

SECTION 15.00 DEFINITIONS

15.01 GENERAL DEFINITIONS

For the purpose of this Ordinance, certain words or phrases shall have meanings that either vary somewhat from their customary dictionary meanings or are intended to be interpreted to have a specific meaning. Words used in the present tense in this Ordinance include the future. The word “person” includes a firm, association, partnership, trust, company, or corporation as well as an individual. The word “shall” is mandatory, the word “should” is advisory, and the word “may” is permissive. Any words not defined in this Section shall be presumed to have their customary dictionary definitions.

15.02 SPECIFIC WORDS AND PHRASES

Accessory Use or Structure

A use or detached structure subordinate to the principal use of a structure, land, or water and located on the same lot or parcel serving a purpose customarily incidental to the principal use or the principal structure.

Acre

A measure of land area containing 43,560 square feet.

Adjacent Lot or Land

Parcels of land that share all or part of a common lot line with another lot or parcel of land, including parcels that are abutting solely at corner points. Also referred to as “contiguous parcels”.

Administrative Control of a Unit of Government

Administrative Control of a Unit of Government exists when any of the following conditions exist:

- **Direct Administrative Control:**
Direct administrative control exists when a governmental unit is responsible for the ongoing daily activities of an institution; e.g., when the institution’s staff members are government employees or when a governmental unit, board, or officer has the final authority (whether exercised or not) to hire and fire employees; or
- **Indirect Administrative Control:**

Indirect administrative control exists when a governmental unit has total control of all fiscal decisions (even though it lacks the authority to hire and fire).

- **Indicators of Governmental Control:**

There is an indication of governmental control when a governmental unit:

- appoints an institution's board of trustees;
- appoints an institution's administrator;
- assumes the obligation to appropriate funds to make up an institution's operating deficits;
- receives payment on behalf of an institution; or
- holds the operating certificate or license.

Adult Bookstore

An establishment having as a substantial or significant portion of its stock in trade for sale, rent, lease, inspection, or viewing, books, films, video cassettes, magazines, or other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or related to "specified anatomical areas" as defined below, or an establishment with a segment or section devoted to the sale, rent, and display of such material.

Adult Cabaret

A cabaret which features topless dancers, strippers, male or female impersonators, or similar entertainers.

Adult Entertainment

Any exhibition of any motion pictures, live performance, display or dance of any type, which has as its dominant theme, or is distinguished or characterized by an emphasis on, any actual or simulated "specified sexual activities" or "specified anatomical areas."

Adult Mini-Motion Picture Theater

An enclosed building with a capacity of less than 50 persons used for presenting material having as its dominant theme, or distinguished or characterized by an emphasis on, matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined below, for observation by patrons therein.

Adult Motion Picture Theater

An enclosed building with a capacity of 50 or more persons used for presenting materials distinguished or characterized by an emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined below, for observation by patrons therein.

Adult-Oriented Establishment

Includes, but is not limited to, "adult bookstores," "adult motion picture theaters," "adult mini-motion picture establishments," or "adult cabarets." It further means 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 areas 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 a profit, direct or indirect.

Aircraft

A contrivance designed for navigation of or flight in the air.

Airport

A place where aircraft can land and take off, usually equipped with hangars and facilities for refueling and repair.

Alley

A special public right-of-way affording only secondary access to abutting properties.

Automobile Wrecking Yard

An establishment that cuts up, compresses, or otherwise disposes of motor vehicles.

Baby Sitting

The act of providing care and supervision for fewer than 4 children. This definition does not apply when the baby sitter is related to the child, or when more than 4 children in one household are related.

Basement

That portion of any structure that is located below lot grade or a room(s) with a ceiling that is less than 4 feet above lot grade. Basement floor areas shall not be used to compute minimum floor areas as required by this Ordinance.

Bed and Breakfast Establishment

Any place of lodging that provides 4 or fewer rooms for rent, is the owner's personal residence, and is occupied by the owner at the time of rental.

Billboard

A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

Boardinghouse

A building other than a hotel or restaurant where meals or lodging are regularly furnished by pre-arrangement for compensation for 4 or more persons not members of a family, and not open to transient customers.

