

## **22.21 ZONING DISTRICTS.**

**(1) DISTRICTS ESTABLISHED.** For the purpose and administration of this Ordinance, the Village of New Auburn, Wisconsin, is hereby organized into the following zoning districts:

- (A)** Residential Districts.
  - (1)** R-1 Single-Family Residence District
  - (2)** R-2 Single- and Two-Family Residence District
  - (3)** R-3 Multiple-Family Residence District
- (B)** Rural Development District RD
- (C)** Commercial Districts.
  - (1)** C-1 Central Business District
  - (2)** C-2 General Commercial District
- (D)** Industrial Districts.
  - (1)** I-1 Light Industrial District
  - (2)** I-2 Heavy Industrial District
- (E)** Public and Institutional District PI
- (F)** Agricultural District A
- (G)** Conservancy District W
- (H)** Wellhead Protection Overlay District WP

**(2) ZONING DISTRICT MAP.** The boundaries of the aforesaid zoning districts are hereby established as shown on the "Village of New Auburn Official Zoning Map". The official map and all notations, references and other information shown thereon are a part of this Ordinance and shall have the same force and effect as if the matters and information set forth by said map were fully described herein. An official copy of this map, together with a copy of this Ordinance, shall be kept at the office of the Village Clerk and shall be certified by the Village President and attested by the Village Clerk. Any changes in zoning district boundaries shall be recorded on the map.

## **22.21 (3) DISTRICT BOUNDARIES.**

**(A)** The district boundaries are either streets or alleys unless otherwise shown, and where the designation on the map indicates that the various districts are approximately bounded by a street or alley line, such street or alley line shall be

construed to be the district boundary line. Wellhead Protection Overlay District boundaries are defined in Section 22.21(16).

**(B)** Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines, and where the designations on the map are approximately bounded by lot lines, said lot line shall be construed to be the boundary of the district.

**(C)** In unsubdivided property, the district boundary shown on the map shall be determined by use of the scale shown on such map.

**22.21 (4) ZONING OF RIGHTS-OF-WAY.** All streets, alleys, public ways, waterways, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting them. Where the centerline serves as a district boundary, the zoning of the right-of-way shall be deemed to be the same as that of the abutting property up to such centerline, unless otherwise specifically designated.

**22.21 (5) R-1 SINGLE-FAMILY RESIDENCE DISTRICT.**

**(A)** Purpose. The R-1 Single-Family Residence District is intended to provide a quiet, pleasant and low to moderate density living area protected from excessive traffic and nuisances, such as noise, odors, vibration, and uses which are incompatible with the provisions of this Ordinance for this district. The R-1 Single-Family Residence District shall be municipally sewerred, unless specifically exempted by the Village Board because sewer extensions are not available. Nothing contained herein, or any action whereby land is included in the R-1 district will prevent the Village Board from requiring sewer in the future.

**(B)** Permitted Uses.

**(1)** Single-family dwellings.

**(2)** Public parks and playgrounds

**(3)** Community living arrangement which has a capacity for eight (8) or fewer persons being served by the program, subject to state licensing requirements.

**(4)** Family day care home, limited to not more than eight (8) children. Family day care homes shall be subject to state licensing requirements.

**(5)** Accessory building or use, including a private detached garage or carport, and paved parking areas customarily incidental to the above uses, but not involving the conduct of a business.

**(C) Conditional Uses.** [See Section 22.26(4)]

- (1) Elementary, junior and senior high schools.
- (2) Fire stations.
- (3) Churches and cemeteries.
- (4) Museums, libraries and community centers not conducted for profit.
- (5) Nursing homes, homes for the elderly and hospitals.
- (6) Golf courses.
- (7) Group day care homes licensed for nine (9) or more children, subject to all state licensing requirements.
- (8) Community living arrangements which have a capacity for nine (9) or more persons being served by the program, subject to state licensing requirements.
- (9) Private lodges and clubs.
- (10) Public and private facilities, such as water wells, water and sewage pumping stations, water storage tanks, electrical power substations, telephone exchanges, and microwave radio towers.
- (11) Home occupations (see Section 22.18). Use may require a Conditional Use Permit.

**(D) Dimensional Requirements.**

**(1) Lot Size.** (see Section 22.12)

**a. Minimum lot area.**

1. Existing platted or CSM lots: 8,184 square feet. A 50' x 120' lot is considered a standard minimum lot.

2. New platted or CSM lots: 12,400 square feet. A 100' x 124' lot is considered a standard minimum lot.

**b. Minimum lot width.**

1. Existing platted or CSM lots: 50 feet.

2. New platted or CSM lots: 100 feet.

(2) **Setbacks and Required Yards for Principal Building.** (see Section 22.13)

a. Minimum front yard: 20 feet.

1. **Exceptions for Existing Alignment.** When the average depth of existing front yards of existing buildings located within 120 feet on each side of a lot and within the same block as such lot, and in any district in which a front yard is required under this Chapter, is less than the least front yard prescribed for a building on such lot by other provisions of this chapter, then in such case, the depth of the front yard of any building or structure on such lot shall not be required to exceed the average of the amount of otherwise prescribed least depth and the average depth of said existing front yards; nor shall it be required to exceed the average of said otherwise prescribed least depth and the depth of the front yard of any existing building on a lot immediately adjoining such lot, nor the average depth of front yards of existing buildings on the two lots immediately adjoining if shallower; but shall be at least 10 feet in any case in any residence district.

b. Minimum side yard: 10 feet, 20 feet aggregate.

c. Minimum rear yard: 20 feet.

(3) **Setbacks and Required Yards for Accessory Building.** (see Section 22.15)

a. Side/rear yard setbacks are ten (10) feet for all accessory buildings, including detached garages (except 20 feet for garages facing an alley). For minor structures the side/rear yard setback is reduced to 3 feet.

(4) **Maximum Building Height.** (see Section 22.14)

a. Principal building: 30 feet.

b. Accessory building: 18 feet.

(5) **Building Size.**

a. Minimum required floor area of principal building: 800 square feet.

(E) **Off-street Parking.**

(1) Off-street parking as required by Section 22.22.

22.21 (6) **R-2 SINGLE- AND TWO-FAMILY RESIDENCE DISTRICT.**

**(A) Purpose.** The R-2 Single- and Two-Family Residence District is intended to provide a quiet, pleasant and low to moderate density living area protected from excessive traffic and nuisances, such as noise, odors, vibration, and uses which are incompatible with the provisions of this Ordinance for this district. The R-2 Single- and Two-Family Residence District shall be municipally sewered, unless specifically exempted by the Village Board because sewer extensions are not available. Nothing contained herein, or any action whereby land is included in the R-2 district will prevent the Village Board from requiring sewer in the future.

This district differs from the R-1 District only in its inclusion of Two-Family residences as a permitted use and recognizes that Two-Family residences are compatible with Single-Family residences in certain areas of the municipality without lessening the advantage of residential zoning.

**(B) Permitted Uses.**

- (1)** Single-family dwellings.
- (2)** Public parks and playgrounds
- (3)** Community living arrangement which has a capacity for eight (8) or fewer persons being served by the program, subject to state licensing requirements.
- (4)** Family day care home, limited to not more than eight (8) children. Family day care homes shall be subject to state licensing requirements.
- (5)** Accessory building or use, including a private detached garage or carport, and paved parking areas customarily incidental to the above uses, but not involving the conduct of a business.

**(C) Conditional Uses. [See Section 22.26(4)]**

- (1)** Elementary, junior and senior high schools.
- (2)** Fire stations.
- (3)** Churches and cemeteries.
- (4)** Museums, libraries and community centers not conducted for profit.
- (5)** Nursing homes, homes for the elderly and hospitals.
- (6)** Golf courses.

(7) Group day care homes licensed for nine (9) or more children, subject to all state licensing requirements.

(8) Community living arrangements which have a capacity for nine (9) or more persons being served by the program, subject to state licensing requirements.

(9) Private lodges and clubs.

(10) Public and private facilities, such as water wells, water and sewage pumping stations, water storage tanks, electrical power substations, telephone exchanges, and microwave radio towers.

