

26. “Application” Any application filed pursuant to Subtitle VI, including any application or request for a Land Use Permit, Conditional Use permit, rezoning, appeal or variance of the zoning regulations, Concept Map, Preliminary Plat, Final Plat, Replat, Certified Survey Map.

27. “Aquaculture” Farming or culturing of finfish, shellfish, other aquatic plants or animals or both, in lakes, streams, inlets, estuaries, and other natural or artificial water bodies or impoundments.

28. “Arterial Road” A street used, or intended to be used, primarily for fast or heavy through traffic. “Arterial street” includes freeways and expressways as well as standard arterial streets, highways, and parkways.

29. “Automotive Gasoline Station” A business whose principal activity is the sale of gasoline, oil, and other automotive products and the accessory performance of minor tune-up and repair work.

30. “Automotive Repair Service” A business whose principal activity is body or engine repairs or painting of motor vehicles.

31. “Automotive Sales & Service” A business whose principal activity is the sale of new or used motor vehicles and the performance of repair work as an integral part of the business.

32. “Basement” A portion of a building with the floor located below the mean grade level. For the purpose of this Subtitle, any such basement with more than 4 feet above grade level shall be counted as a story.

33. “Bathroom” means a water closet lavatory and a bathtub or shower as defined in Wis. Admin. Code ch. SPS 382.

34. “Bed & Breakfast Establishment” Any place of lodging that:

- a. Provides 8 or fewer rooms for rent to no more than a total of 20 tourists or transients,
- b. Provides no meals other than breakfast and provides breakfast only to renters of the place,
- c. Is the Owner's primary residence,
- d. Is occupied by the Owner at the time of rental. As defined by Wis. Stat. § 97.01.

35. “Best Management Practices (BMP)” Structural and nonstructural measures, practices, techniques, or devices employed to avoid or minimize sediment or other pollutants carried in runoff.

36. “Block” A platted tract of land bounded by streets or by a combination of streets and public parks or other recognized lines of demarcation.

37. “Board of Land Use Appeals” The Eau Claire County Board of Land Use Appeals.

38. “Boathouse” A structure at or near the water to house boats or boating accessories.

39. “Bond” Any form of security including cash deposit, surety bond, collateral, property, or instrument of credit in any amount and form satisfactory to the County.

40. “Brew Pub” A facility for the production of 31,000 gallons or less per year of fermented malt beverages in accordance with Wis. Stat. § 125.295 in which a license to operate a restaurant has also been issued under Wis. Stat. § 97.30 on the same premises.

41. “Brewery” A facility for the production of fermented malt beverages, as defined in Chapter 125 of the Wisconsin Statutes, that are sold wholesale and/or off premises directly to retailers as authorized by statute.

42. “Building” A structure, including a roof supported by walls designed or built for the support, enclosure, shelter or protection of persons, animals, chattels, or property of any kind. Unless otherwise indicated, a “building” refers any part of a building.

43. “Brewery Premises” All land and buildings used in the manufacture or sale of fermented malt beverages and covered by a permit issued under Wis. Stat. §125.295.

44. “Bulkhead Line” A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the DNR pursuant to Wis. Stat. § 30.11, and which allows complete filling on the landward side except where such filling is prohibited by the floodway provisions of this subtitle.

45. “Campground” Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.

46. “Camping Unit” Any portable device, no more than 400 square feet in area used as a temporary shelter including, but not limited to, a camping trailer, motor home, bus, van, pick-up truck or tent that is fully licensed, if required, and ready for highway use.

47. “Caretaker Residence” A Dwelling Unit that is accessory to Commercial or Industrial Use and occupied by the person who owns or is employed by the business to care for and protect the property and that person's family.

48. “Certificate of Compliance” A certification by the Land Use Manager that the construction and the use of land or a building, the elevation of fill, or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.

49. “Certificate of Occupancy” A certificate issued by the department, stating that the use of land, and the use and location of structures conforms to the provisions of this subtitle and any additional requirements placed on the property through the conditional use or variance procedure. Also known as a certificate of compliance.

50. “Certified Survey Map” A map of a parcel of land, dividing the parcel into not more than 4 lots, including any remnant of the original lot, without changing the original exterior boundaries of the lot. Certified Survey Maps are prepared by a professional land surveyor and meet the requirements of Wis. Stat. § Ch. 236.34 and this Title.

51. “Channel” A natural or artificial watercourse with definite bed and banks which confine and conduct normal flow of water.

52. “Clinic” An establishment of physicians or dentists for the examination and treatment of persons on an outpatient basis.

53. “Clinic, Veterinarian” An establishment for the examination and treatment of animals.

54. “Club” An association of persons using a structure for a common purpose, but not including groups organized primarily to render a service which is customarily carried on as a business.

55. “Collector Road” A road used, or intended to be used, to carry traffic from local roads to Arterial Roads and includes entrance roads to large subdivisions.

56. “Commercial Composting Facility” A facility capable of processing source separated compostable materials for the purpose of engineering soil amendments commonly referred to as compost, which can be made available for sale on and off the facility site.

57. “Committee” The Committee on Planning and Development.

58. “Community Garden” A private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family.

59. "Community Living Arrangement" Any of the following facilities: a community living arrangement for adults, as defined in Wis. Stat. §46.03 (22), a community living arrangement for children, as defined in Wis. Stat. §48.743 (1), a foster home, as defined in Wis. Stat. §48.02 (6), or an adult family home, as defined in Wis. Stat. §50.01 (1) (Wis. Stat. § 59.69(15)). A Community Living Arrangement does not include day care centers, Residential Care Facilities, hospitals, or correctional facilities.

60. "Community-Based Residential Facility" A place where adults who are not related to the operator or administrator and who do not require care above intermediate level nursing care reside and receive care, treatment, or services that are above the level of room and board but that include no more than 3 hours of nursing care per week per resident (Wis. Stat. § 50.01(1g)).

61. "Conditional Use" A use, either public or private, which because of its unique characteristics, cannot properly be classified as an approved or permitted use in a particular district. Based on the facts in each case, the impact of the proposed use upon neighboring lands and the public need for the particular use at the particular location, the committee may discretionarily grant such a use, subject to standards and conditions as may be deemed appropriate and necessary.

62. "Convention, Conference, or Exhibition Center" A structure rented out to host meetings, trade shows, large social events, and similar short-term activities requiring a large, indoor space.

63. "Consistent with Agricultural Use" A use of land, other than an agricultural use, that will do none of the following:

- a. Convert, to a nonagricultural use, land that has been in agricultural use for at least 12 consecutive months during the last 36 months.
- b. Limit the potential for agricultural use of surrounding lands.
- c. Conflict with any current agricultural use of land.

