

**VILLAGE OF NEW AUBURN ZONING ORDINANCE
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VILLAGE OF NEW AUBURN ZONING ORDINANCE

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

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

CHAPTER 22

ZONING

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

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

- 22.02(1)** Promote the public health, safety, comfort, convenience, and general welfare of the citizens of the Village of New Auburn.
- 22.02(2)** To protect and conserve the natural resources of the Village by the most appropriate use of land.
- 22.02(3)** To protect and conserve the social character and economic stability and preserve property values.
- 22.02(4)** To prevent the overcrowding of land and undue congestion of population.
- 22.02(5)** To provide adequate light, air and convenient access to property by regulating the use of land and buildings and the bulk of structures in relationship to surrounding properties.
- 22.02(6)** To provide adequate and efficient public services such as roads, water and sewer, schools, and police and fire protection.
- 22.02(7)** To encourage the use of land and buildings which are compatible with nearby existing and planned land uses, and to prohibit and control existing land uses deemed incompatible with nearby land uses.
- 22.02(8)** To prevent harm to persons and property by flood, fire, explosion, toxic fumes or other hazards.

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22.02(9) To protect the traffic-carrying capacity of existing and proposed arterial streets and highways.

22.02(10) To regulate parking and loading so as to lessen congestion and promote the safety and efficiency of streets and highways.

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

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

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

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

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

22.07(1) If any court of competent jurisdiction shall declare any provisions of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in such ruling.

22.07(2) If any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular property, building or other structure, such ruling shall not affect the application of such provision to any other property, building or structure not specifically included in such ruling.

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

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

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

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

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

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

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

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

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

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

22.10(7) Antenna. A device used to receive or send broadcasts either as over the

air signals from transmitters, including fixed television or radio signals, or microwave signals from earth orbiting communication satellites.

- 22.10(8) Antenna, Earth Station Dish.** A dish-shaped antenna designed to receive television broadcasts relayed by microwave signals from earth-orbiting communication satellites.
- 22.10(9) Automobile Wrecking Yard.** Any premises on which two (2) or more self-propelled vehicles not in running order or operating condition are stored in the open.
- 22.10(10) Basement.** A portion of a building with the floor located below the mean grade level. For the purpose of this Ordinance, any such basement with more than four (4) feet above grade level shall be counted as a story. No dwelling unit shall be situated in a basement having less than four (4) feet above grade level.
- 22.10(11) Bed and Breakfast Establishment.** An owner-occupied, single-family dwelling unit at which overnight sleeping accommodations are offered to travelers by the owner.
- 22.10(12) Block.** A tract of land bounded by streets or by a combination of streets and public parks or other recognized lines of demarcation.
- 22.10(13) Board.** The Board of Appeals, as provided in Section 22.24 of this Ordinance.
- 22.10(14) Boarding House.** A building other than a hotel or restaurant where meals or lodging are regularly furnished by pre-arrangement for compensation for three (3) or more persons not members of a family, but not exceeding twelve (12) persons and not open to transient customers.
- 22.10(15) Buffer Zone.** A designated neutral area designed to separate conflicting land uses. A natural vegetative screening of trees, shrubs or other plantings is usually employed in such a designated area.
- 22.10(16) Buildable Lot Area.** The portion of a lot remaining after required yards have been provided.
- 22.10(17) Building.** Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery or materials. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building.

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- 22.10(18) Building, Detached or Accessory.** A building surrounded by open space on the same lot.
- 22.10(19) Building, Heights of.** The vertical distance from the average curb level in front of the lot or the finished grade at the building line, whichever is higher, to the highest point of the coping of a flat roof, to the deck line of a mansard roof or to the average height of the highest gable of a gambrel, hip or pitch roof.
- 22.10(20) Building, Principal.** A building in which the principal use of the lot on which it is located is conducted.
- 22.10(21) Business.** An occupation, employment or enterprise which occupies time, labor and materials, or wherein merchandise is exhibited or sold, or where services are offered.
- 22.10(22) Carport.** An automobile shelter having one or more sides open.
- 22.10(23) Channel.** Those woodlands normally occupied by a stream of water under average annual highwater flow conditions while confined within generally well established banks.
- 22.10(24) Clinic.** An establishment for medical examination and treatment of patients, but without provisions for keeping such patients overnight on the premises (except for veterinary clinics). For purposes of this Ordinance, a doctor's or dentist's office in a residence, when it complies with the requirements of this Ordinance relating to such office shall not be considered a clinic, but any doctor's or dentist's office which is not part of his home, or the office of two or more doctors or dentists, whether in a residence or not, shall be considered a clinic.
- 22.10(25) Club or Lodge.** A building or portion thereof or premises owned by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.
- 22.10(26) Community Living Arrangement.** The following facilities licensed or operated or permitted under the authority of the Wisconsin State Statutes: Child welfare agencies under Section 48.60, group foster homes for children under Section 48.02(7m) and community-based residential facilities under Section 50.01, but does not include day care centers, nursing homes, general hospitals, special hospitals, prisons and jails. The establishment of a community living arrangement shall be in conformance with applicable Sections of the Wisconsin State Statutes,

including Sections 46.03(22), 59.97(15), 62.23(7)(i) and 62.23(7)(a), and amendments thereto, and also the Wisconsin Administrative Code.

- 22.10(27) Conditional Use.** A use, either public or private, which because of its unique characteristics, cannot be properly classified as a permitted use in a particular district or districts, and therefore, may be permitted in such district or districts only by Conditional Use Permit.
- 22.10(28) Conservation Standards.** Guidelines and specifications for soil and water conservation practices and management enumerated in the Technical Guide, prepared by the USDA Soil Conservation Service for Chippewa County and Barron County respectively, adopted by the County Soil and Water Conservation District Supervisors, and containing suitable alternatives for the use and treatment to land based upon its capabilities from which the landowner selects that alternative which best meets his/her needs in developing his/her soil and water conservation.
- 22.10(29) Controlled Access Arterial Street.** The condition in which the right of owners or occupants of abutting land or other persons to access, light, air or view in connection with an arterial street is fully or partially controlled by public authority.
- 22.10(30) CSM.** A Certified Survey Map is map of a land split prepared in accordance with Chapter 236, Wisconsin Statutes and Section 17.07 of these ordinances.
- 22.10(31) Development.** Any man-made change to improved or unimproved real estate, including, but not limited to, construction of or additions or substantial improvements to buildings, other structure, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations or disposition of materials.
- 22.10(32) District, Basic.** A part or parts of the Village for which the regulations of this Ordinance governing the use and location of land and building are uniform.
- 22.10(33) District, Overlay.** Overlay districts, also referred to herein as regulatory areas, provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. In the instance of conflicting requirements, the more strict of the conflicting requirements shall apply.
- 22.10(34) Dwelling.** A building designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotels, tents, cabins or mobile homes.