(11) Home occupations (see Section 22.18). Use may require a Conditional Use Permit.

**22.21 (6) (D) Dimensional Requirements.**

(1) **Lot Size.** (see Section 22.12)

**a. Minimum lot area.**

1. Existing platted or CSM lots: 9,920 square feet. A 80' x 124' lot is considered a standard minimum lot.

2. New platted or CSM lots: 12,400 square feet. A 100' x 124' lot is considered a standard minimum lot.

**b. Minimum lot width.**

1. Existing platted or CSM lots: 80 feet.

2. New platted or CSM lots: 100 feet.

**22.21 (6) (D) (2) Setbacks and Required Yards for Principal Building.** (see Section 22.13)

**a. Minimum front yard: 20 feet.**

1. **Exceptions for Existing Alignment.** When the average depth of existing front yards of existing buildings located within 120 feet on each side of a lot and within the same block as such lot, and in any district in which a front yard is required under this Chapter, is less than the least front yard prescribed for a building on such lot by other provisions of this chapter, then in such case, the depth of the front yard of any building or structure on such lot shall not be required to exceed the average of the amount of otherwise prescribed least depth and the average depth of said existing front yards; nor shall it be required to exceed the average of said otherwise

prescribed least depth and the depth of the front yard of any existing building on a lot immediately adjoining such lot, nor the average depth of front yards of existing buildings on the two lots immediately adjoining if shallower; but shall be at least 10 feet in any case in any residence district.

b. Minimum side yard: 10 feet, 20 feet aggregate.

c. Minimum rear yard: 20 feet.

(3) **Setbacks and Required Yards for Accessory Building.** (see Section 22.15)

a. Side/rear yard setbacks are ten (10) feet for all accessory buildings, including detached garages (except 20 feet for garages facing an alley). For minor structures the side/rear yard setback is reduced to 3 feet.

(4) Maximum Building Height. (see Section 22.14)

a. Principal building: 30 feet.

b. Accessory building: 18 feet.

(5) Building Size.

a. Minimum required floor area of principal building: 800 square feet.

(E) **Off-street Parking.**

(1) Off-street parking as required by Section 22.22.

**22.21 (7) R-3 MULTIPLE-FAMILY RESIDENCE DISTRICT.**

(A) **Purpose.** The R-3 Multiple-Family Residence District is intended to provide a living environment similar in all respects to the R-1 and R-2 Districts, although with a higher population density and greater diversity of housing types. The R-3 Multiple-Family Residence District shall be municipally sewered, unless specifically exempted by the Village Board because sewer extensions are not available. Nothing contained herein, or any action whereby land is included in the R-3 district will prevent the Village Board from requiring sewer in the future.

(B) **Permitted Uses.**

(1) Single-family dwellings.

(2) Two-family dwellings.

(3) Multiple-family dwellings.

(4) Community living arrangement for fifteen (15) persons or less, subject to state licensing requirements.

(5) Bed and breakfast establishments subject to the following provisions:

a. The bed and breakfast establishment shall be owner-occupied.

b. Bed and breakfast establishments shall require a permit in accordance with Chapter HSS 197, Wisconsin Administrative Code.

c. Off-street parking provisions shall be required.

(6) Public parks and playgrounds.

**(C) Permitted Accessory Uses.**

(1) Private garages and carports and accessory buildings and structures incidental to residential uses.

(2) Signs (see Section 22.23).

**(D) Conditional Uses. [see Section 22.26(4)]**

(2) Community living arrangements which have a capacity for sixteen (16) persons or more, subject to state licensing requirements.

(3) Elementary, junior and senior high schools.

(4) Fire stations.

(5) Churches.

(6) Museums, libraries, and community centers not conducted for profit.

(7) Nursing homes, homes for the elderly and hospitals.

(8) Golf courses.

(9) Group day care homes licensed for nine (9) or more children, subject to all state licensing requirements.

(10) Private lodges and clubs.



(11) Boarding houses.

(12) Public and private facilities, such as water wells, water and sewage pumping stations, water storage tanks, electrical power substations, telephone exchanges, microwave radio towers, sewage disposal plants, municipal incinerators, power plants, shops, and storage yards.

(13) Home occupations (see Section 22.18).

**22.21 (7) (E) Dimensional Requirements.**

(1) **Lot Size.** (see Section 22.12)

**a. Minimum lot area.**

1. Single-family dwelling: 12,400 square feet.
2. Two-family dwelling: 12,400 square feet.
3. Multiple-family dwelling: Lots shall have the minimum of the larger of 17,424 square feet or:

<u>Dwelling Type</u>	<u>Minimum Lot Area</u>
Multiple-family, 1 bedroom	2,178 SF per dwelling unit
Multiple-family, 2 bedroom	2,900 SF per dwelling unit
Multiple-family, 3 bedroom	4,000 SF per dwelling unit

**b. Minimum lot width: 100 feet.**

(2) **Setbacks and Required Yards for Principal Building.** (see Section 22.13)

- a. Minimum front yard: 25 feet.**
- b. Minimum side yard: 10 feet for single-family, two-family and multiple--family dwellings.**
- c. Minimum rear yard: 25 feet.**

(3) **Setbacks and Required Yards for Accessory Building.** (see Section 22.15)

**a. Side/rear yard setbacks are six (6) feet for all accessory buildings.**

(4) **Maximum Building Height.** (see Section 22.14)

a. Principal building: 30 feet\*.

b. Accessory building: 18 feet.

\* A building may be erected to a height of thirty-five (35) feet if the setback from all required yard lines is increased a distance of one foot for each foot of additional height above thirty (30) feet.

**(5) Building Size.**

a. Any single-family dwelling within this district must comply with subsection 22.21(5)(D)(5)a and "minor structures" (yardbarns etc.) must comply with size requirements contained in the definition of "minor structure".

b. Minimum required floor area of principal building: Two-family - 1,600 square feet. For larger, the minimum requirement is 800 square feet per dwelling unit.

**22.21 (7) (F) Off-Street Parking.**

(1) Off-street parking as required by Section 22.22.

**22.21 (8) RD RURAL DEVELOPMENT DISTRICT.**

**(A) Purpose.** The RD Rural Development District is intended to allow for residential and general agricultural use within the Village.

**(B) Permitted Uses.**

(1) Single-family dwellings.

(2) Two-family dwellings.

(3) General agricultural crop production.

(4) Forestry.

**(C) Permitted Accessory Uses.**

(1) Accessory buildings and structures incidental to residential and agricultural uses, however, no more than eight (8) accessory buildings or structures shall be allowed.

(2) Signs (see Section 22.23).

**(D) Conditional Uses.** [see Section 22.26(4)]

(1) Bed and breakfast establishments subject to the provisions of subsection 22.21(7)(B)(5).

(2) Public parks and playgrounds.

(3) Sporting and pet animal kennels.

(4) Cattle and hog feed lots; turkey, chicken and other fowl operations; hog barns and hog raising.

(5) Commercial Establishments.

(6) Multi-Family Dwellings.

(7) Any other conditional use as stated in Section 22.21(7)(D).

**(E) Dimensional Requirements.**

**(1) Lot Size**

a. Minimum lot area: 17,424 square feet. A 132' x 132' lot is considered a standard minimum lot.

b. Minimum lot width: 100 feet.

**(2) Setbacks and Required Yards for Principal and Accessory**

**Building.**

a. Subsection 22.21(5)(D)(2) shall apply to all single- and two-family dwellings.

b. Subsection 22.21(5)(D)(3) shall apply to all accessory buildings.

c. Subsection 22.21(7)(E)(2) shall apply to multi-family dwellings.

**(3) Maximum Building Height.**

a. Principal building: 30 feet.

b. Accessory building: 18 feet, except for barns, silos and other structures which are customarily higher.

**(4) Building Size.**

a. Any single- or two-family dwelling within this District must comply with subsections 22.21(5)(D)(5)a and 22.21(7)(E)(5)b, respectively. Any multi-family dwelling must comply with Subsection 22.21(7)(E)(5).

**(F) Off-Street Parking.**

- (1) Off-street parking as required by Section 22.22.

