

TOWN OF FAIRFIELD ZONING ORDINANCE

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1.01 District and District Maps For the purpose of promoting the public health, safety and general welfare and determining, establishing, regulating and restricting the areas within the Town, outside the limits of incorporated cities and villages, within which agriculture, forestry, industry, trades, business, recreation and residential uses may be conducted, to establish districts of such number, shape and area, to adopt such regulations for each such district as the Town Board has determined to be necessary in order to carry out the purposes of this ordinance in accordance with the provisions of § 60.62, **61.35 and 62.23** of the Wisconsin Statutes, the entire area of the Town of Fairfield outside the limits of incorporated cities and villages are hereby divided into four (4) use districts, namely:

- Section 1.03 - Subdivision Residential District
- Section 1.04 - Agriculture Conservancy
- Section 1.05 - Environmental Conservancy
- Section 1.06 - Recreational-Commercial District

The boundaries of these four (4) districts are shown upon the map of the Town of Fairfield, being designated the "Zoning Map of the Town of Fairfield, Wisconsin", and made a part of this ordinance. All notations, references and other information shown upon the said zoning map shall be as much a part of this ordinance as if the matter and things set forth by the said map were fully described herein.

1.02 Definitions For the purposes of this ordinance, certain terms and words are defined as follows: Words used in the present tense include the future; words in the singular number include the plural number, and words in the plural number

include the singular number; the word "building" includes the word "structure" and the word "shall" is mandatory and not permissive.

(1) **ACCESSORY BUILDING.** A subordinate building or portion of the main building, the use of which is incidental to the permitted use of the main building.

(2) **AGENCY.** The Fairfield Town Board.

(3) **AGRICULTURAL USE.** Beekeeping, commercial feedlots, dairying, egg production, floriculture, fish or fur farming, forest and game management, grazing, livestock raising, orchards, plant greenhouses and nurseries, poultry raising, raising of grain, mint and seed crops, placing land in federal programs in return for payments in kind, owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836, participating in milk production termination program under 7 USC 1446(d), and vegetable raising.

(4) **AGRICULTURAL PRESERVATION PLAN.** Plans developed and adopted by Sauk County and certified by the Wisconsin Land and Water Conservation Board as meeting the standards of Wis. Stat. ch. 91, to protect agricultural lands through Farmland Preservation Agreements and Agricultural Conservancy zoning, and to enable farmland owners to be eligible for farmland preservation tax credits.

(5) **AIRPORT, PUBLIC.** Any airport which complies with the definition contained in §§ 114.013, 114.135 and 114.136 Wis. Stats., or any airport which serves, or offers to serve, any common carriers engaged in air transport.

(6) ALLEY. A public or private way affording only secondary means of access to the abutting property.

(7) AUTOMOBILE WRECKING YARD. Any premises on which more than one (1) self-propelled vehicle, not in running or operating condition, is stored in the open.

(8) BASEMENT. A story partly or wholly underground.

(9) BED AND BREAKFAST. An establishment or place of lodging that provides eight (8) or fewer rooms for rent to no more than a total of twenty (20) tourists or other transients for more than ten (10) nights in a 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.

(10) BILLBOARD. A large advertising sign without size limitations.

(11) BLOCK. That property abutting on one (1) side of a street between the two (2) nearest intersecting streets, railroad right-of-way, or natural barriers; provided, however, that where a street curves so that any two (2) chords thereof form an angle of 120 degrees or less, measured on the lot side, such curve shall be considered as an intersecting street.

(12) BOARDING HOUSE. A building or premises where meals are served and lodging provided by pre-arrangement for definite periods of time for compensation for three (3) or more persons, and not exceeding 20 persons, not open to transients, in contradistinction to hotels and restaurants open to transients.

(13) BOATHOUSE. Any structure designed for the purpose of protecting or storing boats for noncommercial purposes. Boathouses shall not be used for human habitation.

(14) BOAT LIVERIES. Establishments offering the rental of boats and repairs and fishing equipment.

(15) BUILDING. Anything constructed and designed to stand more or less permanently and occupying a space of land. When a building is separated by division walls without openings, from the ground up, each portion of such building shall be deemed a separate building.

(16) BUILDING, FRONT OF. That side of a building which faces toward the principal road, street, highway or way serving the same.