- 22.10(35) Dwelling Unit.** Any room or group of rooms located within a dwelling and forming a single habitable unit, with facilities which are used or intended to be used for living, sleeping, cooking and eating.
- 22.10(36) Dwelling, Efficiency.** A dwelling unit consisting of one (1) principal room with no separate sleeping rooms.
- 22.10(37) Dwelling, Single-Family.** A detached building designed for or occupied by one (1) family.
- 22.10(38) Dwelling, Two-Family.** A detached building containing two (2) separate dwelling (or living) units, designed for occupancy by not more than two (2) families. Often called a duplex.
- 22.10(39) Dwelling, Multiple-Family.** A building or portion thereof used or designated as a residence for three (3) or more families as separate housekeeping units, including apartments, apartment hotels and town houses.
- 22.10(40) Essential Services.** Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings.
- 22.10(41) Family.** The body of persons related by blood, marriage or adoption, or not more than four (4) unrelated persons who live together in one dwelling unit as a single housekeeping entity.
- 22.10(41.5) Fence.** A structure accessory to and customarily incidental to the principal use of a property. It is erected within a rear, side, or front yard as a barrier, divider, or enclosure. It must be constructed of materials manufactured for such purpose. Fences can be located on the property line but must comply with standards set forth in the zoning ordinance.
- 22.10(42) Floor Area (Business and Manufacturing Buildings).** For the purpose of determining off-street parking and off-street loading requirements, the sum of the gross horizontal areas of the floors of the building, or portion thereof, devoted to a use requiring off-street parking or loading. This area shall include elevators and stairways, accessory storage areas located within selling or working space occupied by counters, racks or closets and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, floor

area, for the purposes of determining off-street parking spaces, shall not include floor area devoted primarily to storage purposes except as otherwise noted herein.

- 22.10(43) Foster Family Home.** The primary domicile of a foster parent which is four (4) or fewer foster children and which is licensed under Section 48.62 of the Wisconsin Statutes and amendments thereto.
- 22.10(44) Frontage.** All the property abutting on one (1) side of a street between two (2) intersecting streets or all of the property abutting on one (1) side of a street between an intersecting street and the dead end of a street.
- 22.10(45) Garage, Private.** A detached accessory building or portion of the principal building, designed, arranged, used or intended to be used for storage of automobiles of the occupant of the premises. Carports are considered garages.
- 22.10(46) Garage, Public.** Any building or portion thereof, not accessory to a residential building or structure, used for equipping, servicing, repairing, leasing or public parking of motor vehicles.
- 22.10(47) Gasoline Station.** Any area of land, including structures thereon, that is used for the sale of gasoline or other motor vehicle fuel, and oil or other lubrication substances; sale of motor vehicle accessories; and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, dry cleaning or otherwise cleaning such vehicles.
- 22.10(48) Grade.** When used as a reference point in measuring height of building, the "grade" shall be the average elevation of the finished ground at the exterior walls of the main building.
- 22.10(49) Gross Floor Area (Residential).** The square footage of each story of a dwelling. The basement area of a dwelling can be considered in the floor area calculation if the basement floor has an at-grade access.
- 22.10(50) Group Foster Home.** Any facility operated by a person required to be licensed by the State of Wisconsin under State Statute Section 48.62 for the care and maintenance of five (5) to eight (8) foster children.
- 22.10(51) Home Occupations.** Any occupation for gain or support conducted entirely within a building by resident occupants and no more than one non-resident person, which is incidental to the principal use of the premises; does not exceed fifty percent (50%) of the area of any above ground living area; has no article offered for sale except such as is produced by such home occupation; and meets all of the conditions of

Section 22.18 of this Ordinance. Examples of home occupations are: child care, millinery, canning, dressmaking, dentists, architects, landscape architects, registered land surveyors, lawyers and teachers.

- 22.10(52) Hospital.** An institution intended primarily for the medical diagnosis, treatment and care of patients being given medical treatment. A hospital shall be distinguished from a clinic by virtue of providing for 24-hour patient care.
- 22.10(53) Hotel.** A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five (5) sleeping rooms with no cooking facilities in any individual room or apartment.
- 22.10(54) Housing for the Elderly.** A dwelling unit or units designed and constructed to be occupied by elderly persons. An elderly person is a person who is 62 years of age or older on the date such person intends to occupy the premises, or a family, the head of which, or his spouse, is an elderly person as defined herein.
- 22.10(55) Institution.** A building occupied by a non-profit corporation or a non-profit establishment for public use.
- 22.10(56) Interchange.** A grade-separated intersection with one (1) or more direct connections for vehicular travel between the intersecting streets or highways.
- 22.10(57) Junk.** Any scrap, waste, reclaimable material or debris, where or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition. Junk includes, but is not limited to, vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, brush, wood and lumber.
- 22.10(58) Junkyard.** Any area, lot, land, parcel, building or structure or part thereof used for the storage, collecting, processing, purchase, sale or abandonment of wastewater, rags, scrap metal or other scrap or discarded goods, materials, machinery or two (2) or more unregistered, inoperable motor vehicles or other type of junk.
- 22.10(59) Land Development Activity.** The construction of buildings, roads, parking lots, paved storage areas and similar facilities.
- 22.10(60) Land Disturbing Activity.** Any man-made change of the land surface

