care or treatment of members of that order.

(b) A facility or private home that provides care, treatment and services only for victims of domestic abuse, as defined in W.S.A. §49.165(1)(a), and their children.

(c) A shelter facility as defined as under W.S.A. §16.308(1)(d).

(d) A place that provides lodging for individuals and in which all of the following conditions are met:

(1) Each lodged individual is able to exit the place under emergency conditions without the assistance of another individual.

(2) No lodged individual receives from the owner, manager or operator of the place or the owner's, manager's or operator's agent or employee any of the following:

a. Personal care, supervision or treatment, or management, control or supervision of prescription medications.

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- b. Care or services other than board, information, referral, advocacy or job guidance; location and coordination of social services by an agency that is not affiliated with the owner, manager or operator, for which arrangements were made for an individual before he or she lodged in the place; or, in the case of an emergency, arrangement for the provision of health care or social services by an agency that is not affiliated with the owner, manager or operator.

(e) An adult family home.

(f) A residential care apartment complex.

**Community garden** means land or roof tops that are managed and maintained by a group of individuals, an organization or business to grow and harvest fruits, vegetable, flowers, and other plant and herb products for education, for personal or group consumption or for donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed by members of the group and may include common areas maintained and used by group members.

(Ord 45-12, §1, 6-6-12)

**Community living arrangement** means any of the following uses licensed or operated or permitted under the authority of the Department of Health and Family Services: residential care centers for children and youth, as defined in W.S.A. §48.02(15d), and operated by child welfare agencies licensed under W.S.A. §48.60, group homes for children, as defined in W.S.A. §48.02(7), and community-based residential facilities, as defined in W.S.A. §50.01(1g). Community living arrangements are subject to the standards listed in §23-52 of this ordinance.

This definition does not include: adult family homes, as defined in W.S.A. §50.01(1), day care centers, nursing homes, general hospitals, special hospitals, and prisons or jails.

**Comprehensive plan** means a compilation of policy statements, goals, standards and maps for guiding the physical, social, and economic development, both private and public, of the municipality and its environs adopted by the City and as may be amended from time to time.

**Concrete mixing plant** means a use that stores water, aggregate and cement and mixes those items for the production of concrete for distribution into trucks for off site use.

**Condominium** means a building or group of buildings in which dwelling units, offices or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

**County** means the county in which the property is located: Outagamie, Calumet or Winnebago.

**Covenant** means a contract or other written agreement between private parties that constitutes a restriction on a particular parcel of land.

**Craft-Distillery** means a use which manufactures, bottles and packages a total of not more than 100,000 proof gallons of intoxicating liquor under the name of “whiskey”, “brandy”, “gin”, “rum”, “spirits”, “cordials” or any other name per calendar year on the premises including storage and distribution of intoxicating liquor that has been manufactured on the premises.

## D

**Day care, adult** means a day program that provides the elderly and other adults with services when their caregivers are at work or need relief.

**Day care, family** means a use licensed as a day care center by the State of Wisconsin Department of Health and Family Services where care is provided by a resident for not more than eight (8) children.

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**Day care, group** means a use, not in a private residence, that provides care and supervision for nine (9) or more children, licensed by the State of Wisconsin Department of Health and Family Services.

**Density** means the ratio of the number of dwelling units to the lot area.

**Detached building or structure** means a freestanding building or structure and where all sides of the building or structure are surrounded by yards or open space on the same lot.

**Developed property** means all parcels or a portion thereof that is improved with buildings, paved off-street parking spaces, or that is actively used as recreational facilities.

**Development regulations** means the parts of a zoning ordinance that applies to elements including but not limited to parking, loading and unloading, building and structure height, lot coverage, design and yard setback requirements.

**Distillery** means a use which manufactures, bottles and packages a total of more than 100,000 proof gallons of intoxicating liquor under the name of “whiskey”, “brandy”, “gin”, “rum”, “spirits”, “cordials” or any other name per calendar year on the premises including storage and distribution of intoxicating liquor that has been manufactured on the premises.

**Domestic animal** means any animal that has been bred and/or raised to live in or about the habitation of humans and is dependent on people for food and shelter.

**Domicile** means a residence that is a permanent home to an individual.

**Drive through facility (also drive-in facility)** means any portion of a building or structure from which business is transacted or is capable of being transacted, directly with customers located in a motor vehicle during such business transaction.

**Dwelling** means a building or part of a building containing living, sleeping, housekeeping accommodations, and sanitary facilities for occupancy by one (1) or more families.

**Dwelling, incidental apartment** means a portion of a building designed for occupancy by a single family.

**Dwelling, detached** means single family dwelling that is entirely surrounded by open space on the same lot.

**Dwelling, multi-family** means a building or portion thereof containing three (3) or more dwelling units.

**Dwelling, residential.** See *Dwelling*.

**Dwelling, single family detached** means a building containing one (1) dwelling unit that is entirely surrounded by open space on the same lot. Typically referred to as a single-family home.

**Dwelling, two-family (or duplex)** means a building containing two (2) dwelling units. The dwelling units are attached and may be located on separate floors or side-by-side.

**Dwelling, two-family zero lot line** means two (2) single-family dwellings, attached by a common wall, each being on separate lots (a side-by-side duplex with each unit typically under separate ownership).

**Dwelling unit** means a residential building or portion thereof intended for occupancy by one (1) family, but not including hotels, motels, boarding or rooming houses or tourist homes.

## **E**

**Easement** means a grant by a property owner for use of a parcel of land by the public or any person for any specific purpose or for purposes of access, constructing and maintaining utilities, including: sanitary sewers, water mains, electric Supp. #92



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lines, telephone lines, cable television lines, other transmission lines, storm sewer, storm drainage ways, gas lines or other service utilities.

**Educational institution; business, technical or vocational** means a use including specialized instructional classes that provides training for business, commercial, or trade skills such as accounting, data processing or automotive repair.

**Educational institution; college or university** means a public or private post-secondary use, with an academic curricula, including uses, structures, and/or facilities sanctioned by, ancillary to, or necessary to the operation of the college or university. This includes, but is not limited to the following ancillary uses affiliated with the college or university: food sales, retail sales indoor and/or outdoor recreation facilities, offices, printing, museums and professional service.

**Educational institution; elementary school, junior high school, high school** means a public or private use that provides an academic curricula of elementary or secondary academic instruction, kindergartens, elementary schools, middle schools, junior high schools and high schools.

**Essential services** means overhead or underground electrical, gas, steam or water transmission or distribution systems, and collection, communication, supply or disposal systems and structures used by public utilities or governmental departments or commissions or systems as are required for the protection of public health, safety or general welfare, including: utility substations, towers, poles, wires, mains, drains, sewers, pipes, conduits, cables and similar improvements.

**Expansion.** See *Addition or Expansion*.

## F

**Fair market value** means the assessed value divided by the ratio of assessed value to recommended value as last published by the Department of Revenue or the City Assessor for the City of Appleton.

**Family** means one (1) or more individuals not necessarily related by blood, marriage, adoption, or guardianship, living together under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability.

**Family home (A), adult** means a use operated by a person or entity licensed under the authority of the Department of Health and Family Services and located in a private residence where care and maintenance above the level of room and board, but not including nursing care, are provided in the private residence by the care provider whose primary domicile is this residence for three (3) or four (4) adults, or more adults if all of the adults are siblings, each of whom has a developmental disability, as defined in W.S.A. §51.01(5). Additionally, the residence must have been licensed under W.S.A. §48.62, as a foster home or treatment foster home for the care of adults referenced herein for at least twelve (12) months before any of the adults under care reached eighteen (18) years of age. An adult family home (A) operated by a person or entity whose primary domicile is this residence and is certified under W.S.A. §50.032 (1m)(b) is not subject to the standards listed in §23-52 of this ordinance.

**Family home (B), adult** means a use operated by a person or entity licensed as a foster home under the authority of the Department of Health and Family Services and is located in a private residence where care and maintenance are provided to children, the combined total of adults and children so served being no more than four (4) or more adults or children, if all of the adults or all of the children are siblings. Additionally, the residence must have been licensed under W.S.A. §48.62 as a foster home or treatment foster home for the care of adults referenced herein for at least twelve (12) months before any of the adults under care reached eighteen (18) years of age. An adult family home (B) operated by a person whose primary domicile is this residence and is certified under W.S.A. §50.032(1m)(b) is not subject to the standards listed in §23-52 of this ordinance. Adult family homes (B) operated by corporations, child welfare agencies, churches, associations or public agencies are subject to the standards listed in §23-52 of this ordinance.

**Family home (C), adult** means a use operated by a person or entity licensed as a treatment foster home under the authority of the Department of Health and Family Services and is located in a private residence where care and maintenance are provided to children, the combined total of adults and children so served being no more than four (4). Additionally, the residence must have been licensed under W.S.A. §48.62 as a foster home or treatment foster home for the care of adults

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referenced herein for at least twelve (12) months before any of the adults under care reached eighteen (18) years of age. An adult family home (C) operated by a person whose primary domicile is this residence and is certified under W.S.A. §50.032(1m)(b) is not subject to the standards listed in §23-52 of this ordinance. Adult family homes (C) operated by corporations, child welfare agencies, churches, associations or public agencies are subject to the standards listed in §23-52 of this ordinance.