(17) BUILDING SITE. The space or area of ground upon which a building is to be erected, which it will exactly cover.

(18) CAMPGROUND. A parcel or tract of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by four or more camping units, or by one to three camping units if the parcel or tract of land is represented as a campground.

(19) CAMPING UNIT. For the purposes of this ordinance a camping unit is a sleeping unit, such as a tent or recreational vehicle or part thereof, which is used to house person(s) on a temporary basis and shall not be considered a structure as defined in this ordinance.

(20) CHARCOAL DISTILLATION PLANT. A structure in which wood is charred and from which the gases are permitted to escape during the process.

(21) CLUB. An association of persons for some common purposes, but not including groups organized primarily to render a service which is customarily carried on as a business.

(22) CLUSTER DEVELOPMENT. A PUD that concentrates buildings or lots on a parcel to allow the remaining lands to be preserved as open space for agricultural, recreational, and environmental resource protection and other open space uses. A Cluster Development is further defined as the creation of not more than three (3) lots in a five (5) year period on a parcel, or as provided in an applicable comprehensive plan(s), or the provisions set forth in the Sauk County Agricultural Preservation Plan, whichever is more restrictive. A Cluster Development is inclusive of a PUD Development Area and a PUD Preservation Area.

(23) COMPREHENSIVE PLAN. A community plan which has been developed and adopted in accordance with Wis. Stats. § 60.22 (3), 62.23 (2) or (3) or 66.1001.

(24) CONDITIONAL USE PERMIT. A permit issued by the Agency pursuant to Section 1.09(4) and 1.07(3) that authorizes the establishment of a PUD if the requirements of this Ordinance and the Land Division and Subdivision Ordinance can be met and shall be revocable if the conditions placed on the use of the land are violated.

(25) CONSERVATION SUBDIVISION. A PUD housing development in a rural setting that is characterized by compact lots and common open

space, and where the natural features of land are maintained to the greatest extent possible. A Conservation Subdivision shall be further defined as the creation of four (4) lots or more in a five (5) year period on a parcel or as further defined in the applicable comprehensive plan(s).

(26) COTTAGE INDUSTRY. Any activity undertaken for gain or profit and carried on in a dwelling, or building accessory to a dwelling, by members of the family residing in the dwelling and one (1) additional unrelated person. The cottage industry should be incidental to the residential use of the premises. The production, sale, offering of services, and keeping of stock-in-trade is allowed provided that no article is sold to walk in, retail customers, except that which is produced by the cottage industry on the premises. No activity is allowed that might result in excessive noise, smoke, dust, odors, heat, or glare beyond that which is common to a residential and/or agricultural area. No activity is allowed which involves the use or manufacture of products or operations that are dangerous in terms of risk of fire, explosion, or hazardous emissions.

(27) DENSITY. A ratio describing the net acreage required to establish a dwelling unit and its accessory buildings on a given parcel of land as permitted by the applicable zoning district in which the parcel lies, as well as the applicable comprehensive plan(s) or provisions set forth in the Sauk County Agricultural Preservation Plan, whichever is more restrictive.

(28) DENSITY CREDIT. A point system utilized as part of the application of a PUD Cluster Development or Conservation Subdivision derived by assigning a value of one (1) credit to each lot that can be created, as determined by the applicable zoning district's minimum lot size or comprehensive plan(s), whichever is more restrictive, and rounded down to the nearest whole number.

(29) DENSITY POLICY. A ratio describing the net acreage required to establish a lot or dwelling unit on a given parcel of land as permitted by the applicable zoning district in which the parcel lies as well as the applicable comprehensive plan(s) or provisions set forth in the Sauk County Agricultural Preservation Plan, whichever is more restrictive.

(30) DEPARTMENT. Town of Fairfield Planning and Zoning Committee.

(31) DEPENDENCY LIVING ARRANGEMENT. A physical arrangement of a dwelling unit in which separate living spaces are created within a dwelling unit for the sole purpose of allowing a related dependent person to live in the secondary living area while the owner and his or her family resides in the principle living area. The secondary living area may contain a bath and limited kitchen facilities which permit a degree of independence.

(32) DEPENDENT. As it pertains to dependency living arrangements, an individual who requires assistance in the activities of daily living such as eating, dressing, bathing and ambulation.

(33) DISTRIBUTOR. A dealer who distributes goods to consumers and/or businesses, but whose place of business is not open to customers for retail or wholesale sales.

