

## SECTION 14.0

## DEFINITIONS

### 14.1 Usage:

- (1) For the purpose of these regulations, certain numbers, abbreviations, terms and words used herein shall be used, interpreted, and defined as set forth in this section.
- (2) Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations"; the word "regulations" means "these regulations."
- (3) A "person" includes a corporation, a partnership, and an incorporated association of persons such as a club; "shall" is always mandatory; a "building" includes a "structure"; a "building" or "structure" includes any part thereof; "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."

### 14.2 Words and Terms Defined

Accessory Building. Any building except the principal building on a lot. In the case of a house and detached garage lot. In the case of a house and detached garage on a lot, the accessory building is a garage.

Accessory Structure. A structure constructed on a mobile home lot apart from the basic mobile home unit, including awnings, cabanas, storage cabinets (or sheds).

Airport Not Open to the Public. Any airport on privately owned land used solely by the property owner.

Airport Open to the Public. Any airport, whether publicly or privately owned, which is open for use by the general public without the necessity of obtaining prior use approval.

Alley. A street or thoroughfare less than 21 feet wide and affording only secondary access to abutting properties.

Applicant. The owner of the land or his representative Consent shall be required in writing from the legal owner premises.

Arterial Roads & Highways. Serve inter-community travel within and outside the area and provide a high level of urban mobility with little

variation in operating conditions and form a continuous system with other arterials.

Automotive Vehicle. A vehicle that is self propelled except a snowmobile unless specifically referred to as a motor vehicle herein.

Barn. A farm building for sheltering harvested crops and livestock.

Basement. A story partly underground.

Boarding House. A building other than a hotel where meals or lodging and meals are provided for compensation for three or more persons not members of the owner's family.

Bond. Any form of security including cash deposit, surety bond, collateral, property, or instrument of credit in the amount and form satisfactory to governing body. All bonds shall be approved by the Town Board wherever a bond is required by these regulations.

Building. Any structure used, designed or intended for the protection, shelter, enclosure or support of persons, animals or property.

Building Area. Total ground coverage in square feet of all buildings and structures including garages carports, and other attached or accessory structures.

Building Height. The vertical distance from the top of the building roof to the top of the basement or to the foundation whichever is less.

Collector Roads and Highways. Serve intermediate to long trips within an area, collect and distribute traffic to and from local roads and adjacent land within the areas, provide fair mobility and from a generally continuous pattern when combined with the arterial system.

Committee. The Town Plan Commission.

Community. A legal entity organized under appropriate statutory authority as a body corporate which represents a town, village, city, or county such as the case may be.

Community Living Arrangement. Means any of the following licensed or operated, or permitted under the authority of the Wisconsin Department of Health and Social Services: child welfare agencies under §48.60, group foster homes for children under §48.02(7) and community-based residential facilities under §50.01 of Wisconsin Statutes; but does not

include any day care centers, nursing homes, general hospitals, special hospitals, prisons, and jails.

Conditional Use. A use of land which, while appropriate for inclusion within a given district, possesses a high likelihood of creating problems with regard to nearby parcels of land or the occupants thereof, and which are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.

Density. The number of living units per acre allowable under a schedule of district regulations.

Developer. The owner of land proposed for subdivision or his representative. Consent shall be required from the legal owner of the premises.

Development Guide. The Town's Development Plan (segment of the County Development Plan) (§59.69) or the incorporated municipality's Master Plan (§62.23).

Driveway. A minor private way used by vehicles and pedestrians for access to a lot or facilities. A driveway shall include all access points from a town, county or state road to buildings and farm fields.

Dwelling, Single-Family. A detached building designed for, or occupied exclusively by, one family or household.

Dwelling, Two-Family. A detached or semi-detached building designed for, or occupied by, three or more families or households.

Earthwork / Duck scrapes. The moving of more than 2 cubic yards of any type of soils.

Easement. Authorization by a property owner for the use by another and for a specified purpose, of any designated part of his property.

Emergency Shelter. Public or private enclosures designed to protect people from flood, windstorm, fire, riots, or invasions; and from aerial, radiological, biological, or chemical warfare.

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, Electricity, 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 does not include buildings.

Expressway. A divided arterial street or highway, either with full or partial control of access, and with or without grade separated intersections.

Family. A group of persons related by blood or marriage and living together as a single housekeeping entity.

Flood Plain. The land adjacent to a body of water which is subject to periodic overflow there from.

Floodway. The channel of a stream and such adjacent portions of the floodplain as are required to accommodate flood flows.

Floor Area. The area within the exterior walls of a building which is usable as living quarters.

Freeway. An expressway with full control of access and with fully grade separated intersections.

Frontage. The side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

Garage, Private. Any accessory building for the storage only of not more than three (3) motor vehicles per dwelling unit.

Garage, Public. Any building, other than a private or storage garage, where motor vehicles are equipped, repaired, serviced, hired, sold or stored.

Garage, Storage. Any building used for storage.

