

VILLAGE OF NEW AUBURN ZONING ORDINANCE

The Village Board of the Village of New Auburn, Chippewa County and Barron County, Wisconsin does hereby ordain as follows:

Chapter 22 of the Code of Ordinances is hereby created to read as follows:

CHAPTER 22

ZONING

22.01 TITLE. This Ordinance shall be known as, referred to, and cited as the "Village of New Auburn Zoning Ordinance" and is hereinafter referred to as the "Ordinance".

22.02 INTENT AND PURPOSE. The general intent and purpose of this Ordinance is to:

- (1) Promote the public health, safety, comfort, convenience, and general welfare of the citizens of the Village of New Auburn.
- (2) To protect and conserve the natural resources of the Village by the most appropriate use of land.
- (3) To protect and conserve the social character and economic stability and preserve property values.
- (4) To prevent the overcrowding of land and undue congestion of population.
- (5) To provide adequate light, air and convenient access to property by regulating the use of land and buildings and the bulk of structures in relationship to surrounding properties.
- (6) To provide adequate and efficient public services such as roads, water and sewer, schools, and police and fire protection.
- (7) To encourage the use of land and buildings which are compatible with nearby existing and planned land uses, and to prohibit and control existing land uses deemed incompatible with nearby land uses.
- (8) To prevent harm to persons and property by flood, fire, explosion, toxic fumes or other hazards.
- (9) To protect the traffic-carrying capacity of existing and proposed arterial streets and highways.

- (10) To regulate parking and loading so as to lessen congestion and promote the safety and efficiency of streets and highways.

22.03 RELATIONSHIP WITH OTHER LAWS. Where the conditions imposed by any part of this ordinance upon the use of land or buildings or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this Ordinance or any other laws, ordinances, resolutions, rules or regulations of any kind, the regulations which are more restrictive (or impose higher standards of requirements) shall be enforced.

22.04 SCOPE OF REGULATIONS. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof, shall hereafter be erected, converted, enlarged, constructed, moved or structurally altered unless in conformity with all the regulations herein specified for the district in which it is located.

22.05 MINIMUM REQUIREMENTS. The provisions of this Ordinance shall be held to be the minimum requirements for carrying out the intent and purpose as defined in Section 22.02.

22.06 EFFECT ON EXISTING AGREEMENTS. It is not intended by this Ordinance to repeal, annul, impair, or interfere with any existing easements, covenants, deed restrictions, written agreements, ordinances (except as specified in Section 22.08), rules, regulations, or permits previously adopted or issued pursuant to law. However, wherever this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

22.07 SEPARABILITY. It is hereby declared to be the intention of this Village that the several provisions of this Ordinance are separable, in accordance with the following:

(1) If any court of competent jurisdiction shall declare any provisions of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in such ruling.

(2) If any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular property, building or other structure, such ruling shall not affect the application of such provision to any other property, building or structure not specifically included in such ruling.

22.08 REPEAL. All other ordinances or parts of ordinances of the Village inconsistent or conflicting with the provisions of this ordinance to the extent of the inconsistency only, are hereby repealed.

22.09 GENERAL INTERPRETATION. The following rules of construction apply to this Ordinance:

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 "shall" is mandatory and not directory. The word "person" includes an individual, all partnerships, associations, and bodies political and corporate. The word "lot" includes the word "plot" or "parcel" or "tract". The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended", "arranged", or "designed to be used or occupied".

22.10 DEFINITIONS. The following terms, for purposes of this Ordinance, shall have the meaning stated below:

22.10(1) Abutting. Have a common property line or district line.

22.10(2) Acre, Net. The actual land devoted to the land use, excluding public streets, public lands or unusable lands, and school sites contained within 43,560 square feet.

22.10(3) Alley. A public way which affords only a secondary means of access to abutting property.

22.10(4) Accessory Apartment. A separate complete housekeeping unit that is substantially contained within the structure of a single-family dwelling, but can be isolated from it.

22.10(5) Apartment. A suite of rooms or a room in a multiple dwelling which suite or room is arranged, intended, or designed to be occupied as a residence of a single family, individual, or group of individuals, with separate facilities and utilities which are used or intended to be used for living, sleeping, cooking and eating.