64. "Construction Plan" The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in a subdivision in accordance with the requirements of this Title or conditions placed on the plat by the Committee.

65. "Contamination" Any physical, chemical, biological, or radiological substance or matter in water that exceeds current state or federal standards.

66. "Contiguous" Lots or parcels shall be considered contiguous if they share a common boundary. Lots or parcels that only meet at a single point are not considered contiguous. Lots or parcels divided by public roads shall not be considered contiguous.

67. "Contiguous" Building Area: The area of a Lot for building use exclusive of environmentally sensitive areas, zoning and wetland setbacks, navigable waterways, drainage ways, road rights-of-way, and easements.

68. "Continuing Care Retirement Community (CCRC)" A long-term care facility that provides a continuum of care for senior adults. A CCRC typically includes independent living units, assisted living units, and skilled nursing care. Also referred to as a "Life Plan Community."

69. "Contract" An agreement between the Eau Claire County Planning and Development Department and a petitioner establishing the terms for a temporary use.

70. Contract, Conditional Use: An agreement between the Eau Claire County Planning and Development Department and a petitioner establishing the terms for a temporary, conditional use.

71. "Contract, Zoning" An agreement between the Eau Claire County Planning and Development Department and a petitioner establishing the terms for a temporary, permitted use.

72. "Corporation Counsel" The Eau Claire County Corporation Counsel.

73. "Cottage Industry" A small business or service operation located entirely within a dwelling, or as an accessory structure located on the same lot or tract as a dwelling, which complies with the requirements of local code. The use is clearly incidental and secondary to the use of the property and is compatible with adjacent land uses. A cottage industry will have less than 5 employees, generate low traffic volumes, and have little or no noise, smoke, odor dust glare, or vibration detectable at any property line.

74. "County Trunk Highway System" The secondary system of interconnecting highways within the state that supplements the State Trunk Highway System. It is comprised mainly of highways of secondary through-traffic importance and generally consists of highways that provide and facilitate local service. The County Trunk Highway System is administered by the Eau Claire County Highway Department as authorized under Wis. Stat. ch. 83. See also highway, county trunk.

75. "Crawlways or Crawl Space" An enclosed area below the first usable floor of a building, generally less than 5 feet in height, used for limited access to plumbing and electrical utilities.

76. "Crop" means a cultivated plant that includes any of the following: (a) Field crops, including corn, wheat, oats, rye, barley, hay, potatoes, and dry beans; (b) Fruits, including apples, grapes, cranberries, cherries, and berries; (c) Vegetables, including tomatoes, carrots, sweet corn, and squash; (d) Plants raised for culinary, medicinal, or aesthetic purposes, including herbs and spices, ginseng, and ornamental shrubs and trees; (e) Plants raised for energy production, including switchgrass, or textile use, including cotton or bamboo; or as defined by ATCP 49.

77. "Crop Production Growing or producing crops for the purpose of an income or livelihood.

78. "Cul-de-Sac" A street with only one outlet and having an appropriate terminus for the safe and convenient reversal of traffic movements.

79. "Day Care Center" A facility used for the care of preschool or school age children which meets the requirements of a day care center formulated by the Wisconsin Department of Health and Family Services.

80. "Deck" An unenclosed exterior structure, attached or adjacent to the exterior wall of a building, which has a floor but no roof.

81. "Department" The department of planning and development.

82. "Development" Any artificial change to improved or unimproved real estate including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings or structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

83. “Dimensional Standards” The requirements of this Title that establish the minimum or maximum lot area, yard, density, coverage, or height for buildings or uses, or the area and height requirements for signs.

84. “Director” The Eau Claire County Planning & Development Department Director, or his or her designee.

85. “Disabled” Having a physical or mental impairment that substantially limits one or more major life activities.

86. “Display Area” The exterior area or surface of a sign on which is placed the copy. For a freestanding sign, the display area is the board, placard, poster, banner, or similar plane on which the copy is placed. For a wall sign, awning sign, canopy sign, or any other sign that is placed upon or integral to a structure, building or building element, the display area is the shape enclosing the copy (see the sign area measurement provisions in Section 18.78.050), including any background which is different from or in contrast with any wall or structure surface upon which it is mounted.

87. “District” See Zoning District.

88. “DNR” The Wisconsin Department of Natural Resources.

89. “Drainageway” A natural or artificial watercourse including, but not limited to, streams, rivers, creeks, ditches, channels, canals, conduits, culverts, waterways, gullies, ravines or washes in which water flows in a definite direction or course, either continuously or intermittently, or in which runoff water accumulates permanently or temporarily, including any adjacent area subject to inundation by overflow or floodwater.

90. “Drive-Thru” Any business establishment providing automobile drive-thru service or window facilities, including but not limited to banks, dry cleaners, restaurants, car washes, and convenience stores.

91. “Dryland Access” A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

92. “Dwelling Unit” A residential structure or portion thereof, containing a separate and complete living area, for one family, not including boarding houses, camping trailers, hotels, motor homes, or motels.

93. “Dwelling, Single-Family” A residential structure containing only one dwelling unit.

94. “Dwelling, Two-Family” A residential structure containing 2 dwelling units.

95. “Dwelling, Multiple-Family” A residential structure containing 3 or more dwelling units.

96. “Dwelling, Accessory” An attached or detached residential dwelling unit situated on the same parcel as an existing primary single-family dwelling, which provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

97. “Eave” The overhang at the lower edge of a roof or the line along a wall formed by the intersection of the planes of the roof and wall.

98. “Encroach” To break the plane of a vertical or horizontal regulatory limit with a structural element, so that it extends into a setback, into the public right-of-way, or above a height limit.