Home Occupation. A gainful occupation conducted by members of a family only, within their place of residence, provided that no article is offered for sale on the premises excepts such as is produced by such occupation, that no tool in trade is kept or sold, that no mechanical equipment is used other than such as is permissible for purely domestic purposes.

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

Household Pet. Tame animals which have been traditionally kept in the home to include dogs, cats, rabbits; birds, hamsters and other animals which in their adult life do not exceed 250 pounds, or 4 feet in height at normal posture.

Household Unit. The body of persons who live together in one dwelling unit as a single housekeeping unit.

Intensive Soils Survey. The testing of soil at a particular geographic location as to its individual assets and limitations.

Interchange. A grade-separated highway intersection with one or more turning lanes for travel between intersecting roads or highways.

Large Farm Animal. Any horse, head of cattle, pony, two llamas, two emus, four sheep, four goats or four hogs.

License. A written license issued by the municipality allowing a person to operate and maintain a mobile home park under the provisions of this Ordinance and regulations issued hereunder.

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

Local Roads & Highways. Serve primarily to provide direct access to adjacent land, provide for short distance travel within the area, and provide access to the Collector and Arterial systems. Through traffic movement on locals is generally discouraged.

Lodging House. A building other than a hotel where lodging only is provided for compensation for not more than twelve (12) persons not members of the owner's family.

Lot. A parcel of land described in a recorded plat or deed.

Lot, Corner. A lot abutting on two or more streets at their intersection.

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

Lot Depth. The mean horizontal distance between the front and rear lot lines.

Lot Width. The width of a parcel of land measured at the rear of the specified street yard.



Master Plan. A comprehensive plan for development of the local government, prepared and adopted by the local government, pursuant to state law, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof.

Minor Structure. Any small, movable accessory structure or construction such as birdhouses, tool houses, pet houses, play equipment, arbors, and walls and fences under four (4) feet in height.

Mobile Home. A structure which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and is designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; and includes any additions, attachments, annexes, foundations and appurtenances.

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

Mobile Home Park. A parcel of land under single ownership designed, maintained, intended or used for the purpose of providing a location and accommodations for two or more mobile homes, including all buildings used or intended for use as part of the equipment thereof, whether or not a charge is made for the use of the mobile home park or its facilities; except that a mobile home subdivision shall not be deemed a mobile home park.

Mobile Home Stand. The part of an individual lot which has been reserved for the placement of one mobile home unit.

Mobile Home Subdivision. A parcel of land subdivided into lots, each lot individually owned and utilized as the site for placement of a single mobile home and its facilities.

Motel. A series of attached, semi-attached, or detached sleeping units for the accommodation of transient guests.

Nonconforming Structure. A building or premises law fully used, occupied, or erected at the time of the passage of this ordinance or amendment thereto, which does not conform to the regulations of this ordinance with respect to frontage, width, height, area, yard, parking, loading, or distance requirements.

Nonconforming Use. The use or occupancy of a building or premises, which is lawful at the time of the enactment of this ordinance or amendments thereto, but which use or occupancy does not conform to the provisions of this ordinance or any amendments thereto.

Nondependent Mobile Home. A mobile home which has complete bathroom facilities.

Ordinance. Any legislative action, however nominated, of a local government which has the force of law, including any amendment or repeal of any ordinance.

Overlay District. A zoning district established by this ordinance which is created for the purpose of imposing special uses and regulations in designated areas to accomplish the stated purposes that are set forth in each overlay district. Overlay districts shall be in addition to, and shall overlap and overlay all other zoning districts within the lands placed in each district, so that any parcel of land lying in an overlay district shall also lie in one or more of the zoning districts provided for by this ordinance. The most restrictive provision of the district shall prevail.

Owner. Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land.

Paddock. A small, usually enclosed field near a stable or barn for pasturing or exercising animals. An enclosure in which horses are saddled and mounted before a race.

Park Management. The person who owns or has charge, care or control of mobile home park.

Park Street. A private way which affords principal means of access to individual mobile home lots or auxiliary buildings.

Permit. A written building permit or certification issued by the Town Board permitting the construction, alteration and/or extension of a building under the provisions of this Ordinance.

Permitted Use. Uses listed under this heading are permitted as of right. This means that an applicant for a building permit must be given a permit if he meets the other requirements of the ordinance, e.g., yards, setbacks, and so forth.

Person. Any individual, firm, trust, partnership, public or private association or corporation.

Principal Building. The building of primary importance or permitted use on a parcel of land, in contrast to those which are accessory or of secondary importance. For property which is classified as, Agricultural District One (A-1), Agricultural District Two (A-2) or Agricultural District Three (A-3) or Mobile Home Park District (MHP), the Principal Building shall be a dwelling. In all other zoning district the Principal Building shall be commercial building or dwelling, according to the permitted use or conditional use requirements of the zoning district.



Recreational Area. A parcel of land or portion of such parcel which has its "use" as that term is defined in this Ordinance, organized activities for the purpose of amusement or relaxation. This shall include but is not limited to off road vehicle use (including motorcycles, snowmobiles and all terrain vehicles), dog trails or shows, equestrian events, archery or firearm events and other activities similar to those listed.

