

SECOND REVISION

ORDINANCE NO. 13-2

Ozaukee County-Owned Lands Zoning

An Ordinance creating Chapter XV of the Ozaukee County Code of Ordinances pertaining to zoning for Ozaukee County-owned lands.

The County Board of Supervisors of the County of Ozaukee does ordain that Chapter XV of the Ozaukee County Code of Ordinances be created as follows:

**CHAPTER XV  
ZONING FOR OZAUKEE COUNTY-OWNED LANDS**

**TABLE OF CONTENTS**

<b>SECTION 15.01</b>	<b>GENERAL PROVISIONS.....</b>	<b>1</b>
15.011	Title.....	1
15.012	Authority and Jurisdiction.....	1
15.013	Purpose and Intent.....	1
15.014	Abrogation and Greater Restrictions.....	1
15.015	Interpretation.....	1
15.016	Severability.....	1
15.017	Repeal.....	1
15.018	Compliance.....	2
15.019	Shoreland, Floodplain, and Shoreland-Wetland Regulations.....	2
15.0110	Concurrent Districts.....	2
15.0111	Use Regulations.....	2
15.0112	Modifications and Exemptions.....	2
15.0113	Setbacks Not Required from Adjoining County Parcels.....	3
15.0114	Compliance with the Americans with Disabilities Act.....	3
<b>SECTION 15.02</b>	<b>ZONING DISTRICTS</b>	<b>3</b>
15.021	Establishment .....	3
15.022	Zoning Map.....	3
15.023	P-1 Park and Recreation District.....	4
15.024	G-1 Governmental and Institutional District.....	5
15.025	E-1 Extractive District.....	6
15.026	C-1 Lowland Conservancy Overlay District.....	7
15.027	C-2 Upland Conservancy Overlay District.....	7
<b>SECTION 15.03</b>	<b>ADMINISTRATION</b>	<b>8</b>
15.031	County Board Authority .....	8
15.032	Natural Resources Committee.....	8
15.033	Planning and Parks Director.....	8
15.034	Changes or Amendments.....	8

15.035	Review and Recommendation.....	9
15.036	Public Hearing and Notice.....	9
15.037	County Board Action.....	9
15.038	Effective Date.....	9
15.039	Mapping Discrepancies.....	9
15.0310	Permits.....	9
<b>SECTION 15.04</b>	<b>DEFINITIONS.....</b>	<b>10</b>
15.041	General Definitions.....	10
15.042	Specific Words and Phrases.....	10
<b>ILLUSTRATIONS</b>		
15.042A	Location of Yards and Required Setbacks on a Typical Interior Lot.....	15

## **CHAPTER XV**

### **OZAUKEE COUNTY-OWNED LANDS ZONING ORDINANCE**

#### **15.01 GENERAL PROVISIONS**

##### **15.011 TITLE**

This Ordinance shall be known as, referred to, and cited as the “OZAUKEE COUNTY-OWNED LANDS ZONING ORDINANCE” and hereinafter referred to as the “Ordinance.”

##### **15.012 AUTHORITY AND JURISDICTION**

This Ordinance is adopted under the authority granted by Section 59.69(9) of the Wisconsin Statutes. The jurisdiction of this Ordinance shall apply to County-owned lands shown on the accompanying zoning map and located outside the limits of incorporated villages and cities. Also see Section 15.037 of this Ordinance.

##### **15.013 PURPOSE AND INTENT**

For the purpose of promoting the public health, safety, convenience, and general welfare of Ozaukee County, this Ordinance has been established to regulate lot coverage; provide adequate air, sunlight, sanitation, and drainage; prevent damage and secure safety from fire, flooding, panic, pollution, contamination, and other hazards; facilitate the provision and efficiency of adequate public services, facilities, and utilities; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the County; prevent and control erosion, sedimentation, and other pollution of surface and subsurface waters; further the sustainability and resiliency of the County by supporting green development and infrastructure; and implement the County’s comprehensive plan or components thereof.

##### **15.014 ABROGATION AND GREATER RESTRICTIONS**

It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, codes, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. However, wherever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

### **15.015 INTERPRETATION**

In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the County and shall not be construed to be a limitation or repeal of any other power granted by the Wisconsin Statutes, as may be amended from time to time, or now possessed by Ozaukee County.