**Family home (D), adult** means a use operated by a person or entity licensed under the authority of the Department of Health and Family Services or certified under W.S.A. §50.033(1m)(b) and is located in a private residence where three (3) or four (4) adults who are not related to the operator reside and receive care, treatment or services that are above the level of room and board and that may include up to seven (7) hours per week of nursing care per resident. An adult family home (D) is not subject to the standards listed in §23-52 of this ordinance.

**Farmers market** means a temporary or seasonal use selling home produced vegetables produce, or goods in a pre-designated area, where vendors are generally individuals who have raised the vegetables or produce or have taken the same on consignment for retail.

**Farmers market, outdoor** means a temporary use that is conducted outside of an enclosed permanent building or structure on a lot by two (2) or more temporary merchants are displaying and selling either products of the farm or garden or any combination of products of the farm and garden and commercially processed foods, household products, crafts and handmade items.

**Fence** means a structure constructed to enclose, screen, decrease noise levels, separate areas, or decorate areas of a lot. Fences include walls, hedges and berms meeting this definition. The term “Fence” shall not include “Guardrail”. Fences are further defined as to their general purpose as follows:

(a) **Boundary fence** means a fence placed on or near the boundary lines common with adjacent properties to indicate the location of such boundaries.

(b) **Sound barrier fence or berm** means a fence or berm constructed to decrease the noise levels along an abutting major roadway.

**Fireworks sales, outdoor** means a temporary use that is conducted outside of an enclosed permanent building or structure on a lot where a temporary merchant displays and sells small fireworks and related 4<sup>th</sup> of July items.

**Floor area, gross floor area** means the sum of the horizontal areas of all floors of a building or structure measured from the exterior face of the exterior walls, or from the centerline of a wall separating two (2) buildings, but excluding any space where the floor-to-ceiling height is less than six (6) feet.

**Floor area, useable** means the area to be used for the sale of merchandise or services or for use to serve patrons, clients or customers. Floor area shall be measured from the interior faces of the exterior walls. Area excluded from useable floor area includes: areas principally used for storage or processing of merchandise, hallways, stairways, elevator shafts, areas for utilities or sanitary facilities and mechanical areas.

**Foster home** means a use operated by a person or entity required to be licensed by W.S.A. §48.62(1)(a) and that provides care and maintenance for no more than four (4) children or, if necessary to enable a sibling group to remain together, for no more than six (6) children or, if the Department of Health and Family Services promulgates rules permitting a differing number of children, for the number of children permitted under those rules.

**Foster home, treatment** means any facility that is operated by a person or entity required to be licensed under W.S.A. §48.62(1)(b), that is operated under the supervision of the Department of Health and Family Service, a county department or a licensed child welfare agency, and that provides to no more than four (4) children care, maintenance and structured, professional treatment by trained individuals, including the treatment foster parents.

**Freight distribution or moving center** means a use where goods are received and/or stored for delivery to the ultimate customer at remote locations.

**Frontage** means that boundary of a lot that abuts a dedicated public street.

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**Funeral home** means a building used for the preparation of the deceased for display and burial, along with the rituals connected therewith, before burial or cremation. (See also **Professional service**)

## G

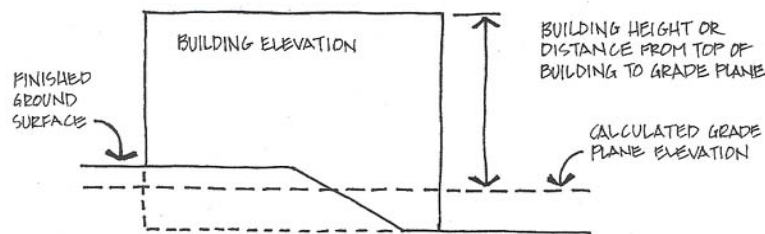
**Garage** means a detached or attached accessory building or a portion of the principal building, which is designed primarily for storage and/or parking of passenger vehicles, trailers, recreational vehicles, and trucks of a rated capacity not in excess of ten thousand (10,000) pounds gross weight.

**Gasoline sales** means a use limited to the retail sales of gasoline, motor oil, lubricants, motor fuels, travel aides, minor automobile accessories and convenience goods to the public, but not including automobile maintenance shops.

**Golf course** means the use of a tract of land laid out with at least nine (9) holes for playing a game of golf and improved with tees, greens, fairways and hazards. A clubhouse, maintenance facility and shelters may be permitted as accessory uses.

**Governmental facilities** mean a use or buildings owned or occupied by federal, state and local governments.

**Grade plane** means a reference plane representing the average of the finished ground level adjoining the building at the exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six (6) feet (1829 mm) from the building, between the building and a point six (6) feet (1,829 mm) from the building.



**Greenhouse or greenhouse nursery** means a use that is devoted to the protection and/or cultivation of horticultural and floricultural products.

**Group day care.** See **Day care, group**.

**Group home, adult** means a use where five (5) or more adults, who are not related to the operator or administrator and who do not require care above intermediate level nursing care, reside and receive care, treatment or services that are above the level of room and board but that include no more than three (3) hours of nursing care per week per resident.

**Group home for children** means any facility operated by a person or entity required to be licensed by the department under W.S.A. §48.625, for the care and maintenance of five (5) to eight (8) children, as provided in W.S.A. §48.625. (Considered a community living arrangement) A group home for children is subject to the standards listed in §23-52 of this ordinance.

**Group housing** means a not for profit use where rooms or suites of rooms occupied by individuals not living together as a single family or families, may include common cooking facilities and resident management, but not group care providers. This category includes fraternities, sororities and dormitories; it does not include convalescent homes or community living arrangements.

**Guardrail** means a protective railing, other than a fence, placed along a parking lot, driveway or roadway which serves to provide protection from or to vehicular traffic.

## H

**Harvesting of wild crops** means the use of land, in its natural state, to gather or collect naturally grown berries, fruits, nuts, mushrooms and seeds.

**Hearing, informal** means a hearing on a matter contained within this chapter that is not required by Wisconsin Statutes.

**Hazardous waste.** See **Toxic Waste**.

**Hearing, public** means the official hearing on a matter contained within this chapter that is required by Wisconsin Statutes and subject to legal notice requirements.

**Helicopter landing pad** means an area designed to be used for the landing and/or takeoff of one (1) helicopter, the temporary parking of one (1) helicopter, and other facilities as may be required by federal and state regulations, but not including operations facilities such as maintenance, storage, fueling or terminals.

### **Historic Preservation**

(1) **Archeological significance** means subsurface or aboveground structural remains, artifacts or other natural or cultural features of past human life or activities and may yield additional information about prehistory or history.

(2) **Architectural feature** means ornamentation or decorative features attached to or protruding from the outer surface of a local historic structure, local historic site or contributing structure, including but not limited to gable cornices, columns, decorative ornaments, and trim.

(3) **Architectural significance** means importance of a building or structure based upon the distinctive characteristics of a time period, type or method of construction.

(4) **Certificate of Appropriateness or COA** means the certificate issued by the Historic Preservation Commission approving a historic preservation alteration, or demolition of a local historic structure, local historic site, or a contributing structure located within a local historic district.

(5) **Contributing structure** means a building, object or site located within the boundaries of a local historic district and identified as contributing to the historical, cultural, archeological or architectural significance of the local historic district.

(6) **Cultural significance** means the importance of an improvement parcel or natural area, including any object, building, improvement or structure therein, associated with an event, or series of events, significant to the cultural traditions of Appleton, the state or the nation.

(7) **Demolition** means razing, destroying, dismantling or in any manner causing partial destruction or total destruction of a local historic structure, local historic site, contributing structure or any improvement.

(8) **Designation criteria** means a set of established standards by which the local historical significance of an improvement parcel or natural area, including any object, building, improvement or structure is judged and eligibility for designation is determined pursuant to the provisions of this section.

(9) **Destruction, partial** means any act or process that razes, destroys, or dismantles less than seventy-five percent (75%) of any exterior feature, exterior wall of a local historic structure, local historic site or contributing structure.

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(10) ***Destruction, total*** means any act or process that razes, destroys, or dismantles seventy-five percent (75%) or more of any exterior feature, exterior wall of a local historic structure, local site or contributing structure.

(11) ***Director*** means the City of Appleton Director of Community and Economic Development Department or designee.

(12) ***Economic hardship*** means in the content of Section 23-651, economic hardship occurs when a property owner is unable to sell a local historic structure, local historic site or contributing structure solely because of the designation. The property owner or owner's agent must provide a written statement for the potential purchaser stating that they are of the requirement imposed by this section and are unwilling to make an offer on the property because of the local historic designation.

(13) ***Economically feasible*** means that the costs of the renovation/restoration of a local historic structure, local historic site or contributing structure when combined with the cost of the land, do not exceed the fair market value of the property after the renovation/restoration of the local historic structure, local historic site or contributing structure has been completed.

(14) ***Event*** means a specific occasion, circumstance, or activity that occurred on a property marking an important moment in Appleton's, the state's or the nation's prehistory or history or a historic trend that made a significant contribution to the development of Appleton, the state or the nation.

(15) ***Exterior feature*** means the general design and arrangement of the outer surfaces of a local historic structure, local historic site or contributing structure, including the kind and texture of the building material, and the type and style of all windows, doors, and other architectural features.