99. "Encroachment" Any structural element that encroaches.
100. "Environmentally Sensitive Areas" Any of the following areas:
- a. Wetlands, as defined and designated as wetlands on the most recent version of the Wisconsin Wetlands Inventory as depicted on the WDNR Surface Water Data Viewer, or through observable field evidence.
 - b. Floodplains, as identified on the official maps and revisions and regulated by Section 18.20 of this code.
 - c. Slopes of 20% or greater, measured over a horizontal distance of 50 feet. Slopes shall be measured as the change in elevation over the horizontal distance between consecutive contour lines and expressed as a percent.
101. "Erosion Control Plan" A plan that describes how the permit holder and other responsible party will minimize, to the maximum extent practicable, soil erosion and the transport of sediment from land disturbing activities to waters of the state or other property.
102. "Essential Services" Services provided by public and private utilities, necessary for the exercise of the principal, accessory, or conditional use or service of a principal, accessory or conditional structure. These services include underground, surface, or overhead gas, electrical, steam water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings. Telecommunications facilities as defined and regulated under Chapter 18.53 shall not constitute essential services.
103. "Event Center" A structure rented out to host events including but not limited to weddings, wedding receptions, graduation parties, life celebrations, anniversaries, baby showers and birthday parties.
104. "Exploratory Boring" An excavation or opening deeper than it is wide that extends more than 10 feet below the ground surface for the purpose of obtaining information on the physical, chemical, radiological or biological characteristics of geological formations or depth to groundwater. This definition does not include drillholes regulated by Wis. Admin. Code chs. NR 132 and § NR141.25.
105. "Extraterritorial Plat Approval Jurisdiction" The unincorporated area within 1.5 miles of a 4th class city or a village or within 3 miles of all other cities.
106. "Family" An individual or two or more persons related by blood, marriage or adoption, or not more than 5 persons who are not so related, living together in one single-family dwelling and are not charged for provisions and needs.
107. "Family Day Care Home" A dwelling licensed as a day care center by the department of health and social services where care is provided for not more than 8 persons.
108. "Farm" All contiguous land under common ownership that is primarily devoted to agricultural use.
109. "Farmers' Market" The temporary, seasonal outdoor sale of fresh agricultural products directly to the consumer by two or more vendors.
110. "Farming" Includes operations required to produce \$6,000 of agricultural products per year and shall include accessory uses such as treating or storing of produce provided that the operation of an accessory use is secondary to the normal farming activities.
111. "Federal Emergency Management Agency (FEMA)" The federal agency that administers the National Flood Insurance Program.

112. "Farm Animals" Animals associated with farms that are typically not housed inside the home, whether for personal or commercial use, including but not limited to chickens, goats, cows, sheep and pigs.

113. "Farm Consolidation" Farm structures and dwellings existing prior to the adoption of this ordinance and separated from a farm through acquisition or consolidation of farm land in order to be held under separate ownership from the remaining property.

114. "Farm Residence" Residences which include single-family or two-family dwellings that are occupied by: an owner or operator of the farm, a parent or child of an owner or operator of the farm, or an individual who earns more than 50 percent of his or her gross income from the farm.

115. "Fence" A freestanding structure intended to provide privacy, protection, or confinement or to redirect a person's direction of travel.

116. "Final Plat" The map of a subdivision and accompanying data necessary for final approval of the proposed subdivision by the Committee and recording in the Register of Deeds office.

117. "Finished Side, Fence" the side of the fence that does not contain any exposed structural elements. When an equal number of structural elements are visible from both sides of the fence, it can be considered finished on both sides.

118. "Fixture" The assembly that holds the lamp in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.

119. "Flag" A piece of fabric or other flexible material containing distinctive colors, patterns, and symbols. A flag is customarily mounted on a pole or similar freestanding structure.

120. "Flea Market" Where goods and services are sold by different proprietors in an open area.

121. "Flood or Flooding" A general or temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:

- a. The overflow or rise of inland waters.
- b. The rapid accumulation or runoff of surface waters from any

source.

122. The sudden increase caused by an unusually high-water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

123. "Floodplain" Land which has been or may be covered by floodwater during the regional flood. It includes the floodway and the flood fringe and may include other designated floodplain areas for regulatory purposes.

124. "Floodproofing" Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities, and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

125. "Flood Protection Elevation" An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood.

126. "Floodway" The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

127. "Floor Area" The sum of the usable horizontal area of the several floors of a building as measured from the exterior walls, including interior balconies and mezzanines, elevator shafts, stairwells and utility rooms, but not including basements, garages, breezeways, and unenclosed porches.

128. "Floriculture" The cultivation of flowering and ornamental plants.
129. "Flowage Area" A body of water formed by overflowing or damming.
130. "Footprint" The land area covered by a structure at ground level, measured on a horizontal plane.
131. "Forest Management" Forest management for the purpose of an income or livelihood. "Forest Management" means establishments that grow and harvest timber on a production cycle of at least 10 years and that specialize in various stages of the production cycle, including reforestation, timber production, and timber harvesting. Reforestation means the production of seedlings in specialized nurseries. Timber production means the maintenance of natural forest or growing timber on areas of land that are available for the entire production cycle. Timber means the use specialized machinery to gather forest products, such as timber, gums, barks, balsam needles, rhizomes, fibers, Spanish moss, and ginseng and truffles. Examples include timber tract operations, forest nurseries (growing trees for reforestation, and gathering forest products).
132. "Forestry" The science, business, and art of creating, conserving, and managing forests and forest lands for the continuing use of both commodity and non-commodity benefits.
133. "Frontage" the width of a lot as measured on a public street, road or highway and having access to said street, road or highway.
134. "Frontage Road" A minor street auxiliary to and located adjacent to an Arterial Road for control of access and for service to the abutting development.
135. "Foundation" A basement or crawlspace meeting the state uniform dwelling code.
136. "Game Management" A commercial and duly licensed operation raising and harvesting wild game for meat, including animals such as deer and elk.
137. "Garage, Private" An accessory structure or portion of a principal structure utilized for the private storage of motor vehicles.
138. "Garage, Public" A structure or portion thereof where motor vehicles are stored for compensation.
139. "Greenhouse" A structure exclusively used for the cultivation of plants in which natural sunlight is allowed to enter through transparent material and temperature and humidity are controlled.
140. "Greenhouse, Commercial" A structure from which plants, seedlings, seeds, trees and those items related to cultivation are sold, traded or bartered to the public.
141. "Habitable Structure" Any building or portion thereof used or designed for human habitation.
142. "Habitation" A fixed place of residence.
143. "Highway" All public ways and thoroughfares and all bridges on the same. It includes the entire width between the boundary lines of every way open to the use of the public as a matter of right for the purposes of vehicular travel. "Highways" do not include Private Streets or Roads. (Wis. Stats. § 990.01(12) and 340.01(22)) For purposes of this ordinance, Title 18, Highway is synonymous with road and street.
144. "Highway, Controlled Access" A highway on which abutting property owners have no right or only a limited right of direct access and on which the type and location of all access connections are determined and controlled by the highway authorities. Also referred to as a "Controlled Access Highway." (Wis. Stat. § 990.01(5r))
145. "Highway, County Trunk" Any highway selected by the Eau Claire County Board and approved by WisDOT in accordance with Wis. Stat. ch. 83.025 to be part of the County Trunk Highway System.

