

22.22 PARKING AND LOADING

(1) **PURPOSE.** The purpose of this Section is to promote public safety and welfare by reducing congestion on public streets and roads by requiring on each lot sufficient parking and loading space to accommodate the traffic generated by the use of the lot.

(2) **SCOPE OF THESE REGULATIONS.** The off-street parking and loading provisions of this Ordinance shall apply as follows:

(A) For all buildings and structures erected after the effective date of this Ordinance, accessory parking and loading shall be according to the provisions of this Ordinance.

(B) Where the intensity of the use of any building, structure or premise shall be increased, additional parking to match the increased intensity of use shall be provided.

(C) Wherever an existing building or structure is converted to a new use, parking shall be provided according to the requirements of the new use.

(D) Any existing parking and loading serving any type of use may not be reduced below the requirements of this Ordinance.

(3) GENERAL PROVISIONS.

(A) **Minimum Size Regulations.** Each parking space shall not be less than 180 square feet in area, eighteen (18) feet in length and ten (10) feet in width, exclusive of aisles and access drives.

(B) **Access.** Each off-street parking space shall open directly upon an aisle or driveway designed to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.

(C) **Computing Requirements.** In computing the number of space required, the following rules shall govern:

(1) Floor space shall mean the gross floor area of the specific use. See Section 22.10(49).

(2) Provision of parking stalls, shared jointly by several persons in the same block or in the same vicinity is permissible, in which case the number of stalls required shall be the sum total of the individual requirements, provided that where it is found by the Planning Commission, upon application thereto, that the parking demand generated by the different uses included in any joint arrangement to provide parking

stalls required herein occurs at distinctly different times, as in the case of a theater generating demand for parking after normal daytime business hours and a store generating demand for parking during such daytime hours, and in similar cases, the Planning Commission may reduce the total number of parking stalls to be jointly provided.

(3) Where parking spaces are calculated according to the number of employees, the number of employees on the main shift shall be used to compute the number of stalls required.

(D) **Location of Parking Facilities.** All parking spaces required herein shall be located on the same lot with the building or use served, except that where the number of spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located not to exceed 300 feet from any building served.

(E) **Screening.** Any off-street parking area, other than that provided for single-family dwelling units, which abuts, [see Section 22.10(1)], a single-family residential district, shall provide a planting screen, landscaped fence or wall, at least four (4) feet in height along the side abutting the single-family residential district, unless exempted by the Village Board.

(F) **Lighting.** Lights provided in any parking area shall be hooded or beamed so as not to create undesirable glare or illumination on adjacent residential property.

(G) **Yards.** Parking may be allowed in the required yards with the exception of the following:

(1) In any off-street parking area, which abuts a single-family residential district, no vehicles shall be allowed to park closer than ten (10) feet to the abutting lot line between the districts.

(2) No parking shall be allowed within the first fifteen (15) feet of the required front yard in all residential districts and the conservancy district. No parking shall be allowed within the first ten (10) feet of the required front yard in all commercial and industrial districts.

(H) **Surfacing.** Any off-street parking area, other than that provided for single- and two-family dwelling units, having a capacity for more than four (4) vehicles shall be hard surfaced, unless exempted by the Village Board.

22.22(4) PARKING SPACE REQUIREMENTS. In all districts, except the Central Business District, there shall be provided at the time any building or structure is erected or structurally altered, off-street parking spaces in accordance with the following requirements:

(A) **Animal Hospitals.** One space per employee plus four (4) additional spaces.

(B) **Athletic Fields, Including Softball Fields, Tennis Courts, or Similar Uses.** Parking space shall be provided in adequate number as determined by the Planning Commission to serve the public.

(C) **Boarding Houses.** One (1) space per bedroom.

(D) **Bowling Alleys.** Two (2) spaces per lane plus the requirements for connected commercial uses, such as eating or drinking establishments.

22.22(4) (E) **Business, Professional Offices or Banks.** One (1) space per 200 square feet of floor area.

(F) **Churches.** One (1) space per (5) seats of the main assembly area.

(G) **Elementary and Junior High Schools** (if the school includes a public assembly facility, the public assembly facility requirements shall govern, if it is greater), two (2) spaces per classroom.

(H) **Funeral Homes or Mortuaries.** Twenty (20) per chapel, plus one (1) space per vehicle kept on the premises.

(I) **High Schools** (if the school includes a public assembly facility, the public assembly facility requirements shall govern, if it is greater), one (1) space per five (5) students plus one (1) space per employee.

(J) **Hospitals, Convalescent and Nursing Homes and Similar Institutions.** One (1) space per four (4) beds plus one (1) space per employee on the major shift.

(K) **Hotel and Motels.** One (1) space per rental unit plus one (1) space per employee on the major shift.

(L) **Manufacturing and Processing Plants, Warehouses, Wholesale Establishments, Research Laboratories and Similar Uses.** One (1) space per employee on the major shift, plus one (1) space per business vehicle normally kept on the premises and five (5) additional spaces for the main office.

(M) **Medical and Dental Clinics.** Five (5) spaces per doctor.

(N) **Multiple-Family Dwellings.**

(1) Efficiency, one and two bedroom - 1.5 spaces per dwelling unit.

(2) Three or more bedrooms - two (2) spaces per dwelling unit.

(O) **Museums and Libraries.** One (1) space for each 200 square feet of floor area.

(P) **Nursery Schools, Day Nurseries and Child Care Centers.** One (1) space for each two (2) staff members, plus one (1) space for each ten (10) children based on maximum occupancy load.