(16) ***Historic district, local*** means an area of two (2) or more improvement parcels that together possess significant, common characteristics that are historically, aesthetically or architecturally significant to Appleton, the state or the nation and which has been designated as a local historic district pursuant to the provisions of this section.

(17) ***Historic district plan, local*** means a document that identifies and defines appropriate strategies for the protection of the architectural, historical and cultural features of a local historic district.

(18) ***Historic preservation alteration*** means those outer surface alterations made to a local historic structure, local historic site or contributing structure, such as:

- a. Installation or alteration of windows, doors or other architectural features where the original opening is proposed to be enlarged, reduced, or altered.
- b. Relocation.
- c. Reconstruction.
- d. Rehabilitation.
- e. New construction of any improvement or additions to a local historic structure, local historic site or contributing structure.

(19) ***Historic Preservation Commission*** means the Commission created under this section.

(20) ***Historic preservation repair*** means the act or process of applying measures, except for painting, necessary to prolong or replace deteriorated, decayed or damaged existing exterior features of a local historic structure, local historic site or contributing structure or any part thereof by using materials that are identical in design, color, scale, architectural appearance, and other visual qualities including, but limited to, alignment, character, context, directional expression, height, location, materials, massing, proportion, relationship of solids to voids, rhythm, setting, size, volume, etc. to original materials. The term "historic preservation repair" includes the installation of roof singles, windows, doors or other architectural features where the original opening will not be enlarged, reduced or altered.

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(21) **Historic site, local** means any parcel of land whose historic significance is due to a substantial value in tracing the history or prehistory of humanity or upon which a historic event has occurred and which has been designated as a local historic site pursuant to the provisions of this section, or an improvement parcel, or part thereof, on which is situated a local historic structure and any abutting improvement parcel, or part thereof, used as, and constituting part of, the premises on which the local historic structure is situated.

(22) **Historic structure, local** means any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of Appleton, the state or the nation and which has been designated as a local historic structure pursuant to the provisions of this section.

(23) **Historical significance** means the importance for which an improvement parcel or natural area, including any object, building, improvement or structure has been evaluated and found to meet the designation criteria.

(24) **Identical (materials)** means for the purpose of Section 23-651, means exactly the same in design, color, scale, architectural appearance, and other visual qualities including, but limited to, alignment, character, context, directional expression, height, location, materials, massing, proportion, relationship of solids to voids, rhythm, setting, size, volume, etc.

(25) **Important person or persons** means an individual or a group of individuals who has made significant contributions to Appleton, the state or the nation, including but not limited to medicine, politics, commerce, history, engineering and/or architecture.

(26) **Improvement** means any building, structure, or object constituting a physical betterment of real property, or any part of such betterment.

(27) **Improvement parcel** means a lot or parcel of land together with the buildings and structures thereon, which has been assigned a tax parcel number by the City Assessor's Office. The term "improvement parcel" shall also include any unimproved area of land which has been assigned a tax parcel number by the City Assessor's Office.

(28) **Member** shall mean a regular or alternate member of the Historic Preservation Commission.

(29) **Natural area** as defined by Section 23.27 Wisconsin State Statutes.

(30) **Object** means a term used to distinguish from buildings and structures those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed. Although it may be, by nature or design, moveable, an object is associated with a specific setting or environment. Examples of objects include boundary markers, fountains, monuments, mileposts, sculptures, murals, statues, carvings, or stained glass,

(31) **Owner's agent** means a mortgagee, buyer in possession, receiver, executor, or trustee in control of a nominated or designated local historic site, local historic structure or contributing structure.

(32) **Reconstruction** means the act or process of depicting, by means of new construction, the exterior features and detailing of a local historic structure, local historic site or contributing structure or any part thereof that no longer exists for the purpose of replicating its appearance at a specific period of time and in its historic location.

(33) **Rehabilitation** means the act or process of making possible a code compliant use for a local historic structure, local historic site or contributing structure through repair, alterations, and additions while preserving those exterior features which convey its historic, architectural or cultural significance.

(34) **Relocation** means moving a local historic structure, local historic site or contributing structure from its original location.

(35) **Similar (materials)** means for the purpose of Section 23-651, means nearly but not exactly the same in design, color, scale, architectural appearance, and other visual qualities including, but not limited to, alignment, character, context, directional expression, height, location, materials, massing, proportion, relationship of solids to voids, rhythm, setting, size, volume, etc. or alike; having a general resemblance, although allowing for some degree of difference. This term is to be interpreted to mean that one thing has a resemblance in many respects, nearly corresponds, in somewhat like, or has a general likeness to some other thing but not identical in form and substance.

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(36) **Work** means demolition or historic preservation alteration or repair.  
(Ord 99-12, §1, 10-9-12; Ord 87-19, §1, 9-10-19)

**Home Garden** means an accessory use of land or roof top involving the growing and harvesting of fruits, vegetables, flowers, and other plant and herb products primarily for the consumption or enjoyment of the owner or tenant of such property.  
(Ord 45-12, §1, 6-6-12)

**Home occupation** means the production of goods and/or services within a dwelling unit, attached garage or detached garage by a member(s) of the family residing in the residence, provided that the use is limited in extent and incidental and secondary to the use of the dwelling unit for residential purposes and which does not change the residential character of the neighborhood.  
(Ord 28-11, §1, 1-15-11)

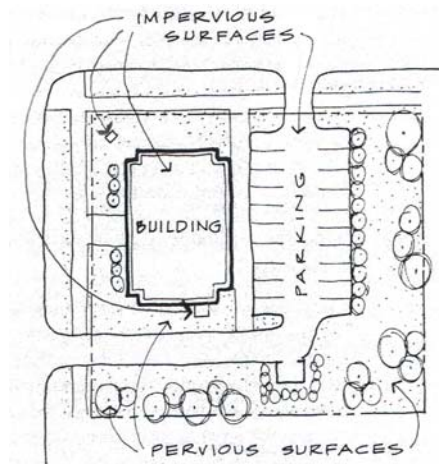
**Hospital** means a use providing inpatient and outpatient medical and surgical care, diagnosis and treatment for sick or injured persons including beds for overnight care, laboratories, training facilities, and/or other necessary accessory facilities.

**Hotel or motel** means a use offering lodging accommodations, in individual rooms or suites, on a daily rate to the general public and which may include additional accessory services such as restaurants, meeting rooms and personal fitness facilities.

**Human habitation** means the use of a vehicle for dwelling. Evidence of human habitation shall include activities such as sleeping, setting up housekeeping or cooking and/or any other activity where it reasonably appears, in light of all the circumstances, that a person or persons is using the vehicle as a living accommodation. The use of a vehicle for six or more consecutive hours for eating, resting, recreating and/or sleeping shall per se constitute “human habitation” for purposes of this chapter.

## I

**Impervious surface** means an area that releases, as runoff, all or a large portion of the precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways, parking lots, and streets are examples of surfaces that are typically impervious.



**Impervious surface ratio** means the measure of intensity of land use, determined by dividing the total of all impervious surfaces on a site by the gross area of the site.

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**Indoor kennel** means any use where any person engages in the business of boarding, grooming, breeding, buying, letting for hire, training for a fee or selling of small animals in a completely enclosed building or structure.

**Industrial use** means a use at a scale greater than commercial uses that is engaged in custom, light and heavy manufacturing, production, processing, fabrication, assembly, packaging of finished goods, warehousing, wholesaling, and distribution of finished goods.

**J**

*No Definitions.*

**K**

**Kennel.** See *Indoor kennel* or *Outdoor kennel*.

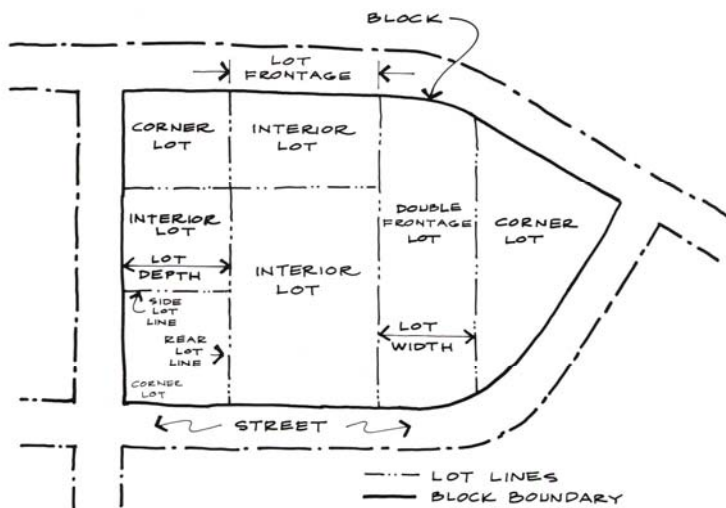
**L**

**Landscape business** means a use engaged in the decorative and functional alteration, planting and maintenance of grounds. Such a use may engage in the installation and construction of such alterations and plantings and may store the necessary equipment and materials to perform such work.

**Landscaping** means alteration of the natural terrain, including the planting of trees, grass, shrubs and ground cover.

**Loading space** means that portion of a lot or space accessible from a street, alley or way, in or outside of a building, designed to serve the purpose of loading or unloading for all types of vehicles.