146. "Highway, Limited Access" See Highway, Controlled Access.
147. "Home Business" A business activity for financial gain carried on by a resident of a property in accordance with Chapter 18.46.
148. "Horticulture" The cultivation of plants. Horticulture does not include large-scale Crop Production.
149. "Household Pet" Any domestic animal customarily kept by humans for companionship, including but not limited to dogs, cats, birds, rabbits, hamsters, mice, turtles, and the like.
150. "Hobby Farm" A small farm operated for pleasure where any income produced from the farm is not the primary source of income for the property owner. There shall be at least one acre of pastureland available per calculated animal unit.
151. "Home Occupation" Any occupation for gain or support conducted in accordance with Chapter 18.46.
152. "Historic Structure" Any structure that is either: Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register, Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historical district or a district preliminarily determined by the Secretary to qualify as a registered historic district, Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior, or Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.
153. "Junkyard" Any establishment or premises where worn out or discarded materials, whether purchased, donated or abandoned are kept, or where two or more unlicensed motor vehicles, operable or inoperable, are kept or stored either for purposes of sale or otherwise.
154. "Junkyard Materials" Include, without limitation because of enumeration hereunder, waste paper, scrap metal, rags, bottles, machines and machine parts, motor vehicles and motor vehicle parts, and used or secondhand items. Also referred to as "Junk."
155. "Kennel" A place where 4 or more dogs over the age of 4 months are boarded, bred or offered for sale.
156. "Lamp" A source of optical radiation (i.e., "light"), often called a "bulb" or "tube." Examples include incandescent, fluorescent, high-intensity discharge (HID) lamps, and low-pressure sodium (LPS) lamps, as well as light-emitting diode (LED) modules and arrays.
157. "Land Use" Any nonstructural use made of unimproved or improved real estate.
158. "Leasing & Management Office" An office use accessory to multiple-family residential dwellings involved in the management of those dwellings.
159. "Light Trespass" Light that falls beyond the property on which the light source is located.
160. "Lighting, Temporary" Lighting that employs a cord and plug and is not permanently wired and is installed and removed when the temporary need is over.
161. "Livestock Facility" A feedlot or facility, other than a pasture, where animals used in the production of food, fiber, or other animal products are or will be fed, confined, maintained, or stabled for a total of 45 days or more in any 12-month period. "Livestock facility" does not include an aquaculture facility.

162. "Livestock Sales: The sale or auction of animals used in the production of food, fiber, or other animal products.

163. "Loft" A floor level located more than 30 inches above the main floor, open to the main floor on one or more sides with a ceiling height of less than 6 feet 8 inches and used as a living or sleeping space.

164. "Logging" The cutting and removal of trees from their growing site, and the attendant operation of cutting and skidding machinery but not the construction or creation of roads. Timber harvesting does not include the clearing of land for construction approved under this ordinance.

165. "Lot" A saleable parcel of land on record with the Register of Deeds.

166. "Lot, Buildable" A lot that has frontage on a public street, that meets lot width requirements for the zoning district, and meets the requirement for contiguous buildable area.

167. "Lot, Corner" A lot situated at the intersection of 2 streets, roads or highways.

168. "Lot, Double Frontage" A Lot, other than a Corner Lot, with frontage on two streets, roads, or highways. Also referred to as a "Through Lot."

169. "Lot, Flag" A Lot with its widest point set back from the road, and having a thin, long strip ("the flagpole") of land connected to the road to provide legal access and frontage.

170. "Lot, Interior" A lot with frontage on only one street, road or highway.

171. "Lot, Reversed Frontage" a double-frontage lot for which the boundary along one of the streets is established as the front lot line and the boundary along the other street is established as the rear lot line and, typically, access to the latter street is restricted.

172. "Lot, Through" See Lot, Double Frontage.

173. "Lot Area" That area located within lot lines, not including any part of a street, highway, alley or railroad right-of-way or access easement, except when the street right-of-way is explicitly allowed to be counted as part of the area as described in this ordinance.

174. "Lot Depth" The shortest horizontal distance between the front street lot line and the rear lot line measured at a 90° angle from the road right-of-way.

175. "Lot Frontage" The width of a lot as measured along a street right-of-way.

176. "Lot Width" The horizontal distance between the side lot lines at the street yard building setback line.

177. "Lot of Record" A Lot legally created and recorded on a deed with the Eau Claire County Register of Deeds prior to the effective date of this Title, which is July 18, 2023. A Lot of Record may include multiple tax parcels but may not include more than one tax parcel created by subdivision plat or certified survey map.

178. "Lowest Adjacent Grade" An elevation of the lowest ground surface that touches any of the exterior walls of a building.

179. "Lowest Floor" The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

180. "Luminaire" A complete lighting unit that includes a light source, outdoor reflective or refractive surfaces, lenses, electrical connectors and components, and all parts used to mount the assembly, distribute the light and/or protect the lamp, whether permanently installed or portable.

181. "Maintenance" The act or process of restoring to original soundness, including redecorating, refinishing, nonstructural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures.

182. "Manufactured Home" A dwelling that is designed to be used as a dwelling and that is certified by HUD as complying with the HUD Code. (Source: Wis. Stat. § 101.91)

183. "Manufactured Home Community" An area of land on which is provided the required space for the accommodation of two or more Manufactured Homes, together with the necessary accessory buildings, walks, driveways, screening, and other requirements of Section 18.23.

184. "Medical Waste Facility" Any facility involved in the handling, storage, disposal, transport, or other manipulation or handling of "medical waste" as defined in the Wisconsin Statutes or Administrative Code and the U.S. Code or Code of Federal Regulations and shall include "infectious waste" as therein defined.

185. "Metallic Mineral Extraction" The extraction processing, for sale or use by the operator, of mineral aggregate such as iron ore, taconite, copper, lead, zinc, cadmium and other metalliferous minerals.

186. "Micro-Brewery" A facility for the production of 100,000 gallons or less per year of fermented malt beverages, as defined in Wis. Stat. ch. 125, that are sold wholesale and/or off premises directly to retailers as authorized by statute. On premise sales will be allowed only where permitted by the zoning code.

187. "Micro-Winery" A facility for the production of 25,000 gallons or less per year of wine, as defined in Wis. Stat. ch. 125, that are sold wholesale and/or off premises directly to retailers as authorized by statute. On premise sales will be allowed only where permitted by the zoning code.

188. "Mine Operator" Any person or business entity engaged in nonmetallic mining who/which applies for or holds a nonmetallic mine reclamation permit issued under a nonmetallic mining reclamation ordinance whether individually, jointly, or through subsidiaries, agents, employees, contractors, or subcontractors.