(Q) **Parks and Playgrounds.** Parking spaces shall be provided in adequate number as determined by the Planning Commission to serve the public.

(R) **Planned Unit Developments.** Parking spaces shall be provided on the basis of the required space for each individual use.

(S) **Private Clubs, Lodge Halls.** One (1) space for every 100 square feet of floor area.

(T) **Public Assembly Facilities Providing for Seated Audiences** (theaters, auditoriums, gymnasiums, etc.), one (1) space per three (3) seats.

(U) **Restaurants, Taverns, Nightclubs, etc.** One (1) space per 50 square feet of floor area or one (1) space per six seats, whichever is greater.

(V) **Retail and Customer Service Establishments.** One (1) space per 200 square feet of floor area.

(W) **Single- and Two-Family Dwellings.** Two (2) spaces per dwelling unit.

22.22(5) USES NOT SPECIFIED. The parking space requirements for uses not consistent in Section 22.22(4) shall be defined by the Planning Commission. Such determination shall be based upon the requirements for the most comparable use specified in Section 22.22(4).

22.22(6) OFF-STREET LOADING.

(A) **Required for Occupancy.** Loading and unloading facilities shall be provided prior to occupancy for every commercial or industrial building hereafter erected or altered, and shall be maintained as long as such building is occupied or unless equivalent facilities are provided in conformance with the regulations of this Ordinance.

(B) **Planning Commission Waiver.** The Planning Commission may waive loading requirements dependent upon the character of the proposed use or the impracticality of adding loading docks to existing buildings. The Planning Commission may allow two (2) or more uses to cooperatively provide off-street loading spaces, subject to the assurance of permanent availability.

(C) Site Plan For Off-Street Loading Required. Detailed drawings of off-street loading facilities shall be submitted for approval by the Planning Commission. The Planning Commission may require structural and landscape features such as bumper guards, curbs, walls, fences, shrubs, ground cover, or hedges to further carry out the screening objectives of this Code.

(D) Allocation of Use. Space required and allocated for any off-street loading facility shall not, while so allocated, be used to satisfy the space requirements for off-street parking. An off-street loading space shall not be used for repairing or servicing of motor vehicles.

(E) Location of Facility. All required loading facilities shall be related to the function of the building and use to be served and located so as not to interfere with access and driveways.

22.22(6) (F) Access Driveways. Each required off-street loading space shall be designed for direct vehicular access by means of a driveway, or driveways, to a public street, provided, however, that loading shall not be from the public right-of-way except in situations of existing commercial facilities in the Central Business District where no other opportunities for loading exist. Generally, where servicing is provided from a public right-of-way, the following principles shall be followed:

(1) Servicing should be provided from other than the principal entrance of the use or uses.

(2) Trucks shall be parked for loading or unloading purposes on other than the principal street serving the use, on side streets or alleys when available.

(G) Minimum Size Criteria. A required off-street loading space shall be at least twelve (12) feet wide by at least forty (40) feet in length. The above area shall be exclusive of the maneuvering space, and each loading facility shall have a vertical clearance of at least fourteen (14) feet.

(H) Minimum Space Required. Every building having over 5,000 square feet of gross floor area shall be provided with at least one (1) truck loading space. The following minimum number of spaces shall be required:

(1) Retail Establishments.

a. Gross Floor Area is under 20,000 SF, the required minimum number of spaces is one.

b. Gross Floor Area is between 20,000 and 50,000 SF, the required minimum number of spaces is two.

c. Gross Floor Area is between 50,000 and 100,000 SF, the required minimum number of spaces is three.

(2) Printing, Publishing, Warehouses, Storage Establishments.

a. Gross Floor Area is under 40,000 SF, the required minimum number of spaces is one.

b. Gross Floor Area is between 40,000 and 100,000 SF, the required number of spaces is two.

(3) Servicing, Cleaning, Repairing, Testing, or Manufactured Establishments.

a. Gross Floor Area is under 40,000 SF, the required minimum number of spaces is one.

b. Gross Floor Area is between 40,000 and 100,000 SF, the minimum required number of spaces is two.

All Uses - One (1) additional such loading space for each 100,000 square feet or major fraction thereof of gross floor area so used in excess of 100,000 square feet. When the determination of requirements results in a fractional space, any fraction of one-half or less shall be disregarded. Any fraction of more than one-half shall count as one loading space.

(I) In the case of any use which is not specifically mentioned in paragraph H above, the provisions for a similar use which is so mentioned shall apply. The Planning Commission shall make all such determinations.

22.23 SIGN REGULATIONS.

(1) **PURPOSE.** The purpose of this Section is to create the legal framework to regulate, administer, and enforce outdoor sign advertising and display within the Village of New Auburn. This Section recognizes the need to protect the safety and welfare of the public and the need for well-maintained and attractive sign displays within the community, and the need for adequate business identification, advertising, and communication.

This code authorizes the use of signs visible from public rights-of-way provided the signs are:

(A) Compatible with the zoning regulations.

(B) Designed, constructed, installed and maintained in such a manner that they do not endanger public safety or traffic safety.

(C) Legible, readable and visible in the circumstances in which they are used.

(D) Respectful of the reasonable rights of other advertisers whose messages are displayed.

22.23(2) DEFINITIONS.

(A) **Abandoned Sign.** A sign which no longer correctly advertises a bonafide business, lessee, owner, product or activity conducted, or product available on the premises where the sign is displayed or elsewhere.