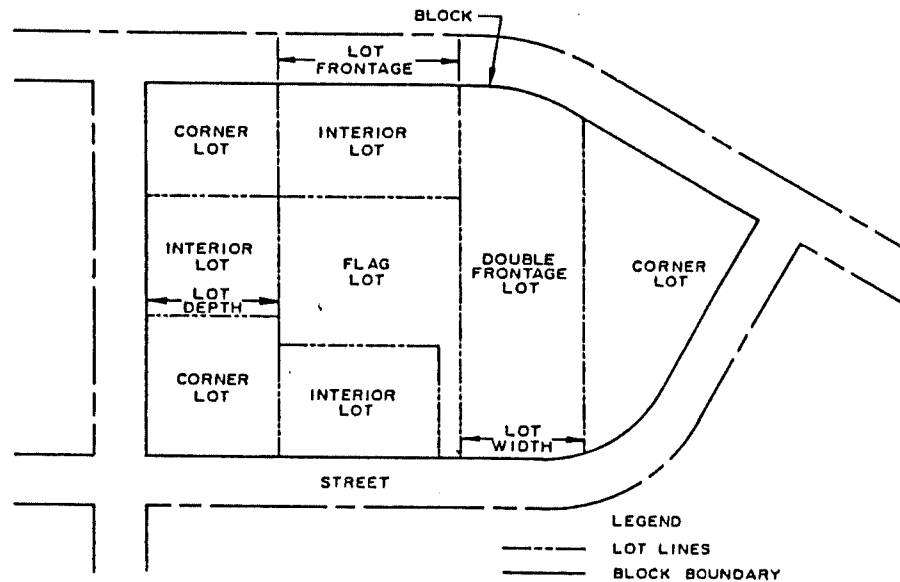
including removing vegetation cover, excavating, filling and grading, but not including agricultural activities such as planting, growing, cultivating and harvesting of crops; growing and tending of gardens; harvesting of trees; and landscape modifications.

- 22.10(61) Landowner.** Any person holding title to or having an interest in land.
- 22.10(62) Land User.** Any person operating, leasing, renting, or having made other arrangements with the landowner by which the landowner authorizes use of his or her land.
- 22.10(63) Loading Area.** A completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.
- 22.10(64) Lodging House.** A building where lodging only is provided for compensation for not more than three (3) persons not members of the family.
- 22.10(65) Lot.** A division of land occupied or designed to be occupied by one building and its accessory buildings or uses, including open spaces required by this Ordinance. A lot may be a parcel of land designated in a plat laid out prior to the effective date of this amendment, whether or not such division abuts a public street or other officially approved place recorded in the Office of the Register of Deeds, or any part of a larger division when such parts comply with the requirements of this Ordinance as to width and area for the district in which it is located. No land included in any street, highway or railroad right-of-way, dedicated to the public or reserved for roadway purposes, shall be included in the computation of lot size.

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

- 22.10(66) Lot, Corner.** A lot abutting two (2) or more streets at their intersection provided that the corner of such intersection shall have an angle of one hundred thirty-five degrees (135°) or less, measured on the lot side. (See illustration #4)
- 22.10(67) Lot, Interior.** A lot situated on a single street which is bounded by adjacent lots along each of its other lines and is not a corner lot.

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



- 22.10(68) Lot, Through.** A lot which has a pair of opposite lot lines along two (2) substantially parallel streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.
- 22.10(69) Lot, Substandard.** A parcel of land held in separate ownership having frontage on a public street, or other approved means of access, occupied or intended to be occupied by a principal building or structure, together with accessory buildings and uses, having insufficient size to meet the lot width, lot area, yard, off-street parking areas or other open space provisions of this code as pertaining to the district wherein located.
- 22.10(70) Lot Coverage, Residential.** The area of a lot occupied by the principal building or buildings and accessory building.
- 22.10(71) Lot Coverage (except Residential).** The area of a lot occupied by the principal building or buildings and accessory buildings, including any driveways, parking areas, loading areas, storage areas and walkways.
- 22.10(72) Lot Line.** A property boundary line of any lot held in single or separate

ownership, except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the abutting street or alley right-of-way line.

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

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

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

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

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

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

22.10(79) Mobile Home Park. A parcel of land which has been developed for the placement of mobile homes and is owned by an individual, a firm, trust, partnership, public or private association, or corporation, and where individual lots are rented to individual mobile home users. A mobile home park is also any lot on which two (2) or more mobile homes are parked for the purpose of permanent habitation, regardless of whether

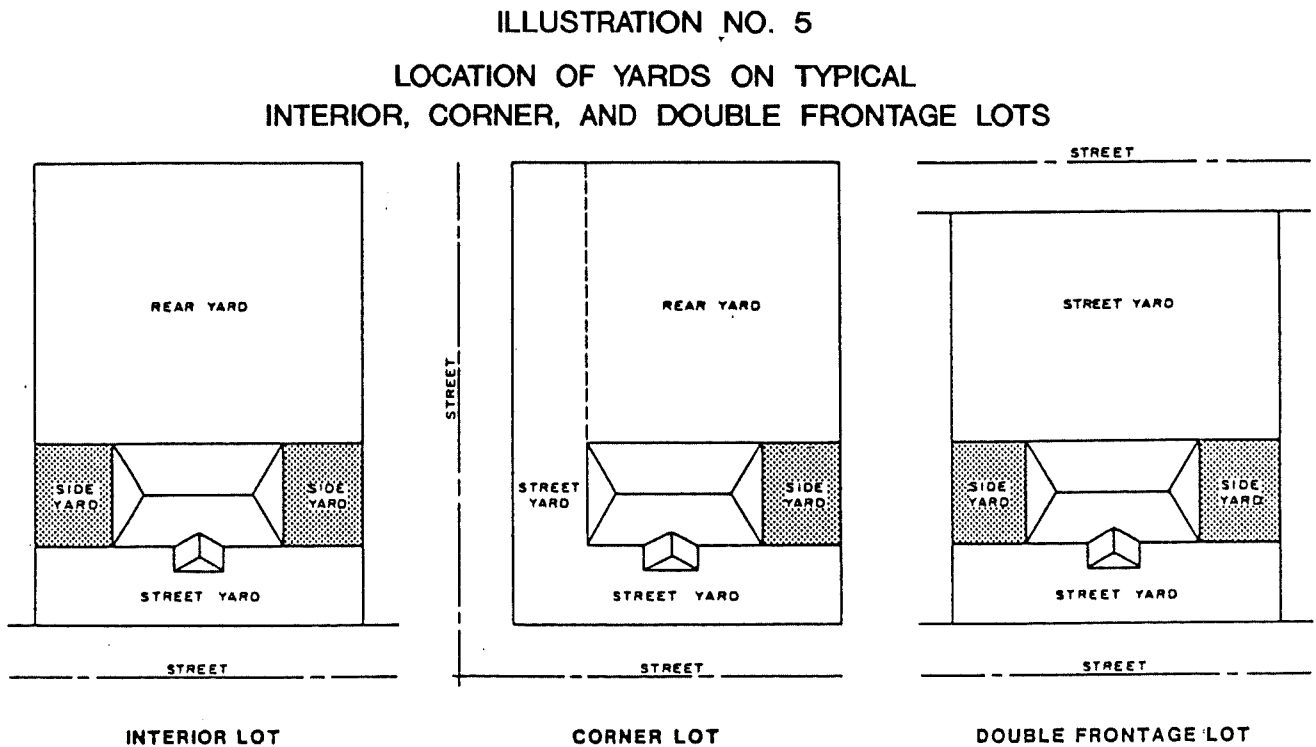
or not a charge is made for such accommodation, and including any associated service, storage, recreation and other community service facilities designed for the exclusive use of park occupants.