### **15.016 SEVERABILITY**

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

### **15.017 REPEAL**

All other ordinances or parts of ordinances of the County inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

### **15.018 COMPLIANCE**

No structure, land, water, or air shall hereafter be used, and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without full compliance with the provisions of this Ordinance and all other applicable County, State, and Federal regulations.

### **15.019 SHORELAND, FLOODPLAIN, AND SHORELAND-WETLAND REGULATIONS**

In addition to any other applicable use, site, or sanitary restrictions and regulations, any use on land containing shoreland, floodplain, and shoreland-wetland, as defined in Section 15.042 of this Ordinance, shall comply with the shoreland, floodplain, and shoreland-wetland provisions of Chapter VII, "Ozaukee County Shoreland and Floodplain Zoning Ordinance," of the Ozaukee County Code of Ordinances. These provisions include, but are not limited to, minimum lot area and width requirements; minimum building setback requirements from shorelines (ordinary high-water mark of navigable waters); limitations on the type of structures allowed within shorelands; limitations on clearing vegetation within 35 feet of shorelines; and restrictions on extensive filling, grading, lagooning, dredging, ditching, and excavating in shorelands. The boundaries of floodplains, shorelands, shoreland-wetlands, and other wetlands are shown on the Ozaukee County Shoreland and Floodplain zoning maps, which are a part of and regulated by Chapter VII.

### **15.0110 CONCURRENT DISTRICTS**

Areas which are located within overlying districts, such as, for example, an overlying conservancy district, a shoreland-wetland district, and/or a floodplain district, shall be regulated by the requirements of each applicable district, and where any applicable requirements are inconsistent, the more restrictive requirement shall apply.

### **15.0111 USE REGULATIONS**

Only the following uses may be allowed in any district.

- A. **Principal Uses and Structures** are permitted as specified in the district regulations.
- B. **Accessory Uses and Structures** are permitted as specified in the district regulations.

- C. **Principal and Accessory Uses Not Specified** in this Ordinance and which are found to be similar in character to principal and accessory uses permitted in the district may be permitted based on a review and determination by the Natural Resources Committee.
- D. **Temporary Uses** may be allowed provided that such uses are of a temporary nature, do not involve the erection of a substantial structure, and are compatible with and not detrimental to neighboring uses.

#### **15.0112 MODIFICATIONS AND EXEMPTIONS**

- A. **Exemptions to Height Limitations.** Structures, other than buildings, are exempt from the height limitations of this Ordinance; however, structures more than 35 feet in height shall be setback from all parcel and street right-of-way lines for a distance at least equal to their height. Accessory buildings are also exempt from the height limitations of this Ordinance, provided they meet the minimum setback requirement of the zoning district in which they are located and are setback from all parcel and street right-of-way lines for a distance at least equal to their height.
- B. **Modifications to Height Limitations or Building Setback/Yard Requirements** may be granted by the Natural Resources Committee when, in the opinion of the Natural Resources Committee, the modification is compatible with the general character of the neighborhood.

#### **15.0113 SETBACKS NOT REQUIRED FROM ADJOINING COUNTY PARCELS**

Setbacks shall not be required from interior parcel lines where County sites are comprised of two or more adjoining parcels. Setback requirements apply only where a County-owned parcel adjoins a parcel not owned by the County.

#### **15.0114 COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT**

Modifications to the requirements of this Ordinance may be granted by the County Natural Resources Committee for the purpose of complying with the requirements of Title II, "Public Services," and Title III, "Public Accommodations and Commercial Facilities," of the Americans with Disabilities Act. Such compliance may require the waiving or modifications to setback or other requirements. Modifications granted by the Natural Resources Committee shall be limited to the minimum extent necessary to make structures and uses accessible and barrier free.

### **15.02 ZONING DISTRICTS**

#### **15.021 ESTABLISHMENT**

- A. **For the Purpose of this Ordinance**, lands owned by Ozaukee County and subject to this Ordinance have been placed into three basic zoning districts and two overlay zoning districts:
  - P-1 Park and Recreation District
  - G-1 Governmental and Institutional District
  - E-1 Extractive District
  - C-1 Lowland Conservancy Overlay District
  - C-2 Upland Conservancy Overlay District
- B. **Boundaries of Zoning Districts** are established as shown on the map titled "Zoning Map for Ozaukee County-Owned Lands," which accompanies and is made a part of this Ordinance. Such boundaries, except the conservancy overlay districts, shall be construed to follow property lines of certain Ozaukee County-owned lands unless otherwise noted on the Zoning Map. The boundaries of the C-1 Lowland Conservancy Overlay District and C-2

Upland Conservancy Overlay District are shown on the Ozaukee County zoning map and are determined in accordance with Sections 15.026 and 15.027, respectively. All notations and references shown on the zoning map are as much a part of this Ordinance as though specifically described herein. This Ordinance hereby incorporates any future changes or any later zoning maps that may be adopted by ordinance of the County Board. Parcels regulated under this Ordinance and the zoning districts in effect in each parcel are listed in Attachment 1.

