

operation are being complied with. If such inspections yield information showing that all such conditions have been met, the applicant shall be entitled to renewal of the permit unless such renewal would be contrary to state law.

- 14) A termination of mineral extraction activities on a site which is the subject of an approved conditional use permit for a period of one year or more shall disentitle the permit holder to a right of renewal at the end of the permit period, despite compliance of former operations with all conditions of the original permit, unless:
  - a) Such a discontinuance was specified as part of the original operations plan; or
  - b) The operator has submitted and had Board of Appeals approval of an amendment to the original permit placing the operation of inactive status with accompanying conditions as to interim or partial reclamation.
- 15) Such other standards that will permit the Board of Appeals to evaluate and make a determination of conditional uses for this purpose.

## DEFINITIONS

For the purposes of this Ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. the word "shall" is mandatory, the word "should" is advisory and the word "may" is permissive. Any words not defined in this section shall be presumed to have the customary dictionary definitions.

- 1) ACCESSORY STRUCTURE OR USE - a use or detached structure subordinate and incidental to the principal structure or use of the premises.
- 2) BED AND BREAKFAST ESTABLISHMENT - any place of lodging that provides six (6) or fewer rooms for rent for more than ten (10) nights in a twelve (12) month period, is the owner's personal residence, is occupied by the owner at the time of rental and in which the only meal served to guests is breakfast.
- 3) BOATHOUSE - an accessory building, on the same lot as a principal building, designed for the protection and storage of boats, which shall not be used for either temporary or permanent dwelling purposes.

- 4) BOAT LIVERY - establishments offering the rental of boats and other watercraft and fishing equipment.
- 5) 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 or property of any kind.
- 6) CAMPGROUND - a parcel or tract of land, maintained, intended or used for the purpose of supplying temporary or overnight living accommodations to the public by providing designated areas for the placement of trailers, tents, buses, automobiles or sleeping bags, and may include buildings to provide services to the patrons such as restrooms, bathing, laundry and commissary facilities.
- 7) CONDITIONAL USE - a land use which requires a conditional use permit in order to develop.
- 8) CONFORMING USE - any lawful use of a building or lot which complies with the provisions of this Ordinance.
- 9) DISTRICT - a portion or portions of the Town of Merrimac for which the regulations governing the use of land and buildings are uniform.
- 10) DWELLING -
  - a) single family dwelling - a building designed for and occupied exclusively as a residence for one family.
  - b) two family dwelling - a building designed to be occupied by two families living independently of each other.
  - c) multiple family dwelling - a building designed to be occupied by 3 or more families living independently of each other.
- 11) FAMILY - any number of persons related by blood, adoption or marriage, or not to exceed five (5) persons not so related, living together in one dwelling as a single housekeeping entity.
- 12) FARM - an area of land devoted to the production of field or truck crops, livestock or livestock products for sale or consumption primarily off the premises.
- 13) FLOOR AREA - the area within the outer lines of the exterior walls of a building, at the top of the foundation or basement wall; provided that the floor area of a dwelling shall not include space not usable for living quarters, such as attics, utility or unfinished basement rooms, garages, breezeways or porches or terraces.

- 14) GARAGE - an accessory building or accessory portion of the main building, used or designed or intended to be used for the storage of private motor vehicles; including carports.
- 15) HEIGHT (BUILDING) - the vertical distance measured from the mean elevation of the finished lot grade along the street-facing side of the structure to the highest point of the structure, excluding chimneys, vents or antennae.
- 16) HOME OCCUPATION - any occupation for gain or support conducted entirely within a residential building by resident occupants which is incidental to the residential use of the premises, does not occupy more than 20% of the floor area, does not employ on the premises more than 2 full-time people not residents of the premises, and does not involve the outside storage of materials or other operational activity which would create a nuisance or be otherwise incompatible with surrounding uses.
- 17) HOTEL - a building in which board and lodging are provided to the transient public for compensation.
- 18) LOT - a parcel (as defined by this Ordinance) of land having frontage on a street or road occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, yards, setbacks, parking area and other open space provisions of this Ordinance. Lots identified only for property tax and related purposes shall not be considered individual lots.
- 19) LOT LINES AND AREA - the peripheral boundaries of a parcel of land and the total area lying within such boundaries, except all calculations of lot area shall be exclusive of any dedications, right-of-way easements, or reservations.
- 20) LOT WIDTH - the width of a parcel of land measured at the rear of the required street/highway setback.
- 21) MANUFACTURED HOME - means both of the following:
  - a) a structure, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site is 1000 or more square feet, not including basement, porches, or annexes, which is built on a permanent chassis with a permanent foundation and connected to the required utilities.
  - b) a structure which meets all the requirements of par. (a) for which the manufacturer has filed a certification required by the Secretary of

Housing and Urban Development and complies with the standards established under 42 USC 5401 to 5425. (History: 1973c. 116, 132; 1983a 27, 192.)