Building

Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

Building Coverage

The ratio of the horizontal area measured from the exterior surface of the exterior walls of the ground floor of all principal and accessory buildings on a lot to the total lot area. Also referred to as Lot Coverage.

Building Height

The vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of the roof.

Caliper

Diameter in inches of a tree measured at a point 4.5 feet above the highest grade abutting the tree.

Campground

Any public or private grounds or premises used or established for a period of two weeks or more for the overnight camping of persons using equipment designed for the purpose of temporary camping.

Club

A group of people organized for a common purpose to pursue common goals, interests, or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and bylaws.

Cluster Development

A form of residential development that concentrates buildings on lots on a part of the site to allow the remaining land to be used for common open space, recreation, and preservation of environmentally sensitive features. The concentration of lots is facilitated by a reduction in lot size. A cluster development will consist of one or more cluster groups surrounded by common open space.

Cluster Group

A group of single-family detached dwellings within a cluster development, surrounded by a common open space. The outer boundary of a cluster group shall be defined by the rear lot lines of the lots within the group.

Common Open Space

Undeveloped land within a cluster development that has been designated, dedicated, reserved, or restricted from further development. Common open space shall not be part of individual residential lots. Common open space shall be substantially free of structures, but may contain such recreational facilities for residents as are shown on the approved development plan.

Community-based Residential Facility (CBRF)

A place where 5 or more unrelated adults reside in which care, treatment, or services above the level of room and board, but not including nursing care, are provided in the facility. A

community-based residential facility is subject to State-level licensing and operational limitations as set forth in Chapter 50 of the Wisconsin Statutes.

Community Living Arrangement

The following facilities licensed and operated, or permitted under the authority of the Wisconsin Statutes: child welfare agencies under Section 48.60, group foster homes for children under Section 48.02(7), and community-based residential facilities under Section 50.01; but does not include day care centers, nursing homes, general hospitals, special hospitals, prisons, or jails. The establishment of community living arrangements is governed by Sections 46.03(22), 48.625, 59.69(15), 60.63, and 62.23(7)(i) of the Wisconsin Statutes.

Conditional Uses

Uses of a special nature as to make impractical their predetermination as a principal use in a district.

Contiguous Parcels

Parcels of land that share all or part of a common lot line with another lot or parcel of land, including parcels that are abutting solely at corner points. Also referred to as “adjacent lot or land.”

Corner Lot

A lot abutting 2 or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side.

Custom Manufacturing

Manufacturing establishments primarily engaged in the onsite production of goods by hand, within enclosed structures, involving the use of hand tools, the use of domestic mechanical equipment not exceeding 2 horsepower, or a single kiln not exceeding 8 kilowatts. Incidental sale to consumers of products produced on site may be permitted. Typical uses include ceramic studios, custom jewelry manufacturing, and candle making.

Day Care Center

An establishment providing care and supervision for 4 or more persons under the age of 7 and licensed by the State of Wisconsin pursuant to Section 48.65 of the Wisconsin Statutes.

Density

The number of dwelling units permitted per acre within the gross tract area.

Development

Any man-made change to improved or unimproved real estate, including but not limited to construction of or addition or substantial improvements to buildings, other structures, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations, or disposition of materials.

Developer's Agreement

An agreement by which the Town and the developer agree in reasonable detail as to all of those matters to which the provisions of this Ordinance apply and which does not come into effect unless and until an irrevocable letter of credit or other appropriate surety has been issued to the Town.

District, Basic

A part or parts of the Town for which the regulations of this Ordinance governing the use and location of land and buildings are uniform.

District, Overlay

Overlay districts provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. In the instance of conflicting requirements, the stricter of the conflicting requirements shall apply.

Drive-in Restaurant

An establishment used for the sale, dispensing or serving of food, refreshments, or beverages in or on disposable plates and cups, where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the restaurant, and where ordering and pickup of food may take place from an automobile.

Dwelling

A building designed or used exclusively as a residence or sleeping place, but does not include boarding houses, motels, hotels, tents, cabins, or mobile homes.