(B) **Area of Copy.** The entire area within a single, continuous perimeter composed of squares or rectangles which encloses the extreme limits of advertising message, announcement, or decoration of a wall sign.

(C) **Area of Sign.** The area of the largest single face of the sign within a perimeter which forms the outside shape, but excluding the necessary supports or uprights on which the signs may be placed. If the sign consists of more than one section or module, all areas will be totaled. Any irregularly shaped sign area shall be computed using the actual sign-face surface. In the case of wall signs, the area of copy will be used.

(D) **Billboard.** See "Off-Premise Signs".

22.23(2) (E) **Changeable Message Sign.** A sign such as an electric controlled time and temperature sign, message center or reader board where copy changes.

(F) **Copy Area.** The geometric area in square feet that encloses the actual copy of the sign.

(G) **Directional Sign.** Any sign which serves to designate the location or direction of any place or area. This includes, but is not limited to, such signs as those identifying restrooms, telephone, parking areas, entrances and exits.

(H) **Electric Sign.** Any sign containing internal electrical wiring which is attached or intended to be attached to an electrical energy source.

(I) **Flashing Sign.** Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally-mounted intermittent light source, not including changeable message signs.

(J) **Frontage.** The length of the property line of any one premise parallel to and along each public right-of-way it borders.

(K) **Grade.** The elevation or level of the street closest to the sign to which reference is made, measured at the street's centerline.

(L) Ground Sign. A sign erected on one or more free-standing supports or uprights and not attached to any building.

(M) Gross Area. The area of a sign is determined by using the outside perimeter dimensions of the sign. If the sign consists of more than one module or section, their areas will be totaled. If the modules are formed in the shape of letters or symbols, the rules for "Area of Copy" apply.

(N) Height of Sign. The vertical distance measured from the grade at the street right-of-way line where the sign is located to the highest point of such sign.

(O) Illuminated Sign. A sign which is lighted by an artificial light source either directed upon it or illuminated from an interior source.

(P) Integrated Shopping Center. A shopping center in single ownership or under unified control, and containing three (3) or more separate businesses.

(Q) Legal Nonconforming Sign. A nonconforming sign that did meet regulations when it was originally installed.

22.23(2) (R) Nonconforming Sign. A sign that does not meet code regulations.

(S) Off-Premise Sign. A sign which advertises goods, products, facilities or services not necessarily on the premises where the sign is located, or directs persons to a different location from where the sign is located.

(T) On-Premise Sign. Any sign identifying or advertising a business, person, activity, goods, products or services located on a premise where the sign is installed and maintained.

(U) Portable Sign. Any sign not permanently attached to the ground or a building.

(V) Sign. Any emblem, painting, banner, pennant, placard, design, identification, description, illustration or device, illuminated or non-illuminated, to advertise, identify, convey information or direct attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise. For the purpose of removal, signs shall also include all sign structures.

(W) Sign Contractor. Any person, partnership or corporation engaged in whole or in part in the erection or maintenance of signs, excluding the business which the sign advertises.

(X) Sign Structure. Any device or material which supports, has supported, or is capable of supporting a sign in a stationary position, including decorative covers.

(Y) Swinging Sign. A sign installed on an arm or mast or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.

(Z) Wall Sign. A sign attached to the wall of a building with the face in a parallel plane to the plane of the building wall. This includes signs painted directly on a wall.

(AA) Window Sign. A sign affixed to, in contact with, painted upon, or placed within a window, for the purpose of viewing from outside the premises; such sign must be placed only on the interior of any window unless painted directly upon it. This does not include merchandise located in a window.

(BB) Zoning Lot. A parcel of land considered or treated as a single unit. A zoning lot may or may not correspond with a lot of record.

22.23(3) PERMITS, APPLICATIONS, ISSUANCE AND DENIAL, NDEMNIFICATION, INSURANCE, PENALTIES.

(A) Permits Required. It shall be unlawful for any person to erect, construct, enlarge or structurally modify a sign or cause the same to be done in the Village of New Auburn without first obtaining a sign permit for each such sign from the Building Inspector as required by this Section. Permits shall not be required for a change of copy of any sign, nor for the repainting, cleaning, and other normal maintenance and repair of the sign and sign structure.

22.23(3) (B) Application for Permit. Application for a permit shall be filed with the Village Clerk upon forms provided by the Village Clerk and shall contain the following information:

(1) The name, address and telephone number of the sign owner, the property owner where the sign is or will be located, and the sign contractor of the proposed sign.

(2) Clear and legible drawings with description and nominal dimensions of the proposed sign, the construction, size, dimensions and kind of materials to be used in such structure. The site plan shall show the buildings on the premises upon which the structure is to be erected and maintained together with location, setbacks, size, and types of existing signs on the premises where the proposed sign is to be located. All dimensions shall be indicated for the sign and the site plan elements.

(3) Evidence of liability, insurance policy or bond as required by Section 22.23(3)(F).

(4) Such other information as the Building Inspector may require to show full compliance with this and all other applicable laws of the Village of New Auburn.

(5) Signature of the applicant.

(C) **Permit Issuance and Denial.** The Building Inspector shall issue a permit for the erection, structural alteration, enlargement, or relocation of a sign within the Village of New Auburn when the permit application is properly made and the sign complies with the appropriate laws and regulations of the Village of New Auburn. If the sign permit is denied by the Building Inspector, he/she shall give written notice of the denial to the applicant, together with a brief statement of the reasons for the denial.