- 22.10(80) Mobile Home Subdivision.** A land subdivision, as defined by Chapter 236 of the Wisconsin Statutes and any Section of these Ordinances, with lots intended for the placement of individual mobile home units. Individual homesites are in separate ownership as opposed to the rental arrangements in mobile home parks.
- 22.10(81) Modular Unit.** A modular unit is a factory fabricated transportable building unit designed to be used by itself or to be incorporated with similar units at a building site into a modular structure to be used for residential, commercial, educational or industrial purposes.
- 22.10(82) Motel.** A building or group of buildings containing rooms which are offered for compensation for the temporary accommodation of travelers or tourists.
- 22.10(83) Nonconforming Uses.** Any structure, use of land, use of land and structure in combination or characteristics of use (such as yard requirement or lot size) which was existing at the time of the effective date of this code or amendments thereto and which is not in conformance with this code. Any such structure conforming in respect to use but in respect to frontage, width, height, area, yard, parking loading or distance requirements shall not be considered a nonconforming use, but shall be considered nonconforming with respect to those characteristics.
- 22.10(84) Nursing Home.** An establishment used as a dwelling place by the aged, infirm, chronically ill or incurably afflicted, in which not less than three (3) persons live or are kept or provided for on the premises for compensation, excluding clinics and hospitals and similar institutions devoted to the diagnosis, treatment or the care of the sick or injured. A nursing home is subject to State-level licensing and operational limitations as set forth in Chapter 50 of the Wisconsin Statutes.
- 22.10(85) Open Sales Area.** Any open land or area used or occupied for the purpose of displaying for sale new or secondhand merchandise, including, but not limited to, passenger cars or trucks, farm machinery, construction machinery, motor scooters or motorcycles, boats, trailers, aircraft and monuments. No repair work is done in such area except for incidental repair of items to be displayed and sold on the premises.

- 22.10(86) Outdoor Storage Areas.** Any open land or area used for the purpose of storage of any product or part of a product either before, during or after manufacture, servicing, or repair, and not displayed for retail sale. This does not include open sales areas.
- 22.10(87) Parking Lot.** A structure or premises containing five (5) or more parking spaces open to the public.
- 22.10(88) Parking Space.** An off-street space available for the parking of a motor vehicle and which is held to be an area the dimensions of which are ten (10) feet by eighteen (18) feet or which covers one hundred eighty (180) square feet, exclusive of passageways and driveways appurtenant thereto and giving access thereto.
- 22.10(89) Parties in Interest.** Includes all abutting property owners, all property owners within one hundred (100) feet, and all property owners with opposite frontages.
- 22.10(90) Places of Assembly.** Places where people gather or congregate for amusement, worship, learning, etc. This includes schools, churches, theaters, playgrounds, etc.
- 22.10(91) Planning Commission.** Where the phrase "Planning Commission" appears, this refers to the Planning Commission of the Village of New Auburn. The Planning Commission is appointed by the Village President and confirmed by the Village Board pursuant to Section 62.23, Wisconsin Statutes.
- 22.10(92) Planned Unit Development.** A "planned unit development" is a tract of land which contains or will contain two (2) or more principal buildings, developed under single ownership or control; the development of which is unique and of a substantially different character than that of surrounding areas. A planned unit development allows for flexibility not available under normal zoning district requirements.
- 22.10(93) Premise.** The area of land surrounding a structure and forming one enclosure with it.
- 22.10(94) Professional Home Offices.** Residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians, or other recognized professionals, used to conduct their professions where the office does not exceed one-half (1/2) the area of only one (1) floor of the residence and only one (1) non-

resident person is employed.

- 22.10(95) Public Airport.** Any airport which complies with the definition contained in Section 114.002(18m), Wisconsin Statutes, or any airport which serves or offers to serve common carriers engaged in air transport.
- 22.10(96) Rear Yard.** A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard is opposite the street yard or one of the street yards on a corner lot. (See Illustration No. 5)



- 22.10(97) Recreational Vehicle.** Any vehicle or structure designed and used for temporary, seasonal human living quarters which meets all of the following qualifications: (a) is not used as the permanent residence of the

owner or occupant; (b) is used for temporary living quarters by the owner or occupant while engaged in recreation or vacation activities; (c) is towed or self-propelled on public streets or highways incidental to such recreation or vacation activities; (d) examples of such vehicles include van campers, tent camping trailers, self-contained travel trailers, pick-up campers, camping buses, and self-contained, self-propelled truck chassis mounted vehicles providing living accommodations.

- 22.10(98) Recreational Vehicle Camp.** A park, court, campsite, lot, parcel or tract of land designed, maintained or intended for the purpose of supplying the location or accommodations for any recreational vehicles as defined herein, and upon which said recreational vehicles are parked.
- 22.10(99) Restaurant.** A business establishment consisting of a kitchen and dining room, whose primary purpose is to prepare and serve food to be eaten by customers seated in the dining room.
- 22.10(100) Restaurant, Drive-in.** A business establishment consisting of a kitchen, with or without a dining room, where food is prepared and packaged to be eaten either off the premises or within automobiles parked on the premises.
- 22.10(101) Retail.** The sale of goods or merchandise in small quantities to the consumer.
- 22.10(102) Roadside Stand.** A structure having a ground area of not more than three hundred (300) square feet, not permanently fixed to the ground, readily removable in its entirety, not fully enclosed and to be used solely for the sale of farm products produced on the premises.
- 22.10(103) Rooming Unit.** Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping , but not for cooking or eating purposes.
- 22.10(104) School.** A building or group of buildings maintained by the public or by a private organization for the purpose of education and which is accredited by the State of Wisconsin. Schools include pre-school and grades kindergarten through twelve (12), but not trade schools that do not teach the state required courses for high school graduation in addition to the vocational instruction.
- 22.10(105) School, Commercial.** A school limited to special instructions such as business, art, music, trades, handicraft, dancing or riding.