Dwelling Unit

A group of rooms constituting all or part of a dwelling, which are arranged, designed, used, or intended for use exclusively as living quarters for one family.

Dwelling, Single-Family

A detached building containing one dwelling unit, designed for or occupied exclusively by one family.

Dwelling, Two-Family

A building containing 2 dwelling units, including units that are located one over the other.

Dwelling, Multi-Family

A building containing 3 or more dwelling units, including units that are located one over the other.

Election Campaign Period

In the case of an election for office, the period beginning on the first day for circulation of nomination papers by candidates, or the first day on which candidates would circulate nomination papers if papers were required, and ending on the day of the election. In the case

of a referendum, the period beginning on the day which the question to be voted upon is submitted to the electorate and ending on the day on which the referendum is held.

Encroachment

Any obstruction or illegal or unauthorized intrusion into a right-of-way, required setback, or onto adjacent land.

Erosion

The detachment and movement of soil, sediment, or rock fragments by water, wind, ice, or gravity.

Essential Services

Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, stormwater drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings, wind energy conversion system facilities, wind farms, transmission towers, and wireless communication towers.

Family

The body of persons related by blood, marriage or adoption, or not more than 4 unrelated persons who live together in one dwelling unit as a single housekeeping entity.

Family Day Care Home

A dwelling licensed as a day care center by the State of Wisconsin pursuant to Section 48.65 of the Wisconsin Statutes, where care is provided for not more than 8 children.

Farm Operator

Any person who owns land and raises crops or livestock on that land; or a person who rents land to another for agricultural purposes and who lives on the land having day-to-day contact with the farm operation; or a person who lives on land that he or she has historically farmed. For the purpose of this Ordinance, any person who has farmed land for 5 consecutive years is deemed to have farmed it historically.

Fence, Open

A structure of rails, planks, stakes, strung wire, or similar material erected as an enclosure, barrier, or boundary. Open fences are those with more than 80 percent of their surface area open for free passage of light and air. Examples of such fences include barbed wire, chain link, picket, and rail fences.

Fence, Ornamental

A fence intended to decorate, accent, or frame a feature of the landscape. Ornamental fences are often used to identify a lot corner or lot line; or frame a driveway, walkway, or planting

bed. Ornamental fences have more than 80 percent of their surface area open for free passage of light and air. Ornamental fences are often of the rail or wrought iron type.

Fence, Security

A fence intended to guard property against unauthorized entry, and to protect stored goods and products from theft and other unauthorized handling. Security fences usually exceed 6 feet in height, are often made of wrought iron or woven wire, and may incorporate additional security features such as barbed wire.

Fence, Solid

A structure of boards, rails, planks, stakes, slats, or similar material erected as an enclosure, barrier, or boundary. Solid fences are those with 80 percent or less of their surface area open for free passage of light and air. Examples of such fences are stockade, board-on-board, board and batten, basket weave, and louvered fences.

Financial Institution

A place of business where financial banking services are provided to consumers or clients on the site. Typical uses include banks, savings and loan associations, savings banks, credit unions, and loan companies.

Flea Market

Any premises where the principal use is the sale of new or used household goods, personal effects, tools, art work, small household appliances, and similar merchandise, equipment or objects, in small quantities, in broken lots or parcels, not in bulk, for use or consumption by the immediate purchaser. Flea markets may be conducted within a structure or in the open air. Rummage sales and garage sales are not considered to be flea markets.

Floor Area

The sum of the horizontal areas of each floor of a building, measured from the interior faces of the exterior walls or from the centerline of walls separating two buildings. The floor area measurement shall exclude the area within basements, utility rooms, garages, porches, breezeways, and unfinished attics.

Floor Area, Gross Leasable

The total floor area designed for owner or tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any; expressed in square feet and measured from the interior faces of the exterior walls or from the centerline of walls separating two buildings.

Foster Family Home

The primary domicile of a foster parent which is for 4 or fewer foster children and which is licensed pursuant to Section 48.62 of the Wisconsin Statutes.