## **15.022 ZONING MAP**

A certified copy of the zoning map is adopted as part of this Ordinance and shall be available to the public in the office of the County Planning and Parks Director. Amendments to the zoning map shall take effect upon adoption by the County Board and the filing of proof of posting or publication thereof in the office of the County Clerk.

## **15.023 P-1 PARK AND RECREATION DISTRICT**

This District is intended to provide for County-owned areas where natural resources can be preserved and the recreational needs of County residents and visitors can be provided for.

### **A. Permitted Principal Uses**

1. Amphitheaters, arenas, field houses, and stadiums.
2. Archery ranges.
3. Boat rentals and boat mooring and access sites.
4. Botanical gardens and arboretums.
5. Campgrounds.
6. Day and overnight camps.
7. Dog parks.
8. Exhibition and music halls.
9. Fairgrounds.
10. Forest reserves, wilderness areas, and wildlife refuges.
11. Fish and game management.
12. Golf courses with or without clubhouse facilities.
13. Gymnasiums, fitness centers, and recreation centers and related structures and facilities.
14. Historic museums and sites.
15. Indoor and outdoor skating rinks or parks, including ice-skating, roller-skating, and skateboarding.
16. Parks (leisure, ornamental, and general recreation).
17. Picnicking areas.
18. Playfields or athletic fields.
19. Playgrounds or courts.
20. Public art galleries and exhibits.
21. Recreational trails.

22. Sledding, skiing, and tobogganing areas.
23. Swimming beaches and pools.
24. Agricultural activities allowed by the County.
25. Temporary Uses.

**B. Permitted Accessory Uses**

1. Buildings and structures accessory to a principal use, including shelters, restrooms, garages, and service and storage buildings.
2. Energy conversion systems.
3. Essential services.
4. Off-street parking and loading/unloading areas.
5. Residential quarters for caretakers.
6. Terrestrial and satellite dish antennas.
7. Utility substations, wells, lift/pumping stations, water storage tanks and towers, and communication facilities.

**C. Minimum Lot Area and Width**

1. Lots shall provide sufficient area for the principal use or structures and its accessory structures, off-street parking and loading/unloading, and all required yards.
2. Lots in Shorelands. See Chapter VII of the Ozaukee County Code of Ordinances.

**D. Building Height (Also see Section 15.0112)**

Maximum Building Height. 35 feet.

**E. Minimum Building Setbacks/Yards (Also see Section 15.0112)**

1. Street Yard. 10 feet from existing or planned street right-of-way line, whichever is greater.
2. Side Yard. 10 feet.
3. Rear Yard. 10 feet.
4. Shore Yard. See Chapter VII of the Ozaukee County Code of Ordinances.

**F. Erosion Control and Stormwater Management**

See Chapter XIV of the Ozaukee County Code of Ordinances.

**G. Rules and Regulations Pertaining to Public Property**

See Chapter V of the Ozaukee County Code of Ordinances.

**15.024 G-1 GOVERNMENTAL AND INSTITUTIONAL DISTRICT**

This District is intended to provide areas necessary to accommodate County services and facilities.

**A. Permitted Principal Uses**

1. Cell towers.
2. Cemeteries, crematories, and mausoleums.

3. Day care centers.
4. Health Clubs.
5. Hospitals, sanatoriums, nursing homes, shelters, and clinics.
6. Libraries, museums, public art galleries, and community centers.
7. Park-and-ride lots.
8. Public safety and administrative uses and structures including administrative offices, public service buildings, and fire and police stations.
9. Public utility or public works offices and yards, including vehicle fueling, repair, and maintenance facilities.
10. Agricultural activities allowed by the County.
11. Temporary Uses.