- 22.10(106) Setback.** A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Corner lots and double frontage lots have two (2) such yards. Uncovered steps shall not be included in measuring the setback. (See Illustration No. 5)
- 22.10(107) Sheltered Care Facility.** A private home which provides separate sleeping accommodations and kitchen facilities for its occupants, but also maintains some means of contact with a central control office or building. This facility may include joint recreational and eating facilities.
- 22.10(108) Shopping Center.** A concentration of retail stores and service establishments in a suburban area with generous parking space and planned to serve the community or a neighborhood.
- 22.10(109) Signs.** Any medium, including its structure, words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity or product and which is visible from any public street or highway.
- 22.10(110) Story.** That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof. A basement having one-half ($1/2$) or more of its height above grade shall be deemed a story for purposes of height regulation.
- 22.10(111) Story, Half.** That portion of a building under a gable, hip or mansard roof, the wall plates of which, on at least two (2) opposite exterior walls, are not more than four and one-half ($4\frac{1}{2}$) feet above the finished floor of such story. In the case of one (1) family dwellings, two (2) family dwellings and multi-family dwellings less than three (3) stories in height, a half ($1/2$) story in a sloping roof shall not be counted as a story for the purposes of this code.
- 22.10(112) Street.** Property other than an alley or private thoroughfare or travelway which is subject to public easement or right-of-way for use as a thoroughfare and which is twenty-one (21) feet or more in width.
- 22.10(113) Street, Arterial.** A public street or highway intended to be used primarily

for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways, as well as major thoroughfares, highways and parkways.

- 22.10(114) Structure.** Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having a permanent location on the ground.
- 22.10(115) Structural Alterations.** Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams or girders.
- 22.10(116) Temporary Structure.** A movable structure not designed for human occupancy nor for the protection of goods or chattels and not forming an enclosure, such as billboards.
- 22.10(117) Unnecessary Hardship.** The circumstances where special conditions, which were not self-created, affect a particular property and are unique to that property and make strict conformity with the restrictions governing dimensional standards (such as lot area, lot width, setbacks, yard requirements, or building height) unnecessarily burdensome or unreasonable in light of the purposes of this Ordinance.
- 22.10(118) Use.** The purpose or activity for which the land or building thereof is designed, arranged or intended, or for which it is occupied or maintained.
- 22.10(119) Use, Accessory.** A subordinate building or use which is located on the same lot on which the principal building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such building or main use, when permitted by district regulations. See also "accessory use or structure".
- 22.10(120) Use, Permitted.** A "permitted use" is a use which maybe lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and standards of such district.
- 22.10(121) Use, Principal.** The main use of land or building as distinguished from subordinate or accessory use.
- 22.10(122) Utilities.** Public and private facilities, such as water wells, water and sewage pumping stations, water storage tanks, electrical power substations, static transformer stations, telephone and telegraphic exchanges, microwave radio relays and gas regulation stations, inclusive of associated transmission facilities, but not including sewage disposal

plants, municipal incinerators, warehouses, shops, storage yards and power plants.

- 22.10(123) Variance.** A departure from the terms of this Ordinance as applied to a specific building, structure or parcel of land, which the Board of Appeals may permit, contrary to the regulations of this Ordinance for the district in which such buildings, structure or parcel of land is located, when the Board of Appeals finds that a literal application of such regulation will affect a limitation on the use of the property which does not generally apply to other properties in the same district, and for which there is no compensation or gain to the property and does not endanger the public health, safety or welfare.
- 22.10(124) Village Board.** The Village of New Auburn Board of Trustees.
- 22.10(125) Vision Setback Area.** An unoccupied triangular space at the intersection of highways or streets with other highways or streets or at the intersection of highways or streets with railroads. Such vision clearance triangle shall be bounded by the intersecting highway, street or railroad right-of-way lines and a setback line connecting points located on such right-of-way lines by measurement from the intersection as specified in this Ordinance.
- 22.10(126) Yard.** An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except the vegetation. The street and rear yards extend the full width of the lot.
- 22.10(127) Yard, Front.** A yard extending the full width of the lot between the front or street lot line and the nearest part of the principal building, including eaves, but excluding uncovered steps. Corner lots shall have two (2) front yards.
- 22.10(128) Yard, Rear.** A yard extending the full width of the lot between the rear lot line to the nearest part of the principal building, including eaves. On corner lots there shall be no rear yard.
- 22.10(129) Yard, Side.** A yard on each side of the principal building extending from the nearest part of the principal building, including eaves to the lot line and from the front yard line to the rear yard line.
- 22.10(130) Zero Lot Line.** The concept whereby two (2) respective dwelling units within a building shall be on separate and abutting lots and shall meet on the common property line between them, thereby having zero space between said units.

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

22.11 COMPLIANCE.

22.11(1) Within the Village, the use of any land; the size, shape and placement of lots; the use, size, height, location and types of structures thereon; and the provision of open spaces shall be in compliance with the regulations established herein and made applicable to the district or districts in which such land or structure is located.

22.11(2) Where a building permit for a structure has been issued in accordance with law prior to the effective date of this Ordinance, and provided that construction is completed within twelve (12) months of such effective date, such structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued, and further may upon completion be occupied by the use for which originally designated. An extension of up to twelve (12) months may be allowed by the Village Board provided good cause is shown.

22.12 LOT PROVISIONS.

22.12(1) All principal structures shall be located on a lot; and only one principal structure shall be located, erected or moved onto a lot in the single-family residential districts.

The Planning Commission may permit more than one principal structure per lot in other districts where more than one principal structure is needed for the orderly development of the parcel. When additional structures are permitted, the Planning Commission may impose additional yard requirements, landscaping requirements, or parking requirements, or may require a minimum separation distance between principal buildings. Reference, Sec. 17.07, Code of Ordinances for Certified Survey requirements if no subdivision.

22.12(2) EXISTING SUBSTANDARD LOTS.

22.12(2) (A) A lot located in a residential district which does not contain sufficient area to conform to the dimensional requirements of this Ordinance, but which is at least fifty (50) feet wide and 6,000 square feet in area, may be used as a single building site provided that the use is permitted in the zoning district and provided that the lot is a lot of record in the County Register of Deeds Office prior to the effective date of this Ordinance.

22.12(2) (B) A lot located in a business or manufacturing district which does not contain sufficient area to conform to the dimensional requirements of this Ordinance may be used as a building site provided that the lot is a lot of record in the County Register of Deeds Office prior to the effective date of this Ordinance.

22.12(2) (C) Substandard lots granted permits under this Section shall be required to meet the setback and other yard requirements of this Ordinance. A building permit for the improvement of a lot with lesser dimensions and requisites than those stated above shall be issued only after a variance is granted by the Board of Appeals.