(D) **Sign Permit Appeal.**

(1) In the event any of the requirements herein contained cause undue or unnecessary hardship on any person, firm or corporation, a variance from requirements may be applied for to the Board of Appeals. An application for variance must be made within ten (10) days after receipt of notice that the sign involved does not conform to the Ordinance and not less than forty-five (45) calendar days before a scheduled Board of Appeals meeting. In the event that the appeal is not made in writing to the Appeals Board within such ten (10) day period, a variance may not be granted. The Board of Appeals is to take action on any variance request within sixty (60) days of receipt of the variance application. The Building Inspector shall comply with and enforce the Zoning Board of Appeals decision.

(2) The Building Inspector's failure to either formally grant or deny a sign permit within thirty (30) days of the date an application meeting the requirements of this Ordinance is filed, shall be cause for appeal to the Zoning Board of Appeals.

(E) **Indemnification For Sign Installation and Maintenance.** All persons engaged in the business of installing or maintaining signs which involves in whole or in part, the erection, alteration, relocation, maintenance of a sign or other sign work, in, over, or immediately adjacent to a public right-of-way or public property used or encroached upon the by sign contractor, shall agree to hold harmless and indemnify the Village of New Auburn, its officers, agents, employees, from any and all claims of negligence resulting from the erection, alteration, relocation, maintenance of this sign or any other sign work insofar as this Ordinance has not specifically directed the placement of the sign.

(F) **Insurance.** Every sign contractor shall file with the Building Inspector a Certificate of Insurance indicating the applicant holds a public liability and property damage policy specifically to include the hold harmless clause with bodily injury limits of at least \$300,000 per occurrence, and \$300,000 aggregate, and property damage insurance of at least \$100,000 per occurrence, and \$100,000 aggregate. Such insurance shall not be canceled or reduced without the insured first giving thirty (30)

days notice in writing to the Village of New Auburn of such cancellation or reduction. This requirement may be waived by the Village Board.

(G) Penalties. Violation or failure to comply with the provisions of this Ordinance shall be and hereby is declared to be unlawful, subject to Section 22.26(8).

(1) Any sign erected, altered, moved or structurally modified without a permit or altered with a permit, but in violation with the provisions of this Ordinance, shall be removed at the owner's expense or brought into compliance within thirty (30) days of written notification by the Building Inspector. If the violation is failure to obtain a permit, a permit fee shall be required and the permit fee shall be five (5) times normal fees. In the event that the owner does not remove or bring into compliance, the Building Inspector may order removal, the expenses of which will be assessed to the tax roll of the property on which the noncomplying sign is located.

(2) This Section shall not preclude the Village of New Auburn from maintaining any appropriate action to prevent or remove a violation of this Ordinance.

22.23 (4) LEGAL NONCONFORMING SIGNS.

(A) Notification of Nonconformance. Upon determination that a sign is nonconforming, the Building Inspector shall use reasonable efforts to so notify, either personally or in writing, the user or owner of the property on which the sign is located of the following:

(1) The sign's nonconformity.

(2) Whether the sign is eligible for characterization as a legal nonconforming or is unlawful.

22.23(4) (B) Signs Eligible for Characterization as Legal Nonconforming. Any sign located within the Village of New Auburn's village limits as of the date of adoption of this Ordinance, or located in an area annexed to the Village of New Auburn, hereafter which does not conform with the provisions of this Ordinance is eligible for characterization as a legal nonconforming sign and is permitted, providing it also meets the following requirements:

(1) The sign was covered by a proper sign permit prior to the date of adoption of this Ordinance.

(2) If no permit was required under applicable law for the sign in question and the sign was substantially in compliance with applicable law on the date of adoption of this Ordinance.

(C) Loss of Legal Nonconforming Status. A sign loses its nonconforming status if one or more of the following occurs:

(1) The sign is structurally altered in any way, except for normal maintenance or repair, which tends to or makes the sign less in compliance with requirements of this Ordinance than it was before alteration.

(2) The sign is relocated.

(3) The sign fails to conform to the Ordinance regarding maintenance and repair, abandonment, or dangerous or defective signs.

(4) The sign is destroyed by any means to the extent of more than fifty (50) percent of its fair market value.

(5) On the date of occurrence of any of the above, the sign shall be immediately brought into compliance with this Ordinance.

(D) **Legal Nonconforming Sign Maintenance and Repair.** Nothing in this Ordinance shall relieve the owner or user of a legal nonconforming sign or the owner of the property in which the sign is located from the provisions of this Ordinance regarding safety, maintenance, and repair of signs.

22.23(5) REMOVAL AND DISPOSITION OF SIGNS.

(A) Maintenance and Repair.

(1) Every sign, including, but not limited to, those signs for which permits are required, shall be maintained in a safe, presentable, and good structural condition at all times, including replacement of defective parts, painting (except when a weathered or natural surface is intended), repairing, cleaning and other acts required for the maintenance of said sign.

(2) The Building Inspector shall require compliance with all standards of this Ordinance. If the sign is not modified to comply with safety standards outlined in this Ordinance, the Building Inspector shall require its removal in accordance with this Section.

(B) **Abandoned Signs.** All signs or sign messages shall be removed by the owner or lessee of the premises upon which an on-premise sign is located when the business it advertises is no longer conducted or, for an off-premise sign, when lease payment and rental income are no longer provided. If the owner or lessee fails to remove the sign, the Building Inspector shall give the owner sixty (60) days written notice to remove said sign. Upon failure to comply with this notice, the Village of New Auburn may cause removal to be executed, the expenses of which will be assessed to the tax roll of the property on which the abandoned sign is located.