**B. Permitted Accessory Uses**

1. Buildings and structures accessory to the principal use, including shelters, restrooms, garages, and service and storage buildings.
2. Energy conversion systems.
3. Essential services.
4. Off-street parking and loading/unloading areas.
5. Residential quarters for caretakers.
6. Terrestrial and satellite dish antennas.
7. Utility substations, wells, lift/pumping stations, water storage tanks and towers, and communication facilities.

**C. Minimum Lot Area and Width**

1. Lots shall provide sufficient area for the principal use or structure and its accessory structures, off-street parking and loading/unloading, and all required yards.
2. Lots in Shorelands. See Chapter VII of the Ozaukee County Code of Ordinances.

**D. Building Height (Also see Section 15.0112)**

Maximum Building Height. 35 feet.

**E. Minimum Building Setbacks/Yards (Also see Section 15.0112)**

1. Street Yard. 10 feet from existing or planned right-of-way line, whichever is greater.
2. Side Yard. 10 feet.
3. Rear Yard. 10 feet.
4. Shore Yard. See Chapter VII of the Ozaukee County Code of Ordinances.

**F. Erosion Control and Stormwater Management**

See Chapter XIV of the Ozaukee County Code of Ordinances.

**G. Rules and Regulations Pertaining to Public Property**

See Chapter V of the Ozaukee County Code of Ordinances.

## **15.025 E-1 EXTRACTIVE DISTRICT**

This District is intended to provide for the extraction of nonmetallic materials, to provide for related operations, and for the proper restoration of the extracted areas.

### **A. Permitted Principal Uses**

1. Nonmetallic extraction operations including the extraction, processing (ie. crushing, refining, and washing), and storage or stockpiling of sand, gravel, rock, stone, slate, clay, topsoil, or peat, but excluding fuels, provided all such operations are setback a minimum of 75 feet from parcel and street right-of-way lines.
2. Public safety and administrative uses and structures
3. Temporary uses.

### **B. Permitted Accessory Uses.**

1. Aggregate, ready-mix, and asphalt plants.
2. Buildings and structures accessory to the principal use, including shelters, restrooms, garages, and service and storage buildings.
3. Energy conversion systems.
4. Essential services.
5. Manufacture of cement, concrete blocks, and other similar concrete products.
6. Offices.
7. Off-street parking and loading/unloading areas.
8. Storage buildings or yards for goods and materials where such goods or materials are temporarily stored inside a building or within an open area visually screened from public streets and highways and adjacent nonindustrial uses and where the individual goods or materials are not basically changed in character.
9. Storage of explosive or flammable materials.
10. Vehicle fueling, maintenance, painting, and repair facilities.
11. Weighing scales or stations.
12. Terrestrial and satellite dish antennas.
13. Utility substations, wells, lift/pumping stations, water storage tanks and towers, and communication facilities.

### **C. Minimum Lot Area and Width**

1. Lots shall provide sufficient area for the principal use or structure and its accessory structures, the extractive operation, off-street parking and loading/unloading, and all required yards.
2. Lots in Shorelands. See Chapter VII of the Ozaukee County Code of Ordinances.

### **D. Building Heights (Also see Section 15.0112)**

Maximum Building Height. 35 feet.

### **E. Minimum Building Setbacks/Yards (Also see Section 15.0112)**

1. Street Yard. 75 feet from existing or planned right-of-way lines, whichever is greater.



2. Side Yard. 75 feet.
3. Rear Yard. 75 feet.
4. Shore Yard. See Chapter VII of the Ozaukee County Code of Ordinances.

**F. Erosion Control and Stormwater Management**

See Chapter XIV of the Ozaukee County Code of Ordinances.

**G. Rules and Regulations Pertaining to Public Property**

See Chapter V of the Ozaukee County Code of Ordinances.

**H. Reclamation/Restoration Plans**

In order to ensure that the area of extraction or related operation shall be restored or properly reclaimed to a condition of practical usefulness and reasonable physical attractiveness, the owner or operator shall submit a plan for such restoration or reclamation in accordance with Chapter XI, "Nonmetallic Mining Reclamation," of the Ozaukee County Code of Ordinances.

**15.026 C-1 LOWLAND CONSERVANCY OVERLAY DISTRICT**

This District is primarily intended to preserve, protect, and enhance the ponds, streams, lakes, shorelands, and wetland areas of Ozaukee County. The preservation, protection, and enhancement of these areas will serve to maintain safe and healthful conditions; maintain and improve water quality, both ground and surface; prevent flood damage; control stormwater runoff; protect stream banks from erosion; protect groundwater recharge and discharge areas; protect wildlife habitat; protect native plant communities; avoid the location of structures on soils which are generally not suitable for such use; and protect the water-based recreation resources of the County.