**Lot** means a tract of land, designated by metes and bounds, land survey, minor land division or plat, and recorded in the office of the county register of deeds.



**Lot area** means any area within a lot, including land over which easements have been granted, but not including any land within the limits of a street upon which such lot abuts, even if fee title to such street is held by the owner of the lot.



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**Lot area per unit** means the lot area required by this chapter to be provided for each dwelling unit.

**Lot, corner** means a lot situated at the junction of, and abutting on, two (2) or more intersecting streets.

**Lot coverage.** See *Impervious surface*.

**Lot depth** means the horizontal distance between the front lot line and the rear lot line. Where these lot lines are not parallel, the lot depth shall be the length of a line joining the midpoints of the front and rear lot lines.

**Lot, double frontage** means an interior lot having frontage on the front and the rear of the lot.

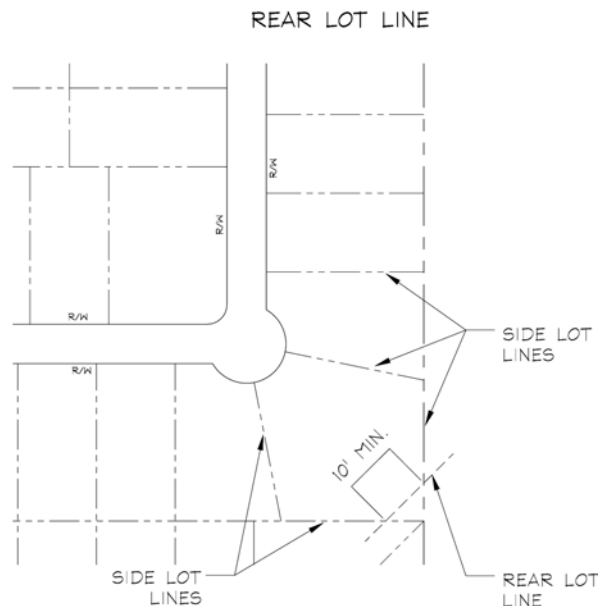
**Lot, interior** means a lot other than a corner lot.

**Lot, land-locked** means a lot not fronting or abutting a public street and where access to the public street is limited to a narrow ingress/egress easement.

**Lot line** means a boundary line dividing one (1) lot from another lot or from a street or alley.

**Lot line, front** means that boundary of a lot which abuts a dedicated public street or private street. If a lot abuts two (2) or more dedicated public streets or two (2) or more private streets, all sides facing a dedicated public street or private street shall be considered the front. In the case of a land-locked lot, the front lot line shall be that lot line that faces the access to the lot.

**Lot line, rear** means that boundary of a lot which is opposite the front lot line with the exception of corner lots, in which case, the lot owner will have a choice to designate the rear and side yard. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be defined as a line ten (10) feet in length within the lots, parallel to, and at the maximum distance from the front lot line.



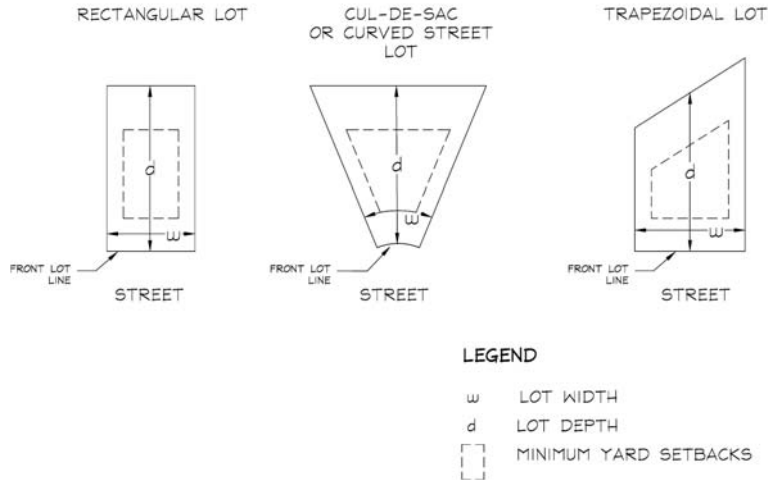
**Lot line, side** means any boundary of a lot that is not a front lot line or a rear lot line.

**Lot of record** means a lot which is part of a subdivision, the map of which has been recorded in the office of the county register of deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the county register of deeds.

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**Lot depth** means the average distance measured between the front lot line to the rear lot line.

### EXAMPLES OF LOT WIDTH AND LOT DEPTH



**Lot, vacant** means a lot upon which no buildings or structures exists.

**Lot width** means the maximum horizontal distance between the side lot lines of a lot measured along the front lot line. On a cul-de-sac, or curved street, the front setback line shall be used to determine minimum lot width.

## M

**Management of forestry and fish** means the protection and preservation of land, in its natural state, for woodlands, native species of woody plant material and watercourses, lakes and ponds for fish.

**Manufacturing, custom** means a use primarily engaged in the limited on-site production of goods by hand manufacturing which involves only the use of hand tools or domestic mechanical equipment that does not exceed two (2) horsepower each or a single kiln not exceeding eight (8) cubic feet in volume and the incidental direct sale to consumers. Typical custom manufacturing include: custom furniture, ceramic studios, glass blowing, candle making, custom jewelry, stained and leaded glass, woodworking shops, custom textile manufacturing and craft shops.

**Manufacturing, heavy** means a use engaged in the processing or production of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions which would generate objectionable or hazardous elements such as: heat, smoke, noise, odor, vibration, water pollution, electromagnetic disturbances, radiation or dust. Heavy manufacturing uses may include uses such as a metal foundry, metal stamping plant, electrical generation plants, extraction of mineral resources in an open mine, concrete processing facility, paper manufacturing facility from raw materials, asphalt manufacturing facility, petroleum refining, private garbage incineration and animal processing and rendering plants.

**Manufacturing, light** means a use engaged in the processing, repair, production, assembling, altering, converting, fabricating, finishing, processing or treatment of a product utilizing a relatively clean and quiet process which does not include or generate objectionable or hazardous elements such as smoke, noise, odor, vibration, water pollution or dust and which is operating and storing products and materials in a completely enclosed structure. Light manufacturing uses may include uses such as: assembly or maintenance of machinery, manufacture or assembly of cloth, wire or rubber products in

## ZONING

a completely enclosed building, chemical mixing or storage in a completely enclosed building, microchip manufacturing, assembly of precision instruments, assembly of electronic devices, assembly of medical devices, completely enclosed machine shops, cabinet making facilities and silk screening facilities.

**Marina or boat landing** means use providing docking and landing, moorage space, and related activities limited to the provisioning or minor repair of pleasure boats and yachts, and accessory facilities including gasoline sales and personal services.

**Market garden.** See Urban farm.

**Maximum extent practicable** means no feasible or practical alternative exists on the site, as determined by the Community and Economic Development Director, and all possible efforts to comply with the standards of this chapter and minimize potential visual, heat, glare, harmful or adverse impacts have been undertaken by the property owner and/or applicant.

**Metes and bounds description** means a description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or delineates a fractional portion of a section, lot or area by described lines or portions thereof.

**Microbrewery/Brewpub** means a use which manufactures, bottles and packages a total of not more than 10,000 barrels or 310,000 U.S. gallons of fermented malt beverages per calendar year and may or may not operate restaurant on the premises including storage and distribution of fermented malt beverages that have been manufactured on the premises.

**Mobile home** means a unit designed to be towed or transported and used as a residential dwelling, but does not include a unit used primarily for camping, touring or recreational purposes

**Mobile home park** means any tract of land containing two (2) or more sites for the placement of mobile homes.

**Mobile home sales lot** means a tract of land where mobile homes are displayed and sold including all accessory structures for office use.

**Motel.** See **Hotel**.

**Multi-tenant building** means any building or structure that is occupied by two (2) or more owners, renters or land uses, which is managed as a single property.

**Museum** means a use serving as a repository for a collection of natural, scientific, or literary curiosities, works of art, or other objects of interest, that are arranged, intended and designed to be used by members of the public for viewing, with or without an admission charge.

## N

**Nonconforming lot** means a lot of record that does not comply with the lot width or lot area requirements of this chapter.

**Nonconforming building or structure** means a dwelling, building or structure that existed lawfully before the current zoning ordinance was enacted, but does not conform with one or more of the development regulations in the current zoning ordinance.

**Nonconforming use** means a use of land, a dwelling, a building or a structure that existed before the current zoning ordinance was enacted or amended, but does not conform with the use restrictions in the current ordinance.

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**Nursery, orchards or tree farm** means the use of land for the establishment, care and harvesting of trees, shrubs, plants or fruit from fruit bearing trees.

**Nursing or convalescent home** means a home in which three (3) or more persons not of the immediate family are received, kept or provided with food, shelter or care for compensation, and by reason of chronic illness or infirmity are unable to care for themselves. A hospital, clinic or similar institution shall not be construed to be included in this definition.

## O

**Occupancy** means to reside in as an owner or tenant on a permanent or temporary basis.

**Off-street loading area** means an area or space designated for the loading and/or unloading of goods into or out of motor vehicles, including loading docks.

**Off-street parking space** means a hard surfaced area for one (1) motor vehicle with room to open doors on both sides of the motor vehicle that is directly accessible to a parking aisle if located in an off-street parking lot or area and having access to a driveway, street, alley or private street.