**22.21 (9) C-1 CENTRAL BUSINESS DISTRICT.**

**(A) Purpose.** The C-1 Central Business District is intended to provide for the orderly and appropriate regulations to ensure compatibility of the diverse uses typical of the "downtown" area without inhibiting the potential for maximum development of commercial, cultural, entertainment, and other community activities which contribute to its role as the "center" of the Village.

**(B) Permitted Uses.**

- (1) Retail sales establishments.
- (2) Financial institutions.
- (3) Personal and business service establishments.
- (4) Commercial and professional offices.
- (5) Hotels and motels.
- (6) Restaurants, cafes, taverns and bars.
- (7) Theaters and bowling alleys.
- (8) Auditoriums and community centers.
- (9) Government offices, post offices and libraries.
- (10) Medical and dental clinics.
- (11) Clubs and lodges.
- (12) Newspaper and magazine publishers.
- (13) Day care centers, provided all state requirements are met.
- (14) Churches.

(15) Multiple-family dwellings. Parking shall be required in accordance with Section 22.22(4), Multiple-Family Dwellings.

(16) Replacement of single- and two-family dwellings which have been damaged by fire, explosion, flood, or other calamity. Parking shall be required in accordance with Section 22.22(4), Single- and Two-Family Dwellings.

**22.21 (9) (C) Permitted Accessory Uses.**

(1) Rental residences on other than the ground floor and basement.

(2) Attached living quarters which is occupied by the household of the owner of the establishment.

(3) Garages for storage and vehicles used in conjunction with the operation of the business or for occupants of the premises.

(4) Off-street parking lots.

(5) Signs (see Section 22.23).

**22.21 (9) (D) Conditional Uses.** (see Section 22.26(4))

(1) Attached living quarters which is a rental residence.

(2) Gasoline service stations.

(3) Automobile and other vehicle sales.

(4) Rest homes and nursing homes.

(5) Warehouses for local wholesale and retail establishments or for personal property.

(6) Transmitting towers, receiving towers, relay and microwave towers.

(7) Public and private facilities, such as water wells, water and sewage pumping stations, water storage tanks, electrical power substations, telephone exchanges, sewage disposal plants, municipal incinerators, power plants, shops and storage yards.

(8) Light assembly or light manufacturing, including incubator facilities designed for start-up of business which may be limited in time of the permitted use.

(9) Single-Family Dwelling.

(10) Two-Family Dwelling.

**22.21 (9) (E) Dimensional Requirements.**

(1) **Lot Size.** (see Section 22.12)

a. Minimum lot area: 4,000 square feet.

b. Minimum lot width: 50 feet.

(2) **Setbacks and Required Yards for Principal Building.** (see Section 22.13)

a. Minimum front yard: None required.

b. Minimum side yard: None required, except when adjacent to or abutting a residential district, a side yard setback of ten (10) feet shall be required.

c. Minimum rear yard: Six (6) feet, except when adjacent or abutting a residential district, a rear yard setback of twenty-five (25) feet shall be required.

(3) **Setbacks and Required Yards for Accessory Building.** (see Section 22.15)

a. Minimum side yard: None required, however, side yard setbacks shall be six (6) feet for all accessory buildings when adjacent or abutting a residential district.

b. Minimum rear yard: Six (6) feet.

(4) **Maximum Building Height.** (see Section 22.14)

a. All buildings: 45 feet.

**22.21 (10) C-2 GENERAL COMMERCIAL DISTRICT.**

(A) **Purpose.** The C-2 General Commercial District is intended to provide for individual or small groups of retail and customer service establishments. This type of district is generally located away from the traditional central business district and provides such amenities as increased open space and off-street parking and loading facilities, making such retail centers more compatible with the character of adjacent residential districts or highway access.

**(B) Permitted Uses.**

- (1) Retail sales establishments.
- (2) Financial institutions.
- (3) Personal and business service establishments.
- (4) Commercial and professional offices.
- (5) Automotive sales and equipment service establishments, including gasoline service stations.
- (6) Hotels and motels.
- (7) Restaurants, cafes, taverns and bars.
- (8) Theaters and bowling alleys.
- (9) Auditoriums and community centers.
- (10) Government offices, post offices and libraries.
- (11) Clubs and lodges.
- (12) Veterinary hospitals and clinics, provided that no service, including the boarding of animals, is offered outside of an enclosed building.
- (13) Medical and dental clinics.
- (14) Wholesale establishments.
- (15) Day care centers, provided all state requirements are met.
- (16) Rest homes and nursing homes.
- (17) Boarding houses.
- (18) Multiple-family dwellings, subject to Section 22.21(7)(E).
- (19) Mini warehouses. Outdoor storage is limited to boats and recreational vehicles defined in Section 22.10. All such outdoor storage shall be screened. The screening required shall consist of a fence or wall not less than five (5) feet high. The fence or wall shall be constructed in a manner and of such material to impair direct vision of the outdoor storage area.

**(C) Permitted Accessory Uses.**

- (1) Parking (see Section 22.22).
- (2) Signs (see Section 22.23).
- (3) Accessory buildings and structures.

**(D) Conditional Uses.** [see Section 22.26(4)]

- (1) Hospitals.
- (2) Recreational establishments, including drive-in theaters, golf courses, golf or baseball driving ranges, archery fields, miniature golf courses or similar uses.
- (3) Recreational vehicles camps, when such camps provide not less than 1,800 square feet of lot area for each cabin, recreational vehicle or tent, and when such camp is clearly bounded by a fence or hedge. The requirements of Chapter HFS 178 of the Wisconsin Administrative Code and all other applicable codes shall be minimum standards and may be supplemented by the Planning Commission.
- (4) Sporting and pet animal kennels.
- (5) Animal hospitals, including the outside boarding of animals.
- (6) Automobile body repair shops.
- (7) Transmitting towers, receiving towers, relay and microwave towers, including broadcast facilities and studios.
- (8) Public and private facilities, such as water wells, water and sewage pumping stations, water storage tanks, electrical power substations, telephone exchanges, sewage disposal plants, municipal incinerators, power plants, shops and storage yards.
- (9) Lumber and building supply yards, providing that not more than ten percent (10%) of the lot or tract is used for the open storage of products, materials or equipment.
- (10) Light assembly or light manufacturing, including incubator facilities designed for start-up of business which may be limited in time of the permitted use.
- (11) Single-Family Dwelling.
- (12) Two-Family Dwelling.



**22.21 (10) (E) Dimensional Requirements.**

**(1) Lot Size.** (see Section 22.12)

- a. Minimum lot area: 15,000 square feet.
- b. Minimum lot width: 100 feet.

Section 22.13) **(2) Setbacks and Required Yards for Principal Building.** (see

- a. Minimum front yard: 20 feet.
- b. Minimum side yard: 10 feet.
- c. Minimum rear yard: 20 feet.

Section 22.15) **(3) Setbacks and Required Yards for Accessory Building.** (see

accessory buildings.

- a. Side and rear yard setbacks are ten (10) feet for all

**(4) Maximum Building Height.** (see Section 22.14)

- a. Principal building: 35 feet\* .
- b. Accessory building: 20 feet.

\* A building may be erected to a height of forty-five (45) feet if the setback from all required yard lines is increased a distance of one foot for each foot of additional height above thirty-five feet.

**22.21 (10) (F) Visual Screening Requirement.** When adjoining or abutting a residential district, a visual screening may be required. Such visual screening shall consist of a single row hedge planting or solid wooden fence not less than six (6) feet in height.

**22.21 (11) I-1 LIGHT INDUSTRIAL DISTRICT.**

**(A) Purpose.** This district is intended to provide for manufacturing, industrial and related uses of a limited nature and size in situations where such uses are not in basic industrial groupings and where the relative proximity to other uses requires more restrictive regulations.