189. "Mining Operation" Operations or activities for the extraction from the earth of mineral aggregates and nonmetallic minerals and related operations or activities, including, but not limited to, excavation, grading, or dredging if the purpose of those operations or activities is the extraction of mineral aggregates and nonmetallic minerals and related processes including, but not limited to, stockpiling, crushing, screening, scalping, dewatering, and blending. It does not include removal from the earth of products or commodities that contain only minor or incidental amounts of nonmetallic mining minerals such as commercial sod, agricultural crops, ornamental or garden plants, forest products, Christmas trees or plant nursery stock.

190. "Mining & Reclamation Plan" The operator's proposal for the mining and reclamation of the project approved by the committee prior to the issuance of the mining permit.

191. "Mobile Home" A dwelling that is built in a factory, but that does not comply with the HUD Code and is not a Modular Home. This includes any "mobile home" as defined by Wis. Stat. § 101.91.

192. "Modular Home" A Single-Family Dwelling that is built in a factory, but that complies with the applicable state or local building code.

193. “Motel and Hotel” A structure or group of structures containing rooms which are offered to travelers for temporary accommodations in exchange for compensation.

194. “Motor Vehicle” Includes with limitation because of enumeration hereunder, any watercraft, automobile, truck, motorcycle, trailer, semi-trailer, travel trailer, snowmobile, all-terrain vehicle, bus or other motorized or mobile vehicle.

195. National Geodetic Vertical Datum (NGVD): Elevations referenced to mean sea level datum 1929 adjustment.

196. “Nano-Brewery” A facility for the production of less than 10,000 gallons of fermented malt beverages per year that may be bottled, packaged, possessed, stored, sold, shipped, transported, delivered, and/or consumed on premise in accordance with the provisions of Wis. Stat. §125.29. A nano-brewery may operate a restaurant on the brewery premises as provided in Wis. Stat. §125.29(6).

197. “Nano-Winery” A facility for the production of less than 10,000 gallons of wine per year that may be bottled, packaged, possessed, stored, sold, sampled, shipped, transported, delivered, and/or consumed on premise in accordance with the provisions of Wis. Stat. ch. 125.53. A nano-winery may also operate a restaurant on the winery premises in accordance with county and state permitting requirements.

198. “Navigable Waters” All natural inland lakes, flowage and other waters within the territorial limits of this county. Under Wis. Stat. § 281.31, notwithstanding any other provision of law or administrative rule promulgated thereunder, if:

- a. Such lands are not adjacent to natural navigable stream or river;
- b. Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
- c. Such lands are maintained in nonstructural agricultural use.

199. “Noise” Unwanted sound.

200. “Non-commercial alternative energy facilities” alternative energy systems designed and used primarily to meet the energy needs of on-site uses.

201. “Nonconforming Lot” A lot of record which does not meet the minimum area, depth, width, or frontage required by this subtitle.

202. “Nonconforming Site Improvement” A situation that occurs when, on the effective date of this title or an amendment to this title:

203. an existing site improvement on a lot (including but not limited to parking areas, storm drainage facilities, sidewalks, and landscaping) no longer conforms to the applicable regulations of this title, or

204. The lot does not include site improvements required by this title for any existing use, building, or structure on the lot.

205. “Nonconforming Structure” A structure which existed on the date of adoption of Title 18 or amendments thereto, which does not conform to the yard, parking, loading, height, and access requirements of the subtitle. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)

206. “Nonconforming Use” The use of land, water, or structures existing at the time of the adoption of Title 18 or amendments thereto, which does not meet the requirements of this subtitle and which has been continually maintained.

207. “Nonmetallic Mineral” A product, commodity or material consisting principally of naturally occurring, organic or inorganic, nonmetallic, nonrenewable material. Nonmetallic minerals include, but are not limited to, stone, sand, gravel, asbestos, beryl, diamond, clay, coal, feldspar, peat, talc and topsoil.

208. “Nonmetallic Mining Site, Project Site, or Site” The location where a nonmetallic mining operation is proposed or conducted including all surface areas from which minerals are removed, related storage and processing areas, areas where nonmetallic mining refuse is deposited and areas disturbed by the nonmetallic mining operation and by activities, including but not limited to, the construction or improvement of roads or haulageways.

209. “Nonmetallic Mining Reclamation or Reclamation” The rehabilitation of a nonmetallic mining site to achieve a land use specified in an approved nonmetallic mining reclamation plan, including removal or reuse of nonmetallic mining refuse, grading of the nonmetallic mining site, removal, storage and replacement of topsoil, stabilization of soil conditions, reestablishment of vegetative cover, control of surface water and groundwater, prevention of environmental pollution and if practicable the restoration of plant, fish and wildlife habitat.

210. “Objecting Agencies” Agencies authorized by Wis. Stat. § 236.12 to review and object to Preliminary and Final Plats.

211. “Obstruction to Flow” Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in the regional flood height.

212. “Official Floodplain Zoning Map” That map, adopted and made part of this subtitle, which has been approved by the DNR and the FIA Office of FEMA.

213. “Open Sales Lot” An area used for the purpose of buying and selling automobiles, trucks, motorcycles, boats, trailers, recreational vehicles, mobile/manufactured homes and similar products.

214. “Open Space Use” Those uses having a relatively low flood damage potential and not involving structures.

215. “Ordinary High-Water Mark (OHWM)” The point on a bank or shore 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 recognizable characteristic.

216. “Outlot” A parcel of land located in a plat or certified survey map that is not included in a Block or Lot.

217. “Owner or Property Owner” Any Person having legal title to or sufficient proprietary interest in a parcel of land. The term includes, but is not limited to, mortgagees and vendors under contract for deed.

218. “Owner-Occupied” A property that is the primary residence of the owner.

219. “Parking Area” A portion of a lot with access to a street or alley, which is suitably surfaced and maintained for the temporary storage of motor vehicles, but not including the display of vehicles for sale.

220. “Parking Space, Off-Street” A space containing parking area or a stall in a private garage.

221. “Performance Standards” Criteria established by this subtitle to regulate certain uses.

222. “Person” An individual, or group of individuals, firm, corporation, partnership, association, municipality, or state agency.

223. "Plat" A map depicting the division or Subdivision of land into lots, blocks, parcels, tracts, units, or other portions thereof.

224. "Preliminary Plat" A drawing showing the proposed general patterns of Streets, Lots, and Land Uses within a tract to be subdivided.