Frontage

The smallest dimension of a lot abutting a public street measured along the street right-of-way line. For lots abutting a lake or stream, the smallest dimension measured along the shoreline.

Fur Farm

Any property comprising land or buildings or both used for the purpose of raising or harboring fur bearing animals including those defined in Section 29.001, Wisconsin Statutes, and also including chinchillas, nutria, and other fur bearing animals whether the animals are kept for breeding, slaughtering, pelting, or lab experimental purposes.

Garage, Private

A structure primarily intended for and used for the enclosed storage or shelter of no more than 4 private motor vehicles of the families resident upon the premises. Carports are considered garages.

Garage, Public or Commercial

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

Garage, Storage

Any building or premises used for storage only of motor-driven vehicles, pursuant to previous arrangements and not to transients, and where no equipment, parts, fuel, grease, or oil is sold and vehicles are not equipped, serviced, repaired, hired, or sold.

Garage Sale

See "Rummage Sale."

Gross Tract Area

All land contained in a development tract excluding existing road, highway, and railway rights-of-way.

Group Assembly

A company of persons gathered together for any purpose for a period of 2 or more hours.

Group Foster Home

Any facility operated by a person required to be licensed by the State of Wisconsin pursuant to Section 48.62 of the Wisconsin Statutes for the care and maintenance of 5 to 8 foster children.

Highway

A public way for purposes of vehicular traffic including the entire area within the right-of-way.

Home Industry

A home occupation that is carried out in a structure separate from the principal structure; or the manufacture or assembly of a product, often on a contract basis, in a residence; or an occupation of a more intense nature than is normally defined as a home occupation.

Home Occupation

Any occupation for gain or support conducted entirely within buildings by resident occupants which is customarily incidental to the principal use of the premises.

Hotel

A facility offering transient lodging accommodations to the general public. Such facilities may provide additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.

Housing for the Elderly

A dwelling unit or units designed and constructed to be occupied by elderly persons. An elderly person is a person who is 62 years of age or older on the date such person intends to occupy the premises, or a family, the head of which, or his spouse, is an elderly person as defined herein.

Irrevocable Letter of Credit

An agreement entered into by a bank, savings and loan, or other financial institution which is authorized to do business in the State of Wisconsin and which has a financial standing acceptable to the Town of Wayne, and which is approved, as to form, by the Town Attorney.

Junkyard

Any area, lot, land, parcel, building, or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of junk.

Kennel (commercial)

An establishment in which more than 3 dogs over 6 months of age are housed, groomed, bred, boarded, or trained, with or without compensation.

Land Developing Activity

The construction of buildings, structures, roads, parking lots, paved storage areas and similar facilities.

Land Disturbing Activity

Any man-made change of the land surface including removing vegetation cover, excavating, filling and grading, but not including agricultural activities such as planting, growing, cultivating and harvesting of crops; growing and tending of gardens; harvesting of trees; and landscape modifications.

Landowner

Any person holding title to or having an interest in land.

Land User

Any person operating, leasing, renting, or having made other arrangements with the landowner by which the landowner authorizes use of his or her land.

Leachate

Liquid that has percolated through solid waste or other mediums from which dissolved or suspended materials have been extracted.

Lot

A tract of land on which a principal building and its accessory buildings are placed, together with the required open spaces; provided that no such lot shall be bisected by a public street, and shall not include any portion of a public right-of-way. No lands dedicated to the public or reserved for roadway purposes shall be included in the computation of lot size for the purposes of this Ordinance in zoning districts where the required minimum lot size is less than 5 acres. (See also "Parcel.")

Lot Area

The total area within the lot lines of a lot, excluding any street rights-of-way.

Lot Area, Absolute Minimum

The minimum lot area to which a lot may be reduced below the standard minimum lot area in the district. Used in lot averaging.

Lot Averaging

A design technique permitting one or more lots in a subdivision to be undersized, providing the remaining land from the undersized lot is added to another lot.

Lot, Corner

A lot abutting 2 or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side. (See Appendix B, Illustration No. 4).