**(B) Permitted Uses.**

(1) Manufacturing, assembly, fabrication and processing plants of a limited scope and not involving operational characteristics which would adversely affect surrounding uses or be basically incompatible with the surrounding environmental character and not more than ten percent (10%) of the lot or tract is used for the open storage of products, materials or equipment. Such as, but not limited to, the following: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, except fish and meat products, sauerkraut, vinegar, yeast and the rendering of fats and oils and the vining of peas. Such as, but not limited to: articles made from previously prepared materials such as bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, wax, wire, wood, yams, and the like, musical instruments, toys, novelties, rubber or metal stamps and other small molded rubber products, fabrication and repair of electric or neon signs or other commercial advertising structures, light sheet metal products and the like; assembly and manufacture from prefabricated parts of household appliances, electronic products and similar products or the processing or assembling of parts for the production of finished equipment.

(2) Experimental, testing and research laboratories, not involving the keeping of animals or use of animal products or any significant degree of danger or undesirable operational characteristics.

(3) Printing and publishing houses and related activities.

(4) Tool making, cabinetry and repair shops.

(5) General warehousing and not involving more than ten percent (10%) of the lot or tract is used for the open storage or products, materials or equipment.

(6) Lumber and building supply yards, providing that not more than ten percent (10%) of the lot or tract is used for the open storage of products, materials or equipment.

(7) Automobile body repair shop, not including the storage of junked or wrecked automobiles and parts.

(8) Signs in conformity with Section 22.23 of this Ordinance.

(9) Public utility distribution lines including, but not limited to, electric, gas, water, television cable, and telephone distribution lines and other related accessories subject to approval by the Village Public Works Department.

**22.21(11) (C) Permitted Accessory Uses.**

(1) Office, storage, power supply and other such uses normally auxiliary to the principal use.

(2) Off-street parking and loading facilities as required in Section 22.22 of this Ordinance.

(3) Residential quarters for the resident operator, guard or caretaker.

**22.21 (11) (D) Conditional Uses.**

(1) Kennels and animal hospitals, laboratories using animal products.

(2) Transportation terminals, including trucking.

(3) Commercial service facilities intended primarily as a convenience for the industrial area such as restaurants, motels, gasoline service stations or similar uses.

(4) Office buildings.

(5) Transmission lines, antennas and towers, including, but not limited to, electric, gas, petroleum and telephone transmission lines, antennas and towers, whether installation is above or below ground, and other related accessories, substations, municipal water towers, pump houses, water and sewage treatment plants.

(6) Single-Family Dwellings.

(7) Two-Family Dwellings.

(8) Multi-Family Dwellings.

**(E) Dimensional Requirements.**

**(1) Setbacks.**

a. Minimum front yard: 25 feet.

b. Minimum side yard: 25 feet\*; 50 feet\* in aggregate.

c. Minimum rear yard: 25 feet\*.

\* When adjoining or abutting a residence district, will maintain a minimum setback of fifty (50) feet and with a minimum fifteen (15) foot wide, six (6) foot high planting screen.

**(2) Maximum Building Height.**

a. Principal building: 50 feet.

b. Accessory building: 35 feet.

**22.21 (12) I-2 HEAVY INDUSTRIAL DISTRICT.**

**(A) Purpose.** This district is intended to provide for manufacturing and industrial development of a more general and less restrictive nature than in the I-1 district in those areas where the relationship to surrounding land use would create fewer problems of compatibility and would not necessitate as stringent regulatory controls. Such districts should not normally abut directly upon residence districts.

**(B) Permitted Uses.**

- (1) Manufacturing, assembly, fabrication and processing plants.
- (2) Experimental, testing and research laboratories, not involving the keeping of animals or use of animal products or any significant degree of danger or undesirable operational characteristics.
- (3) Printing and publishing houses and relative activities.
- (4) Tool making, cabinetry and repair shops.
- (5) General warehousing.
- (6) Transportation terminals, including trucking.
- (7) Lumber and building supply yards.
- (8) Automobile body repair shops, not including the storage of junked or wrecked automobiles and parts.
- (9) Signs in conformity with Section 22.23 of this Ordinance.
- (10) Public utility distribution lines, including, but not limited to, electric, gas, water, television cable, and telephone distribution lines and other related accessories subject to approval by the Village Public Works Department.

**(C) Permitted Accessory Uses.**

- (1) Office, storage, power supply and other such uses normally auxiliary to the principal use.
- (2) Off-street parking, loading and service facilities, as required in Section 22.22 of this Ordinance.

(3) Residential quarters for the resident operator, guard, or caretaker.

**22.21 (12) (D) Conditional Uses.**

(1) Manufacture of cement, lime, gypsum, plaster of paris, acid, explosives, fertilizers or glue.

(2) Storage of explosives except as incidental or a permitted use and storage of gasoline or petroleum in excess of 50,000 gallons.

(3) Automobile body repair shops, including the storage of junked or wrecked automobiles and parts.

(4) Animal hospitals, kennels or laboratories using animal products.

(5) Any similar uses which in the opinion of the Planning Commission would be hazardous, noxious or offensive to the surrounding area.

(6) Commercial service facilities intended primarily as a convenience for the industrial area such as restaurants, motels, gasoline service stations or similar uses.

(7) Transmission lines, antennas and towers, including, but not limited to, electric, gas, petroleum, and telephone transmission lines, antennas and towers, whether installation is above or below ground, and other related accessories, substations, municipal water towers, pump houses, water and sewage treatment plants.

**(E) Dimensional Requirements.**

**(1) Setbacks.**

a. Minimum front yard: 25 feet.

b. Minimum side yard: 25 feet\*, 50 feet\* in aggregate.

c. Minimum rear yard: 25 feet\*.

\* When adjoining or abutting a residence district, will maintain a minimum setback of fifty (50) feet and with a minimum fifteen (15) foot wide, six (6) foot high planting screen.

**(2) Maximum Building Height.**

a. Principal building: 60 feet.

b. Accessory building: 50 feet.

**22.21 (13) PI PUBLIC AND INSTITUTIONAL DISTRICT.**

**(A)** The purpose of this district is to designate areas of public use, such as parks, playgrounds, schools, governmental uses, or other public areas, to delineate institutional uses, such as churches, hospitals and community facilities, and to distinguish areas for public service uses, and public and private utilities.

**(B) Permitted Uses.**

- (1)** Municipal uses, village owned and operated.
- (2)** Public parks and playgrounds.
- (3)** Public utility and public services uses.
- (4)** Non-commercial parking.
- (5)** Signs for municipal and public utility use.
- (6)** Public and private schools, athletic fields, and related educational or recreational facilities.
- (7)** Government offices and facilities, and post offices.
- (8)** Churches and cemeteries.
- (9)** Public and private facilities, such as water wells, water and sewage pumping stations, sewage disposal plants, water storage tanks, electrical power substations, telephone exchanges, transmitting towers, receiving towers, relay towers, microwave radio towers, municipal incinerators, power plants, municipal shops, and municipal storage yards.
- (10)** Public housing.
- (11)** Museums, libraries, auditoriums and community centers not conducted for profit.
- (12)** Nursing homes and hospitals.
- (13)** Off-street parking and loading facilities as required in Section 22.22 of this Ordinance.

**22.21 (13) (C) Dimensional Requirements.**

(1) In the Public and Institutional District, the requirements for lot area, lot width, setbacks, and building height shall be consistent with basic planning and zoning principals and designed to encourage and promote improved aesthetic and environmental design. Such requirements as are made part of an approved site plan in accordance with the standards provided herein, shall be construed to be enforced in accordance with this Section.

(D) **Procedure.** The procedure for zoning to a Public and Institutional District shall be the same as required by Section 22.25 of this Ordinance. In addition, thereto, a site plan shall be required for zoning to a Public and Institutional District, prior to any physical change, as defined in subsection 22.21(13)(D)(3), or for any change in use to a property in a Public and Institutional District, and shall be subject to the following additional requirements:

(1) **Site Plan.** The applicant shall file with the Planning Commission seven (7) copies of a site plan which includes the following information:

a. Name and address of the applicant. If the owner of the land is other than the applicant, a duly verified statement by the owner that the applicant is authorized by him/her to make the application.

b. A statement describing the general character of the intended development, physical change or change in use.

c. An accurate map of the project area to include: its location, relationship to surrounding properties, including the zoning of adjacent properties, existing topography and natural drainage, all building and structure footprints, driveways, sidewalks, parking lots, utilities, and stormwater management structures.

d. Landscaping plans for the entire site, including provisions for visual screening.

e. Such other plans and specifications and information as may reasonably be required by the Planning Commission or Village Board.