Boundaries of the C-1 Lowland Conservancy Overlay District are based on the Final Wisconsin Wetlands Inventory Maps for Ozaukee County and field delineations and include surface water areas, shoreland-wetlands, and other wetlands. Precise wetland delineations shall be made by field investigation prior to development to verify C-1 District boundaries.

**A. Permitted Principal Uses**

All principal uses listed in Section 7.0603 of Chapter VII of the County Code of Ordinances are considered permitted principal uses within the C-1 District. A permit from the County Zoning Administrator shall be required only for those C-1 areas regulated under the Ozaukee County Shoreland and Floodplain Zoning Ordinance.

**15.027 C-2 UPLAND CONSERVANCY OVERLAY DISTRICT**

This District is intended to preserve, protect, enhance, and restore all significant woodlands, wildlife habitat areas, areas of steep topography, and related scenic areas. Regulation of these areas will serve to control erosion and sedimentation and will promote and maintain the natural beauty of the County.

Boundaries of the C-2 Upland Conservancy Overlay District were based primarily on the upland portions (ie. prairies, woodlands, steep slopes, and wildlife habitat areas) of primary environmental corridors, secondary environmental corridors, and isolated natural resource areas delineated in the Ozaukee County comprehensive plan, or components thereof, and refinements or updates to such corridors or isolated areas as prepared by SEWRPC. Precise boundaries of C-2 areas shall be determined by field delineation of environmental corridors and isolated natural resource areas prior to development.

**A. Permitted Uses.**

1. Any permitted principal uses and permitted accessory uses in the underlying basic zoning district, including structures, provided that the development will serve to implement the purpose and intent of the C-2 District and foster the preservation or restoration of woodlands, wildlife habitat, rough steep topography, and scenic areas.
2. Forest and game management.
3. Park and recreation areas.
4. Preservation of scenic, historic, and scientific areas.
5. Recreational trails.
6. Wildlife and plant life preserves.

**B. Tree Cutting and Shrubbery Clearing.**

Lands lying within the C-2 District shall not be clearcut of trees, shrubbery, or underbrush without a detailed restoration plan to prevent problems related to bare ground and erosion. Normal pruning, trimming, and shearing of vegetation; removal of dead, diseased, invasive, or insect-infested vegetation; and forestry and silvicultural thinning conducted under the recommendation of a forester are exempt from this restriction.

**C. Earth Movements Limited.**

No filling, excavation, or topsoil removal in the C-2 District shall be permitted which involves the disturbance of an area exceeding 10,000 square feet on slopes of 12 percent or more, unless detailed erosion control and restoration plans have been approved by the Natural Resources Committee.

**15.03 ADMINISTRATION**

**15.031 COUNTY BOARD AUTHORITY**

Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Ozaukee County Board of Supervisors may, by ordinance, change the district boundaries or amend, change, or supplement the regulations established by this Ordinance or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the Natural Resources Committee. Also see Section 15.037 of this Ordinance.

**15.032 NATURAL RESOURCES COMMITTEE**

The Natural Resources Committee of the County Board is hereby declared to be the agent of the County Board for all matters pertaining to zoning under this Ordinance, except for such powers as are specifically reserved for the County Board, the County Zoning Administrator, or the County Planning and Parks Director. The Natural Resources Committee shall have the following duties and powers:

- A. To review all proposed text and map amendments to this Ordinance and recommend action to the County Board.
- B. To maintain a complete record of its proceedings.
- C. To oversee the actions of the County Planning and Parks Director related to administration of this ordinance.

**15.033 PLANNING AND PARKS DIRECTOR**

The County Planning and Parks Director or his designee is hereby designated as the administrator of this Ordinance.

#### **15.034 CHANGES OR AMENDMENTS**

A change or amendment to this Ordinance or accompanying zoning map may be initiated by the County Board, Natural Resources Committee, or County Planning and Parks Director.

#### **15.035 REVIEW AND RECOMMENDATION**

The Natural Resources Committee shall review all proposed changes and amendments and shall recommend to the County Board that the petition be granted as requested, modified, or denied.