Lot, Double Frontage

A parcel of land, other than a corner lot, with frontage on more than one street or with frontage on a street and a navigable body of water. Also known as a through lot. (See Appendix B, Illustration No. 4).

Lot, Flag

A lot not fronting on or abutting a public street and where access to the public street system is by a narrow strip of land, easement, or private right-of-way. Flag lots are not generally considered to conform to sound development principles. (See Appendix B, Illustration No. 4).

Lot, Interior

A lot with frontage on one street which is bounded by adjacent lots along each side and a lot behind fronting on a different street. (See Appendix B, Illustration No. 4).

Lot Width

The width of a parcel of land measured at the setback line.

Manufactured Home

A factory-built, single-family detached structure that conforms to the National Manufactured Housing Construction and Safety Standards Act of 1974.

Manufacturing, Heavy

Enterprises involved in the basic processing and manufacturing of products, predominately from raw materials, with noticeable noise, odor, vibration, or air pollution effects across property lines or a use or process engaged in the storage of potentially or actually hazardous, explosive, flammable, or other commonly recognized hazardous material.

Manufacturing, Light

Establishments engaged in the manufacture or processing of finished products from previously prepared materials, including fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales and distribution. These establishments are characterized by having no major external environmental effects across property lines and include no outside storage. Typical uses include commercial bakeries, dressed beef processing plants, soft drink bottling, apparel assembly, electronics manufacturing, print shops, and publishing houses.

Manure Pit

A structure or earthen pond located outside of a barn or shelter and used for containment of manure and other wastes from livestock and poultry.

Mobile Home

Any self-contained eating, sleeping, or living unit, having a maximum width of 16 feet, which was originally designed or constructed to be transported by any motor vehicle over the public highways, together with any auxiliary additions, attachments, annexes, foundations and appurtenances to or for the same. Mobile living units which are transported in 2 or more modules are not mobile homes for the purpose of this Ordinance.

Mobile Home, Double Wide

A double wide mobile home is a mobile home consisting of 2 mobile home sections combined horizontally at the site while still retaining their individual chassis for possible future movement.

Mobile Home Park

A mobile home park is a parcel of land upon which 3 or more mobile homes are occupied for dwelling or sleeping purposes are located, regardless of ownership and whether or not a charge is made for the accommodation, but excluding farms where the occupants of the

mobile home park work on the farm or are related to the farm owner or operator as father, mother, son, daughter, brother, or sister.

Motel

A series of attached, semiattached, or detached sleeping units for the accommodation of transient guests.

Nonconforming Uses or Structures

Any structure, land, or water lawfully used, occupied, or erected at the time of the effective date of this Ordinance or amendments thereto which does not conform to the regulations of this Ordinance or amendments thereto. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading, or distance requirements shall be considered a nonconforming structure and not a nonconforming use.

Office, General

Use of a site for business, professional, or administrative offices. Typical uses include real estate, insurance, management, travel, or other similar business offices; organization and association offices; or law, architectural, engineering, accounting, or other professional offices.

Ordinary Highwater Mark

The point on the bank or shore of a body of water up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

Parcel

A tract of land upon which one or more rural structures, including residences, are placed, together with the required open spaces. The term "parcel," as used in the A-1, A-2, R-1, and C-2 district regulations and unlike the term "lot" as defined elsewhere in this Section, may contain lands reserved for roadway purposes in the computation of the required minimum parcel size.

Park

A tract of land, designated and used by the public for active and passive recreation.

Parking Lot

A structure or premises containing parking spaces open to the public. Such spaces may be for rent or a fee.

Parties-in-Interest

Includes all abutting property owners, all property owners within 500 feet, and all property owners of opposite frontages. The application of the 500-foot rule is not affected by Town, City, or Village corporate limit lines.

Personal Services

Establishments engaged in the provision of frequently needed services of a personal nature. Typical uses include barber and beauty shops, seamstress, tailor, or shoe repair shops, photography studios, and tanning salons.

Principal Use or Structure

The main use of land or structures as distinguished from a secondary or accessory use. Such use could be a house in a residential district, a store in a business district, a factory in a manufacturing district, or crops and farm buildings in an agricultural district.