(2) **Visual Screening Requirement.** When adjoining or abutting a residential district, a visual screening may be required. Such visual screening shall consist of a single row hedge planting or solid wooden fence not less than six (6) feet in height.

(3) **Any Physical Change Defined.** In this Section, "any physical change" means any new construction of a building or structure, or modification of any property located within a Public and Institutional District which significantly affects the quality of the physical and human environment in the judgment of the Planning Commission. Projects necessary to maintain or repair buildings and grounds that will not require exterior physical design changes or use changes, or accessory structures

with all setbacks at a minimum of twenty-five (25) feet and considered incidental to a principal use on the property, will be permitted without a site plan.

**(4) Approval of the Site Plan.** Within sixty (60) days after completion of the filing of the site plan, the Planning Commission shall forward to the Village Board a recommendation that such site plan be approved as submitted, approved with modifications, approved with conditions, or disapproved. The approval of the site plan shall establish the basic right of use for the area in conformity with such plan as approved, which shall be established as an integral component of the Public and Institutional District regulations.

**22.21 (13) (E) Character and Intensity of Land Use.** In review of site plans and all other matters concerning the Public and Institutional District, the Planning Commission and Village Board shall consider the uses proposed and their intensity and arrangement on the site, which shall be of an aesthetic, environmental and operational character which:

**(1)** Will be compatible with the physical nature of the site, with particular concern for the preservation of natural features, tree growth and open space.

**(2)** Will produce an attractive environment of sustained aesthetic and environmental desirability.

**(3)** Will not create a traffic or parking demand incompatible with the existing or proposed facilities to serve it.

**22.21 13) (F) Village of New Auburn Exempted From Site Plan.** The Village of New Auburn in the development, administration and management of its property is exempted only from subsection 22.21(13)(D), Procedure, except that the Village of New Auburn shall follow Section 22.25 of this Ordinance for zoning to a Public and Institutional District, the Village Board shall determine the information, plans and specifications necessary for approvals of Village uses, buildings or facilities within the Public and Institutional District, and the Planning Commission or Village Board may require visual screening for Village properties pursuant to subsection 22.21(13)(D)(2), Visual Screening Requirement.

**22.21 (14) AGRICULTURAL DISTRICT.**

**(A) Purpose.** The Agricultural District is intended to allow for agricultural and general farming uses within the Village, including limited livestock operations.

**(B) Permitted Uses.**

**(1)** Single-family dwellings.

**(2)** Two-family dwellings.



(3) Agricultural and general farming activities including limited dairying and cattle raising (less than 400 animals), limited poultry raising (less than 100 birds), limited hog operations (less than 20 hogs). Except farms feeding offal, garbage and mink farms.

**(C) Permitted Accessory Uses.**

(1) Accessory buildings and structures incidental to residential and agricultural uses, however, no more than eight (8) accessory buildings or structures shall be allowed.

(2) Signs (see Section 22.23).

**(D) Conditional Uses. [see Section 22.26(4)]**

(1) Bed and breakfast establishments subject to the provisions of subsection 22.21(7)(B)(5).

(2) Public parks and playgrounds.

(3) Sporting and pet animal kennels.

(4) Cattle and hog feed lots.

(5) Turkey, chicken and other fowl operations (over 100 birds).

(6) Hog barns and hog raising (over 20 hogs).

(7) Large dairy operations (over 400 animals).

(8) Commercial uses permitted in C-2 General Commercial District, Section 22.21(10).

(9) Light industrial uses permitted in I-1 Light Industrial District, Section 22.21(11).

(10) Any other conditional use as stated in Section 22.21(7)(D).

(11) Non-metallic mining (to include extraction of clay, gravel, lime, sand, and the like.)

**22.21(14) (E) Dimensional Requirements.**

**(1) Lot Size**

a. Minimum lot area: 1.5 acres, 65,340 square feet.

b. Minimum lot width: 100 feet.

**Building.** (2) **Setbacks and Required Yards for Principal and Accessory**

a. Subsection 22.21(5)(D)(2) shall apply to all single- and two-family dwellings.

b. Subsection 22.21(5)(D)(3) shall apply to all accessory buildings.

c. Subsection 22.21(7)(E)(2) shall apply to all multi-family dwellings.

(3) **Maximum Building Height.**

a. Principal building: 30 feet.

b. Accessory building: 18 feet, except for barns, silos and other structures which are customarily higher.

(4) **Building Size.**

a. Any single- or two-family dwelling within this District must comply with subsections 22.21(5)(D)(5)a and 22.21(7)(E)(5)b. Multi-family dwellings must comply with Subsection 22.21(7)(E)(5).

(F) **Off-Street Parking.**

(1) Off-street parking as required by Section 22.22.

**22.21(15) W CONSERVANCY DISTRICT.**

(A) Purpose. The purpose of this district is to discourage development in natural areas with unique features or environmental hazards,

provide areas to insure proper water conservation and flood control, and provide areas for outdoor recreation and forestry pursuits.

(B) Permitted Uses.

(1) Management of recreation, forestry, wildlife and fish.

(C) Conditional Uses.

(1) Parks and bicycle/hiking trails.

(2) Power stations, transmission lines, water pumping and storage facilities.

(3) Golf courses.

**22.21 (16) SPECIAL REGULATIONS FOR MOBILE HOMES.**

(A) Purpose. It is the intent and purpose of this Section to regulate the placing of mobile homes of all types and varieties in the Village of New Auburn with regard to providing adequate standards to protect the public health, safety, morals, convenience and general welfare.

(B) Occupancy. No mobile home as defined in this Ordinance shall be occupied or used for living or sleeping purposes unless it is located in a mobile home park that has been granted an appropriate permit by the Village Board in accordance with the procedures set forth in this Section and Chapter 18. Temporary mobile homes or recreational vehicles used on construction projects or in conjunction with carnivals and circuses may be permitted when approved by the Village Board. See Section 18.06 for replacement of mobile homes.

(C) Special Regulations for Mobile Home Parks. The following regulations shall apply to mobile home parks:

(1) Purpose. The mobile home park, as defined in Section 18.02(8), is established:

a. To provide regulations and standards for the development of a safe, healthy and well-designed community for permanent mobile home living.

b. To provide appropriately located sites for mobile home living, developed at reasonable densities consistent with sound standards of public health and safety.

c. To comply as much as possible with the objectives and purposes of each zoning district in which mobile home parks are located.

d. To ensure adequate light, air, access and open space for each mobile living unit.

e. To regulate the mobile home park such that it will complement the land use policy of the zoning district.

(2) **Placement.** No mobile home or mobile home park shall be located within the following delineated area of the Village of New Auburn;

---

---

---

Mobile homes or mobile home parks located in all other areas of the Village shall be in accordance with the provisions of this Section. Mobile homes presently placed and occupied in the aforesaid described area shall not be replaced, or if vacated, shall not be reoccupied.

**(3) Administration.**

**a. Mobile Home Park Applications.** New mobile home parks, as herein defined, shall require a conditional use permit, issued in accordance with the provisions of this Section. Applications for a conditional use permit shall contain the following information:

1. Name and address of the applicant. If the owner of the land is other than the applicant, a duly verified statement by the owner that the applicant is authorized by him/her to construct the proposed park and make the application.

**22.21 (16) (C) (3) a.** 2. Location and legal description of the proposed mobile home park.

3. Existing easements and covenants affecting the property.

4. Land characteristics, such as natural drainage, swamp areas and wooded areas.

5. Development characteristics, such as surrounding streets, existing buildings, available community sewer, water and other utilities.

6. Complete preliminary engineering plans and specifications of the proposed park showing, but not limited to, the following:

**(a)** The area and dimensions of the tract of land.

**(b)** The number, location and size of all mobile home lots and the location of common and recreational areas.

**(c)** The location and width of roadways and walkways.

**(d)** The location of the mobile home stands within the mobile home park, including a detailed sketch of at least one typical mobile home lot and stand therein.

