



PUBLIC NOTICES



NOTICE
ORDINANCE #800 DEFINITIONS

AN ORDINANCE TO AMEND SUBSECTION 17.08 Definitions
The Common Council of the City of Cumberland do ordain as follows:

SECTION ONE: Subsection 17.08 of the Municipal code of the City of Cumberland is hereby amended to read as follows:

17.08 Definitions

(1) The following rules of construction apply to this chapter: 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 words “plot,” “parcel” or “tract;” the words “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.”

(2) The following terms for purposes of this chapter shall have the meaning stated below:

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.

Accessory Building . A building or portion of a building used for a purpose customarily incidental to the permitted principal use of the lot or to a principal building and located on the same lot as the principal use.

Agricultural Use . Means beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; nonre-tail plant greenhouses and nurseries; poultry raising; raising of forage, grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; 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 the milk production termination program under 7 USC 1446(d); and vegetable raising.

Alley . A public right-of-way which affords only a secondary means of access to abutting property.

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.

Apartment House . See Dwelling, Multiple.

Basement. That portion of a building that is partially or wholly below ground level. This portion serves as a substructure or foundation for a building.

Bed and Breakfast Establishment. An establishment as defined in Wisconsin Administrative Code ATCP 73.03(3).

Boardinghouse. A building other than a hotel or restaurant where lodging and meals are regularly furnished by prearrangement for compensation for 4 or more persons not members of a family, but not exceeding 12 persons and not open to transient customers.

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

Building, Height of. The vertical distance measured from the average established street grade in front of the lot or the average finished grade at the front building line, whichever is higher, to the highest point of the roof, but not to include penthouses. (See definition of Penthouse.)

Building, Principal or Main. The building on a lot in which is conducted the principal use as permitted on such lot by the regulations of the district in which it is located.

Cemetery. Any land, including any mausoleum on the land, that is used or intended to be used, exclusively for the burial of human remains. The term includes private burial sites. (Cr. #715)

Clinic, Medical or Dental. A group of medical or dental offices organized as a unified facility to provide medical or dental treatment as contrasted with an unrelated group of such offices, but not including bed-patient care.

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.

Community Living Arrangement. The following facilities licensed, operated or permitted under the authority of child welfare agencies under §48.60, Wis. Stats.; group foster homes for children under §48.02(7m), Wis. Stats.; and community based residential facilities under §50.01, Wis. Stats., and does not include day-care centers; nursing homes; general hospitals; special hospitals; prisons; jails; convents or facilities owned or operated by members of a religious order exclusively for the reception and care or treatment of members of that order; facilities or private homes that provide care, treatment and services only for victims of domestic abuse, as defined in §46.95(1)(a), Wis. Stats., and their children; shelter facilities as defined under § 16.352(1)(d), Wis. Stats.; places that provide lodging for individuals where each individual is able to exit in an emergency without assistance, and those individuals do not receive personal care, supervision or treatment, or management, control or supervision of prescription medications from the owner, manager, or operator, or their agents or employees, and care or services other than board, information, referral, advocacy or job guidance; location and coordination of social services by an agency that is not affiliated with the owner, manager or operator, for which arrangements were made for an individual before he or she lodged in the place or, in the case of an emergency, arrangement for the provision of health care or social services by an agency that is not affiliated with the owner, manager or operator; adult family homes; and, residential care apartment complexes. The establishment of a community living arrangement shall be in conformance with Chs. 72 and 205, Wis. Stats., and amendments thereto.

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.

Day-Care Center. Any place which receives, at any one time, for compensation, four or more children under the age of seven years for care and supervision for less than 24 hours a day for more than 10 days a month, without the attendance of a parent, relative or legal guardian. (§49.136(1)(d), Wis. Stats.)

Dormitory. A building used for living quarters for more than 4 persons generally having similar circumstances such as students or migrant labor, consisting of sleeping areas or rooms for one to 5 persons, or communal or barracks style sleeping areas for more than 5 persons, a separate area for cooking and eating, and private or shared bathrooms.

Dwelling. Any building or portion thereof which is designed for or used for residential purposes.

Dwelling Group. A group of dwellings, each containing one or more dwelling units and all occupying one lot or zoning lot as defined herein.

Dwelling, Multiple. A building or portion thereof used or designated as a residence for 3 or more families as separate dwelling units including, but not limited to, apartment houses and town houses.