#### **15.036 PUBLIC HEARING AND NOTICE**

The County Board shall hold a public hearing upon each proposed change or amendment recommended by the Natural Resources Committee, giving public notice of the time, place, and the change or amendment proposed in accordance with Section 15.037 of this Ordinance and pursuant to Section 59.69(9) of the Wisconsin Statutes. The County Board may delegate to the Natural Resources Committee the responsibility to hold public hearings required under this Section.

#### **15.037 COUNTY BOARD ACTION**

Following such public hearing and after careful consideration of the Natural Resources Committee's recommendations, the County Board shall act on the petition either approving, modifying and approving, or disapproving of the same.

In accordance with Section 59.69(9) of the Wisconsin Statutes, a county board may by ordinance zone and rezone lands owned by the county without necessity of securing the approval of the town boards of the towns wherein the lands are situated, provided that the county board shall give written notice to the town board of the town wherein the lands are situated of its intent to so rezone and shall hold a public hearing on the proposed rezoning ordinance and give notice of the hearing by posting in five public places in the town. This provision, however, does not apply to land that is subject to a town zoning ordinance which is purchased by the county for use as a solid or hazardous waste disposal facility or hazardous waste storage or treatment facility, as these terms are defined under Section 289.01 of the Statutes.

#### **15.038 EFFECTIVE DATE**

Any ordinance or amendatory ordinance adopted by the County Board shall become effective, after adoption by the County Board, after posting or publication of such adoption pursuant to Section 59.14 of the Wisconsin Statutes.

#### **15.039 MAPPING DISCREPANCIES**

A. **C-1 Lowland Conservancy Overlay District Boundary Discrepancies.** Sections 7.0201C and D, 7.0702, and 7.1005B of Chapter VII, "Ozaukee County Shoreland and Floodplain Zoning Ordinance," of the Ozaukee County Code of Ordinances, shall be used to interpret boundary locations of all floodplains, shorelands, and shoreland-wetlands. The County Planning and Parks Director shall interpret or resolve C-1 District boundary discrepancies for areas located outside shorelands, based on Wisconsin Wetland Inventory maps and field investigations.

- B. **C-2 Upland Conservancy Overlay District Discrepancies.** The County Planning and Parks Director shall determine the location of C-2 District boundaries in consultation with the Southeastern Wisconsin Regional Planning Commission.

## **15.0310 PERMITS**

It is the responsibility of the County department proposing to carry out development on land regulated under this Ordinance to secure all necessary permits required by any State or Federal agency. This includes, but is not limited to, a water use permit pursuant to Chapter 30 of the Wisconsin Statutes or a wetland fill permit pursuant to Section 404 of the Federal Water Pollution Control Act.

## **15.04 DEFINITIONS**

### **15.041 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 "he" includes the word "she". The word "shall" is mandatory, the word "should" is advisory, and the word "may" is permissive. Any word not defined in this Ordinance shall be presumed to have their customary dictionary definition.

### **15.042 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 development site and serving a purpose customarily incidental to the principal use or principal structure.

**Antenna.** A device designed to receive or send broadcasts either as over the air signals from transmitters, including fixed television or radio signals, or microwave signals from earth orbiting communications satellites.

**Antenna, Satellite Dish.** A dish-shaped antenna designed to receive television broadcasts relayed by microwave signals from earth-orbiting communication satellites, often referred to as an "earth station dish antenna."

**Antenna, Terrestrial.** Any antenna designed to receive television and radio signals relayed from one (1) ground location to another ground location. Such antennas are typically mounted on a tower or support on the rooftop of a structure, or on free-standing towers.

**Building.** Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery, or materials.

**Building Height.** The vertical distance measured from the average established street grade in the front or street yard of the lot or the finished grade at the building line, whichever is higher, to the highest point of the coping (cap) of a flat roof; to the highest point of a mansard roof; or to the average height between the eaves and the highest point (ridge) of a gable, hip, or gambrel roof.

**Building, Principal.** A building in which the principal use of the lot on which it is located is conducted. Any building intended to be used for human habitation shall constitute a principal building.

**Communication Facilities or Services.** Facilities or services such as telephone, television, internet, wireless telecommunication, and other related communication facilities and services.

**Coping.** The highest point or covering course of a wall often with a sloping top to carry off water and commonly cut with a drip.

**Development.** Any human-made change to improved or unimproved real estate, including but not limited to the construction of, addition, or substantial improvements to buildings or structures; the placement of buildings or structures; ditching, lagooning, dredging, filling, grading, paving, excavation, or drilling operations; and the deposition or extraction of earthen materials.