Professional Home Offices

Residences of clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, real estate agents, artists, teachers, authors, musicians, or other recognized professions used to conduct their professions where the office use is incidental to the residential use of the premises.

Recreational Vehicle

A vehicle used for transient living quarters which can be towed, hauled, or driven and is designed for recreational, camping, or travel use which includes, but is not limited to, travel trailers, camper trailers, motor homes, pickup campers, water craft, all-terrain vehicles and snowmobiles.

Restaurant

An establishment where food, refreshments, and beverages are prepared, served, and consumed primarily within the principal structure. (See also "Drive-in Restaurant")

Retail Establishment

A place of business offering for sale commonly used goods and merchandise for personal or household use. Includes department stores, apparel stores, furniture stores, or establishments providing the following: Household cleaning and maintenance products, drugs, cards, stationery, notions, books, tobacco products, cosmetics, and specialty items; flowers, plants, hobby materials, toys and handcrafted items; apparel, jewelry fabrics and like items; cameras, photography services, household electronic equipment, video and music stores, sporting equipment, kitchen utensils, home furnishing and appliances, art supplies and framing, arts and antiques, paint and wallpaper, hardware, carpeting and floor covering; interior decorating services; office supplies; mail order catalog sales; bicycles; and automotive parts and accessories.

Rummage Sale

The occasional sale of personal property at a residence conducted by one or more families in a neighborhood. Rummage sales do not exceed 4 consecutive days in length and are not conducted more often than 3 times per year. Rummage sales do not involve the resale of merchandise acquired for that purpose. Rummage sales are also known as "garage sales". Flea markets, defined elsewhere in this Section, are not rummage sales.

School

A public, parochial, or private institution that provides educational instruction to students, other than a trade or business school.

Seat

Furniture upon which to sit having a linear measurement not less than 24 inches across the surface used for sitting.

Service Station

Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of fuels for motor vehicles; servicing and repair of automobiles; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories.

Setback

See "Yard, Street"

Set of One-Year Design Storms

The rain intensities and rain volumes or corresponding values specific to the community for the storm duration of 0.5, 1.0, 2.0, 3.0, 6.0, 12.0, and 24.0 hours that occur approximately once per year. The following are typical characteristics of these one-year storms in most of Wisconsin:

Storm Duration (hours)	Average Rain Intensity (inches/hour)	Total Rain (inches)
0.5	1.8	0.9
1.0	1.1	1.1
2.0	0.7	1.3
3.0	0.5	1.5
6.0	0.3	1.7
12.0	0.2	2.0
24.0	0.1	2.3

Sexual Conduct

Acts or simulated acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breasts.

Shorelands

Those lands lying within the following distances from the ordinary high water mark of navigable waters: 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater. Shorelands in the Town of Wayne are regulated by Washington County.

Sign

Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trade marks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity, or product and which is visible from any public street or highway.

Sign, Awning

Any sign or other graphic material attached or inscribed on an awning (See Appendix B, Illustration No. 5).

Sign, Directional

A non-commercial sign limited to directional messages (e.g. enter, exit, drive through lane, or no smoking). Logos or business names will be permitted as needed to complete the directional message.

Sign, Ground

Any sign, other than a pole sign, in which the entire bottom is in contact with or is close to the ground and is independent of any other structure (See Appendix B, Illustration No. 5).

Sign, Pole

A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is 6 feet or more above grade (See Appendix B, Illustration No. 5).

Sign, Portable

Any sign, other than a mobile sign, designated or constructed in such a manner that it can be moved or relocated without any structural support changes (See Appendix B, Illustration No. 5).

Sign, Projecting

Any sign which projects from and is supported by a wall of a building with the display surface of the sign perpendicular to the building wall (See Appendix B, Illustration No. 5).

Sign, Roof

A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top walk or edge of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof. (See Appendix B, Illustration No. 5)

Sign, Temporary

A sign or advertising display constructed of cloth, canvas, fabric, plywood, or other light material and designed or intended to be displayed for a period of 30 days or less.