Dwelling, Single-Family. A building designed for and occupied exclusively by one family. Manufactured homes, as defined in this section, designed for and occupied exclusively by one family are single-family dwellings. Single-family dwellings must comply with the following dimensional requirements:

1. The central core of the structure shall be at least 24’ × 24’ in size, not including extensions. The requirements for dwelling area square footage and width shall be in addition to basements, porches (enclosed or unenclosed), garages, decks and other similar structural additions.

2. The dwelling shall contain a minimum of 864 square feet of living area, not including basements, porches, garages, decks and other similar structural additions.

Dwelling, 2-Family. A building designed for and occupied exclusively by 2 families living independently of each other.

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

Family. An individual, or 2 or more individuals who are related to each other by blood, marriage, adoption or legal guardianship, or a group of not more than four individuals not necessarily related by blood, marriage, adoption or legal guardianship, living in one dwelling unit.

Family Day-Care Center. A day-care center that provides care and supervision for not less than 4 nor more than 8 children. (§49.136(1)(j), Wis. Stats.)

Floor Area. For the purpose of determining off-street parking and off-street loading requirements. The sum of the gross horizontal areas of several floors of the building or portion thereof, devoted to a use requiring off-street parking or loading. This area shall include accessory storage areas located within selling or working space, such as counters, racks or closets and any basement floor area devoted to retailing activities, the production or processing of goods or 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.

Frontage. All property abutting on one side of a street between 2 intersecting streets or between an intersecting street and the dead-end of a street.

Frontage, Lot. The smallest dimension of a lot abutting a public street measured along the street line.

Garage, Private. A detached accessory building or portion of the principal building which is used primarily for storing passenger vehicles.

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.

Gasoline Service Stations. A place where gasoline, kerosene or any other motor fuel, lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles. A gasoline service station might also include facilities for greasing, oiling, washing and minor repair of vehicles on the premises, but not including any major body repair facilities.

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. Group Day-Care Center. A day-care center that provides care and supervision for 9 or more children. (§49.136(1)(k), Wis. Stats.)

Home Day Care. Day care in a residence providing care and supervision for 3 or fewer children.

Home Occupation. An accessory use of a dwelling unit for gainful employment involving the manufacture, provision or sale of goods and/or services that is clearly secondary to the residential use and does not change the character of the structure as a residence and meets all the limitations of § 17.18 of this chapter.

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 bed-patient care.

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

Junkyard. Any place at which personal property is or may be salvaged for reuse, resale, reduction or similar disposition and is owned, possessed, collected, accumulated, dismantled or assorted including, but not limited to, used, salvaged or new scrapped base metal or metals, their compounds or combinations, used for salvaged rope, bags, paper, rags, glass, rubber, lumber, millwork, brick and similar property except animal matter, and used motor vehicles, machinery or equipment which are used, owned or possessed for the purpose of wrecking or salvaging parts therefrom.

Loading Space. A space within the main building or on the same lot therewith, providing for the standing, loading or unloading of trucks, having adequate ingress and egress to a public street or alley.

Lot. A parcel of land occupied or intended for occupancy by a use permitted in this chapter, including one main building together with its accessory buildings, the open spaces and parking spaces required by this chapter and having its principal frontage on a public or approved private road.

Lot Area. The area of contiguous land bounded by lot lines, exclusive of land designated for public thoroughfare.

Lot, Corner. A lot abutting 2 or more streets at their intersection, provided that the corner of such intersection shall have an angle of 135° or less measured on the lot side.

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

Lot, Interior. A lot other than a corner lot.

Lot, Line. Legally established lines dividing one lot, plot of land or parcel of land from an adjoining lot, plot of land or parcel of land as defined herein.

Lot Line, Front. In the case of an interior lot or through lot, a line separating the lot from the street or approved private road and in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street, except in cases where deed restrictions in effect specify another line as the front lot line.

Lot Line, Rear. A lot line which is opposite and most distant from the front lot line and in the case of an irregular or triangular shaped lot, a line 10’ in length within the lot, parallel to and at the maximum distance from the front lot line.

Lot Line, Side. Any lot boundary line not a front lot line or a rear lot line.

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 chapter is on record with the Barron County Register of Deeds and which exists as described therein.

Lot, Through. An interior lot with frontage on 2 streets.

Lot Width, Minimum. The minimum lot width shall be satisfied by the width of the lot at the front building line (street side) of the principal building and by the overall average width of the lot. In the case of shoreline property as defined in § 17.35(2), the minimum lot width shall be satisfied by the width of the lot at the rear building line of the principal building and by the overall average width of the lot.