**District, Basic.** A part or parts of the County for which the regulations of this Ordinance governing the use and location of land and buildings are uniform (such as the Park and Recreation, Governmental and Institutional, and Extractive District classifications).

**District, Overlay.** A zoning designation that modifies the underlying basic use zoning district requirements in a specific manner.

**Eave.** The projecting lower edge of a roof overhanging the wall of the building.

**Energy conversion systems.** Any facility or installation, such as hydroelectric units, solar collectors, or wind turbines, which is designed and intended to produce energy for heating, cooling, ventilation, lighting or electricity generated or produced from human-made elements, such as heat or methane gas from waste; from natural resources or forces, such as wind, water, sunlight, or geothermal energy; or from biomass (plant growth).

**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 functioning of the principal use or structure. These services include underground, surface, or overhead electrical, gas, water, sanitary sewerage, stormwater drainage, and communication systems and accessories thereto, such as poles, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, underground water storage tanks, conduits, cables, traffic signals, pumps, and hydrants, but not including buildings.

**Floodplain.** See Section 7.1300 of Chapter VII, "Shoreland and Floodplain Zoning Ordinance," of the County Code of Ordinances.

**Front Yard.** See "Yard, Street."

**Green development** means the integration of techniques that help conserve natural resources by arranging land uses and site features (i.e. lots, buildings and infrastructure) to include or be close to services, employment centers and alternative transportation systems (i.e. mass transit, sidewalks, and bicycle facilities); protecting existing natural resources; providing opportunities to practicably harness renewable energy sources, where possible (i.e. south-oriented buildings capturing passive solar radiation); utilizing sun, wind, and/or earth for natural lighting, ventilation, heating, cooling, and other purposes (i.e. solar panels, wind turbines, wind catchers/ventilation shafts, and geothermal systems); using green infrastructures; incorporating local, reused, recycled, recyclable, or eco-friendly construction materials and energy efficient appliances; and including other energy and water conservation and efficiency measures into site and building designs. The term is also sometimes referred to as "low impact development (LID)."

**Green infrastructure** means incorporating stormwater management systems that mimic nature to improve water quality and reduce flooding by storing, infiltrating, or evapotranspiring stormwater through the use of bioswales, infiltration trenches, bioretention basins with under drains, rain gardens and barrels or cisterns, rooftop and wall or "vertical" gardens, porous and/or permeable pavements with restricted salt and pollutants in such areas, xeriscaping (landscaping that conserves water by using drought-tolerant plants and ornate hardscapes or

mulch versus traditional mowed turf/grass), and other energy and water conservation and efficiency measures into site and building designs. It also means to include or use natural hydrologic features of an ecological system such as vegetation (wetlands and woodlands), soil, waterways and other natural processes often located in environmental corridors that provide habitat, flood protection, and cleaner air and water.

**Isolated Natural Resource Area.** An isolated concentration of important natural resources, at least five acres in size and 200 feet wide, delineated by the Southeastern Wisconsin Regional Planning Commission.

**Loading/Unloading Area.** A completely offstreet space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress to and egress from a public street.

**Lot.** A parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet setback and other dimensional requirements of this Ordinance. No lands dedicated to the public or reserved for public street purposes shall be included in the computation of lot size.

**Lot, Corner.** A lot abutting two 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.

**Navigable Water.** See Section 7.1300 of Chapter VII, "Shoreland and Floodplain Zoning Ordinance," of the County Code of Ordinances.

**Nonconforming Lot.** A lot, the area, dimensions, or location of which was lawful prior to the adoption or amendment of this Ordinance, but which fails by reason of such adoption or amendment to conform to the present requirements of this Ordinance. Vacant nonconforming lots may also be referred to as substandard lots.

**Nonconforming Structure.** A building or structure lawfully existing at the time of the adoption or amendment of this Ordinance which houses a use that is permitted in the district, but does not comply with all the applicable area, width, height, yard, and/or parking requirements of the district in which it is located.

**Nonconforming Use.** Any use of land, or land and buildings in combination, lawfully existing at the time of the adoption or amendment of this Ordinance which does not comply with the use regulations for the district in which it is located.

**Ordinary Highwater Mark (OHWM).** See Section 7.1300 of Chapter VII, "Shoreland and Floodplain Zoning Ordinance," of the County Code of Ordinances.