22.10(6) Accessory Use or Structure. A use or detached structure subordinate to the principal use of a structure, land, or water and located on the same lot or parcel, and serving a purpose customarily incidental to the principal use or the principal structure, which includes yardbarns. (See also "minor structure")

22.10(7) Antenna. A device used to receive or send broadcasts either as over the air signals from transmitters, including fixed television or radio signals, or microwave signals from earth orbiting communication satellites.

22.10(8) Antenna, Earth Station Dish. A dish-shaped antenna designed to receive television broadcasts relayed by microwave signals from earth-orbiting communication satellites.

22.10(9) Automobile Wrecking Yard. Any premises on which two (2) or more self-propelled vehicles not in running order or operating condition are stored in the open.

22.10(10) Basement. A portion of a building with the floor located below the mean grade level. For the purpose of this Ordinance, any such basement with more than four

(4) feet above grade level shall be counted as a story. No dwelling unit shall be situated in a basement having less than four (4) feet above grade level.

22.10(11) Bed and Breakfast Establishment. An owner-occupied, single-family dwelling unit at which overnight sleeping accommodations are offered to travelers by the owner.

22.10(12) Block. A tract of land bounded by streets or by a combination of streets and public parks or other recognized lines of demarcation.

22.10(13) Board. The Board of Appeals, as provided in Section 22.24 of this Ordinance.

22.10(14) Boarding House. A building other than a hotel or restaurant where meals or lodging are regularly furnished by pre-arrangement for compensation for three (3) or more persons not members of a family, but not exceeding twelve (12) persons and not open to transient customers.

22.10(15) Buffer Zone. A designated neutral area designed to separate conflicting land uses. A natural vegetative screening of trees, shrubs or other plantings is usually employed in such a designated area.

22.10(16) Buildable Lot Area. The portion of a lot remaining after required yards have been provided.

22.10(17) Building. Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery or materials. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building.

22.10(18) Building, Detached or Accessory. A building surrounded by open space on the same lot.

22.10(19) Building, Heights of. The vertical distance from the average curb level in front of the lot or the finished grade at the building line, whichever is higher, to the highest point of the coping of a flat roof, to the deck line of a mansard roof or to the average height of the highest gable of a gambrel, hip or pitch roof.

22.10(20) Building, Principal. A building in which the principal use of the lot on which it is located is conducted.

22.10(21) Business. An occupation, employment or enterprise which occupies time, labor and materials, or wherein merchandise is exhibited or sold, or where services are offered.

22.10(22) Carport. An automobile shelter having one or more sides open.

22.10(23) Channel. Those woodlands normally occupied by a stream of water under average annual highwater flow conditions while confined within generally well established banks.

22.10(24) Clinic. An establishment for medical examination and treatment of patients, but without provisions for keeping such patients overnight on the premises (except for veterinary clinics). For purposes of this Ordinance, a doctor's or dentist's office in a residence, when it complies with the requirements of this Ordinance relating to such office shall not be considered a clinic, but any doctor's or dentist's office which is not part of his home, or the office of two or more doctors or dentists, whether in a residence or not, shall be considered a clinic.

22.10(25) Club or Lodge. A building or portion thereof or premises owned by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

22.10(26) Community Living Arrangement. The following facilities licensed or operated or permitted under the authority of the Wisconsin State Statutes: Child welfare agencies under Section 48.60, group foster homes for children under Section 48.02(7m) and community-based residential facilities under Section 50.01, but does not include day care centers, nursing homes, general hospitals, special hospitals, prisons and jails. The establishment of a community living arrangement shall be in conformance with applicable Sections of the Wisconsin State Statutes, including Sections 46.03(22), 59.97(15), 62.23(7)(i) and 62.23(7)(a), and amendments thereto, and also the Wisconsin Administrative Code.

22.10(27) Conditional Use. A use, either public or private, which because of its unique characteristics, cannot be properly classified as a permitted use in a particular district or districts, and therefore, may be permitted in such district or districts only by Conditional Use Permit.

22.10(28) Conservation Standards. Guidelines and specifications for soil and water conservation practices and management enumerated in the Technical Guide, prepared by the USDA Soil Conservation Service for Chippewa County and Barron County respectively, adopted by the County Soil and Water Conservation District Supervisors, and containing suitable alternatives for the use and treatment to land based upon its capabilities from which the landowner selects that alternative which best meets his/her needs in developing his/her soil and water conservation.