**Off-street parking lot or area** means a structure and use involving an open, hard surfaced area which contains off-street parking spaces, parking aisles and driveways for the maneuvering and parking of motor vehicles which is not located in a street or alley right-of-way.

**Off-street parking lot and loading area construction** means soil, gravel or bedrock being excavated or modified to allow for the construction of an off street parking lot and loading area, or the expansion of an existing off-street parking lot and/or loading area.

**Off-street parking lot and loading area maintenance** means removal and replacement of existing curbing or wheel stops located in existing off-street parking lots or loading areas. Line re-striping, crack sealing, seal coating existing off-street parking lots or loading areas, including patching which means removal and replacement of fifteen percent (15%) or less than the total square foot area of the existing surface and base course with a new surface and base course.

**Off street parking lot and loading area reconstruction** means the existing surface course and base course are removed to allow for the installation, grading and compaction of a new base and surface course with no expansion of the off street parking lot and/or loading area, including patching which means removal and replacement of greater than fifteen percent (15%) of the total square foot area of the existing surface and base course with a new surface and base course with no expansion of the off street parking lot and/or loading area.

**Off street parking lot and loading area rehabilitation** means the following:

(a) The existing surface course is removed above the existing base course and repaved with a new surface course, including the addition of base course to existing base course, the re-grading and/or compaction of the base course with no expansion of the off street parking lot and/or loading area; and

(b) The existing surface course is pulverized, graded and/or compacted on site with a new surface course being added on top of the base course with no expansion of the off street parking lot and/or loading area.

**Off street parking lot and loading area resurfacing** means removing a portion of the surface course but leaving at least one inch thickness of undisturbed surface course in place and adding a new layer of surface course over the undisturbed surface course with no expansion of the off-street parking lot and/or loading area.

**Off street parking lot and loading area overlay** means adding a new layer of surface course over the existing surface course with no expansion of the off street parking lot and/or loading area.

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**Office** means a use in a building or portion of a building wherein services are performed involving predominately administrative, professional or clerical operations.

**Opaque fence** means a solid (non-spaced) fence, alternating board on board fence, wall or exterior building wall with a gate that provides a solid or opaque barrier that blocks the transmission of light and visibility through ninety (90) percent or more of its surface area. Chain link fences and gates with slats are not considered to be opaque fences. A fence used in combination with evergreens that provide the equivalent screening as a required opaque fence may also be used to satisfy this definition.

**Open space** means a natural or manmade landscaped area not occupied by any structures, buildings or impervious surfaces.

**Orchards, tree farms and nurseries.** See *Nursery, orchards or tree farm.*

**Ordinary high water mark** means the line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of the soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

**Ordinary maintenance and repairs, building or structure** means internal and external painting, decorating or the repair or replacement of doors, windows, nonbearing walls, fixtures, heating components, wiring, plumbing, siding, or roof shingles of an existing building or structure, not including off-street parking lots and loading areas.

**Outdoor commercial entertainment** means a use involving entertainment or recreation services offered outside of an enclosed building that is open to the general public for a fee. Examples include: driving ranges, miniature golf courses, Go-Kart tracks, volleyball courts, water parks, skating rinks, batting cages and amusement parks.

**Outdoor display** means an area of designated size located outside of an enclosed permanent building or structure used in conjunction with the a business that is occupying a permanent building or structure for the display of merchandise, goods, wares or tangible property normally sold, rented or leased within the business on the lot where the merchandise is sold, rented or leased.

**Outdoor kennel** means a use, outside of any building or completely enclosed structure, where any person engages in the business of boarding, grooming, breeding, buying, letting for hire, training for a fee or selling of small animals.

**Outdoor sales area** means the area of designated size located outside of an enclosed permanent building or structure where merchandise, goods, wares, articles or things are kept, displayed or sold.

**Outdoor storage** means an area of designated size located outside of an enclosed permanent building or structure used in conjunction with the business that is occupying a permanent building or structure on the same lot for the keeping of personal or business property, goods, wares, or merchandise that are not located in that specific area for customer viewing or immediate sale, in the same place for a period of more than seventy-two (72) hours.

**Overlay zoning district** means a district established to prescribe special regulations to be applied to a described area in combination with the underlying zoning district.

**Owner** means a person, individual firm, association, syndicate or partnership that appears on the recorded deed of the lot.

## P

**Painting/Craft Studio with alcohol sales** means a use that is primarily engaged in the business of providing to customers instruction in the art of painting and/or making crafts and that offers customers the opportunity to purchase food and alcoholic beverages for consumption while they paint and/or make crafts.

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***Painting/Craft Studio without alcohol sales*** means a use that is primarily engaged in the business of providing to customers instruction in the art of painting and/or making crafts and that offers customers the opportunity to purchase food and non-alcoholic beverages for consumption while they paint and/or make crafts.

***Parcel.*** See lot.

***Park or playground, private*** means the use of any land or open space, owned or controlled by a private or for profit entity, for passive or active recreation purposes.

***Park or playground, public*** means the use of any land or open space, owned or controlled by a governmental entity, for passive or active recreation purposes.

***Parking*** a hard surfaced area (e.g., asphalt, concrete or brick pavers) for one (1) motor vehicle with room to open doors on both sides of the vehicle that is directly accessible to an access aisle if located in a parking lot or otherwise accessible to a driveway, street or alley.

***Parking aisle*** means that area adjacent to an off-street parking space which permits maneuvering of the motor vehicles entering and leaving a off-street parking space and having access to a driveway, street, alley or private street.

***Parking facility underground*** means off-street parking spaces that is located below the finished grade of a building or located beneath a building, except for driveways. Parking ramps shall not be considered underground parking facilities.

***Parking lot*** means a use involving an open, hard surfaced area used exclusively for the temporary storage of motor vehicles.

***Parking ramp*** means a use involving a building or structure, or part thereof, composed of more than one (1) level, used or designed to be used for the parking of motor vehicles.

***Pedestrian way*** means a use of land to be used by pedestrians.

***Perimeter*** means the outer boundaries or borders of a lot, building, structure, use, or area.

***Personal services*** mean any use which caters to customers' needs, and which may include the incidental sale of products. Personal services may include barbershops, beauty shops, copying and duplicating services, dry cleaners, health clubs, pet grooming and tanning spas. Personal services shall not include adult entertainment or sexually oriented businesses.

***Personal storage facility (self storage/mini-warehouse)*** means the primary use of a building containing individual, compartmentalized and controlled access spaces, rooms or lockers that are leased, rented or owned by different individuals for the storage of individual possessions or personal property, but may include outdoor storage areas for recreational vehicles as an accessory use.

***Pervious surface*** means an area that releases, as runoff, a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests or similar vegetated areas are examples of surfaces that are typically pervious.

***Place of worship*** means a use involving a building, together with its accessory structures and uses, where persons regularly assemble for religious worship and which building, together with its accessory structures and uses, is maintained and controlled by a religious body organized to sustain public worship.

***Plan, comprehensive.*** See *Comprehensive plan*.

***Plan, development*** means a report, in map and text form, including depiction of the location, purpose, type of land use, circulation pattern, primary relationship between site elements and between the proposed development and surrounding development.

***Plan, implementation*** means the final, detailed plan for a planned development (PD) that is filed following Common Council approval.

## ZONING

**Plan, site** means a map or graphics, prepared to scale, depicting the development of a tract of land, including the location and relationship of the structures, streets, driveways, recreation areas, parking areas, lighting, utilities, drainage, landscaping, existing and proposed grading, walkways and other site development information as related to a proposed development.

**Planned development (PD)** means a parcel of land or contiguous parcels of land controlled by a single landowner or by a group of landowners in common agreement as to control, to be developed as a single entity, the environment of which is compatible with adjacent parcels, and the intent of the zoning district or districts in which it is located.

**Plat** means a minor land division (Certified Survey Map), map, graphics or drawing which graphically delineates the boundary of land parcels for the purpose of identification and record title. The plat is a recorded, legal document and must conform to all Wisconsin Statutes.

**Portable storage unit** means any container designed for temporary storage of property related to the owners or occupants of property and which is delivered and removed from the property.

**Printing** means a use for the custom reproduction of written or graphic materials on a custom order basis for individuals or businesses. Typical processes may include, but are not limited to: photocopying, blueprint, in-house computer rental and facsimile sending and receiving.

**Prison or jail** means a facility used for the incarceration of individuals who have violated federal, state or local laws.

**Private drive** means a roadway, not maintained by the City, providing access from a public street to a parcel or building.

**Professional service** means the use of office and other related spaces for such services as are provided by medical practitioners not intended for overnight care, dentists, attorneys, architects, real estate agents, engineers, funeral homes, banks, credit unions, savings and loan institutions, lending establishments and mortgage companies and other similar professions.

**Proof** means the ethyl alcohol content of a liquid at 60 degrees Fahrenheit, stated as twice the percentage of ethyl alcohol by volume.