Rooming House. A building other than a hotel where lodging only is provided for compensation from three or more persons not members of the owner's family.

Service Building. A structure housing toilet, washing and bathing facilities and such other facilities as may be required by this ordinance.

Setback. The minimum horizontal distance between the lot line and the nearest point of a building or any projection thereof, excluding uncovered steps.

Sign. A structure or devise on which advertising is displayed, or by which attention is directed to advertising on the same or any other structure, by any means visible to the eye.

Standards. The setbacks, vision corners, sideline requirements, height limitations, square footage requirements and other specifications as required by this ordinance.

Standard Soil Survey. A soils survey of Rock County by the Soil Conservation Service, U.S. Department of Agriculture.

Story. That portion of a building included between the surface of the floor next above it or the space between the floor and the ceiling next above it, if there be no floor above it. A basement or cellar having one-half or more of its height above grade is a story for purposes of height regulation.

Story, Half. The space under any roof except a flat roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story

Street. All property dedicated or intended for public or private street purposes or subject to public easements 21 feet or more in width.

Street Right-of-Way Line. The dividing line between a lot, tract or parcel of land and an abutting street.

Structure. Anything constructed or erected having location on the ground.

Structural Alteration. Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders.



or any substantial change in the roof structure or in the exterior or interior walls.

Subdivision. Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, or interests for the purpose of offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms and conditions, including resubdivision. Subdivision includes the division or development of residential or nonresidential division or development of residential or nonresidential zoned land, whether by deed, metes and bounds, devise, intestacy, lease, map, plat, or other recorded instrument.

Subdivision, Major. All subdivisions not classified as minor subdivisions, including but not limited to subdivision of five (5) or more lots, or any subdivision requiring any new street or extension of local governmental facilities, or the creation of any public improvements.

Subdivision, Minor. Any subdivision containing not more than four (4) lots fronting on an existing street, not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvement, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the master plan, development plan, official map, zoning ordinance, or these regulations.

Taper. Point at which the access road to or from a highway interchange meets another interesting road.

Temporary Structure. A removable structure to designed for human occupancy nor for the protection of goods or chattels and not forming an enclosure.

Tenant Storage Area. An enclosed space designed to provide auxiliary general storage space for the occupants of an individual mobile home.

Turning Lane. An existing or proposed connecting roadway between an arterial street and any other street. Turning lanes include grade-separated interchange ramps.

Use. (Land Use) That which is customarily or habitually done, may include seasonal uses, and need not have extended to the entire tract of land at the time of the adoption of the ordinance.

Variance. Is authority granted to the owner to use his property in a manner which is prohibited by the zoning ordinance. A departure from the terms of the zoning ordinance where it is shown that unique physical circumstances applying to a land parcel causes a hardship to the owner, and that the condition permitted by the departure still will be in

fundamental harmony with surrounding uses. (a) Area Variance: Is one which does not involve a use which is prohibited by the zoning ordinance. Area variances involve matters such as setback lines, frontage requirements, height limitations, lot size restrictions, density, density regulations, and yard requirements. (b) Use Variance: Is one which permits a use of land other than that which is prescribed by the zoning ordinance. It is primarily a grant to erect, alter or use a structure for a permitted use in a manner other than that prescribed by the ordinance. A Use Variance shall not be granted under this ordinance.

Vision Clearance Triangle. An unoccupied triangular space at the corner lot which is bounded by the street lines and a setback line connecting points determined by measurement from the corner of each street line.

Waterline. The shortest straight line at the waterfront end of a stream lot that lies wholly within the lot, provided that not less than 75 percent of the length of such water line shall be on, or on the landward side of, the normal high water mark of such stream.

Yard. An open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

Yard, Front. A yard extending the full width of the lot between the front lot line and the nearest part of the principal building, excluding uncovered steps.

Yard, Rear. A yard extending the full width of the lot between the rear lot line and the nearest part of the principal building excluding only such projections as are permitted herein.

Yard, Side. A yard extending from the front yard, or from lot line, where no front yard is required, to the rear yard between side lot line and nearest part of the principal building.

**TOWN OF NEWARK  
COMPREHENSIVE ZONING ORDINANCE**

**The Town of Newark Town Board does hereby adopt the Book of Town  
Comprehensive Zoning Ordinance after publication and Public  
Hearing on this 8<sup>th</sup> day of May, 2010.**

**TOWN OF NEWARK**

**By: \_\_\_\_\_  
David Grenawalt, Chairman**

\_\_\_\_\_  
**Donald Davis, Supervisor**

\_\_\_\_\_  
**Merle North, Supervisor**

**Attest By: \_\_\_\_\_  
Jeannette Bell, Clerk**



STATE OF NEW YORK

IN SENATE

January 1, 1902

REPORT

OF THE

COMMISSIONER

OF THE LAND OFFICE

FOR THE YEAR

1901

ALBANY:

1902