22.10(29) Controlled Access Arterial Street. The condition in which the right of owners or occupants of abutting land or other persons to access, light, air or view in connection with an arterial street is fully or partially controlled by public authority.

22.10(30) CSM. A Certified Survey Map is map of a land split prepared in accordance with Chapter 236, Wisconsin Statutes and Section 17.07 of these ordinances.

22.10(31) Development. Any man-made change to improved or unimproved real estate, including, but not limited to, construction of or additions or substantial improvements to buildings, other structure, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations or disposition of materials.

22.10(32) District, Basic. A part or parts of the Village for which the regulations of this Ordinance governing the use and location of land and building are uniform.

22.10(33) District, Overlay. Overlay districts, also referred to herein as regulatory areas, provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. In the instance of conflicting requirements, the more strict of the conflicting requirements shall apply.

22.10(34) Dwelling. A building designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotels, tents, cabins or mobile homes.

22.10(35) Dwelling Unit. Any room or group of rooms located within a dwelling and forming a single habitable unit, with facilities which are used or intended to be used for living, sleeping, cooking and eating.

22.10(36) Dwelling, Efficiency. A dwelling unit consisting of one (1) principal room with no separate sleeping rooms.

22.10(37) Dwelling, Single-Family. A detached building designed for or occupied by one (1) family.

22.10(38) Dwelling, Two-Family. A detached building containing two (2) separate dwelling (or living) units, designed for occupancy by not more than two (2) families. Often called a duplex.

22.10(39) Dwelling, Multiple-Family. A building or portion thereof used or designated as a residence for three (3) or more families as separate housekeeping units, including apartments, apartment hotels and town houses.

22.10(40) Essential Services. Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings.

22.10(41) Family. The body of persons related by blood, marriage or adoption, or not more than four (4) unrelated persons who live together in one dwelling unit as a single housekeeping entity.

22.10(41.5) Fence. A structure accessory to and customarily incidental to the principal use of a property. It is erected within a rear, side, or front yard as a barrier, divider, or enclosure. It must be constructed of materials manufactured for such purpose. Fences can be located on the property line but must comply with standards set forth in the zoning ordinance.

22.10(42) Floor Area (Business and Manufacturing Buildings). For the purpose of determining off-street parking and off-street loading requirements, the sum of the gross horizontal areas of the floors of the building, or portion thereof, devoted to a use requiring off-street parking or loading. This area shall include elevators and stairways, accessory storage areas located within selling or working space occupied by counters, racks or closets and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, floor area, for the purposes of determining off-street parking spaces, shall not include floor area devoted primarily to storage purposes except as otherwise noted herein.

22.10(43) Foster Family Home. The primary domicile of a foster parent which is four (4) or fewer foster children and which is licensed under Section 48.62 of the Wisconsin Statutes and amendments thereto.

22.10(44) Frontage. All the property abutting on one (1) side of a street between two (2) intersecting streets or all of the property abutting on one (1) side of a street between an intersecting street and the dead end of a street.

22.10(45) Garage, Private. A detached accessory building or portion of the principal building, designed, arranged, used or intended to be used for storage of automobiles of the occupant of the premises. Carports are considered garages.

22.10(46) Garage, Public. Any building or portion thereof, not accessory to a residential building or structure, used for equipping, servicing, repairing, leasing or public parking of motor vehicles.

22.10(47) Gasoline Station. Any area of land, including structures thereon, that is used for the sale of gasoline or other motor vehicle fuel, and oil or other lubrication substances; sale of motor vehicle accessories; and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, dry cleaning or otherwise cleaning such vehicles.

22.10(48) Grade. When used as a reference point in measuring height of building, the "grade" shall be the average elevation of the finished ground at the exterior walls of the main building.

22.10(49) Gross Floor Area (Residential). The square footage of each story of a dwelling. The basement area of a dwelling can be considered in the floor area calculation if the basement floor has an at-grade access.

22.10(50) Group Foster Home. Any facility operated by a person required to be licensed by the State of Wisconsin under State Statute Section 48.62 for the care and maintenance of five (5) to eight (8) foster children.