(34) DISTRICT. A section or sections of the Town of Fairfield for which the regulations governing the use of land and buildings are uniform.

(35) DWELLING, SINGLE-FAMILY. A detached building designed for and occupied exclusively by one (1) family.

(36) DWELLING, MULTIPLE FAMILY. A building or portion thereof used or intended to be used by two (2) or more families living independently of each other.

(37) DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

(38) EXCEPTION. The use of property, including the use and location of buildings, the size of lots and the dimensions of required yards, otherwise not allowable under the terms of this ordinance, which is permissible by reason of special provisions of this ordinance, or for which a special permit may be issued by the Fairfield Town Board, under conditions specified in this ordinance.

(39) FAMILY. Any number of individuals related by blood, adoption, or marriage, not to exceed five (5) persons not so related, living together on the premises as a single housekeeping unit, including any domestic servants.

(40) FARM. A land area devoted to the production of agricultural products, forest products under a forestry plan, game, stock-raising, dairying and crop cultivation which may include vegetables, fruits and grains. Land preserved as open space

under an approved conservation plan will be included as part of this definition.

(41) FARM CONSOLIDATION. An act combining two or more farms to create a smaller number of farms.

(42) FARM OPERATOR. The owners or other persons engaged in managing a permitted or conditional use on a farm.

(43) FLOOR AREA. The area within the outer lines of the exterior walls of a building, at the top of the foundations 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 unenclosed porches, or terraces.

(44) FOREST PRODUCTS. Products obtained from stands of forest trees which have been either naturally or artificially established.

(45) FUR FARMS. Any property comprising land or buildings or both, used for the purpose of raising or harboring fur bearing animals including those defined in Wis. Stat. § 29.01(3)(c) , and also including chinchillas and other fur bearing animals, if any, whether the animals are kept for breeding or slaughtering and pelting purposes.

(46) GARAGE, PUBLIC. A building or portion thereof used for the housing or care of motor vehicles for the general public where any such vehicles are equipped or repaired for remuneration or kept for hire or sale.

(47) HIGHWAY. See STREET.

(48) HIGHWAY, INTERSECTING. A highway of any political jurisdiction which forms one (1) or more legs of an interchange with another highway and to which access is only partially controlled.

(49) HOME OCCUPATION. A gainful occupation conducted by members of the family only, within its place of residence, provided that the space used is incidental to residential use and that no article is sold or offered for sale except such as produced by such home occupations.

(50) HOTEL. A building where lodging with or without meals is furnished to transients for compensation and containing more than four (4) sleeping rooms and having no cooking facilities in any individual lodging.

(51) JUNK. Garbage, waste, refuse, trash, any used motor vehicle upon which no current license plate is displayed, any inoperable motor vehicle, any used tire or used motor vehicle part, any

inoperable machinery, and any scrap material, such as metal, paper, rags, cans or bottles. Junk shall not apply to farm machinery owned by the farm operator of an operating farm.

(52) JUNKYARD. An area where used, secondhand, waste, junk, or scrap materials are bought, sold, handled, stored or disassembled, including, but not limited to, metals, paper, rags, tires, bottles, scrap iron, machines or automobiles. It includes two (2) or more inoperative or unlicensed automobiles, motor vehicles or tractor/trailers, or any inoperable machinery or equipment. A junkyard does not include uses established entirely within enclosed buildings.

(53) LANDFILL. A solid waste land disposal site or facility, not classified as a landspreading facility or a surface impoundment facility, where solid waste is disposed on land without creating nuisances or hazards to public health or safety, by utilizing the principles of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at such intervals as may be necessary.

(54) LESS RESTRICTED. The use of land or buildings first permitted in a certain district is less restricted than other uses first permitted in districts appearing earlier in the numerical order in which such districts are numbered in this ordinance.

(55) LODGING HOUSE. All lodging places, tourist cabins, cottages and houses, other than hotels and motels, in which sleeping accommodations are offered for pay to tourists or transients, for less than thirty (30) continuous days. It does not include private boarding or rooming houses, not accommodating tourists or transients, or bed and breakfast establishments.