**Proof gallon** means a gallon of liquid at 60 degrees Fahrenheit which contains 50 percent by volume of ethyl alcohol having a specific gravity of 0.7939 at 60 degrees Fahrenheit referred to water at 60 degrees Fahrenheit as unity, or the alcoholic equivalent thereof. Proof is a method of measuring the alcohol content of spirits (intoxicating liquor). You calculate the proof of a spirits product by multiplying the percent of alcohol by volume by two (2). For example, a spirits (intoxicating liquor) product that has a 40% alcohol content by volume is 80 proof [40 multiplied by 2 = 80]. Converting U.S. gallons into proof gallons:

1. Multiply U.S. gallons by the percent of alcohol by volume.
2. Multiply by 2.
3. Divide by 100.

Sample calculation:

1. 100 U.S. gallons x 40% alcohol by volume = 4000
2. 4000 x 2 = 8000
3. 8000/100 = 80 proof gallons

**Property line** means the legal boundaries of a parcel of property that may or may not coincide with platted lot lines or street right-of-way.

**Public facility** means a building and/or land owned and controlled and/or in which the use is operated by the City or other government agency, including fire stations, City Hall, public works and park facilities, library and the like.

**Public institutional use** means a use that provides a public service to the general public such as or similar as places of worship, libraries, educational institutions, hospitals, governmental facilities, land use for public purposes.

**Public land** means land owned or operated by municipal, school district, county, state or other governmental unit.

## Q

*No Definitions.*

## R

**Recreation facility, commercial.** See *Outdoor commercial entertainment.*

**Recreation facility, non-profit** means any land or facility operated by a non-profit organization and which is open to the public or members of the non-profit organization, that may include, but not be limited to, athletic fields, picnic areas and bike/hike trails.

**Recreational vehicle** means a structure or vehicle designed to be towed, hauled or driven and used for temporary living or sleeping purposes and equipped with wheels to facilitate movement from place to place including, but not limited to: campers, motorized homes and travel trailers.

**Recycling and waste recovery center** means a use in which recoverable resources such as newspapers, magazines, books and other paper products, glass, metal cans and other products are recycled, reprocessed and treated to return such products to a condition in which they may be used again for production.

**Recycling center** means a use whose purpose is to collect and process recyclable materials and transfer the processed materials off site, not including a junkyard. Processing shall be limited to the preparation of material for efficient shipment by such means as compacting, flattening, crushing, mechanical sorting, cleaning and loading, all done within the confines of a building. For the purposes of this zoning ordinance, recyclable material collection shall be limited to aluminum, glass, paper or plastic.

**Recycling collection point** means an incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources. No processing of such items shall be allowed.

**Refuse container** means moveable receptacle for collecting solid waste produced on-site for temporary storage until transferred for final disposal, including “dumpsters” or similar receptacles and bins.

**Registered historic place open to the public** means any use or structure that meets one (1) of the following criteria:

(a) 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;

(b) 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 of the Interior to qualify as a registered historic district;

(c) 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

(d) 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 directly by the Secretary of the Interior in states without approved programs.

**Replacement** means a construction process of completely removing all or a portion of an existing building and/or



## ZONING

structure, so as to replace it with a new building or structure.

**Residential care apartment complex** means a place where five (5) or more adults reside that consists of independent apartments, each of which has an individual lockable entrance and exit, a kitchen, including a stove, and individual bathroom, sleeping and living areas, and that provides, to a person who resides in the place, not more than twenty-eight (28) hours per week of services that are supportive, personal and nursing services. "Residential care apartment complex" does not include a nursing home or a community-based residential facility, but may be physically part of a structure that is a nursing home or community-based residential facility.

**Residential care center for children and youth** means a facility operated by a child welfare agency licensed under W.S.A. §48.60, for the care and maintenance of children residing in that facility. (Considered a community living arrangement) A residential care center for children and youth is subject to the standards listed in §23-52 of this ordinance.

**Residential use** means the occupancy of a dwelling or dwelling unit by a family or congregate living arrangements.

**Research laboratory or testing facility** means a use in which scientific research, investigation, testing or experimentation is conducted, but not including the manufacturing or sale of products, except as incidental and accessory to the main purpose of the facility.

**Residence.** See *Dwelling*.

**Restoration** means a construction process of repairing or renovating all or a portion of an existing building and/or structure, so as to restore it to its former or original appearance or condition.

**Retail food establishment** means an establishment required to be licensed under Wisconsin Statutes §97.30, and all other commercial enterprises, fixed or mobile, where food is processed or sold or offered for sale at retail. The term shall also include all areas and facilities of such establishments used in conjunction therewith and all vehicles and equipment utilized in conjunction therewith. It includes retail grocery stores, meat markets, poultry markets, fish markets, delicatessens, bakeries, confectionaries, ice cream shops, cheese stores, convenience marts, milk cases, spice and herb shops, temporary retail food establishments and all other establishments where food is processed or sold or offered for sale at retail.

**Restaurant (with alcohol)** means a use involving a business establishment, with a valid liquor license issued by the City, with or without table service, within which food is prepared and offered for sale and consumption on or off the premises, to the customer, in a ready to consume state in individual serving or in non-disposable containers.

**Restaurant (without alcohol)** means a use involving a business establishment, without a liquor license issued by the City, with or without table service, within which food is prepared and offered for sale and consumption on or off the premises, to the customer, in a ready to consume state in individual serving or in non-disposable containers.

**Restaurant, fast food** means a use involving a business establishment whose principal business is the sale of previously prepared food, in disposable containers, directly to the consumer in a ready to consume state for consumption either within the restaurant or off-premises.

**Retail business** means a use that provides goods, wares, merchandise and/or services directly to the consumer, where such goods are available for immediate purchase.

**Rummage sale** means the sale of personal household goods on a property customarily used as a residence.

## S

**Sale of seasonal agricultural products, outdoor** means a temporary use that is conducted outside of an enclosed permanent building or structure on a lot where a temporary merchant displays and sells products obtained through farming or agricultural activities such as pumpkins, fruits and vegetable of all kinds. For the purpose of definition, processed or prepared food products of any kind shall not be considered as seasonal agricultural products.

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**Salvage yard or junk facility** means a use including land, buildings or structures where junk, waste, discarded, salvaged or similar materials such as old metals, wood, lumber, glass, paper, rags, cloth, cordage, barrels, containers, etc., are brought, bought, sold, exchanged, baled, packed, stored or handled, including used lumber and building materials, equipment, wrecking yards and the like. This definition shall not include automobile salvage or wrecking yards or pawnshops and establishments for the sale, storage, or purchase of secondhand vehicles, clothing, furniture, appliances or similar household goods, all of which shall be useable, nor shall it apply to the processing of used, discarded or salvageable materials incidental to manufacturing activity on the same site or to recycling and waste recovery centers.

**Screening** means a method of visually shielding or obscuring an adjacent building, structure, use from another by fencing, walls, berms or densely planted vegetation.

**Senior care facility.** An establishment that provides medical care or housing exclusively to the elderly. A senior care facility shall include, but not be limited to, nursing homes, independent care facilities, elderly condominiums and elderly apartments.

**Service structure** means an accessory structure or equipment that provides support to the principal use or building on the lot. Service structures include, but are not limited to: propane tanks, trash and dumpster enclosures, electrical transformer boxes and above ground utility vaults.

**Setback** means the required distance the exterior wall of a structure must be located from a lot line, easement, right-of way, adjacent building or other feature as indicated in this chapter.

### ***Sexually-oriented business.***

**Booths/Cubicles/Rooms/Compartments/Stalls.** Enclosures that are specifically offered to the public or member of a sexually-oriented establishment for hire or for a fee as part of a business operated on the premise which offers as part of its business the entertainment to be viewed within the enclosure. This shall include, without limitation, such enclosures wherein the entertainment is dispensed for a fee, but a fee is not charged for mere access to the enclosure. However, “booth”, “cubicle”, “room”, “compartment”, or “stall” does not mean such enclosures that are private offices used by the owners, managers or persons employed on the premises for attending to the tasks of their employment, which enclosures are not held out to the public or members of the establishment for hire or for a fee or for the purpose of viewing entertainment for a fee, are not open to any person other than employees nor shall this definition apply to hotels, motels or similar establishments licensed by the State of Wisconsin pursuant to Wisconsin law.

**Operator.** Any person, partnership or corporation operating, conducting, maintaining or owning any sexually-oriented establishment.

**Predominant.** Fifty-one percent (51%) or more of a business’ stock in trade, display space, gross floor space or retail sales in any one (1) month during the license year.

**Sexually explicit material.** Any picture, photograph, drawing, sculpture, motion picture, film or other visual representation of an image depicting uncovered or less than opaquely covered, post pubertal human genitals or pubic areas in a lewd fashion, or depicting human sexual intercourse, human or animal masturbation, bestiality, oral intercourse, anal intercourse, human-animal intercourse, excretory functions, homosexual acts, direct physical stimulation or touching of unclothed genitals or pubic areas of the human male or female, flagellation or torture by or upon a person who is nude or clad in revealing or bizarre costumes in the context of a sexual relationship or sexual stimulation. The material shall be judged without regard to any covering, which may be affixed or printed over the material in order to obscure genital areas in a depiction otherwise falling within the definition of these subsections. Works of art or of anthropological significance are not included within the definition of this paragraph.

**Sexually-oriented bookstore.** An establishment which includes, but is not limited to, booths, cubicles, rooms or stalls for the presentation of sexually-oriented entertainment, including sexually-oriented films, movies or live performances for observation by patrons therein, or which, as part of its regular and predominant course of conduct, offers for sale, rent, trade, lease, inspection or viewing, books, films, video cassettes, magazines or other

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periodicals, which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified anatomical areas or specified sexual activities.