22.10(51) Home Occupations. Any occupation for gain or support conducted entirely within a building by resident occupants and no more than one non-resident person, which is incidental to the principal use of the premises; does not exceed fifty percent (50%) of the area of any above ground living area; has no article offered for sale except such as is produced by such home occupation; and meets all of the conditions of Section 22.18 of this Ordinance. Examples of home occupations are: child care, millinery, canning, dressmaking, dentists, architects, landscape architects, registered land surveyors, lawyers and teachers.

22.10(52) Hospital. An institution intended primarily for the medical diagnosis, treatment and care of patients being given medical treatment. A hospital shall be distinguished from a clinic by virtue of providing for 24-hour patient care.

22.10(53) Hotel. A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five (5) sleeping rooms with no cooking facilities in any individual room or apartment.

22.10(54) Housing for the Elderly. A dwelling unit or units designed and constructed to be occupied by elderly persons. An elderly person is a person who is 62 years of age or older on the date such person intends to occupy the premises, or a family, the head of which, or his spouse, is an elderly person as defined herein.

22.10(55) Institution. A building occupied by a non-profit corporation or a non-profit establishment for public use.

22.10(56) Interchange. A grade-separated intersection with one (1) or more direct connections for vehicular travel between the intersecting streets or highways.

22.10(57) Junk. Any scrap, waste, reclaimable material or debris, where or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition. Junk includes, but is not limited to, vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, brush, wood and lumber.

22.10(58) Junkyard. Any area, lot, land, parcel, building or structure or part thereof used for the storage, collecting, processing, purchase, sale or abandonment of wastewater, rags, scrap metal or other scrap or discarded goods, materials, machinery or two (2) or more unregistered, inoperable motor vehicles or other type of junk.

22.10(59) Land Development Activity. The construction of buildings, roads, parking lots, paved storage areas and similar facilities.

22.10(60) Land Disturbing Activity. Any man-made change of the land surface including removing vegetation cover, excavating, filling and grading, but not including agricultural activities such as planting, growing, cultivating and harvesting of crops; growing and tending of gardens; harvesting of trees; and landscape modifications.

22.10(61) Landowner. Any person holding title to or having an interest in land.

22.10(62) Land User. Any person operating, leasing, renting, or having made other arrangements with the landowner by which the landowner authorizes use of his or her land.

22.10(63) Loading Area. A completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

22.10(64) Lodging House. A building where lodging only is provided for compensation for not more than three (3) persons not members of the family.

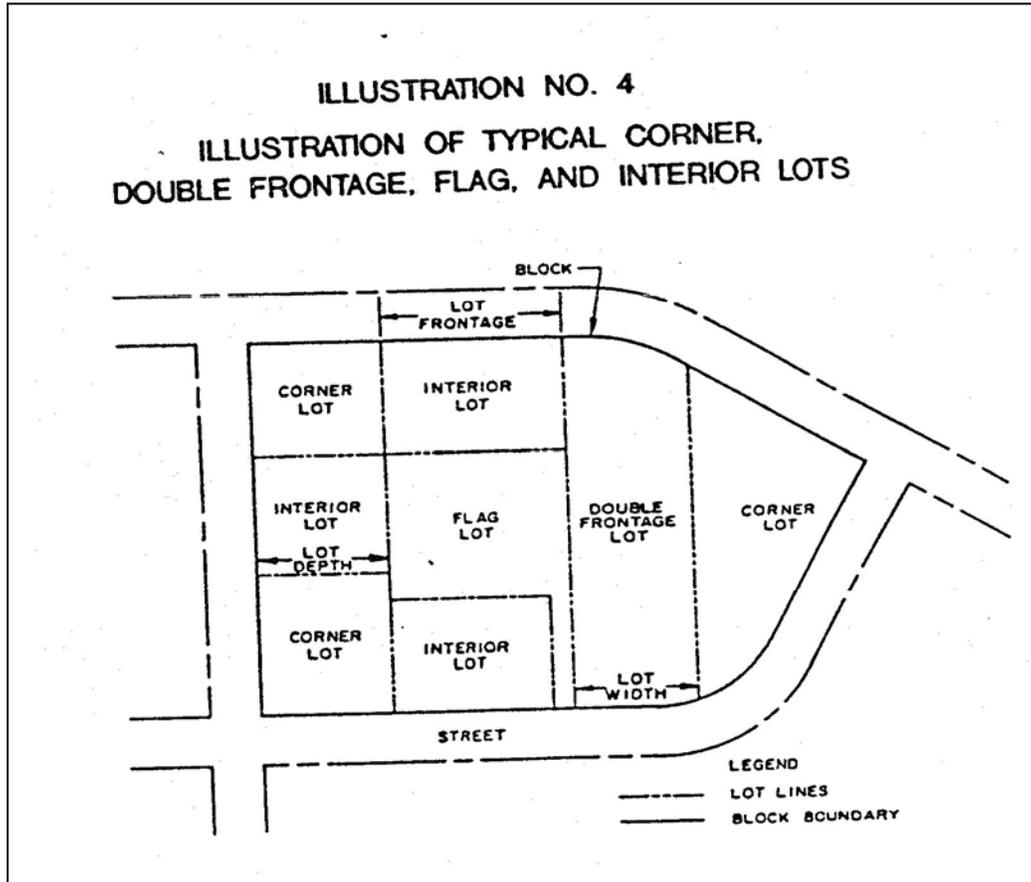
22.10(66) Lot. A division of land occupied or designed to be occupied by one building and its accessory buildings or uses, including open spaces required by this Ordinance. A lot may be a parcel of land designated in a plat laid out prior to the effective date of this amendment, whether or not such division abuts a public street or other officially approved place recorded in the Office of the Register of Deeds, or any part of a larger division when such parts comply with the requirements of this Ordinance as to width and area for the district in which it is located. No land included in any street, highway or railroad right-of-way, dedicated to the public or reserved for roadway purposes, shall be included in the computation of lot size.