(56) LOT. A parcel of land occupied by or designed to provide space necessary for one main building and its accessory buildings or uses that abuts a publicly dedicated street. A lot shall be created by a subdivision plat, or certified survey map, or a parcel described in a conveyance recorded with the Sauk County Register of Deeds, which complies with the minimum size requirements pursuant to the applicable zoning district designation in effect at the time of the land division or recording of the conveyance. No land included in any street, highway, or railroad right-of-way shall be included when computing the area for minimum lot sizes. No street, highway, easement, railroad right-of-way,

river, stream or water body shall constitute a break in contiguity.

(57) LOT OF RECORD. A land area designated in a subdivision plat, plat of survey, or certified survey map, or described in a conveyance recorded in the Sauk County Register of Deeds office which complied with zoning laws in existence when the property was originally divided and/or recorded but which no longer complies with the current minimum land area within the applicable zoning district. Such land area shall be occupied by or designed to provide space necessary for one main building and its accessory buildings or uses.

(58) LOT, CORNER. A lot located at the intersection of two (2) streets, any two (2) corners of which have an angle of 120 degrees or less, or is bounded by a curved street, any two (2) chords of which, on the inside of the curve, form an angle of 120 degrees or less.

(59) LOT, INTERIOR. A lot which is not a corner lot.

(60) LOT WIDTH. For purposes of this ordinance the width of a lot shall be the shortest distance between the side lines at the setback line.

(61) MOBILE HOME. A detached single-family dwelling transportable on its own chassis in one (1) unit that is designed for permanent residential use, with or without a foundation, when connected to required utilities. This definition by its nature does not include double-wide units which are not transportable on their own chassis.

(62) MOBILE HOME PARK. An area or premises on which is provided the required space for the accommodation of trailers or mobile homes, together with the necessary accessory buildings, driveways, walks, screening and other required adjuncts.

(63) MORE RESTRICTED. The use of land or buildings first permitted in a certain district is more restricted than other uses first permitted in districts appearing later in the numerical order in which such districts are numbered in this ordinance.

(64) MOTEL. A building or group of buildings containing rooms which are offered for compensation for the temporary accommodation of transients, and where there is not permanent occupancy of any unit except by the owner, his agent or his employees.

(65) NONCONFORMING USE. A building or premises occupied by a use that does not

conform with the regulations of the district in which it is situated.

(66) PARCEL. A contiguous quantity of land in the possession of an owner, single or common interest. No street, highway, easement, railroad right-of-way, river, stream or water body shall constitute a break in contiguity.

(67) PARK, AMUSEMENT. An area, publicly or privately owned, containing amusement or recreational facilities and devices, whether operated for profit or not.

(68) PARK, PUBLIC. An area owned by the Town or within the Town, operated for the convenience and recreation of the public, and containing such facilities as the owning municipality shall see fit.

(69) PARKING LOT. A lot where automobiles are parked or stored temporarily, but not including the wrecking of automobiles or other vehicles or storage for the purpose of repair or wrecking.

(70) PERSON. Except where otherwise indicated by the context, the word "person" shall include the plural, or a company, firm, corporation or partnership.

(71) PLANNED UNIT DEVELOPMENT (PUD). One or more lots or parcels of land to be developed as a single entity, the plan for which may propose intensity increases, mixing of land uses, open space conservation, or any combination thereof, but which still corresponds to the applicable zoning districts density and use requirements. For the purposes of this ordinance, the terms Planned Unit Development and PUD shall be interchangeable and have the same meaning.

(72) POND OR LAKE. Any naturally occurring or artificially created structure of 100 square feet or more which impounds surface water all or part of the year.

(73) PRESERVATION AREA EASEMENT. A legal agreement recorded with the Sauk County Register of Deeds which conveys an interest in real estate imposing limitations and affirmative obligations on the type and amount of development that may take place on a property. For the purposes of this ordinance said easement shall apply to PUD Preservation Areas as part of a PUD.

(74) PRINCIPAL CONSERVATION AREA. Areas identified as part of a PUD that contain productive agricultural or environmentally and culturally sensitive lands that significantly

contribute to the economic and natural resource base of the rural community. Because of their importance or State and Federal use restrictions, these areas shall be protected from residential development and shall include the following:

(a) Economically productive farmland as determined by the 1977 Soil Survey of Sauk County, Wisconsin with a land capability class I that either currently is or could be used for cropland in a contiguous quantity of 5 acres or more, regardless of ownership.