(C) **Deteriorated or Dilapidated Signs.** The Building Inspector shall cause to be removed any deteriorated or dilapidated signs under the provisions of Wisconsin Statute 66.05.

22.23(6) ADMINISTRATIVE AND ENFORCEMENT OFFICER.

(A) Building Inspector. The Building Inspector is hereby designated as the Administrative and Enforcement Officer for the provisions of this Section. The Village Clerk can act as the Building Inspector's representative in the administration and enforcement of this Section. The Building Inspector can seek counsel with the Planning Commission regarding the administration and enforcement of this Section. The Building Inspector shall examine all applications for permits for the erection of signs, issue permits and denials, authorize the continued use of signs which conform with the requirements of this code, record and file all applications for permits with any accompanying plans and documents, make inspections of signs in the Village of New Auburn and make such reports as the Village may require.

22.23(7) PROHIBITED SIGNS. The following signs shall be prohibited within the Village of New Auburn:

(A) Abandoned signs.

(B) Flashing or Moving Signs: Flashing signs are prohibited. Changeable message signs and movie theater marquees are not subject to this restriction. Signs with physically moving components visible from the public right-of-way are not permitted except for those which revolve around a vertical axis at speeds less than seven (7) revolutions per minute.

(C) Swinging signs.

(D) Floodlighted and Illuminated Signs: Signs may be floodlighted or illuminated, subject to the following restrictions:

(1) Signs which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of a public-right-of-way and which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operation of a motor vehicle are prohibited.

(2) Signs which are not effectively shielded as to prevent beams or rays of light from being directed at any residential property and which are of such intensity or brilliance as to cause a public nuisance are prohibited.

(3) No sign shall be so floodlighted or illuminated that it interferes with the effectiveness of, or obscures an official traffic sign, device, or signal.

(E) Unclassified Signs. The following signs are prohibited which:

(1) Bear or contain statements, words or pictures of obscene, pornographic or immoral subjects.

(2) Signs which are an imitation of, or resemble in shape, size, copy or color an official traffic sign or signal.

22.23(8) SIGNS NOT REQUIRING A PERMIT.

(A) **Construction Signs.** Two (2) construction signs per construction site, not exceeding 160 square feet in area each, shall be confined to the site of construction, and shall be removed thirty (30) days after completion of construction or prior to occupancy, whichever is sooner.

(B) **Directional and Instructional Non-electric Signs.** Directional and instructional non-electric signs, which provide instruction or direction and are located entirely on a property to which they pertain and do not exceed eight (8) square feet each in area and do not in any way advertise a business. This includes, but is not limited to, such signs as those identifying restrooms, telephone, parking areas, entrances and exits.

(C) **Non-illuminated Emblems.** Non-illuminated emblems, or insignia of any nation or political subdivision, profit or non-profit organization.

(D) **Government Signs.** Government signs for control of traffic and other regulatory purposes, danger signs, railroad crossing signs, and signs of public utilities indicating danger, and aids to service safety which are erected by or on the order of a public officer in the performance of his/her public duty.

(E) **Home Occupation Signs.** Signs associated with a home occupation as defined in the Zoning Ordinance provided such signs are non-illuminated signs that do not exceed two (2) square feet in area. One (1) sign per home occupation is allowed.

(F) **House Numbers and Name Plates.** Name plates not exceeding one (1) square foot in area for each residential building. House numbers not exceeding one (1) foot in height. Written house numbers not exceeding one (1) foot in height. Letters, when used to identify individual multiple-family dwelling units, not to exceed one (1) foot in height.

22.23(8) (G) Interior Signs. Signs located within the interior of any building or structure which are not visible from the public right-of-way. This does not, however, exempt such signs from the structural, electrical or material specifications of this Ordinance.

(H) **Memorial Signs and Plaques.** Memorial signs or tablets, names of buildings and date of erection, which are cut into masonry surface or inlaid so as to be part of a building or when constructed of bronze or other noncombustible material not more than four (4) square feet in area.

(I) **No Trespassing or No Dumping Signs.** No trespassing and no dumping signs not to exceed one and one-half (1 1/2) square feet in area per sign.

(J) **Public Notices.** Official notices posted by public officers or employers in the performance of their duties.

(K) **Public Signs.** Signs required as specifically authorized for a public purpose by any law, statute, ordinance.

(L) **Political and Campaign Signs.** Political and campaign signs on behalf of candidates for public office or measures on election ballots provided that said signs are subject to the following regulations:

(1) Said signs may be erected no earlier than sixty (60) days prior to the election and shall be removed within seven (7) days following said election.

(2) Each sign, except billboards, shall not exceed sixteen (16) square feet in non-residential zoning districts and eight (8) feet in residential zoning districts.

(3) No sign shall be located within fifteen (15) feet of the public right-of-way at a street intersection nor over the right-of-way.

(4) Political and campaign signs shall not be attached to public signs or utility poles.

(M) **Real Estate Signs.** One (1) real estate sales sign on any lot or parcel, provided such sign is located entirely within the property to which the sign applies and is not directly illuminated.

(1) In residential districts and the Central Business District, such signs shall not exceed eight (8) square feet in area and shall be removed within thirty (30) days after the sale, rental or lease has been accomplished.