(e) Plans and specifications of all utilities, including: sewage collection and disposal, storm water drainage, water distribution and supply, solid waste storage and collection, lighting, electrical, telephone and TV antenna systems.

(f) The number, location and size of all individual and common parking areas.

(g) Landscaping plans for the entire park, including a planting plan for the buffer strip.

(h) Plans and specifications of all buildings to be located within the park.

(i) Written statements describing proposed park operations, management on site and off site, and maintenance, including proposed fees and charges and rules to be established by the operator for conduct of persons within the park.

(j) Such other plans and specifications and information as may reasonably be required by the Planning Commission or Village Board.

**22.21 (16) (C) (3) b.** The Planning Commission shall review the conditional use permit application to determine its conformity with land development trends in the community and recognized principles of design, land use planning and landscape architecture.

The Planning Commission shall forward the conditional use permit application to the Village Board with a recommendation that it be:

- (1) Approved;
- (2) Approved with conditions;
- (3) Approved with modifications;
- (4) Disapproved.

This communication must be made within sixty (60) days of receipt of the conditional use permit application.

**c.** Determination of Village Board. After receipt of the recommendations of the Planning Commission, the Village Board shall make its determination regarding the conditional use permit.

**d.** Findings of Fact. Within thirty (30) days after the close of the public hearing in regards to the proposed conditional use permit, the Village Board shall approve, approve with conditions, approve with modifications, or disapprove the conditional use permit.

For the Village Board to make an affirmative recommendation, it must find in each of the following instances that:

1. The establishment of a proposed mobile home park will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community.

2. The proposed mobile home park will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property values within the neighborhood.

3. The proposed mobile home park will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.

Adequate utilities, access roads, drainage and/or other necessary facilities have been, are being, or will be provided.

5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

**e. Mobile Home Park License.**

1 .It shall be unlawful for a person to establish or operate a mobile home park upon property owned or controlled by him/her within the Village New Auburn without having first secured the conditional use permit required by Chapter 22 and the mobile home park license required by Chapter 18. The application for a mobile home park license shall accompany the conditional use permit request and shall be accompanied by a fee in the amount of \$25.00. The Village Clerk shall issue the mobile home park license only upon Village Board approval of the conditional use permit. The mobile home park license fee will be returned to the applicant if the conditional use permit is denied.

**22.21(16) (C) (4) Mobile Home Park Requirements.**

**a. Park Size.** The minimum size of a mobile home park shall be five (5) acres.

**b. Density.** The maximum density for mobile home parks shall be eight (8) mobile home units or lots per gross acres.

**c. Setbacks.** No mobile home shall be located closer than thirty (30) feet from any park property boundary line.

**d. Drainage and Landscaping.** The ground surface in all parts of every mobile home park shall be graded and equipped to drain all surface water in a safe, efficient manner away from the mobile home stand; all mobile home sites shall be sodded or seeded and the park shall be attractively landscaped in accordance with a plan submitted at the time of initial permit application.

**e. Recreation Areas.** Each park shall contain a recreation area. A minimum of one-half acre of area for such use shall be provided for each 100 sites. The minimum area in a park shall be one-half acre.

**f. Screening.** All mobile home parks shall be provided with a screening of trees or shrubs along the property boundary line separating the park and such adjacent properties, except where the adjoining property is also a mobile home park. Within six (6) months after issuance of the appropriate licenses and permits for the occupation of such mobile home park, the following plantings shall be established:

1. A permanent planting of trees and shrubs so arranged and in sufficient numbers so as to form a solid wall of plant material. Such planting shall be a minimum height of two (2) feet at the original time of planting and shall be grown or maintained at a height of not less than ten (10) feet, except where line of sight vision is necessary for pedestrian or vehicular traffic safety.

**g. Permitted Uses.** The following uses are permitted within mobile home parks.

1. Mobile home used for single family residential uses.
2. One single-family dwelling per park for the owner, operator or caretaker thereof.
3. Service buildings such as park offices, laundromats and recreational buildings provided that such uses be subordinate to the residential character of the park and are intended for use only by park residents.
4. Accessory structures such as storage sheds, porches and carports as approved by the park management. Accessory structures shall meet the minimum setback requirements prescribed for the basic mobile home unit.
5. Home occupations as permitted in Section 22.18 of this Ordinance.

**h. Prohibited Uses.**

1. Commercial sales of mobile homes, except that existing mobile homes on the site may be sold by the owner.
2. Dependent mobile homes, (those which do not have complete bathroom facilities as defined in Section 66.058(1)(a), Wisconsin Statutes),

and recreational vehicles shall be prohibited from placement or occupancy within mobile home parks.

**22.21(16) (C) (4) i. Access, Street and Parking Requirements.**

**1. General Requirements.** All mobile home stands shall be provided with safe, convenient access to public streets and roads. Such access shall be provided by private streets located within the park boundaries.

**2. Park Entrances.** Entrances to parks shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets.

**3. Interior Streets.**

Paving requirements for interior streets shall adhere to locally applicable codes and shall meet the following width standards:

2-way street with parking on both sides	32 feet
2-way street with parking on one side	25 feet
2-way street with parking prohibited	18 feet
1-way street with parking on one side	22 feet
1-way street with parking prohibited	14 feet

Right-of-way width shall be at least sixty-six (66) feet, unless the Village Board has specifically approved a lesser width, but shall in no case be less than fifty (50) feet.

**4. Parking Requirements.**

A minimum of two (2) improved parking spaces shall be provided for each mobile home, one of which will be on the mobile home site.

An open, well-drained, dust free storage area for the parking of boats, trailers and outside vehicles shall be provided. The minimum size of such area shall be 100 square feet per mobile home site. The storage area shall be fenced to prevent access from outside the park.

**Walkways.** Pedestrian walkways shall be provided in the area of the service buildings, along major streets, and other locations of anticipated heavy foot traffic. Walkways shall be a minimum of three (3) feet wide and be dust free. In addition, each mobile home stand shall be provided with a walkway from the stand to the street or parking space.

**j. Water and Sanitary Sewer Requirements.** Mobile home parks and each mobile home therein shall be connected to public water and sanitary sewage facilities.



**k. Plumbing Requirements.** All plumbing within the park and within the mobile homes therein shall meet all applicable standards for the Wisconsin Administrative Code and any additional requirements of the Village Board.

**i. Solid Wastes.** All solid wastes shall be stored, collected and disposed in compliance with Chapter HSS 177 of the Wisconsin Administrative Code.

**22.21(16)(C) (5) Mobile Home Site Requirements.** Each site for the placement of mobile homes shall be clearly staked or otherwise delineated and shall meet the following standards:

**a. Minimum Lot Size.** Individual lots within the mobile home park shall contain an area of not less than 5,000 square feet and shall have a minimum width, at the narrowest point, of fifty (50) feet.

**b. Mobile Home Stand.** A mobile home stand with minimum dimensions of seventeen (17) feet by seventy (70) feet intended for the actual placement of the mobile home shall be provided on each mobile home site. The stand shall be hard surfaced with asphalt, concrete or similar material and provide adequate drainage and support against settling and frost heave. The mobile home stand shall be equipped with tie downs and anchors to secure the mobile home against winds.

**c. Required Separation between Mobile Homes.** Mobile homes shall be separated from each other and from other buildings and structures by at least twenty (20) feet. An accessory structure such as an awning, cabana, storage cabinet, carport, windbreak, or porch attached to the mobile home shall, for purposes of the separation requirements, be considered a part of the mobile home. The basic unit shall not occupy in excess of one-fourth of the area of the lot and the complete unit, including all accessory structures, shall not occupy more than one-half of the area of the lot.

**d. Setback and Buffer Strips.** Each mobile home shall be located at least five (5) feet from any mobile home lot line. There shall be a minimum setback of the mobile home of twenty (20) feet from the front, or main street side of the lot and of at least ten (10) feet from the rear of the lot. All mobile homes shall be located at least thirty (30) feet from any park property boundary line.

**22.21(16) (D) Manufactured Homes Exempted.**

**(1) Purpose.** To allow specific manufactured housing that is compatible and in character with conventional housing within the Village of New Auburn.