22.12(3)x All lots shall abut a public street or approved private road or way which is constructed to applicable standards.

22.12(4) No yard or other open space existing on the effective date of this Ordinance shall be reduced below the minimum required by this Ordinance.

22.12(5) No yard or other open space allocated to a structure or parcel of land shall be used to satisfy yard, other open spaces or minimum lot area requirements for any other structure or parcel.

22.13 **YARD REGULATIONS.** Measurements shall be taken from the nearest point of building to the lot line in question, subject to the following:

22.13(1) On lots having double frontage (through lots), the required front yard shall be provided on both street sides.

22.13(2) On a corner lot, the width of the yard along the side street shall not be less than any required front yard on such street, provided, the buildable width of a lot of record shall not be reduced to less than twenty-eight (28) feet nor closer than six (6) feet to any side lot line. In no case shall the setback required for a side yard abutting a street be reduced to less than twenty (20) feet, except in the C-1 District. See Section 22.21(7)(E), page 43. See Section 22.17 for Traffic Visibility Triangle. See also Section 22.10(127).

22.14 **HEIGHT REGULATIONS.** Except as provided below, all buildings and structures shall conform to the height regulations for the zoning district in which they are located:

22.14(1) Architectural projections, such as spires, steeples, belfries, parapet walls, cupolas, domes, flues, and chimneys are exempt from the height

limitations of this Ordinance.

- 22.14(2)** Special structures, such as elevator penthouses, tanks, grain elevators, silos, observation towers, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, and smoke stacks, are exempt from the height limitations of this Ordinance.
- 22.14(3)** Essential services, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this Ordinance.
- 22.14(4)** Communication structures, such as radio and television transmission and relay towers, aerials, radio and television receiving and transmitting antennas, are exempt from the height limitations of this Ordinance. This does not include earth station dish antennas.
- 22.14(5)** Public or semi-public facilities, such as schools, churches, hospitals, monuments, sanatoriums, libraries, government offices and stations, may be erected to a height of sixty (60) feet, provided all required yards are increased not less than one (1) foot for each foot the structures exceed the district's maximum height requirement.

22.15 **ACCESSORY BUILDINGS, USES, STRUCTURES AND USE OF REQUIRED YARDS.** Any accessory building, use or structure shall conform to the applicable regulations of the district in which it is located except as specifically otherwise provided hereinafter.

- 22.15(1)** Any permanent roofed structure serving an accessory use if attached to the principal building shall be considered as part of such principal building for all regulatory purposes.
- 22.15(2)** Accessory buildings and structures are permitted in the rear yard and side yard; however, when an accessory building or structure is located forward of the rear building line of the principal building, it shall satisfy the same side yard requirements as the principal building. The provisions of this section do not apply to fences.
- 22.15(3)** Detached accessory buildings and structures shall not exceed 900 square feet and not occupy more than thirty percent (30%) of the rear yard area in all districts except the commercials, industrial, rural development and agricultural districts in which such uses and structures shall not occupy more than fifty percent (50%) of the rear yard area. Private swimming pools shall be exempt from the thirty percent (30%) rear yard occupancy limitation in residential districts. The provisions of this section do not apply to fences.
- 22.15(4)** Detached accessory buildings and structures shall not be closer than five (5) feet to the principal structure nor closer than three (3) feet to an alley or

platted easement, except that when the accessory building is a garage that has its entrance facing the alley, the rear yard setback shall be twenty (20) feet for the garage. The provisions of this section do not apply to fences.

- 22.15(5)** Uncovered stairs, porches, landings and fire escapes may project into any yard, but not to exceed six (6) feet and not closer than six (6) feet to any lot line.
- 22.15(6)** Architectural projections, such as chimneys, flues, sills, eaves, and ornaments, may project into any required yard, but such projections shall not exceed three (3) feet.
- 22.15(7)** Residential fences are permitted on the property lines in residential districts, but shall not in any case exceed a height of six (6) feet to include the post. Fences placed in the front yard principal building setback shall not exceed a height of thirty-two inches (32") in the setback and shall have 75% of the surface of the fence open. The finished surface of wood or screening fence shall be installed facing the exterior of the lot which is viewed by the neighbors.
- 22.15(8)** Security fences are permitted on the property lines in all districts except residential districts, but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
- 22.15(9)** **EARTH STATION DISH ANTENNAS.** No earth station dish antenna shall be erected, constructed, maintained or operated except in conformance with the following regulations. An earth station dish antenna is permitted as an accessory use/structure. (See Section 62.23(7)(He), Wis. Stats., for monetary limit on conditions which may be imposed.)
- 22.15(9)** (A) **Definition.** An earth station dish antenna shall mean a combination of: (a) a dish antenna whose purpose is to receive communication or other signals from orbiting satellites; (b) a low-noise amplifier (LNA) which is situated at the focal point of the receiving component and whose purpose is to magnify and transfer signals; and (c) a coaxial cable whose purpose is to carry the signals into the interior of the building. This definition shall not include satellite antennas with a diameter of 36" or less."
- 22.15(9)** (B) **Permit.** The installation of an earth station dish antenna shall require a building permit. The property owner shall submit, to the Building Inspector, plans which indicate the appearance, proposed location and installation method of the dish. All earth station dish antennas, and the construction and installation thereof, shall conform to applicable Village building code and applicable electrical code regulations and requirements.

22.15(9) (C) Ground-Mounted Earth Station Dish Antennas.

- (1)** In all residential zoning districts, such earth station dish antennas shall be located only in the rear yard of any lot subject to the provisions contained herein:

 - a.**The dish antenna shall be at least six (6) feet from any side or rear lot line or any alley.
 - b.**The dish antenna shall be at least five (5) feet from the principal building on the lot.
 - c.**The dish antenna shall have a maximum height of fourteen (14) feet above the natural grade.
 - d.**In the event that a usable satellite signal cannot be obtained by locating the antenna in the rear yard of the property, such antenna may be placed in the side yard of the property, provided that it shall be not closer than five (5) feet to the principal structure and six (6) feet to any side yard lot line, nor shall any portion of the dish antenna extend into any front yard area. In the case of a corner lot, the dish antenna is not permitted in the side yard area abutting the street. A building permit shall be issued only upon showing by the applicant that a usable satellite signal is not obtainable from any other permitted locations on the property.
 - e.**Earth station dish antennas shall be located and designed to reduce visual impact from surrounding properties at street level and from public streets through the addition of architectural features and/or landscaping that is compatible with the elements and characteristics of the property.
- (2)** In any commercial, rural development, agricultural or industrial zoning district, such earth station dish antennas shall be allowed in any yard area subject to the provisions contained herein:

 - a.**The dish antenna shall be at least six (6) feet from any rear property line or any alley.