(b) Wetlands identified by the Wisconsin Wetland Inventory Map in accordance with Wis. Stat §23.32 and Section 8.10.

(c) Lakes, rivers, perennial and intermittent rivers or streams as identified on a USGS Map.

(d) Floodplains as identified by referring to the maps and studies identified within Section 9.03(2).

(e) Any historical or archaeological site listed on the Wisconsin Archaeological and Historic Resource Database (WisAHRD) by the Wisconsin Historical Society.

(75) PROFESSIONAL OFFICE. The office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician, or other recognized profession.

(76) PUBLIC HEARING. A public meeting whose time and place is published according to a Class II notice as specified in Wis. Stat. ch. 985. A copy of such notice shall be mailed by certified mail to the clerk of all towns within 1,000 feet of the proposed use, at least ten (10) days prior to the hearing date.

(77) PUD DEVELOPMENT AREA. Developed lands as part of a PUD identified as the area to be improved so as to accommodate structural development and which includes roads and utilities, public or private, the area and number of lots permitted therein being calculated by the net acreage required for said improved area as expressed by the application of a density policy.

(78) PUD PRESERVATION AREA. Undeveloped lands as part of a PUD identified as the balance of lands remaining once PUD Development Areas are designated, the area of which is expressly calculated as the difference of lands remaining after the application of a density policy and further, that such lands are placed under a Preservation Area Easement.

(79) RECREATION CAMP. An area containing one (1) or more permanent buildings designed or intended to be used for the accommodation of members of associations or groups for planned programs of recreational, educational, or cultural activities. Minimum square footage requirements as set forth in Section 1.08(3)(d) shall not be applied to each structure individually; rather a cumulative building total for the recreation camp of 1,250 square feet shall be required.

(80) RECREATIONAL VEHICLE means any of the following: Travel trailer means a vehicular, portable structure built on a chassis and on wheels; that is between ten (10) and 36 feet long, including the hitch and eight (8) feet or less in width; designated to be used as a temporary dwelling for travel, recreational, vacation or other uses and towed by a motor vehicle. It includes so-called fifth-wheel units.

Pickup coach means a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, vacation or other uses.

Motor home means a portable, temporary dwelling to be used for travel, recreation, vacation, or other uses, constructed as an integral part of a self-propelled vehicle.

Camping trailer means a canvas or folding structure mounted on wheels and designed for travel, recreation, vacation or other uses.

(81) RENDERING PLANT. A plant for reduction of dead animals, or slaughtered animals not suitable for human consumption, to by-products such as hide, skin, grease, bones, glue and soap, and for the storage of such by products.

(82) RESORT. An establishment of a building or group of buildings where living accommodations are furnished to the public for recreational or education purposes. Minimum square footage requirements as set forth in Section 1.08(3)(d) shall not be applied to each structure individually; rather a cumulative building total for the resort of 1,250 square feet shall be required.

(83) RIDING STABLE. A building or premises used for the rent or lease of horses or animals for riding.

(84) ROADSIDE STAND. A structure having a ground area of not more than 300 square feet, not permanently fixed to the ground, readily removable in its entirety, not fully enclosed and to be

used solely for the sale of farm products produced on the premises (or adjoining premises). There shall not be more than one (1) such roadside stand on any single premises.

(85) ROOMING HOUSE. Same as LODGING HOUSE.

(86) SAWMILL. A facility where logs are sawn into wood products. Sawmills that process only logs from the same farm on which the sawmill is located, as long as the farm is owned or leased in whole or in part by the sawmill owner, are exempt from the conditional use permit requirements contained in the Town of Fairfield Zoning Ordinance § 1.04, 1.05 and 1.06. Any written lease must be for a minimum period of three years.

(87) SECONDARY CONSERVATION AREA. Areas identified as part of a PUD that contain productive agriculture or environmentally and culturally sensitive lands that significantly contribute to the economic and natural resource base of the rural community. Because of their importance, these areas shall be substantially protected from residential development, and shall include the following:

(a) Economically productive farmland as determined by the 1977 Sauk County Soil Survey with land capability classes II and III that either currently is or could be used for cropland in a contiguous quantity of 5 acres or more, regardless of ownership.

(b) Steep slopes in excess of 20 percent.

(c) Large contiguous blocks of forestry in excess of 40 acres.