***Sexually-oriented cabaret.*** A building or structure which features topless dancers, strippers, male or female impersonators, or similar entertainers that display specified anatomical areas or engage in specified sexual activities as defined in this section.

***Sexually-oriented entertainment.*** Any exhibition of any motion pictures, live performances, displays or dances of any type, which has as a significant or substantial portion of such performance, or is distinguished or characterized by an emphasis on, any actual or simulated performance of specified sexual activities, or exhibition and viewing of specified anatomical areas, appearing unclothed, or the removal of articles of clothing, to reveal specified anatomical areas.

***Sexually-oriented establishment.*** Any premises to which public patrons or members are invited or admitted and which are so physically arranged so as to provide booths, cubicles, rooms, compartments or stalls separate from the common area of the premises for the purposes of viewing adult-oriented motion pictures; or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, whether or not such adult entertainment is held, conducted, operated or maintained for profit, direct or indirect. An adult-oriented establishment includes, but is not limited to, adult bookstores and adult motion picture theaters.

***Sexually-oriented motion picture theater.*** An establishment which is significantly or substantially used for presenting motion picture films, video cassettes, cable television or any other such visual media, distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

### ***Specified anatomical areas:***

- (1) Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola;
- (2) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

***Specified sexual activities.*** Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

(Ord 201-11, §1, 9-27-11)

***Shelter facility*** means a temporary place of lodging for homeless individuals or families.

***Shopping center*** means a use involving a group of retail business establishments and/or service uses on a single site, under one (1) ownership, which leases spaces for separate establishments and which has common parking spaces and no lot lines between establishments.

***Showroom*** means an indoor use or the indoor portion of a building or use where merchandise is on display for consumer viewing.

***Sign*** means any device, fixture, placard, or structure that uses any writing, representation, emblem, logo, symbol, or other display illuminated or non-illuminated to advertise, announce the purpose of, or identify the purpose of a person or entity to attract attention, or to communicate information of any kind to the public, visible from any public place. Streamers, pennants, balloons and inflatable figures are not considered signs. For the purpose of removal, signs shall also include all sign structures as well as the sign itself.

***Site*** means the entire area included in the legal description of the land on which the land disturbing construction activity is proposed in the permit application.

***Small wind energy systems.***

- (1) "Meteorological tower" (met tower) is defined to include the tower, base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), wind direction vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.
- (2) "Owner" shall mean the individual or entity that intends to own and operate the small wind energy system in accordance with this ordinance.
- (3) "Micro" or small scale turbines mean turbines that are sized in order to fit on top of building and are usually less than ten (10) feet in height.
- (4) "Rotor diameter" means the cross sectional dimension of the circle swept by the rotating blades.
- (5) "Small wind energy system" means a wind energy system that:
  - a. Is used to generate electricity;
  - b. Has an individual wind turbine nameplate capacity of 100 kilowatts or less;
  - c. Has an total installed nameplate capacity of 300 kilowatts or less;
  - d. Has a total height of 170 feet or less;
  - e. Meteorological tower; and
  - f. Micro towers placed on buildings.
- (6) "Total height" means the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.
- (7) "Tower" means the monopole, freestanding, or guyed structure that supports a wind generator.
- (8) "Wind energy system" means equipment that converts and then stores or transfers energy from the wind into usable forms of energy (as defined by the Wis. Stat. §66.0403(1)(m)). This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other component used in the system.
- (9) "Wind generator" means blades and associated mechanical and electrical conversion components mounted on top of the tower.

(Ord 72-11, §1, 3-8-11)

***Stacking space*** means a hard surfaced area (e.g., asphalt, concrete or brick pavers) designated as an area for temporary queuing of motor vehicles.

***Story*** means that portion of a building, other than a basement, 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 the floor and the ceiling or roof above it.

***Story, half*** means a space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half (½) story containing independent apartment or living quarters shall be counted as a full story.

***Street*** means a dedicated right-of-way affording primary access by pedestrians or vehicles to abutting property. Egress and ingress easements shall not be considered streets or roads.

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**Street, private** means a street that has not been accepted by the City of Appleton or other governmental agency.

**Structure** means anything constructed or erected with a fixed location on the ground or attached or resting on something having a fixed location on the ground or anything assembled with a combination of materials to give support to something having a fixed location on the ground, including but not limited to off-street parking lots and loading areas, buildings, walls, fences, towers, outdoor lighting fixtures, signs and billboards.

**Structure, principal** means a structure or building in which the principal or primary use of the lot is conducted.

**Structural alteration** means any change, other than incidental repairs, which would prolong the life of supporting members of a building, such as bearing walls, columns, beams, girders or foundations.

**Surface course** means the horizontal layer of hard surface material such as asphalt, concrete, brick, pervious pavers, or similar material, which supports the traffic load.

## T

**Tasting room** means a use offering fermented malt beverages, wine or intoxicating liquor for consumption and/or retail sales on the premises where the fermented malt beverages, wine or intoxicating liquor is manufactured and/or at an off-premises location associated with premises. Tasting rooms may include food sales.

**Tavern** means a use, licensed by the City, to sell retail alcoholic beverages to be consumed on or off premises and which may provide dancing, entertainment and food. The term tavern shall include bar, pub, nightclub and cocktail lounge.

**Temporary contractor's offices** means a temporary structure used as an office in conjunction with a construction project.

**Temporary merchandise sales, outdoor** means a temporary use that is conducted outside of an enclosed permanent building or structure on a lot where a temporary merchant or a group of temporary merchants displays and sells goods, wares and merchandise to the general public.

**Temporary merchant** includes any individual who engages in, conducts any temporary use in this City, either in one (1) location or by moving his or her place of business from one lot to another lot in the City, displaying or selling goods, wares or merchandise, or who solicits for such trade to the general public.

**Temporary model home sales office** means a dwelling temporarily used as a real estate office for a residential development or subdivision under construction for on-site real estate sales.

**Temporary structure** means a structure without any foundation or footings and that is removed when the designated time period, activity, or use for which the temporary structure was erected or placed has ceased. For the purposes of this ordinance, mobile homes, travel trailers and any other structure that can be moved on wheels is considered as a temporary structure.

**Tent** means a temporary structure constructed of fabric or pliable material supported by any manner except by air or the contents that it protects, and is open without sidewalls or drops on seventy-five percent (75%) or more of the perimeter.

**Tower and antenna for telecommunications services** means a tower, pole, or similar structure that supports or acts as a transmission or reception device for licensed commercial wireless communications service including cellular, personal communications services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public.

**Towed vehicle storage** means a use that provides for the temporary storage of vehicles that have been towed, but does not include disposal, permanent disassembly, salvage or accessory storage of inoperable vehicles.

APPLETON CODE

**Towing business** means a use that provides for the removal of vehicles.

**Townhouse.** See *Dwelling, multi-family*.

**Toxic and hazardous waste** means waste materials as defined by the DNR and EPA.

**Truck and heavy equipment sales and rental** means a use involving the display and temporary storage of trucks or other equipment commonly used in commercial, industrial or construction enterprises for sale, lease or rental.

## U

**Undue hardship** as used in connection with the granting of a variance means the property in question cannot be put to any reasonable use if established under conditions required by this chapter, and, where the plight of the landowner is due to circumstances unique to his property not created by the landowner, and the variance, if approved, will not alter the essential character of the locality. Economic considerations alone shall not constitute an undue hardship if any reasonable use for the property exists under the terms of the zoning ordinance.

**Urban farm** means the land or rooftops that are managed and maintained by an individual, group of individuals, organization or business for growing, harvesting, washing and packaging of fruits, vegetables, flowers and other plant and herb products with the primary purpose of growing food for sale and/or distribution.  
(Ord 45-12, §1, 6-6-12)

**Use** means the purpose or activity for which the land, building or structure thereon is designated, arranged or intended, for which it is occupied, utilized or maintained.

**Use, accessory** means a use subordinate to and serving the principal use, building or structure on the same lot and customarily incidental thereto.

**Use, permitted** means a public or private use which of itself conforms to the purposes, objectives, requirements, regulations and performance standards of a particular district.

**Use, principal** means the primary or predominant use of any lot or parcel.

**Use, special** means a use that is permitted in a zoning district only if a special use permit is expressly authorized by the Common Council in accordance with the provisions in this zoning ordinance, but does not include a variance.

**Use, temporary** means a use that is established for a limited duration with the intent to discontinue such use upon the expiration of the time period. A temporary use is not a special event, which is regulated under the Municipal Code and the Special Event Policy.

## V

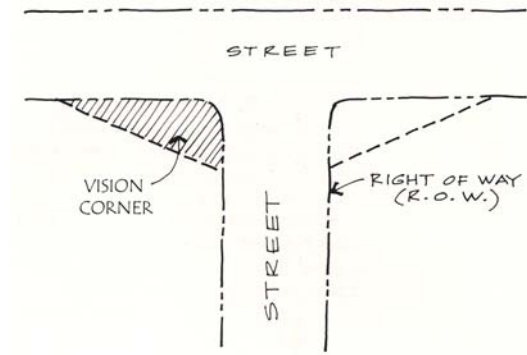
**Variance** means a modification or variation of the provisions of this chapter where it is determined that by reason of special and unusual circumstances relating to a specific lot, that strict application of this chapter would cause an undue hardship.