Sign, Wall

A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and

that does not project more than 12 inches from such building or structure (See Appendix B, Illustration No. 5).

Sign, Window

Any sign printed, attached, glued, or otherwise affixed to or behind a window and visible to the public (See Appendix B, Illustration No. 5).

Silviculture

The development and/or maintenance of a forest or wooded preserve.

Specified Anatomical Areas

Less than completely and opaquely covered genitals, pubic regions, buttocks, female breasts below the point immediately above the top of the areola, or human male genitals in a discernible turgid state, even if opaquely covered.

Specified Sexual Activities

Simulated or actual activities that show human genitals in a state of sexual stimulation or arousal; acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sado-masochistic abuse, fellatio or cunnilingus; or fondling or erotic touching of human genitals, pubic regions, buttocks, or female breasts.

Stable

A structure that is used for the shelter or care of horses.

Stealth Wireless Communication Facilities

Facilities designed to substantially conceal or camouflage the wireless antennae and associated equipment.

Story

That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it and including those basements used for the principal use.

Story, Half

A space under a sloping roof that has the line of intersection of the roof and wall face not more than 3 feet above the floor level and in which space the possible floor area with head room of 5 feet or less occupies at least 40 percent of the total floor area of the story directly beneath.

Street

Any vehicular way that is an existing State, County, or Town roadway; is shown upon a subdivision plat or certified survey map approved pursuant to law; or is approved by other official action. The street includes all land within the right-of-way, whether improved or unimproved.

Structure

Any erection or construction, such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery, and equipment.

Structure, Temporary

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 has ceased.

Structural Alterations

Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders.

Swimming Pool

Any structure, portable or permanent, containing a body of water 18 inches or more in depth, intended for recreational purposes, including a wading pool, but not including an ornamental reflecting pool or fish pond or similar type pool, located and designed so as not to create a hazard or to be used for swimming or wading.

Temporary Use

A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

Unified Development Plan

A development plan that is created for all areas of a development parcel. When a development plan consists of several parcels, the proposed site plan layout for all parcels must be included in the unified development plan, whether or not development will be phased.

Unnecessary Hardship

That circumstance where special conditions, which are not self-created, affect a particular property and make strict conformity with the restrictions governing dimensional standards (such as lot area, lot width, setbacks, yard requirements, or building height) unnecessarily burdensome or unreasonable in light of the purpose of the Ordinance. Unnecessary hardship is present only where, in the absence of a variance, no feasible use can be made of the property.

Utilities

Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, wireless communication facilities, shops, and storage yards.

Variance

An authorization granted by the Zoning Board of Appeals to construct or alter a building or structure in a manner that deviates from the dimensional standards of this Ordinance. A variance may not permit the use of a property that is otherwise prohibited by this Ordinance.

Vision Clearance Area

An unoccupied triangular space at the intersection of 2 or more streets or highways, or a street and a railway, which is bounded by the street lines, highway or railway right-of-way lines, and a setback line connecting points specified by measurement from the corner on each street, highway, or railway line. (See Appendix B, Illustration No. 1 and No. 2).

Woodlands

An area having at least 17 trees per acre with a minimum 4-inch caliper and with at least 50 percent canopy cover per acre.

Yard

An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation. The street and rear yards extend the full width of the lot.

Yard, Rear

A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the street yard or one of the street yards on a corner lot (See Appendix B, Illustration No. 6).

Yard, Side

A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure (See Appendix B, Illustration No. 6).

Yard, Street or Setback

A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street right-of-way line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have 2 such yards (See Appendix B, Illustration No. 6).

Zoning

The delineation of districts and the establishment of regulations governing the use, placement, spacing and size of land and buildings.

Zoning Administrator

The officer appointed by the Town Board to administer this Ordinance and to issue zoning permits and, following a determination by the Town Board or Zoning Board of Appeals,

respectively, conditional use permits and variances. Also referred to as the Town Building Inspector.

Zoning Permit

A permit issued by the Town Zoning Administrator for construction, moving, alteration, or addition to any use, structure, or structure and use in combination upon compliance with the provisions of this Ordinance or an authorized variance therefrom.