225. "Reconfiguration" The process of changing, or the map or plat that changes, the interior boundaries of a recorded Subdivision Plat or part thereof. Reconfigurations do not change the exterior boundaries of a recorded Subdivision Plat.

226. "Replat" The process of changing, or the map or plat that changes, the exterior boundaries of a recorded subdivision Plat or part thereof. The legal dividing of a large Block or Lot within a recorded subdivision plat without changing the exterior boundaries of said Block, Lot, or Outlot, and which does not affect the layout of a road or other public land shall not be considered a Replat.

227. "Principal Dwelling" The main Dwelling Unit on a lot.

228. "Principal Structure" The main structure on a lot.

229. "Principal Use" The primary purpose for which a lot or parcel is used.

230. "Private Sewage System" A sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. This term also means an alternative sewage system approved by the Department of Safety and Professional Services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

231. "Private Swimming Pool" A receptacle of water or an artificial pool of water having a depth capacity at any point of more than 2 feet, intended for the immersion or partial immersion of human beings, and including all appurtenant equipment.

232. "Professional Office" A building used as the place of business for recognized professional (such as a doctor of medicine or dentistry, practitioner, minister, architect, landscape architect, professional engineer, lawyer, author, musician), or to conduct the affairs of a business, profession, service industry, or government where goods are not sold at retail from the premises.

233. "Public Improvement" Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access sidewalk, pedestrian way, planting strip, or other facility for which the County or town may ultimately assume the responsibility for maintenance or operation.

234. "Public Utilities" Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.

235. "Quarter Section and Quarter-Quarter Section" A division of a section of land according to the rules of the original United States Government Public Land Survey.

236. "Quasi-Public Uses" Those facilities which are partially public in nature such as churches, schools, cemeteries.

237. "Race Track" A use of land for the purpose of operating a motorcycle, all-terrain vehicle, automobile, or similar motorized vehicle over a constructed track or course or where the continuous use of the land creates a track or course.

238. "Reach, Hydraulic" That portion of the river or stream extending from one significant change in the hydraulic character of the river or stream to the next significant change, usually associated with breaks in the slope of the water-surface profile, and may be caused by bridges, dams, expansion and contraction of the water flow, and changes in stream-bed slope or vegetation.

239. "Recycling Drop-Off Station" A facility consisting of appropriate storage containers designed to accept a limited volume of recyclable materials from households, including aluminum food and beverage containers, glass food and beverage containers, magazines or other materials printed on similar paper, newspapers or other material printed on newsprint, kraft paper (e.g. grocery bags), corrugated cardboard, office paper, plastic food and beverage containers, steel or bimetal food or beverage containers, and waste tires, that are intended to be stored temporarily in the containers provided before being taken to a resource recovery facility or resource recovery processing facility. A recycling drop-off station can be a permitted or accessory use except when the facility accepts waste tires and then it shall be a conditional use.

240. "Regional Flood" A flood determined to be representative of a large flood known to have occurred in Wisconsin. A regional flood is a flood with a 1% chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the Regional Flood Elevation is equivalent to the Base Flood Elevation.

241. "Religious Institution" A place of religious worship and instruction. Accessory Uses requiring independent approval include (1) an associated private school, and (2) a child care in the main building or the same lot as the Religious Institution that accepts customers not attending the Religious Institution, recreational facilities, dormitories or other facilities for temporary or permanent residences. Child care facilities located in the main building that are used only during worship services, for persons attending the service, are considered accessory to the church and do not require independent approval. For purposes of this section, "religious worship" includes any "religious exercise" as defined by the Religious Land Use and Institutionalized Persons Act (RLUIPA), 42 U.S.C. § 2000cc-5.

242. "Repair Shop" A place where motor vehicles or other materials are restored to a sound or good or operable state after decay, injury, dilapidation or partial destruction.

243. Residential Care Apartment Complex: A place where 5 or more adults reside that consists of independent apartment units in which the following services are provided: room and board and up to 28 hours per week of supportive care, personal care, and nursing services. "Residential Care Apartment Complex" does not include a nursing home or a Community-Based Residential Facility but may be physically part of a structure that is a nursing home or Community-Based Residential Facility. (Wis. Stat. § 50.01(6d))

244. "Residential Care Facility" An establishment primarily engaged in providing inpatient nursing and rehabilitative services, with a permanent core staff of registered or licensed practical nurses who provide nursing and continuous personal care services. Examples include convalescent homes, nursing homes, assisted living facilities for the elderly with nursing care, rest homes with nursing care, and inpatient care hospices, but do not include Residential Care Apartment Complexes.

245. "Resource Recovery Facility" A building in which collected recyclables from residential and commercial sources, including aluminum food and beverage containers, glass food and beverage containers, magazines or other materials printed on similar paper, newspapers or other material printed on newsprint, kraft paper (e.g. grocery bags), corrugated cardboard, office paper, plastic food and beverage containers, steel or bimetal food or beverage containers, or other incidental recyclable items that may be delivered from time to time provided no dismantling is necessary according to market requirements and in which the incoming recyclables are sorted, shredded, crushed, baled or otherwise separated using equipment not to exceed 15 horsepower, for later shipment to markets. All activities that take place at a resource recovery facility shall take place inside the building including recyclables. Dismantling, salvaging, crushing, or storage of motor vehicles, machinery, or appliances, or the processing or storage of putrescible, hazardous or toxic wastes are prohibited. A resource recovery facility is also called a material recovery facility or MRF.

246. "Resource Recovery Processing Facility" A resource recovery facility which collects from residential, commercial, and industrial sources where equipment of any horsepower may be used, outdoor storage may be allowed, and where dismantling of separate motor vehicles parts or components and separate machinery parts or components may be allowed. Resource recovery processing facilities may be allowed in conjunction with salvage yards.

247. "Restaurant" Any building, room or place at which the predominant activity is the preparation, service, or sale of meals to transients or the general public as defined in Wis. Stat. §97.01(14g).

248. "Restaurant, Drive-In" A business establishment consisting of a kitchen, with or without a dining room, where a portion of the food sold is eaten either off the premises or within automobiles on the premises.

249. "Road" See Street, Road, or Highway.

250. "Rooming & Boarding House" A building where, for compensation, meals and lodging are provided for more than 3 guests not members of a family, and that are not transients. A "Rooming & Boarding House" includes any building other than a hotel or motel where lodging only is provided for compensation. Examples include fraternities, sororities, or dorms. This use type does not include a hotel, motel, or multiple-family building. A multiple-family building includes separate Dwelling Units occupied by a single household, while a Boarding House includes separate households sharing kitchen facilities. This does not include migrant labor camps, which are defined, conditioned and permitted by Wis. Stat. § 59.69(4e). Also referred to as a "Lodging House."