(2) In all other districts, such signs shall not exceed thirty-two (32) square feet in area and shall be removed within thirty (30) days after the sale, rental or lease has been accomplished.

(3) Shoreland property. Two (2) real estate signs are permitted allowing one (1) sign adjacent to the ordinary high water mark and one (1) sign adjacent to the street.

(N) **On-Premise Symbols or Insignia.** Religious symbols, commemorative plaques of recognized historic agencies, or identification emblems of religious orders or historic agencies.

(O) On-Premise Temporary Signs. Temporary signs not exceeding four (4) square feet in area pertaining to drives or events of civic, philanthropic, educational, or religious organizations, provided such signs are posted not more than thirty (30) days before said event and removed within fifteen (15) days after the event.

(P) Vehicular Signs. Truck, bus, trailer or other vehicles, while operating in the normal course of business, which is not primarily the display of signs.

(Q) Interior Window Signs. Permanent signs located within the interior of any building or structure which are visible from the public right-of-way provided the gross area of the sign does not exceed four (4) square feet [see subsection 22.23(10)]. This does not include temporary advertising, special event, or sales types of signs.

22.23(9) CONSTRUCTION SPECIFICATIONS.

(A) Every sign or advertising structure hereafter erected shall have marked in a conspicuous place thereon the date of erection, the manufacturer's name, the permit number and the voltage of any electrical apparatus used in connection therewith.

(B) All signs shall comply with the provisions of the Village of New Auburn Zoning Ordinance, the current National Electrical Code and the additional construction standards hereinafter set forth.

(C) All ground sign structure shall be self-supporting structures and permanently attached to sufficient foundations.

(D) Electrical service to ground signs shall be concealed wherever possible.

(E) No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind action. Signs shall be anchored to prevent any lateral movement that could cause wear on supporting members or connections.

(F) Supports and braces shall be an integral part of the sign design. Angle irons, chains, or wires used for supports or braces shall be hidden from the public view to the extent technically feasible.

22.23(10) GENERAL DESIGN REQUIREMENTS.

(A) A ground sign, any part of which is closer than fifteen (15) feet to the right-of-way shall have a minimum vertical distance of ten (10) feet between the bottom of the sign and the grade at the right-of-way line or shall not be more than four (4) feet in height.

(B) Any overhead sign location that is accessible to vehicles shall have a minimum vertical clearance of sixteen (16) feet.

(C) No sign facing a residential district shall be closer than twenty-five (25) feet to that district line.

(D) Wall signs placed against the exterior walls of buildings shall not extend more than sixteen (16) inches outside of a building's wall surface.

(E) The gross area of permanent window signs shall not exceed fifty percent (50%) of the gross window area.

22.23(11) SPECIAL SIGNS.

(A) **Subdivision Development Signs (Temporary).** The Planning Commission may issue a special permit for a temporary sign in any zone in connection with the marketing of lots or structures in a subdivision, subject to the following restrictions:

(1) Such permits may be issued for a period of not more than one (1) year and may be reviewed for additional periods of up to one (1) year and upon written application at least thirty (30) days prior to its expiration.

(2) The sign must be located on the property being developed and must comply with all applicable building setback requirements.

(3) The sign may not exceed eighty (80) square feet.

(4) One (1) sign is allowed for each major street adjacent to the subdivision.

(B) **Subdivision/Apartment Identification Signs.** The Planning Commission may issue a special permit for a permanent identification sign for a real estate development or apartment identification, subject to the following restrictions:

(1) The sign shall not exceed thirty-two (32) square feet in surface area on each side.

(2) The sign must be located on the property.

(3) The sign must be constructed of lasting materials with the background in earth tone colors and be maintained by the owner, the landowners' or tenants' association, or any other entity permanently associated with the development or apartment complex.

(C) **Banners and Pennants.** Banners and pennants shall not be used on a permanent basis, except with Planning Commission approval for a special permit. They may be permitted as special promotion in a commercial, industrial, rural development or agricultural district without Planning Commission approval, but requiring

a sign permit from the Building Inspector, for a total period not to exceed thirty (30) days and will be allowed in residential zones in conjunction with an open house or model home demonstration for up to five (5) days before the opening of such a demonstration or five (5) days after and not to exceed a total period of thirty (30) days.

22.23(11) (D) Portable Signs.

(1) **Permit.** Any person wishing to place a portable sign on his/her premises or the premises of another shall first obtain a special permit from the Planning Commission. Permits shall be issued for a period not to exceed sixty (60) days in any calendar year. Any sign remaining on the premises for more than sixty (60) days in any calendar year shall be deemed to be a permanent sign and shall meet all requirements for a permanent sign.

(2) **Size.** No portable sign shall exceed thirty-two (32) square feet and no portable sign shall be over seven (7) feet in height from grade level.

(3) **Setback.** All portable signs shall have a minimum setback from the front property line of ten (10) feet or an additional setback as deemed necessary by the Planning Commission for the safe flow of vehicle or pedestrian traffic.

(E) **Off-Premise Signs.** Off-premise signs are permitted in the C-2, I-1 and I-2 zoning districts, subject to the following provisions:

(1) **Spacing.** Off-premise signs on the same side of the street shall not be placed closer together than 450 feet.

(2) **Size Restriction.** The maximum size allowed for an off-premise sign is 200 square feet.

(3) **Height Restriction.** No off-premise sign shall exceed twenty-five (25) feet in height.

(4) **Length.** No off-premise sign shall exceed twenty-five (25) feet in length.