A lot for purposes of this ordinance, may differ from a "lot" as shown on a plat. Example: Platted lots may be subdivided or combined by Certified Survey Map pursuant to Section 17.07. Thereafter, the lot created by such lot divisions, shall be considered a lot for purposes of this ordinance.

22.10(66) Lot, Corner. A lot abutting two (2) or more streets at their intersection provided that the corner of such intersection shall have an angle of one hundred thirty-five degrees (135°) or less, measured on the lot side. (See illustration #4)

22.10(67) Lot, Interior. A lot situated on a single street which is bounded by adjacent lots along each of its other lines and is not a corner lot.

ILLUSTRATION NO. 4
ILLUSTRATION OF TYPICAL CORNER,
DOUBLE FRONTAGE, FLAG, AND INTERIOR LOTS



22.10(68) Lot, Through. A lot which has a pair of opposite lot lines along two (2) substantially parallel streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

22.10(69) Lot, Substandard. A parcel of land held in separate ownership having frontage on a public street, or other approved means of access, occupied or intended to be occupied by a principal building or structure, together with accessory buildings and uses, having insufficient size to meet the lot width, lot area, yard, off-street parking areas or other open space provisions of this code as pertaining to the district wherein located.

22.10(70) Lot Coverage, Residential. The area of a lot occupied by the principal building or buildings and accessory building.

22.10(71) Lot Coverage (except Residential). The area of a lot occupied by the principal building or buildings and accessory buildings, including any driveways, parking areas, loading areas, storage areas and walkways.

22.10(72) Lot Line. A property boundary line of any lot held in single or separate ownership, except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the abutting street or alley right-of-way line.

22.10(73) Lot Lines and Area. The peripheral boundaries of a parcel of land and the total area lying within such boundaries.

22.10(74) Lot of Record. A platted lot of a recorded subdivision, certified survey map, or parcel of land for which the deed, prior to the adoption of this Ordinance, is on record with the Chippewa County Register of Deeds and which exists as described therein.

22.10(75) Lot Width. The horizontal distance between the side lot lines measured at the building setback line.

22.10(76) Minor Structures. Any small movable accessory erection or construction such as birdhouses, tool houses, pet houses, play equipment, yardbarns, arbors and walls under seven (7) feet in height and containing not more than 100 square feet in floor space areas. Such erection or construction shall be deemed structures, even if not permanently affixed to the ground.

22.10(77) Mobile Home. A manufactured home that is HUD certified and labeled under the National Manufactured Home Construction and Safety Standards Act of 1974 (U.S.C. Title 42, Chapter 70). A mobile home is a structure, which is, or was as originally constructed, designed to be transportable in one or more sections, which in traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein and any additions, attachments, annexes, foundations and appurtenances.

22.10(78) Mobile Home Lot. A parcel of land for the placement of a single mobile home and the exclusive use of its occupants.