22.15(9)(C)(2)

- b.**The dish antenna shall be at least six (6) feet from any side yard lot line, except when abutting a residential district, in which case the dish antenna shall be at least ten (10) feet from any side yard lot line and be screened to reduce

visual impact from adjacent properties at street level.

- 22.15(9) (C) c. In cases where the dish antenna will be located in the front yard area or in the side yard area abutting a street or a corner lot, the dish antenna shall be set back at least fifteen (15) feet from any public right-of-way.
- d. The dish antenna shall have a maximum height of thirty (30) feet above the natural grade.

22.15(9) (D) **Roof-Mounted Earth Station Dish Antennas.**

- (1) In all residential zoning districts, roof-mounted earth station dish antennas shall be permitted subject to the provisions contained herein:

- a. Earth station dish antennas exceeding thirty-six (36) inches in diameter shall not be permitted on the roof.
- b. A roof-mounted dish antenna shall not extend higher than fifteen (15) feet above the highest point of the roof.

- (2) In the commercial, rural development, agricultural and industrial zoning districts, earth station dish antennas shall not extend more than twenty (20) feet above the height limit established for the district in which the structure is located.

- 22.15(9) (E) All electric lines, cables and conduits running to or from any earth station dish antenna shall be underground.

- 22.15(9) (F) All dish antennas must be adequately grounded for protection against a direct strike of lightning.

- 22.15(9) (G) All dish antennas shall meet all manufacturer's specifications and be constructed of non-combustible and corrosive-resistant materials.

- 22.15(9) (H) Not more than one earth station dish antenna shall be permitted on a zoning lot in a residential district.

22.16 **NONCONFORMING BUILDINGS, STRUCTURES AND USES.**

- 22.16(1) **PURPOSE.** The purpose of this Section is to minimize the hardships that may unintentionally occur to citizens whose present use of their lots, buildings and structures thereon do not conform wholly with the provisions of this Ordinance. Only uses which are lawful under the existing Ordinance before the adoption of this Ordinance are protected by the provisions of this Section.

22.16(2) GENERAL PROVISIONS.

- 22.16(2) (A)** Any lawfully established use of a building, structure or land, on the effective date of this Ordinance, or of amendments hereto, that does not conform to the use regulations for the district in which it is located, shall be deemed to be a legal nonconforming use and may be continued except as otherwise provided herein.
- 22.16(2) (B)** A legal nonconforming use of a building, structure or land use existing on the effective date of this Ordinance may be continued, provided no such nonconforming building, structure or use shall be in any way expanded or extended, except as provided in 22.16(2)(D), Conditional Use Alternative.
- 22.16(2) (C)** Total lifetime structural repairs or alterations to a nonconforming building or structure, or to the building or structure of a nonconforming use, shall not exceed fifty percent (50%) of the municipality's current equalized value of the building or structure, unless permanently changed to a conforming building, structure or use, except as provided in 22.16(2)(D), Conditional Use Alternative.
- 22.16(2) (D)** **Conditional Use Alternative.** A lawful nonconforming use of a building, structure or land may conditionally be permitted to be extended or enlarged, and total lifetime structural repairs or alterations may exceed fifty percent (50%) of the municipality's current equalized value of the structure, only pursuant to the terms of this section and only if there is no negative impact on neighboring properties of their occupants. Whether to conditionally permit such extension, enlargement, or structural repair or alteration, of a nonconforming use is a discretionary decision of the Planning Commission, and the Planning Commission may grant a request subject to certain conditions and/or for a term certain. Owners and operators of lawful nonconforming uses do not have an automatic or vested right to such extension or enlargement, or structural repair or alteration. If permitted, any extension or enlargement, or structural repair or alteration, to a lawful nonconforming use shall be deemed a conditional use for the zoning district in which the property is situated and shall be strictly limited to its terms. Any request to extend or enlarge, or to structurally repair or alter, a lawful nonconforming use must be made by application for a conditional use permit as set forth in Section 22.26(4) of this chapter. A hearing on the application for conditional use permit shall be held in accordance with Section 22.26(4)(D) of this chapter. No request to extend or enlarge, or structurally repair or alter, a lawful nonconforming use may be granted unless the Planning

Commission finds that all of the conditions identified in Section 22.26 (4)(F) of this chapter are present, and that there is no negative impact on neighboring properties or their occupants.

If a conditional use permit is granted to authorize the extension or enlargement, or structural repair or alteration, of a lawful nonconforming use, the conditional use permit shall be subject to all of the ordinances governing conditional use permits, including, but not limited to Section 22.25(4).

22.16(3) CHANGES AND SUBSTITUTIONS.

22.16(3) (A) When any legal nonconforming use of a building, structure or land in any district has been changed to a conforming use, it shall not thereafter be changed to any nonconforming use.

22.16(3) (B) If no structural alterations are made, a nonconforming use of a building, structure or land may be changed to another nonconforming use of the same or a more restricted classification. Whenever a nonconforming use has been changed to a more restricted nonconforming use, such use shall not thereafter be changed to a less restricted use. For the purpose of this regulation, uses permitted in the R-1 Single Family District shall be deemed to be those in the most restricted classification.

22.16(4) REPAIR OF DAMAGES AND/OR DISCONTINUANCE.

22.16(4) (A) When a nonconforming building or structure is damaged by fire, explosion, flood or other calamity, to the extent of more than fifty percent (50%) of its current fair market value, it shall not be restored except so as to comply with the regulations of the district in which such building is located. [See exception noted in Section 22.21(9)(b)(16)]. See Conditional Use alternative in 22.16(2)(D)

22.16(4) (B) Whenever a nonconforming use is discontinued for a period of twelve (12) consecutive months, any future use of the building, structure or land shall conform to the regulations of the district in which it is located.

22.17 TRAFFIC VISIBILITY TRIANGLE.

22.17(1) Vision setback lines at the intersection of public streets are hereby established as follows:

22.17(1) (A) Across each sector between intersecting streets, a vision setback line shall be established by a straight line connecting two points of

the intersecting street right-of-way lines, which points are located twenty (20) feet from the intersection of said right-of-way lines.

22.17(2) In the vision setback area, no structure of any kind shall be permitted which exceeds a height of two (2) feet above the elevation of the center of the intersection, except for necessary highway and traffic signs and public utility lines, nor shall any plant material or natural growth be permitted which obscures safe vision of the approaches to the intersection.