(5) **Setbacks.** No part of an off-premise sign shall be closer to the street than the building setback lines of the district in which it is located.

(6) **Exclusionary Areas.** No off-premise sign shall be erected within 450 feet of a residential or conservancy district or public park.

(7) **Permit.** Any person wishing to place a off-premise sign on his/her premises or the premises of another shall first obtain a special permit from the Planning Commission. Special permits for off-premise signs must be renewed June 30 of every year.

22.23(11) (F) Integrated Shopping Center. For integrated shopping centers in single ownership or under unified control, and containing several businesses, the following regulations shall apply:

(1) Each business or office shall be eligible for one (1) attached sign. The area of such sign shall not exceed, in square feet, two (2) times the lineal front footage of the business or office.

(2) One (1) ground sign for shopping center identification with the height limitation of thirty (30) feet is permitted. If the shopping center is on a corner, either one corner sign or two signs, one on each street is permitted. If two signs are installed they must be placed at least 200 feet from the lot corner at the intersection. The area of such sign shall not exceed, in square footage, the lineal front footage of the lot or 200 square feet, whichever is less. No sign shall be closer than ten (10) feet to a property line unless the adjacent property is a residential district, in which case the sign shall be set back twenty-five (25) feet.

22.23(12) DISTRICT REGULATIONS. The following signs are allowable providing a permit is acquired from the Building Inspector.

(A) **Residential (R-1, R-2, R-3) Districts**. No signs allowed except for those provided in Section 22.23(8), and subsections 22.23(11)(B) and 22.23(11)(C).

(B) **Central Business District (C-1)**. In the C-1 District, signs shall be regulated as follows:

(1) **Permitted Signs**. Wall, window, ground and directional signs.

(2) **Area**. The gross area in square feet of all signs shall not exceed four (4) times the lineal front footage of the zoning lot, however, the gross surface area of all illuminated signs shall not exceed two (2) times the lineal front footage of the zoning lot.

(3) **Ground Signs**. The area of a ground sign shall not exceed seventy-five (75) square feet. One (1) on-premise ground sign shall be permitted for each street frontage of the zoning lot. No ground sign shall project higher than twenty-five (25) feet above grade.

(4) **Off-Premise Signs**. Off-premise signs shall be prohibited in the Central Business District.

(C) **General Commercial District (C-2)**. In the C-2 District, signs shall be regulated as follows:

(1) **Permitted Signs**. Wall, window, ground and direction signs and one (1) off-premise sign.

(2) **Area.** The gross area in square feet of all signs shall not exceed four (4) times the lineal front footage of the zoning lot, however, the gross surface area of all illuminated signs shall not exceed two (2) times the lineal front footage of the zoning lot.

(3) **Ground Signs.** The area of a ground sign shall not exceed 100 square feet in gross area except as provided under subsection 22.23(11)(D) of this Ordinance. One (1) on-premise ground sign shall be permitted for each street frontage of the zoning lot. The sign shall not be higher than twenty-five (25) feet above grade.

(4) **Off-Premise Signs.** Off-premise signs shall be permitted in conformance with subsection 22.23(11)(E) of this Ordinance.

22.23(12) (D) Light Industrial (I-1) and Heavy Industrial (I-2) Districts. In the I-1 and I-2 Districts, signs shall be regulated as follows:

(1) **Permitted Signs.** Wall, window, directional and ground signs and one (1) off-premise sign.

(2) **Area.** The gross area in square feet of all signs shall not exceed four (4) times the lineal front footage of the zoning lot; however, the gross surface area of all illuminated signs shall not exceed two (2) times the lineal front footage of the zoning lot.

(3) **Ground Signs.** The area of a ground sign shall not exceed 200 square feet in gross area. One (1) on-premise ground sign shall be permitted for each street frontage on the zoning lot. No ground sign shall project higher than twenty-five (25) feet above grade.

(4) **Off-Premise Signs.** Off-premise signs shall be permitted in conformance with subsection 22.23(11)(E) of this Ordinance.

22.23(12) (E) Agricultural (A) and Rural Development (RD) District. In the A and RD District, signs shall be regulated as follows:

(1) **Permitted Signs.** Wall, window, ground and direction signs.

(2) **Area.** The gross area in square feet of all signs shall not exceed 200 square feet, however, the gross surface area of all illuminated signs shall not exceed 100 square feet.

(3) **Ground Signs.** The area of a ground sign shall not exceed 100 square feet in gross area except as provided under subsection 22.23(11)(D) of this Ordinance. One (1) on-premise ground sign shall be permitted for each street frontage of the zoning lot. The sign shall not be higher than ten (10) feet above grade.

22.24 BOARD OF APPEALS

(1) ESTABLISHMENT.

(A) Pursuant to the provisions of 62.23(7)(e), Wisconsin Statutes, there is hereby established a Board of Appeals for the Village of New Auburn for the purpose of hearing appeals and applications and granting variances and exception to the provisions of this Ordinance in harmony with the purpose and intent of this Ordinance.

22.24(2) MEMBERSHIP

(A) The Board of Appeals shall consist of five (5) members appointed by the Village President and approved by the Village Board.

(B) Terms shall be for staggered three (3) year periods, except that of those first appointed, one shall serve for one year, two for two years, and two for three years.

(C) Two (2) alternate members shall be appointed by the Village President for a term of three (3) years and shall act only when a regular member is absent or refuses to vote because of interest. Annually, the Village President shall designate one of the alternate members as first alternate and the other as second alternate. The first alternate shall act, with full power, only when a member of the Board of Appeals refuses to vote because of interest or when a member is absent. The second alternate shall so act only when the first alternate so refuses or is absent or when more than one member of the Board of Appeals so refuses or is absent.