22.10(79) Mobile Home Park. A parcel of land which has been developed for the placement of mobile homes and is owned by an individual, a firm, trust, partnership, public or private association, or corporation, and where individual lots are rented to individual mobile home users. A mobile home park is also any lot on which two (2) or more mobile homes are parked for the purpose of permanent habitation, regardless of whether or not a charge is made for such accommodation, and including any associated service, storage, recreation and other community service facilities designed for the exclusive use of park occupants.

22.10(80) Mobile Home Subdivision. A land subdivision, as defined by Chapter 236 of the Wisconsin Statutes and any Section of these Ordinances, with lots intended

for the placement of individual mobile home units. Individual homesites are in separate ownership as opposed to the rental arrangements in mobile home parks.

22.10(81) Modular Unit. A modular unit is a factory fabricated transportable building unit designed to be used by itself or to be incorporated with similar units at a building site into a modular structure to be used for residential, commercial, educational or industrial purposes.

22.10(82) Motel. A building or group of buildings containing rooms which are offered for compensation for the temporary accommodation of travelers or tourists.

22.10(83) Nonconforming Uses. Any structure, use of land, use of land and structure in combination or characteristics of use (such as yard requirement or lot size) which was existing at the time of the effective date of this code or amendments thereto and which is not in conformance with this code. Any such structure conforming in respect to use but in respect to frontage, width, height, area, yard, parking loading or distance requirements shall not be considered a nonconforming use, but shall be considered nonconforming with respect to those characteristics.

22.10(84) Nursing Home. An establishment used as a dwelling place by the aged, infirm, chronically ill or incurably afflicted, in which not less than three (3) persons live or are kept or provided for on the premises for compensation, excluding clinics and hospitals and similar institutions devoted to the diagnosis, treatment or the care of the sick or injured. A nursing home is subject to State-level licensing and operational limitations as set forth in Chapter 50 of the Wisconsin Statutes.

22.10(85) Open Sales Area. Any open land or area used or occupied for the purpose of displaying for sale new or secondhand merchandise, including, but not limited to, passenger cars or trucks, farm machinery, construction machinery, motor scooters or motorcycles, boats, trailers, aircraft and monuments. No repair work is done in such area except for incidental repair of items to be displayed and sold on the premises.

22.10(86) Outdoor Storage Areas. Any open land or area used for the purpose of storage of any product or part of a product either before, during or after manufacture, servicing, or repair, and not displayed for retail sale. This does not include open sales areas.

22.10(87) Parking Lot. A structure or premises containing five (5) or more parking spaces open to the public.

22.10(88) Parking Space. An off-street space available for the parking of a motor vehicle and which is held to be an area the dimensions of which are ten (10) feet by eighteen (18) feet or which covers one hundred eighty (180) square feet, exclusive of passageways and driveways appurtenant thereto and giving access thereto.

22.10(89) Parties in Interest. Includes all abutting property owners, all property owners within one hundred (100) feet, and all property owners with opposite frontages.

22.10(90) Places of Assembly. Places where people gather or congregate for amusement, worship, learning, etc. This includes schools, churches, theaters, playgrounds, etc.

22.10(91) Planning Commission. Where the phrase "Planning Commission" appears, this refers to the Planning Commission of the Village of New Auburn. The Planning Commission is appointed by the Village President and confirmed by the Village Board pursuant to Section 62.23, Wisconsin Statutes.

22.10(92) Planned Unit Development. A "planned unit development" is a tract of land which contains or will contain two (2) or more principal buildings, developed under single ownership or control; the development of which is unique and of a substantially different character than that of surrounding areas. A planned unit development allows for flexibility not available under normal zoning district requirements.