**Overlay District.** See "District, Overlay."

**Parking Lot.** A structure or premises containing parking spaces open to the public. Such spaces may be for rent, charge a fee, or be free-of-charge.

**Primary Environmental Corridor.** An area containing a variety of important natural resources, at least 400 acres in size, two miles long, and 200 feet wide, delineated by the Southeastern Wisconsin Regional Planning Commission.

**Principal Use.** See "Use, Principal."

**Public Utility.** Persons, corporations, or governments supplying gas, electric, transportation, water, sewer, or land line telephone service to the general public.

**Rear Yard.** See "Yard, Rear."

**Runoff.** The rainfall, snowmelt, or irrigation water flowing over the ground surface.

**Satellite Dish Antenna.** See "Antenna, Satellite Dish."

**Secondary Environmental Corridor.** An area containing a variety of important natural resources, at least 100 acres in size and one mile long, delineated by the Southeastern Wisconsin Regional Planning Commission. No minimum area or length criteria apply to secondary environmental corridors that link primary corridors.

**Setback.** See “Yard, Street”, “Yard, Side”, and “Yard, Rear.”

**Shoreland.** See Section 7.1300 of Chapter VII, “Shoreland and Floodplain Zoning Ordinance,” of the County Code of Ordinances.

**Shoreland-Wetlands.** See Section 7.1300 of Chapter VII, “Shoreland and Floodplain Zoning Ordinance,” of the County Code of Ordinances.

**Side Yard.** See "Yard, Side."

**Street Right-of-Way.** A public right-of-way which contains a paved roadway or a planned street facility, roadside swales and/or stormwater infrastructure, and sometimes sidewalks and/or pedestrian/bicycle paths.

For the purpose of this Ordinance and for measuring street setback/yards, street right-of-way shall be the dedicated existing or planned public right-of-way, whichever is wider. In accordance with Section 82.50 of the Wisconsin Statutes, towns shall establish a street right-of-way width of at least 66 feet, except for streets carrying very low volumes of traffic such as under 100 vehicles per average 24-hour day, which may have a right-of-way width of 49.5 feet. In accordance with Section 236.16(2) of the Statutes, cities and villages shall have a street right-of-way width of at least 60 feet wide unless a narrower right-of-way is permitted by local ordinance. Highways and freeways may likely require wider street rights-of-way.

**Street Yard.** See "Yard, Street."

**Structure.** Any erection or construction, such as buildings, bridges, boardwalks, tanks, towers, masts, poles, booms, signs, and fences. Also, any human-made object with form, shape and utility, either permanently or temporarily attached to or placed upon the ground, river bed, stream bed, or lake bed such as campers and trailers that are not constructed on site.

**Terrestrial Antenna.** See "Antenna, Terrestrial."

**Tower.** Any ground or roof mounted pole, spire, structure, or combination thereof taller than 15 feet, including supporting lines, cables, wires, braces and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.

**Use.** The purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

**Use, Accessory.** A subordinate use on the same lot which is incidental and customary in connection with the principal use.

**Use, Principal.** The main use of land or building as distinguished from a subordinate or accessory use.

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

**Wetland.** An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.

**Yard.** An open space on the same lot with a principal or accessory building, unoccupied and unobstructed from the ground upward except for vegetation and structures that meet the requirements of this Ordinance. The street and rear yards extend the full width of the lot.

**Yard, Front.** See “Yard, Street.”

**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 a principal or accessory building (see Illustration No. 15.042A).

**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 a principal or accessory building (see Illustration No. 15.042A). Lots generally have two side yards, however, a corner lot has only one side yard. The side yard setback area does not extend beyond the front building face into the street yard, or beyond the rear building face into the rear yard.

**Yard, Street.** A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of a principal or accessory building (see Illustration No. 15.042A). Where the street line is an arc, the street yard shall be measured from the arc. Corner lots have two such yards and one side yard and one rear yard.

This Ordinance shall take effect upon enactment and publication.

Dated at Port Washington, Wisconsin, this 1st day of May, 2013.

**Natural Resources Committee**

**RESULT:**       **APPROVED [UNANIMOUS]**

**MOVER:**         Donald Korinek, Supervisor District 13

**SECONDER:**   Jennifer Rothstein, Vice-Chairperson

**AYES:**           Dohrwardt, Rothstein, Stumpf, Slater, Korinek