251. "Salvage Yard" Any establishment or premises where motor vehicles or other materials are collected for the purposes of dismantling, salvaging or demolition.

252. Seasonal Structure: A structure used occasionally or periodically for a period not to exceed six months of a calendar year.

253. "Setback Lines" Lines established parallel to rights-of-way, lot lines, or water bodies for the purpose of defining limits within which structures, buildings, or uses must be constructed, maintained or confined.

254. "Shorelands" Lands within the following distances from the ordinary high-water mark of navigable waters: 1,000 feet from a lake, pond or flowage; 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

255. “Short-Term Rental Property” Any residential property where a Principal Dwelling Unit or a portion of a Principal Dwelling Unit is rented or leased by a Tourist or Transient for fewer than 29 consecutive days. This definition excludes Bed and Breakfast Establishments. (Wis. Stat. § 66.0615(1)(dk))

256. “Sign” The use of any words, numerals, pictures, figures, devices or trademarks by which anything is made known to show an individual, firm, profession or business and are visible to the general public.

257. “Sign, Awning” Any sign painted, printed, attached, or otherwise applied to any facet or support structure of an awning. An “awning” means an architectural projection that provides weather protection, identity or decoration, and is partially or wholly supported by the building to which it is attached. An awning is comprised of a lightweight frame structure over which a covering is attached. (Source: International Building Code)

258. “Sign, Canopy” A sign attached to the surface of a canopy. A “canopy” means a permanent structure or architectural projection of rigid construction over which a covering is attached that provides weather protection, identity or decoration. A canopy may be structurally independent (a “detached canopy”) or supported by attachment to a building on one or more sides (an “attached canopy”). (Source: International Building Code)

259. “Sign, Flashing” An illuminated sign upon which the artificial light is not kept constant in terms of intensity or color at all times when the sign is illuminated.

260. “Sign, Freestanding” A stationary self-supported sign not affixed to any other structure.

261. “Sign, Highway Pole” A pole sign located on a lot that is immediately adjacent to a controlled access highway or a county trunk highway.

262. “Sign, illuminated” A sign which is lighted by an artificial light source either directed upon it or illuminated from an interior source.

263. “Sign, Incidental” A freestanding sign or wall sign that is subordinate in scale to the principal signs on a site or to the buildings, structures, or building elements (such as windows) on which they are placed. Examples of customary uses for incidental signs include directional signs, real estate signs, noncommercial opinion signs, menu boards, garage sale signs, holiday decorations, property or tenant identification names or numbers, names of occupants, signs on mailboxes or newspaper tubes, signs posted on private property relating to circulation or private parking, political signs, or signs warning the public against trespassing or danger from animals. These examples are provided to clarify the regulations and do not limit the content of incidental signs.

264. “Sign, Incidental Structure” Incidental signs that are integrated into or on an accessory structure such as a coin-operated machine, vending machine, fence, ATM, gasoline pump, oil rack, or similar structure that serves an independent purpose other than the sign display and that is used for its intended purpose.

265. “Sign, Manufactured Home Community Entry” A sign located within an interior median or on a lot adjacent to an intersection at the entrance to a manufactured home community.

266. “Sign, Monument” A freestanding sign having a low profile with no open space between the ground and the sign.

267. “Sign, Multi-Family Entry” A sign located within an interior median or on a lot adjacent to an intersection at the entrance to a multi-family development.

268. “Sign, Off-Premises” A sign that is not located on the premises of the use that the sign advertises or identifies.

269. “Sign, On-Premises” A sign that is located on the premises of the use that the sign advertises or identifies.

270. “Sign, Pole” A freestanding sign that is supported by one or two poles and is not attached to a building.

271. “Sign, Portable” A sign designed to be movable from one location to another and that is not permanently attached to the ground or a structure.

272. “Sign, Projecting” A sign other than wall sign, which is affixed to a building and which extends in a perpendicular manner from the building wall.

273. “Sign, Roof” A sign that is erected, constructed, or attached, wholly or in part, upon the roof of a building.

274. “Sign, Subdivision Entry” A sign located within an interior median or on a lot adjacent to an intersection at the entrance to a single-family or two-family subdivision.

275. “Sign, Temporary” Any portable sign that is erected or displayed for a limited period of time.

276. “Sign, Wall” A sign that is affixed to the exterior wall or mansard roof of a building and that is parallel to the building.

277. “Sign Alteration” Any structural change to a sign. This does not include routine maintenance, minor repair, painting, or change of copy of an existing sign. Routine maintenance and minor repair does not include replacement of structural framing and supports, enlargement of the area of a sign face, or relocation of a sign.

278. “Sign Copy” The characters, letters, or illustrations on a sign.

279. “Sign Structure” The supports, uprights, bracing, and framework for a sign including the display area.

280. “Special Event” Any occasional or periodic assembly or gathering of people at a predetermined and fixed location, requiring the use and/or construction of temporary structures and facilities such as but not limited to stages, tents, or booths, for entertainment and/or other leisure purposes. Special events include, but are not limited to the following: fairs, carnivals, music or other types of festivals, runs, walks or bicycle tours. Special events shall not include gatherings for activities such as neighborhood garage/thrift sales, neighborhood parties, or other similar activities.

281. “Special Event, Major” Any Special Event that is not classified as a Minor Special Event.

282. “Special Event, Minor” A Special Event with a duration and location as specified in Section 18.54.100 D.(1).

283. “Single-Family Dwellings” A residential structure which is meant to house a single family and which is a minimum of 24 feet in width, has a roof with a minimum slope of 3:12, is on a permanent foundation meeting the state one- and two-family dwelling code, and has a minimum of an 8-inch eave attached to at least 50% of the perimeter of the structure. This definition includes manufactured homes but excludes mobile homes.

284. "Start of Construction" The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling floor or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

285. "Solar Energy System" Equipment which directly converts and then transfers or stores solar energy into useful forms of thermal or electrical energy.

286. "Specified Anatomical Areas" Means any of the following:

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

287. "Specified Sexual Activities" Means any of the following:

- a. Human genitals in a state of sexual stimulation or arousal; or
- b. Acts of human masturbation, sexual intercourse or sodomy; or
- c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

288. "State-Defined Subdivision" A division of a lot, parcel, or tract of land by its owner or his or her agent for the purpose of sale or building development, where:

- a. The act of division creates 5 or more parcels or building sites, each 1.5 acres or less in area; or
- b. 5 or more parcels or building sites of 1.5 acres each or less in area created by successive division within a period of five years. As defined by Wis. Stat. § 236.02(12).