- 22) MARINA - a commercial dock providing secure moorings for watercraft and often offering supply, repair and related facilities.
- 23) MINERAL EXTRACTION/PROCESSING OPERATION - includes the excavation, mining or removal of metallic or non-metallic minerals, clay, ceramic or refractor minerals, quarrying of dirt, sand, gravel, crushed or broken stone, but not the extraction of top soil.
- 24) MOTEL - a series of attached, semiattached or detached sleeping units for the accommodation of transient guests.
- 25) NON-CONFORMING USE - 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 the district it is located in, this Ordinance or amendments thereto.
- 26) PARCEL - contiguous lands under the ownership or control of a subdivider(s) or individual(s) not separated by streets, highways, or railroad right-of-way. Parcels identified only for property tax and related purposes shall not be considered individual lots.
- 27) PARKING LOT/FACILITIES - an area where automobiles are temporarily stored, primarily for the convenience of employees, residents or patrons, but not for the purpose of storing vehicles to be junked, salvaged or sold.
- 28) PERMITTED USE - a use which may be lawfully established in a particular district, provided it conforms with all requirements and regulations of such district.
- 29) PERSON - except where otherwise indicated by the context, the word person shall include the plural, or a company, firm, corporation, partnership or agency.
- 30) PLOT PLAN - a plan of the area in which a proposed use is to be located showing principal and accessory structures, parking areas, storage areas, open areas, setback distances, sewage disposal areas, and general land use.
- 31) PRINCIPAL USE - a use which is the main or primary use of land or buildings as distinguished from a subordinate or accessory use.

32) PROFESSIONAL OFFICE -

- a) professional home office - residence of a doctor, dentist, clergyman, realtor, engineer, lawyer, author, musician or other recognized professional person used to conduct their business where the office is within the residence and incidental to the residential use, does not occupy more than 20% of the floor area, and does not employ on the premises more than 2 full time people not residents of the premises.
- b) professional office - a building in which is provided space for professional offices such as doctors, practitioners, dentists, realtors, engineers, lawyers, authors, architects, musicians and other recognized professional occupations.

33) PUBLIC HEARING - a public meeting whose time and place is published according to a Class 2 Notice as specified in Chapter 985 of the Wisconsin Statutes.

34) RECREATION CAMP - an area containing one or more permanent buildings used occasionally or periodically for the accommodation of members of associations or groups for recreational purposes.

35) RESIDENCE - see DWELLING.

36) RESORT - an area containing one or more permanent buildings utilized principally for the accommodation of the public for recreational purposes.

37) ROADSIDE STAND - a structure used solely by the owner or tenant of the farm on which such structure is located for the sale of farm products produced on that farm.

38) SERVICE STATION - any building or premises which sells gasoline, oil and related products for vehicles. This shall include repairs, washing and lubrication, but shall not include auto body repair or dismantling.

39) SETBACK - the minimum horizontal distance from the front line of the lot or from the center line of the highway to the nearest building, exclusive of permitted projects, measured at right angles to the highway or the front lot line.

40) SETBACK LINES - lines established adjacent to highways for the purpose of defining limits within which no building or structure or any part thereof shall be erected or permanently maintained, except as shown herein. "Within a setback line" means between the setback line and the highway right-of-way.

- 41) SHOOTING RANGE - an area designed and constructed for the discharge of firearms that is open for club members or public use.
- 42) SIGN - any object, device, display, structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images.
- 43) STRUCTURAL ALTERATIONS - any change in the supporting members of a structure such as bearing walls, columns, beams or girders, footings and piles.
- 44) STRUCTURE - anything that has shape, form and utility constructed or erected, the use of which requires a more or less permanent location on the ground, or attachment of something having a permanent location on the ground. This includes the mounding or excavating of earth.
- 45) TEMPORARY LAND USE - a land use which is present on a property for a limited and specified period of time.
- 46) TENT - a portable lodge of canvas, strong cloth, or synthetic material stretched and sustained by poles, or any similar portable lodge designed for transient recreational use.
- 47) VARIANCE - a departure from the terms of this Ordinance as applied to a specific building, structure or parcel of land, which the Board of Appeals may permit, contrary to the regulations of this Ordinance for the district in which such building structure or parcel of land is located, when the Board finds that literal application of such regulation will effect a limitation on the use of the property which does not generally apply to other properties in the same district, and for which there is no compensating gain to the public health, safety or welfare.
- 48) VISION CLEARANCE - an unoccupied triangular space at the intersection of highways or streets with other highways, streets, or roads, or at the intersection of highways or streets with railroads. Such vision clearance triangle shall be bounded by the intersecting highway, street, road or railroad right-of-way lines and a setback line connecting points located on such right-of-way lines by measurement from their intersection as specified in this Ordinance.
- 49) YARD - an open space on a lot, on which a building is situated, unoccupied except as otherwise provided in this Ordinance, open an unobstructed from the ground to the sky by structures.

- 50) YARD, FRONT - a yard extending across the full width of the lot and measured between the front line of the lot and the front line of the building.
- 51) YARD, SIDE - a yard on each side of the main building extending from the side wall of the building to the side lot line, and from the front yard to the rear yard. When an accessory building is constructed as part of the main building or constructed on one side of the main building, the side yard requirements shall be the same for the accessory building as required for the main building.