(d) Other natural or cultural elements of the site identified for preservation or protection by the Sauk County Agricultural Preservation Plan, the Wisconsin Department of Natural Resources Natural Heritage Inventory and applicable comprehensive plan(s).

(88) SERVICE STATION. Any building, structure or premises or other place used for the dispensing, sale or offering for sale of any motor fuel or oils having pumps and storage tanks; also where battery, tire and similar services are rendered, including buildings or premises where such business is incidental to the conduct of a public garage used for the repair or storage of motor vehicles.

(89) 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.

(90) 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.

(91) SHOOTING RANGE. A facility that engages in the activity of shooting (rifle, pistol, black powder, and where solid projectile ammunition is used), whether on private or public land. At established shooting ranges, shooting is to be the major purpose on the delineated area on a year round basis.

(92) SIGN. Anything erected, hung, suspended, painted or attached to any other structure, carrying words, letters, figures, phrases, sentences, names, designs, trade names or trademarks or any other device placed so as to be visible from a street or highway and calling attention to a business, trade, profession, commodity, product, person, firm or corporation.

(93) SIGN, DIRECTORY. A sign displaying the name of a person, commodity, home, farm, area or locality of interest, business or a kind of business or service conducted at a specific location, but not any general brands, products or services whether related or unrelated to such specific location. Such a sign may also display necessary brief directions, including the distance, which must be within one (1) mile, to the location to which it refers.

(94) SILAGE STORAGE UNITS. Any premises where vegetative materials not produced on-site are stored and where these materials are intended for sale. This includes, but is not limited to, food processing plant by-products.

(95) SLAUGHTERING HOUSE. Any building or premises used for the killing or dressing of cattle, sheep, swine, goats, horses or poultry, and the storage, freezing and curing of meat and preparation of meat products.

(96) SPECIAL EXCEPTION PERMIT. A permit issued by the Sauk County Board of Adjustment pursuant to the provisions and authorities provided in the Sauk County Code of Ordinances.

(97) STORY. The vertical distance between the surface of any floor and the floor next

above it, or if there be no floor above it, the space between such floor and the ceiling next above it.

(98) STORY, HALF. A story under any roof except a flat roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four (4) feet above the floor of such story.

(99) STREET. A public or private thoroughfare which affords a primary means of access to abutting property. A driveway to a farm building shall not be considered a street for the purpose of determining setback, even though such driveway may have been designated a town road for the purpose of maintenance.

(100) STREET LINE. The dividing line between a street and the abutting lot.

(101) STRUCTURAL ALTERATIONS. Any change in the supporting members of a structure such as bearing walls, columns, beams or girders, footings and piles.

(102) STRUCTURE. Anything 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.

(103) SUSTAINED YIELD FORESTRY. The management of forest lands to provide annual or periodic crops of forest products. (103)

TEMPORARY STRUCTURE. A movable structure not designed for human occupancy which may be used for the protection of goods or chattels.

(104) 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.

(105) TOURIST COURT. See MOTEL.

(106) TOURIST OR TRANSIENT. Any person who travels to a location away from his or her permanent residence for a short period of time for vacation, pleasure, recreation, culture, business or employment.

(107) TRAILER. See MOBILE HOME.

(108) TRUCK TERMINAL. Buildings or lands which are used for the storage or distribution of freight or goods by a common carrier.

(109) USE CONSISTENT WITH AGRICULTURAL USE. An activity that meets all of the following conditions: (a) The activity will not convert land that has been devoted primarily to agricultural use, (b) The activity will not limit the surrounding land's potential for agricultural use, (c)

The activity will not conflict with agricultural operations on the land subject to a farmland preservation agreement, and (d) The activity will not conflict with agricultural operations on other properties.

(110) VARIANCE. A departure from the terms of this ordinance as applied to a specific building, structure or parcel of land, which the Fairfield Town Board 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.

(111) 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.

(112) WATER LINE. The shortest straight line that lies wholly within a lake or stream lot, provided that not less than 75 percent (75%) of the total length of such line shall be on, or on the landward side of, the ordinary high water mark of such lake or stream.

(113) YARD. An open space on a lot, on which a building is situated, unoccupied except as otherwise provided in this ordinance, open and unobstructed from the ground to the sky by structures.

(114) 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.

(115) 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 (1) side of the main building the side yard requirements shall be the same for the accessory building as required for the main building.