289. "Story" That part of a building between a floor and either the next floor above, or the ceiling. A basement shall constitute a story if it is more than 4 feet above grade level.

290. "Street or Road" A thoroughfare that provides the principal means or movement of pedestrian and vehicular access to abutting property.

- a. "Street or Road, Private" A Street or Road is not dedicated to the public;
- b. that has vehicular access to two or more parcels or Lots, or that crosses a property line;
- c. is owned and maintained by a private entity; and
- d. that is used for vehicular, bicycle, and pedestrian travel only by the Owner and those having express or implied permission from the Owner.

291. "Street or Road, Public" A Street or Road that is owned and maintained by a governmental entity for use by the general public.

292. "Storm Water Permit" A written authorization by the Land Conservation Division to the Applicant to conduct land disturbing or land development activities in accordance with the requirements of Section 17.05. A Storm Water Permit regulates both construction site erosion and post-construction storm water runoff from a site.

293. "Structural Alteration" Any change in the supporting members of a building such as bearing walls, columns, rafters, beams, girders, footings and piles.

294. "Structure" Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

295. "Structure Height" The vertical distance measured from the mean grade level to the highest point of a flat surface roof, to the deck line of a mansard roof, or to the mean height level between eaves and ridge of gable, hip and gambrel roofs.

296. "Structure Setback" The minimum distance between structure or use and property line or a road right-of-way line or high-water mark of a water body.

297. "Subdivision" The division of a parcel of land into 5 or more Lots each of which is less than a government protracted quarter-quarter section or where an act of division creates 5 or more parcels of less than a government protracted quarter-quarter section from a Lot of Record within a 5-year period.

298. "Subdivider" Any Person that creates a Subdivision.

299. "Substantial Damage" Damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50% of the equalized assessed value of the structure before the damage occurred.

300. "Substantial Improvement" Any repair, reconstruction rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50% of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not, however, include either any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

301. "Tailing Ponds" Those areas where liquefied accumulations of waste from the processing of mining are placed on the land surface.

302. "Telecommunication Facility" Any unmanned, commercial facility established for the purpose of providing wireless transmission of voice, data, images, or other information.

303. "Telecommunications Tower" Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including lattice towers, guy towers, or monopole towers. This includes radio and television transmission towers, microwave towers, mobile service support structures, and common-carrier towers.

304. "Temporary Use" A use of limited duration, typically less than one year.

305. "Title" Refers to Title 18 - "Zoning Ordinance" - of the Eau Claire County Code of Ordinances.

306. "Tiny House" A Single-Family Dwelling that is 400 square feet or less in Floor Area, excluding Lofts.

307. “Tiny House on Wheels” A Tiny House that is mounted on a wheeled trailer chassis.

308. “Travel Trailer” A vehicular portable structure built on a chassis, with or without complete kitchen, toilet, such facilities designed to be used for temporary habitation for travel or recreation.

309. “Tourist or Transient” A person who travels to a location away from his or her permanent address for a short period of time for vacation, pleasure, recreation, culture, business or employment.

310. “Tourist Rooming House” All lodging places and tourist cabins and cottages as regulated by the department of health and human services pursuant to Wis. Admin. Code ch. DHS 195, other than hotels and motels, in which sleeping accommodations are offered for pay to tourists or transients. It does not include private boarding or rooming houses not accommodating tourists or transients, or bed and breakfast establishments regulated under Wis. Admin. Code ch. DHS 197.

311. “Unnecessary Hardship” Where special conditions affecting a particular property that were not self-created have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance. An unnecessary hardship results in an unusual or extreme decrease in the adaptability of the property to the uses permitted by the zoning district and is caused by facts such as rough terrain or soil conditions uniquely applicable to that particular piece of property, as distinguished from those conditions applicable to most or all other property in the same zoning district.

312. “Utilities” Any public or private facilities such as water wells, water and sewage distribution systems, power and communications transmission lines, pipelines, microwave radio relays, telephone and telegraph exchanges, and other related systems, including their attendant facilities.

313. “Variance” An authorization by the board of land use appeals for the construction, modification, or maintenance of a building or structure in a manner that deviates from dimensional, physical, or locational standards (not uses) contained in this title.

314. Violation: The failure of a use, structure or other development to be fully compliant with Title 18.

315. “Vision Clearance Triangle” An unoccupied triangular space at the intersection of highways or highways with railroads. Such vision clearance triangles shall be bounded by the intersecting highway, 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 section 18.71.050.

316. “Waiver” A process for waiving or modifying a specific requirement of Sections 18.87, 18.88, and 18.89.

317. “Waste Dump” All accumulations of unprocessed waste mine rock and overburden placed on the land surface.

318. “Water Surface Profile” A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

319. “Watershed” The entire region or area contributing runoff or surface water to a particular watercourse or body of water.

320. "Well" An excavation opening in the ground made by digging, boring, drilling, driving or other methods, for the purpose of obtaining groundwater regardless of its intended use.

321. "Wetlands" Those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and having soils indicative of wet conditions.

322. "Wind Energy System" Equipment and associated facilities that convert and then store or transfer energy from the wind into useful forms of energy.

323. "Wine Pub" A tavern, cocktail lounge, restaurant, grocery store, liquor store, or other similar retail establishment that includes a facility for the production 20,000 gallons or less per year of wine as defined by state statute, that are sold for consumption on premises, or that are sold directly to the consumer as carry out items.

324. "Winery" A facility for the production of fermented malt beverages that may be bottled, packaged, possessed, stored, sold, sampled, shipped, transported, delivered and/or consumed on premise in accordance with the provisions of Wis. Stat. § 125.53.

325. "Yard" Open space on a lot not occupied by structures.

326. "Yard, Street" A yard extending the full width of the lot between the street right-of-way and the depth of the minimum street yard setback.

327. "Yard, Rear" A yard extending the full width of the lot between the rear lot line to the nearest part of the structure.

328. "Yard, Side" A yard on each side of the structure extending from the structure to the lot line and from the street yard line to the rear yard line.

329. "Zoning Code" See Zoning Ordinance.

330. "Zoning District" A specific area designated with reference to this code and the official zoning maps within which the regulations governing the use and erection of structures and the use of premises are uniformly applied.

331. "Zoning Ordinance" Title 18 of the Eau Claire County Code of Ordinances. Also referred to as the "Zoning Code." (Ord. 168-53, Secs. 13-18, 2025; Ord. 167-3, Sec. 1, 2023)