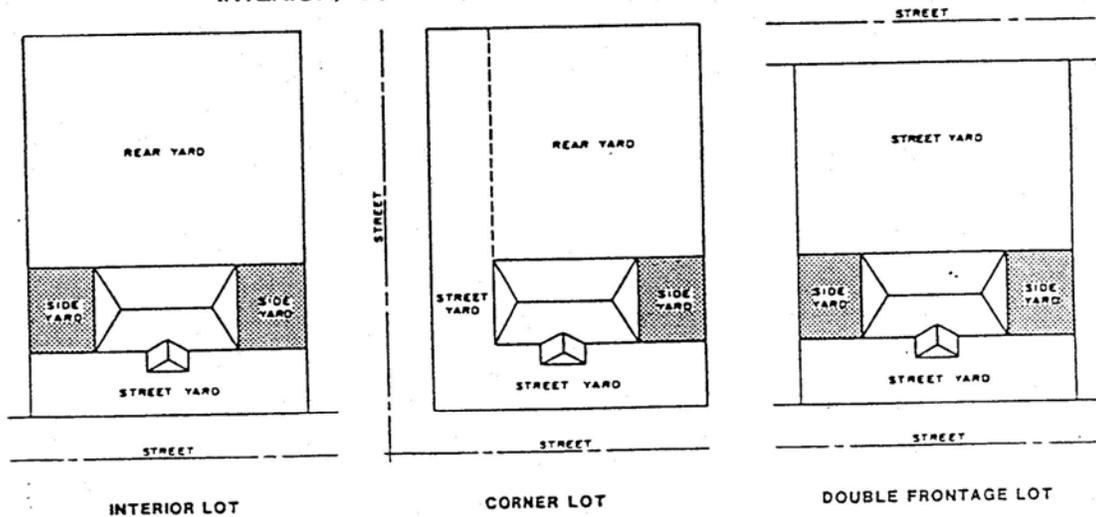
22.10(93) Premise. The area of land surrounding a structure and forming one enclosure with it.

22.10(94) Professional Home Offices. Residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians, or other recognized professionals, used to conduct their professions where the office does not exceed one-half (1/2) the area of only one (1) floor of the residence and only one (1) non-resident person is employed.

22.10(95) Public Airport. Any airport which complies with the definition contained in Section 114.002(18m), Wisconsin Statutes, or any airport which serves or offers to serve common carriers engaged in air transport.

22.10(96) Rear Yard. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard is opposite the street yard or one of the street yards on a corner lot. (See Illustration No. 5)

ILLUSTRATION NO. 5
 LOCATION OF YARDS ON TYPICAL
 INTERIOR, CORNER, AND DOUBLE FRONTAGE LOTS



22.10(97) Recreational Vehicle. Any vehicle or structure designed and used for temporary, seasonal human living quarters which meets all of the following qualifications: (a) is not used as the permanent residence of the owner or occupant; (b) is used for temporary living quarters by the owner or occupant while engaged in recreation or vacation activities; (c) is towed or self-propelled on public streets or highways incidental to such recreation or vacation activities; (d) examples of such vehicles include van campers, tent camping trailers, self-contained travel trailers, pick-up campers, camping buses, and self-contained, self-propelled truck chassis mounted vehicles providing living accommodations.

22.10(98) Recreational Vehicle Camp. A park, court, campsite, lot, parcel or tract of land designed, maintained or intended for the purpose of supplying the location or accommodations for any recreational vehicles as defined herein, and upon which said recreational vehicles are parked.

22.10(99) Restaurant. A business establishment consisting of a kitchen and dining room, whose primary purpose is to prepare and serve food to be eaten by customers seated in the dining room.

22.10(100) Restaurant, Drive-in. A business establishment consisting of a kitchen, with or without a dining room, where food is prepared and packaged to be eaten either off the premises or within automobiles parked on the premises.

22.10(101) Retail. The sale of goods or merchandise in small quantities to the consumer.

22.10(102) Roadside Stand. A structure having a ground area of not more than three hundred (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.

22.10(103) Rooming Unit. Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping , but not for cooking or eating purposes.

22.10(104) School. A building or group of buildings maintained by the public or by a private organization for the purpose of education and which is accredited by the State of Wisconsin. Schools include pre-school and grades kindergarten through twelve (12), but not trade schools that do not teach the state required courses for high school graduation in addition to the vocational instruction.

22.10(105) School, Commercial. A school limited to special instructions such as business, art, music, trades, handicraft, dancing or riding.

22.10(106) Setback. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Corner lots and double frontage lots have two (2) such yards. Uncovered steps shall not be included in measuring the setback. (See Illustration No. 5)

22.10(107) Sheltered Care Facility. A private home which provides separate sleeping accommodations and kitchen facilities for its occupants, but also maintains some means of contact with a central control office or building. This facility may include joint recreational and eating facilities.