**Vehicle** means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway including, but not limited to a recreational vehicle, except railroad trains.

**Veterinarian clinic** means a use in a completely enclosed building, or portion thereof, designed or used for the care, observation or treatment of domestic animals by or under the supervision of a licensed veterinarian.

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**Vision corner** means triangular approach zones at street and/or driveway intersections intended to allow visibility of approaching traffic, pedestrians and bicycles and as regulated in Chapter 19, Traffic and Vehicles.



## W

**Warehouse** means a use of a building or part of a building primarily involved in the indoor storage of goods and materials.

**Wholesale facility** means a use that maintains a stock of goods, other than samples on premises, and is engaged in the resale of commodities in quantity, to businesses, industries and institutions.

**Winery** means a use which manufactures, bottles and packages wine on premises including storage and distribution of wine that have been manufactured on the premises. The establishment shall hold the required liquor license issued by the state and/or city if, in addition to offering for sale fermented malt beverages manufactured on the premises, it also offers for sale fermented malt beverages and other alcohol manufactured by other producers other than the establishment.

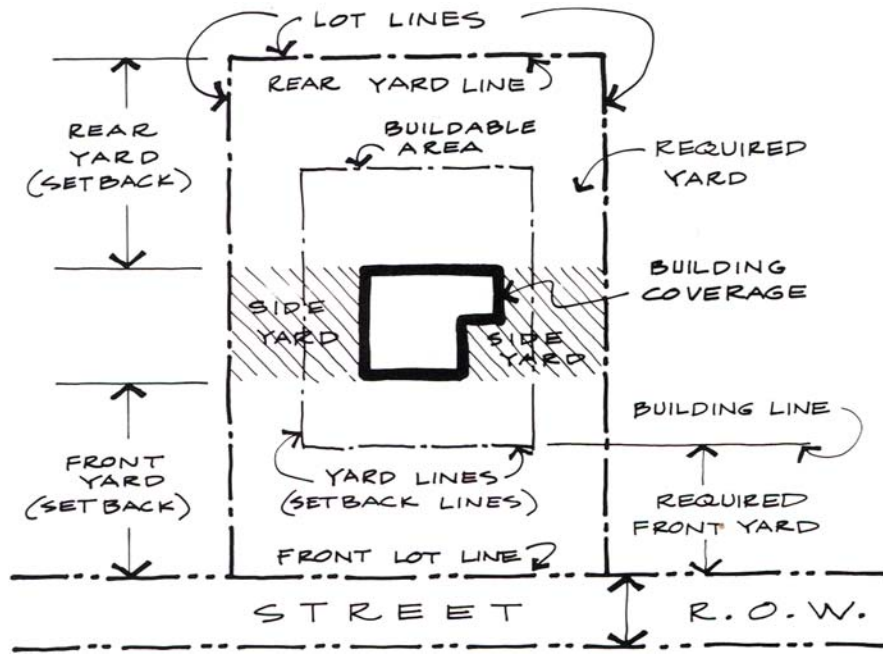
## X

*No Definitions.*

## Y

**Yard** means a required open space, on a lot between a lot line and a building or structure, which is unoccupied and unobstructed from the ground upward, except for permitted obstructions (see graphic on the following page and the Required Yard graphic).

APPLETON CODE



**Yard, front** means an open space extending the full width of the lot, between the main building and the front lot line, unoccupied and unobstructed by buildings or structures from the ground upward except as provided herein, the depth of which shall be measured as the least distance between the front lot line and the front foundation wall of the main building. (See the Required Yard graphic.)

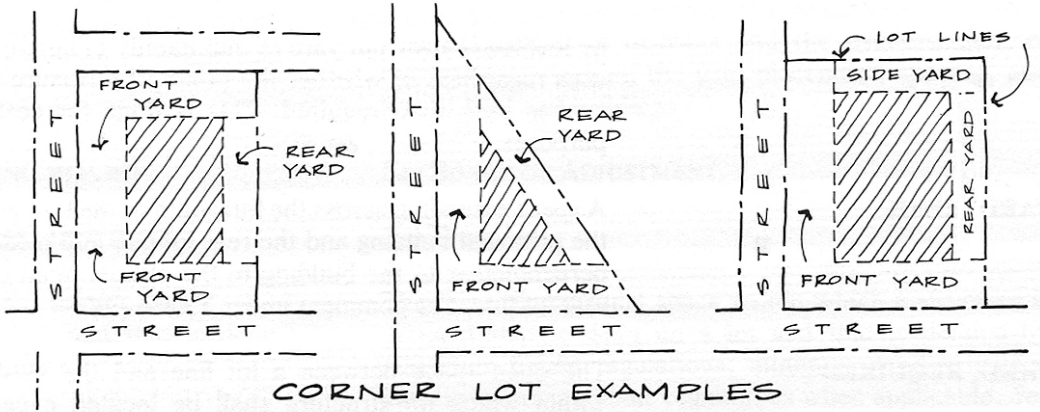
**Yard, rear** means an open space extending the full width of the lot, between the main building and the rear lot line, unoccupied and unobstructed by buildings or structures from the ground upward, except as provided herein, the depth of which shall be measured as the least distance between the rear lot line and the rear foundation wall of the main building. (See the Required Yard graphic.)

**Yard, side** means an open space extending from the front yard to the rear yard, between the main building and the side lot line, unoccupied and unobstructed from the ground upward, except as provided herein, the depth of which shall be measured as the least distance between the side lot line and the side foundation wall of the main building. (See the Required Yard graphic.)

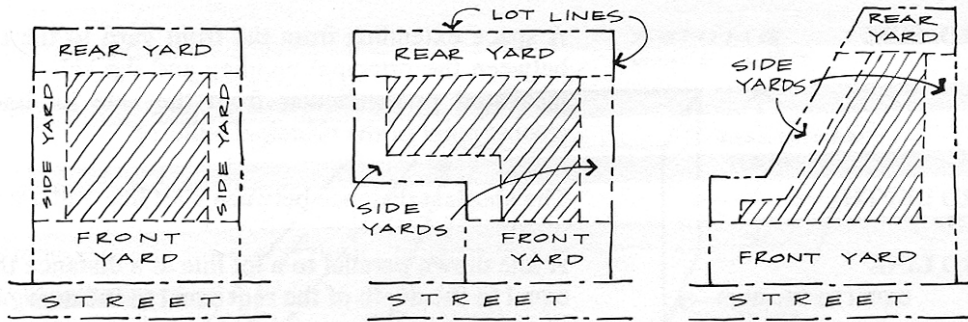
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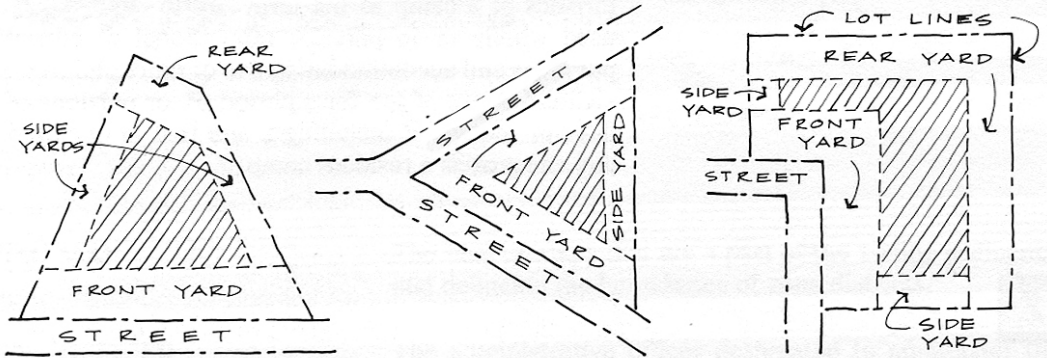
ZONING



CORNER LOT EXAMPLES



INTERIOR LOT EXAMPLES



ODD-SHAPED LOT EXAMPLES

REQUIRED YARDS

 BUILDING (ZONING) ENVELOPE  
(TWO DIMENSIONAL)

# Z

**Zoning Administrator** shall be the Inspections Supervisor.

**Zoning amendment** means a change of the zoning map or zoning text authorized by the City, either in the allowable use within a district, in the boundaries of a district or in a change to the ordinance text.

**Zoning district** means an area or areas within the limits of the City for which the regulations and requirements governing uses of land, premises and buildings are uniform, within which certain yards and open spaces are required and certain height limits are established for buildings.

**Zoning district, overlay.** See **Overlay zoning district**.

**Zoning map** means the map or maps incorporated into this chapter as a part thereof, designating the zoning districts. (Ord 121-05, §1, 10-25-05; Ord 81-07, §1, 5-8-07; Ord 86-08, §1, 5-27-08; Ord 121-08, §1, 8-12-08; Ord 141-08, §1, 10-7-08; Ord 201-11, §1, 9-27-11; Ord 202-11, §1, 9-27-11; Ord 232-11, §1, 12-27-11; Ord 44-12, §1, 6-6-12; Ord 99-12, §1, 10-9-12; Ord 68-13, §1, 8-13-13; Ord 25-20, §1, 3-25-20)

**Secs. 23-23 – 23-30. Reserved.**