Manufactured Home. A structure certified and labeled as a manufactured home under 42 U.S.C. §§ 5401 to 5426, which, when placed on the site:

1. Is set on a permanent foundation in accordance with §70.043(1), Wis. Stats., and subchapters III, IV and V of Ch. COMM 21 Wis. Admin. Code, or is set on a comparable permanent foundation system approved by the building inspector. A foundation is defined as lasting, fixed and nonportable.

2. Is installed in accordance with the manufacturer’s instructions.

3. Utility installations and structural attachments shall be in conformity with the Wisconsin Uniform Dwelling Code. Wheels, axles and pulling apparatus shall be removed.

4. The home shall be equipped with a foundation enclosure, of which in design and texture must appear to be an integral part of the adjacent exterior of the manufactured home. In no circumstances will a homemade surround be permitted, specifically corrugated plastic or metal or T-111 type material unless the siding of the home has such siding.

Migrant Labor Housing. A building, structure or dormitory that is established or furnished as living quarters for migrant workers or that is rented or reserved for occupancy by migrant workers.

Mobile Home.

1. A structure, transportable in one or more sections, which is 8 body feet or more in width and is 32 body feet or more in length and which is built on a permanent chassis and designed to be used as a dwelling unit or without permanent foundation, when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein. A mobile home includes any additions, attachments, annexes, foundations or any parts that may be folded, collapsed or telescoped when being towed and expanded later to provide additional cubic capacity.

2. A mobile home should not be confused with a recreational vehicle as defined herein nor shall it include modular or prefabricated dwelling units which meet or exceed the requirements of the Wisconsin Building Code or Chapter 14 of this Municipal Code.

3. A Manufactured home, as defined in this section, is not a mobile home.

Mobile Home, Dependent. A mobile home which does not have complete bathroom facilities.

Mobile Home, Double-Wide. A mobile home consisting of 2 sections combined horizontally at the site while still retaining their individual chassis.

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

Mobile Home Park. A parcel of land which has been developed for the placement of mobile homes and is owned by an individual, firm, trust, partnership, public or private association or corporation. Individual lots within a mobile home park are rented to individual mobile home users.

Modular Units. 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.

Motel. See Hotel.

Nonconforming Lot. A lot which does not contain sufficient area, width, depth, off-street parking areas or open space to conform to the dimensional requirements of this chapter, and was a lot of record in the County Register of Deeds’ office prior to the effective date of this chapter.

Nonconforming Structure. A lawful structure which exists on the date of passage of this chapter that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yard setbacks or other dimensional characteristics of the structure.

Nonconforming Use. A lawful use of land which exists on the date of passage of this chapter that would not be lawful in the district in which it is situated under the terms of this chapter.

Nursing Home, Rest Home, Convalescent Home. A place which undertakes through its ownership or management to provide maintenance, personal or nursing care for 3 or more persons who by reason of illness, physical handicap or old age are unable to care for themselves.

Off-Street Parking Area. A structure, premises or area of a lot designed to accommodate parked motor vehicles having adequate ingress and egress to a public street.

Off-Street Parking Space. A space containing 180 square feet within a parking area for the parking of motor vehicles, exclusive of passageways and driveways appurtenant thereto and giving access thereto.

Penthouse. An enclosed or partially enclosed structure extending above the main roof of a building or structure and/or enclosing a stairway, tank, elevator, machinery, mechanical equipment or other apparatus and not used for human occupancy.

Planning Commission. Where the phrase “Planning Commission” appears, this refers to the Planning Commission of the City. The Planning Commission is appointed by the Mayor and confirmed by the City Council, pursuant to §62.23, Wis. Stats.

Planned Unit Development. A large lot or tract of land containing 2 or more principal buildings or uses, developed as a unit where such buildings or uses may be located in relation to each other rather than to a lot line or zoning district boundaries.

Professional Office. The office of a doctor, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, artist, musician, realtor, insurance agent or other similar recognized profession.

Regular and Ordinary Maintenance. Maintenance and repair that does not involve a change in exterior or structural design, material type, or appearance, other than color, and serves to maintain the characteristics and function of the original structure.

Rooming House. See Boardinghouse.

Recreational Vehicle.

1. 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.

2. Examples of such vehicles include van campers, tent camping trailers, self-contained travel trailers, pickup campers, camping buses and self-contained, self-propelled truck chassis mounted vehicles providing living accommodations.

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 such recreational vehicles are parked.

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

Short-term Rental. The use of a property for the purpose of providing or furnishing overnight lodging accommodations to the public for a period of less than one month 30 days to any person(s)

Legals Cont’d
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Statewide public notice website
www.wisconsinpublicnotice.org