22.10(108) Shopping Center. A concentration of retail stores and service establishments in a suburban area with generous parking space and planned to serve the community or a neighborhood.

22.10(109) Signs. Any medium, including its structure, words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity or product and which is visible from any public street or highway.

22.10(110) Story. That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof. A basement having one-half (1 /2) or more of its height above grade shall be deemed a story for purposes of height regulation.

22.10(111) Story, Half. That portion of a building under a gable, hip or mansard roof, the wall plates of which, on at least two (2) opposite exterior walls, are not more than four and one-half (4 1/2) feet above the finished floor of such story. In the case of one (1) family dwellings, two (2) family dwellings and multi-family dwellings less than three (3) stories in height, a half (1/2) story in a sloping roof shall not be counted as a story for the purposes of this code.

22.10(112) Street. Property other than an alley or private thoroughfare or travelway which is subject to public easement or right-of-way for use as a thoroughfare and which is twenty-one (21) feet or more in width.

22.10(113) Street, Arterial. A public street or highway intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways, as well as major thoroughfares, highways and parkways.

22.10(114) Structure. Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having a permanent location on the ground.

22.10(115) Structural Alterations. Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams or girders.

22.10(116) Temporary Structure. A movable structure not designed for human occupancy nor for the protection of goods or chattels and not forming an enclosure, such as billboards.

22.10(117) Unnecessary Hardship. The circumstances where special conditions, which were not self-created, affect a particular property and make strict conformity with the restrictions governing dimensional standards (such as lot area, lot width, setbacks, yard requirements, or building height) unnecessarily burdensome or unreasonable in light of the purpose of this Ordinance. Unnecessary hardship is present only where, in the absence of a variance, no feasible use can be made of the property.

22.10(118) Use. The purpose or activity for which the land or building thereof is designed, arranged or intended, or for which it is occupied or maintained.

22.10(119) Use, Accessory. A subordinate building or use which is located on the same lot on which the principal building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such building or main use, when permitted by district regulations. See also "accessory use or structure".

22.10(120) Use, Permitted. A "permitted use" is a use which maybe lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and standards of such district.

22.10(121) Use, Principal. The main use of land or building as distinguished from subordinate or accessory use.

22.10(122) Utilities. Public and private facilities, such as water wells, water and sewage pumping stations, water storage tanks, electrical power substations, static transformer stations, telephone and telegraphic exchanges, microwave radio relays and gas regulation stations, inclusive of associated transmission facilities, but not including sewage disposal plants, municipal incinerators, warehouses, shops, storage yards and power plants.

22.10(123) Variance. A departure from the terms of this Ordinance as applied to a specific building, structure or parcel of land, which the Board of Appeals may permit, contrary to the regulations of this Ordinance for the district in which such buildings, structure or parcel of land is located, when the Board of Appeals finds that a literal application of such regulation will affect 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 compensation or gain to the property and does not endanger the public health, safety or welfare.

22.10(124) Village Board. The Village of New Auburn Board of Trustees.

22.10(125) Vision Setback Area. An unoccupied triangular space at the intersection of highways or streets with other highways or streets or at the intersection of highways or streets with railroads. Such vision clearance triangle shall be bounded by the intersecting highway, street or railroad right-of-way lines and a setback line connecting points located on such right-of-way lines by measurement from the intersection as specified in this Ordinance.

22.10(126) Yard. An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except the vegetation. The street and rear yards extend the full width of the lot.

22.10(127) Yard, Front. A yard extending the full width of the lot between the front or street lot line and the nearest part of the principal building, including eaves, but excluding uncovered steps. Corner lots shall have two (2) front yards.

22.10(128) Yard, Rear. A yard extending the full width of the lot between the rear lot line to the nearest part of the principal building, including eaves. On corner lots there shall be no rear yard.

22.10(129) Yard, Side. A yard on each side of the principal building extending from the nearest part of the principal building, including eaves to the lot line and from the front yard line to the rear yard line.

22.10(130) Zero Lot Line. The concept whereby two (2) respective dwelling units within a building shall be on separate and abutting lots and shall meet on the common property line between them, thereby having zero space between said units.

22.10(131) Zoning Permit. A permit issued by the Building Inspector to certify that the use of lands, structure, air and waters subject to this Ordinance are or shall be used in accordance with the provisions of said Ordinance.