(D) Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.

22.24(3) GENERAL RULES.

(A) The members of the Board of Appeals shall serve without compensation.

(B) Members shall be removable by the Village President for cause upon written charges and after public hearing.

(C) The Village President shall designate one of the members as Chairperson and the Board of Appeals may designate such other officers and employ such employees as it feels necessary with the approval of the Village Board.

(D) The Board of Appeals shall adopt rules governing its procedure consistent with the terms of this Ordinance.

(E) Meetings of the Board of Appeals shall be held at the call of the Chairperson and at such other times as the Board may determine. Such Chairperson, or in his/her absence the Acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public.

(F) The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent, or failing to vote, indicating such fact and shall keep records of its examinations and other official action, all of which shall be immediately filed in the Office of the Village Clerk and shall be a public record.

22.24(4) POWERS. The Board of Appeals shall have the following powers:

(A) **Errors.** To hear and decide appeals where it is alleged there is error in any order, requirements, decision, or determination made by the Building Inspector.

(B) **Variances.** To hear and authorize appeals for variances where owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship. Such variance shall not be contrary to the public interest and shall be so conditioned that the spirit and purposes of this Ordinance shall be observed and the public safety, welfare and justice secured.

(C) **Interpretations.** To hear and decide applications for interpretations of the zoning regulations and the location of the boundaries of the zoning districts.

(D) **Permits.** The Board may reverse, affirm wholly or partly, or modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision or determination as ought to be made.

(E) **Assistance.** The Board may request assistance from other Village officers, departments, commissions and boards, and the Village Attorney.

(F) **Oaths.** The Chairperson may administer oaths and compel the attendance of witnesses.

22.24(5) APPEALS AND APPLICATIONS.

(A) Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the Village affected by the decision of the Building Inspector. Such appeals shall be filed in the Office of the Village Clerk within ninety (90) days after the date of written notice of the decision or order of the Building Inspector. Applications may be made by the owner or lessee of the structure or land to be affected at any time and shall be filed in the Office of the Village Clerk. Such appeals and applications shall include the following:

(1) Name and address of the appellant or applicant and all abutting and opposite property owners of record.

(2) Plat of survey prepared by a land surveyor registered in the State of Wisconsin or other map drawn to scale and approved by the Building Inspector showing the location, boundaries, dimensions, uses and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets and

other public ways; off-street parking, loading areas and driveways; existing highway access restrictions;.floodplain boundaries; and existing and proposed street, side and rear yards.

(3) Additional information as may be required by the Village Planning Commission or Building Inspector.

(4) All applications shall be accompanied by the appropriate fee to defray the cost of giving notice, investigation and other administrative processing.

22.24(6) HEARINGS.

(A) The Board of Appeals shall fix a reasonable time and place for the hearing, publish a Class 1 notice under Chapter 985, Wisconsin Statutes, and shall give due notice to the appellant or applicant, owners of record of properties which are located within 175 feet of the parcel involved, the Building Inspector, and the Village Planning Commission. At the hearing the appellant or applicant may appear in person, by agent, or by attorney.

22.24(7) FINDINGS.

(A) No variance to the provisions of this Ordinance shall be granted by the Board of Appeals unless it finds beyond a reasonable doubt that all the following facts and conditions exist and so indicates in the minutes of its proceedings:

(1) **Preservation of Intent.** No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted use, accessory use or conditional use in that particular district.

(2) **Exceptional Circumstances.** There must be exceptional, extraordinary or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Ordinance should be changed.

(3) **Economic Hardship and Self-Imposed hardship not Grounds for Variance.** No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.

(4) **Preservation of Property Rights.** That such variance is necessary for the preservation and enjoyment of substantial property rights of the subject property which are the same or similar to property rights possessed by other properties in the same district and same vicinity.

(5) **Absence of Detriment.** That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.

22.24(8) DECISION.

(A) **Action Upon Receipt of Appeal.** Upon receipt of an appeal, the Building Inspector and Village Clerk shall transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken and the appeal application.

(B) **Hearing Within 45 Days of Filing.** Each appeal shall be heard within forty-five (45) days from the time of filing and public notice of such hearing shall be given as provided by Section 22.24(6).

(C) **Decision Within 30 Days of Hearing.** The Board of Appeals shall decide all appeals and applications within thirty (30) days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, the Building Inspector, and the Planning Commission as provided for in paragraph E below.

(D) **Decisions of the Board.** The concurring vote of four (4) members of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to affect any variation therefrom.

(E) **Form of Decision.** The final disposition of an appeal or requested variance shall be in the form of a written decision or order stated in the minutes. Such decision shall state the reasons for the Board's determination and its findings of fact and shall either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal or grant or deny the application for a variance.

(F) **Conditions.** The Board of Appeals may impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to any which may be stipulated in this Ordinance, as the Board may deem necessary for the protection of adjacent properties and the public interest and welfare.

22.24(9) REVIEW BY COURT OF RECORD.

(A) Any person or persons aggrieved by any decision of the Board of Appeals or any taxpayers or any officer, department, board or bureau of the municipality, may appeal from a decision of the Board of Appeals within thirty (30) days after the filing of the decision in the Office of the Board of Appeals in the manner provided in 62.23(7)(e), Wisconsin Statutes.