**(2)** A "manufactured home" as defined in Section 18.02(5) is exempted from the provisions of Section 22.21(16) if it is:

- a. Designed to be used as a dwelling, and
- b. when placed on-site:
  - 1. is set upon an enclosed permanent foundation upon land which is owned by the manufactured home owner, and
  - 2. is off its wheels, and
  - 3. is properly connected to utilities, and
  - 4. is installed in accordance with the manufacturer's instructions of a plan certified by a registered architect or engineer so as to ensure proper support for the home, and
  - 5. has no tow bars, wheels or axles attached to it.

**22.21(17) WP WELLHEAD PROTECTION OVERLAY DISTRICT.**

**(A) Purpose.** The users of the public water supply system located in the Village of New Auburn depend exclusively on ground water for safe drinking water. Certain land use practices and activities can seriously threaten or degrade ground water quality. The purpose of the Wellhead Protection Overlay District is to institute land use regulations and restrictions to protect the Village of New Auburn municipal water supply and wells, and to promote the public health, safety and general welfare of the residents of the Village of New Auburn.

**(B) Authority.** These regulations are established pursuant to the authority granted by the Wisconsin Legislature in 1983, Wisconsin Act 410 (effective May 11, 1984), which specifically added ground water protection to the statutory authorization for municipal planning and zoning in order to protect the public health, safety and welfare.

**(C) Applicability.**

**(1)** The regulations specified in the Wellhead Protection Overlay District shall apply within the Village of New Auburn limits.

**(2)** No new use or change in use of any structure, land or water shall be located, extended, converted or structurally altered, and no development shall commence without full compliance with the terms of this Section and other applicable regulations.

**(D) Definitions.**

**(1) Aquifer.** A saturated, permeable, geologic formation that contains and will yield significant quantities of water.

**(2) Existing Facilities Which May Cause or Threaten to Cause Environmental Pollution.** Existing facilities which may cause or threaten to cause environmental pollution within the Village of New Auburn include, but are not limited to, the Department of Natural Resources' draft or current list of inventory of Sites or Facilities Which May Cause or Threaten to Cause Environmental Pollution, the Department of Ag Trade and Consumer Protection (DATCP) list of Underground Storage Tanks (USTs), lists of facilities with hazardous, solid waste permits, and any facility which is considered a prohibited use under this Section, all of which are incorporated herein as if fully set forth.

**(3) Cone of Depression.** The area around a well, in which the water level has been lowered at least one-tenth of a foot by pumping of the well.

**(4) Five Year Time of Travel.** The 5-year time of travel is the recharge area upgradient of the cone of depression, the outer boundary of which it is determined or estimated that groundwater will take five years to reach a pumping well.

**(5) Recharge Area.** The area which encompasses all areas or features that, by surface infiltration of water that reaches the zone of saturation of an aquifer, supplies groundwater to a well.

**(6) Well Field.** A piece of land used primarily for the purpose of locating wells to supply a municipal water system.

**(7) Wellhead Protection Overlay District.** Shall be defined to include the following area:

The area of land which contributes water to the well starting at the well and continuing out to a line delineating the 5-year time of travel to the well, with a minimum distance of 1,200 feet from the well. Time of travel delineations must be based on accepted hydrogeological research and defined in the Village of New Auburn's Wellhead Protection Plan as the "Wellhead Protection Area" which is incorporated herein as if fully set forth as outlined in the *State Wellhead Protection Program Plan for Public Water Utilities, Appendix 2* with Zone boundaries normalized (if practical) to road centerlines, railways, surface water features, the public land survey section lines 1/2, 1/4, 1/8, or 1/16 section lines and property lines. (New Auburn's Wellhead Protection Plan is located at Appendix S of the ordinances.)

**(8) Zone of Saturation.** The saturated zone is the area of unconsolidated, fractured or porous material that is saturated with water and constitutes groundwater.

**22.21(17) (E) Wellhead Protection Overlay District.**

**(1) Supremacy of the District.** The regulations of this overlay district will apply in addition to all other regulations which occupy the same geographic area. The provisions of any zoning districts that underlay this overlay district will apply

except when provisions of the Wellhead Protection Overlay District are more stringent.

**22.21(17)(E) (2) Permitted Uses.**

a. Permitted uses within the Wellhead Protection Overlay District are subject to the separation distance requirements set forth in section 22.21(17)(E)(3), Separation Distance Requirements, the prohibition of uses, activities or structures designated in section 22.21(17)(E)(4), Prohibited Uses and include:

1. Public and private parks and beaches, provided there are no on-site wastewater disposal systems or holding tanks.
2. Playgrounds.
3. Wildlife areas and Natural areas.
4. Trails such as biking, hiking, skiing, nature, equestrian and fitness trails.
5. Residential which is municipally sewered.
6. Agricultural activities which are conducted in accordance with Wisconsin Administrative Code, Chapter ATCP 50 "Soil and Water Resource Management Program".
7. Commercial establishments which are municipally sewered.

**(3) Separation Distance Requirements.**

a. The following separation distances as specified in NR811.12(5), Wisconsin Administrative Code shall be maintained:

1. Fifty (50) feet between a well field and a stormwater sewer main or any sanitary sewer main constructed of water main materials and joints which is pressure tested in place to meet current AWWA C600 specifications.
2. Two hundred (200) feet between a well field and any sanitary sewer main not constructed of water main class materials, sanitary sewer manhole, lift station, one or two family residential heating fuel oil underground storage tank or above ground storage tank or private onsite wastewater treatment system (POWTS) treatment tank or holding tank component and associated piping.
3. Three hundred (300) feet between a well field and any farm underground storage tank system or other underground storage tank system with double wall and with electronic interstitial monitoring for the system, which means the tank and any piping connected to it. These installations shall meet the most restrictive

installation requirements of s. SPS 310.260 Wisconsin Administrative code, and receive written approval from the Department of Safety and Professional Services or its designated Local Program Operator under s. SPS 310.110. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.

**22.21(17)(E) (3) a.**

**4.** Three hundred (300) feet between a well field and any farm above ground storage tank with double wall, or single wall tank with other secondary containment and under a canopy; other above ground storage tank system with double wall, or single wall tank with secondary containment and under a canopy and with electronic interstitial monitoring for a double wall tank or electronic leakage monitoring for a single wall tank secondary containment structure. These installations shall meet the most restrictive installation requirements of s. SPS 310.260, Wisconsin Administrative Code, and receive written approval from the Department of Commerce or its designated Local Program Operator under s. SPS 310.110. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.

**5.** Four hundred (400) feet between a well field and a POWTS dispersal component with a design capacity of less than 12,000 gallons per day, a cemetery or a storm water detention, retention, infiltration or drainage basin.

**6.** Six hundred (600) feet between a well field and any farm underground storage tank system or other underground storage tank system with double wall and with electronic interstitial monitoring for the system, which means the tank and any piping connected to it; any farm above ground storage tank with double wall, or single wall tank with other secondary containment and under a canopy or other above ground storage tank system with double wall, or single wall tank with secondary containment and under a canopy and with electronic interstitial monitoring for a double wall tank or electronic leakage monitoring for a single wall tank secondary containment structure. These installations shall meet the standard double wall tank or single wall tank secondary containment installation requirements of s. SPS 310.260 Wisconsin Administrative code, and receive written approval from the Department of Safety and Professional Services or its designated Local Program Operator under s. SPS 310.110. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.

**7.** One thousand (1,000) feet between a well field and land application of municipal, commercial, or industrial waste; the boundaries of a land spreading facility for spreading of petroleum-contaminated soil regulated under state administrative regulations while that facility is in operation; agricultural, industrial, commercial or municipal waste water treatment plant treatment units, lagoons, or

storage structures; manure stacks or storage structures; or POWTS dispersal component with a design capacity of 12,000 gallons per day or more.

**22.21(17)(E) (3) a.**                    **8.**     Twelve hundred (1,200) feet between a well field and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one time disposal or small demolition facility; sanitary landfill; coal storage area; salt or deicing material storage area; any single wall farm underground storage tank or single wall farm above ground storage tank or other single wall underground storage tank or above ground storage tank that has or has not received written approval from the Department of Safety and Professional Services or its designated Local Program Operator under s. SPS 310.110, Wisconsin Administrative Code, for a single wall tank installation. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances; and bulk pesticide or fertilizer handling or storage facilities.

**22.21(17)(E)            (4)    Prohibited Uses.**

**a.**     The method of regulation by prohibition of certain uses is employed to provide the greatest assurance that inadvertent discharge of pollutants into the groundwater supply will not occur, since such an event would result in almost certain contamination of the public water supply, and costly mitigation or remediation for which liability is difficult or impossible to establish. The prohibited uses, activities or structures for the Wellhead Protection Overlay District include:

1.     Above and Below Ground Hydrocarbon or Petroleum Storage Tanks.
2.     Cemeteries.
3.     Chemical Manufacturers (Standard Industrial Classification Major Group 28).
4.     Coal Storage.
5.     Dry Cleaners.
6.     Hazardous, Toxic or Radioactive Materials Transfer and Storage under Title III or SARA planning.
7.     Industrial Lagoons and Pits.
8.     Jewelry Plating and Metal Plating.
9.     Landfills and Any Other Solid Waste Facility,

except post-consumer recycling.

**22.21(17)(E)(4)a.**

10. Machine or Metal Working Shops.
11. Manure Storage.
12. Non-metallic earthen materials extraction or sand and gravel pits.
13. Pesticide and Fertilizer Dealer, Transfer or Storage.
14. *Blank*
15. Railroad Yards and Maintenance Stations.
16. Rendering Plants and Slaughterhouses.
17. Salt or de-icing Material Storage.
18. Salvage or Junk Yards.
19. Septage or Sludge Spreading, Storage or Treatment.
20. Septage, Wastewater, or Sewage Lagoons.
21. Septic tanks, holding tanks or other on-site sewage treatment systems.
22. Stockyards and Feedlots.
23. Stormwater infiltration basins without pre treatment.
24. *Blank*
25. Wood Preserving.
26. Any other use determined by the Village Board to be similar in nature to the above listed items.

**22.21(17)(E) (5) Requirements for Existing Facilities Which May Cause or Threaten to Cause Environmental Pollution.**

a. Existing facilities within the Wellhead Protection Overlay District at the time of enactment of such district which may cause or threaten to

cause environmental pollution include, but are not limited to, the Wisconsin Department of Natural Resources' draft or current list of Inventory of Sites or Facilities Which May Cause or Threaten to Cause Environmental Pollution, Wisconsin Department of Industry, Labor and Human Relations' list of Underground Storage Tanks, lists of facilities with hazardous, solid waste permits, and all other facilities which are considered a prohibited use in section 22.21(17)(E)(4), Prohibited Uses, all of which are incorporated herein as if fully set forth.

**22.21(17)(E)(5)a.**

1. Such facilities as above which exist within the district at the time of enactment of a district shall provide copies of all federal, state and local facility operation approval or certificates and on-going environmental monitoring results to the Village.

2. Such facilities as above which exist within the district at the time of enactment of a district shall provide environmental or safety structures/monitoring to include an operational safety plan, hazardous material containment, best management practices, stormwater runoff management and groundwater monitoring.

3. Such facilities as above which exist within the district at the time of enactment of a district shall replace equipment, or expand on the site or property of record associated with the facility at the time of enactment of a district, in a manner that improves the environmental and safety technologies already being utilized.

4. Such facilities as above which exist within the district at the time of enactment of a district shall have the responsibility of devising, filing and maintaining with the Village, a current contingency plan which details how they intend to respond to any emergency which occurs at their facility, including notifying municipal, county and state officials.

5. Such facilities as above cannot engage in or employ a use, activity, or structure listed in section 22.21(17)(E)(4), Prohibited Uses, which they did not engage in or employ at the time of enactment of a district, and can only expand those present uses, activities, or structures on the site or property of record associated with the facility at the time of enactment of a district, and in a manner that improves the environmental and safety technologies already being utilized.

**22.21(17)(E) (6) Conditional Uses.** Any individual, person, partnership, corporation, or other legal entity and/or facility may request that the Village of New Auburn Board of Trustees grant a Conditional Use Permit for certain uses, activities and structures within the Wellhead Protection Overlay District.

a. All requests shall be made in writing to the Village of New Auburn Planning Commission and shall include:

1. A site plan map and/or other documentation which describes in detail the use, activities, and structures proposed.



2. A business plan and/or other documentation which describes in detail the use, activities, and structures proposed.

3. An environmental assessment report prepared by a licensed environmental engineer which details the risk to, and potential impact of, the proposed use, activities, and structures on groundwater quality.

4. An operational safety plan, which details the operational procedures for material processes and containment, best management practices, stormwater runoff management, and groundwater monitoring.

5. A contingency plan which addresses in detail the actions that will be taken should a contamination event caused by the proposed use, activities, or structures occur.

**22.21(17)(E)(6)**

b. All Conditional Use Permits granted under this Section shall be subject to conditions that will include environmental and safety monitoring determined necessary to afford adequate protection of the public water supply, and/or bonds and/or sureties satisfactory to the Village. These conditions shall include, but not be limited to:

1. Provide current copies of all federal, state and local facility operation approval or certificates and ongoing environmental monitoring results to County Emergency Government and the Village of New Auburn.

2. Establish environmental or safety structures/monitoring to include an operational safety plan, material processes and containment, operations monitoring, best management practices, stormwater runoff management, and groundwater monitoring.

3. Replace equipment or expand in a manner that improves the environmental and safety technologies being utilized.

4. Devise, file and maintain a current contingency plan which details the response to any emergency which occurs at the facility, including notifying municipal, county and state officials. Provide a current copy to County Emergency Government and the Village of New Auburn.

c. The individual, person, partnership, corporation, or other legal entity and/or facility making the request shall reimburse the Village for consultant fees and Planning Commission expenses associated with this review at the invoiced amount, plus administrative costs.

d. The Village Board shall decide upon a request for a Conditional Use Permit only after full consideration of the recommendations made by the Village Planning Commission. Any conditions above and beyond those specified in

section 22.21(17)(E)(6), Conditional Uses that are recommended by the Planning Commission or established by the Village Board may be applied to the granting of the Conditional Use Permit.

**22.21(17) (F) Violations, Enforcement and Penalties.**

**(1)** It shall be unlawful to construct or use any structure, land or water in violation of any of the provisions of this Section. In case of any violation, the Village Board shall institute appropriate action or proceeding to enjoin a violation of this Section.

**(2)** Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any of the provisions of this Section shall, upon conviction thereof, forfeit to the Village of New Auburn, a penalty of not less than \$50 together with the taxable cost in such action and not more than \$500, and in default of payment thereof shall be imprisoned for a term of not more than 30 days or until such penalty and costs are paid. Each and every day of violation shall constitute a separate offense in addition to any penalties. Compliance with this Section is mandatory, and no building, structure or use shall be allowed without full compliance.

**(3)** In the event any individual, person, partnership, corporation, or other legal entity (hereinafter "individual") that owns an Existing Facility Which May Cause or Threaten to Cause Environmental Pollution, or any individual and/or facility possessing a Conditional Use Permit under the provisions of subsection 22.21(17)(E)(6), Conditional Uses, and that individual/facility causes, or is the site of, the release of any contaminants which endanger the municipal water supply associated with a Wellhead Protection Overlay District, the activity causing said release shall immediately cease and a cleanup satisfactory to the Village shall occur.

The individual/ facility shall be responsible for all costs of cleanup, Village consultant or outside contractor fees, fees at the invoice amount plus administrative costs for oversight, review and documentation, plus the following:

**a.** The cost of Village employee's time associated in any way with the cleanup based on the hourly rate paid to the employee multiplied by a factor determined by the Village representing the Village's cost for expenses, benefits, insurance, sick leave, holidays, workman's compensation, holidays, overtime, vacation, and similar benefits.

**b.** The cost of Village equipment employed in the cleanup.

**c.** The cost of mileage incurred on Village vehicles used in any activity related to the cleanup, or of mileage fees reimbursed to Village employees attributed to the cleanup.