22.17(3) The requirements for vision setback lines shall not apply within the Central Business District.

22.18 **HOME OCCUPATIONS.**

22.18(1) **PURPOSE:** The purpose of this Section of the Ordinance is to regulate the conditions under which occupations may be carried on in homes in order that such home occupations may not undermine the general intent and purpose of this Ordinance and the specific purposes of the residential districts. The standards for home occupations in this Ordinance are intended to ensure compatibility with other permitted uses and with the residential character of the neighborhood, plus a clearly secondary or incidental status in relation to the residential use of the main building as the criteria for determining whether a proposed accessory use qualifies as a home occupation.

22.18(2) **STANDARDS.** Home occupations shall be subject to the following standards:

22.18(2) (A) The occupation or profession shall be carried on wholly within the principal building or other structure accessory thereto, and it shall utilize no more than fifty percent (50%) of the gross floor area of the building.

22.18(2) (B) The home occupation is to be conducted only by members of the family residing in the dwelling unit, plus no more than one nonresident assistant or employee employed on the premises at any one time. Persons engaged in building trades, similar fields and other activities using their dwelling units or residential premises as an office for business activities carried on off the premises, may have more employees than the limitations set forth in subsection (B) of this Section if they are not employed on the premises.

22.18(2) (C) The home occupation shall be incidental and subordinate to its use for residential purposes.

22.18(2) (D) In no way shall the appearance of the structure be altered or the

occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction and lighting.

- 22.18(2) (E) No home occupation shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard of nuisance beyond what normally occurs in the applicable zoning district.
- 22.18(2) (F) There shall not be outside storage of any kind related to the home occupation.
- 22.18(2) (G) The home occupation shall not involve the use of commercial vehicles, other than those owned by the applicant for delivery of products or materials to and from the premises. This shall not be interpreted to include delivery and/or pick-up services such as United Parcel Service, Federal Express, etc., in the conduct of their normal operations.
- 22.18(2) (H) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.
- 22.18(2) (I) There shall be no demand for parking beyond that which is normal to the neighborhood. In no case shall the home occupation cause more than two (2) additional vehicles to be parked on or near the premises.
- 22.18(2) (J) Activities which involve the manufacture, utilization, processing or storage of chemicals or inflammable and explosive material shall not be permitted.
- 22.18(3) **NAMEPLATE ALLOWED:** Only one nameplate shall be allowed. It may display the name of the occupant and/or the name of the home occupation. It shall not exceed two (2) square feet in area, and shall be non-illuminated. The limitation of one nameplate is intended to apply to all lots, including corner lots.
- 22.18(4) **PERMITTED HOME OCCUPATIONS.** Permitted home occupations include, but are not necessarily limited to, the following.
- 22.18(4) (A) Artists or sculptors.
- 22.18(4) (B) Authors or composers.
- 22.18(4) (C) Home crafts such as rug weaving and sewing.

- 22.18(4) (D) Office facility of a minister, rabbi, or priest.
- 22.18(4) (E) Office facility of an attorney, architect, professional engineer, surveyor, landscape architect, insurance agent or real estate agent.
- 22.18(4) (F) Private tutoring limited to three (3) pupils at any one time.
- 22.18(4) (G) Musical instruction limited to two (2) pupils at a time.
- 22.18(4) (H) Dressmaking.
- 22.18(5) **HOME OCCUPATIONS NOT PERMITTED.** The following uses, by the nature of the investment or operation, have a pronounced tendency once started to rapidly increase beyond the limits permitted for home occupations and thereby impair the use and value of a residentially zoned area for residence purposes. Therefore, home occupations not permitted include, but are not necessarily limited to, the following:
 - 22.18(5) (A) Antique shops.
 - 22.18(5) (B) Stables and kennels.
 - 22.18(5) (C) Automobile repair or paint shops.
- 22.18(6) Any proposed home occupation that is neither specifically permitted by paragraph 4 nor specifically prohibited by paragraph 5 shall be considered a conditional use and be granted or denied by the Village Board upon consideration of those standards contained in paragraph 2 and in accordance with the procedures as required in Section 22.26(4) of this Ordinance.
- 22.19 **CLASSIFICATION OF UNLISTED USES.**
 - 22.19(1) Any use not specifically listed as a permitted use or a conditional use in the district established in Section 22.21 shall be considered to be prohibited except as may be otherwise specifically provided hereinafter. In case of question as to the classification of an unlisted use, the question shall be submitted to the Planning Commission for determination in accordance with the following procedure:
 - 22.19(1) (A) **Application.** Application for determination for classification of an unlisted use shall be made in writing to the Planning Commission and shall include a detailed description of the proposed use and such other information as may be required by the Planning Commission to facilitate the determination. Material Safety Data

Sheets will be required for all materials being uses, unless specifically exempted by the Planning Commission.

- 22.19(1) (B) **Investigation.** The Planning Commission shall make or have made such investigations as it deems necessary in order to compare the nature and characteristics of the proposed use with those of the uses specifically listed in the ordinance and to determine its classification.
- 22.19(1) (C) **Public Hearing.** The Planning Commission shall fix a reasonable time and place for a public hearing following the receipt of an application for the determination of a classification of an unlisted use, publish a Class 1 notice thereof and shall give due notice to the parties in interest and the Building Inspector.
- 22.19(1) (D) **Determination.** The determination of the Planning Commission shall be rendered in writing within forty (40) days from the date of the public hearing and shall include findings supporting the conclusion. The Planning Commission shall determine if the classification of the unlisted use is a permitted use, conditional use or prohibited use in one or more of the districts established in Section 22.21(1).
- 22.19(1) (E) **Effective Date of Determination.** At the time of the determination of the classification of the unlisted use by the Planning Commission, the classification of the unlisted use shall become effective.

22.20 **SANITARY SEWER PROVISION.**

- 22.20(1) **PURPOSE.** The purpose of this Section of the Ordinance is to maximize public investment in sanitary sewer and sewage treatment infrastructure, and protect surface and ground water, in the interest of public health, safety and welfare.
- 22.20(2) **STANDARD.** Soils, geologic and hydrogeologic conditions within the Village are not suitable for on-site sewage treatment systems and holding tanks. The Village has made a substantial investment in its sanitary sewer and sewage treatment infrastructure and this system has significant capacity for future growth. Therefore, no new building, structure, activity or use shall be allowed to employ on-site sewage treatment systems and holding tanks within the Village of New Auburn, unless exempted by specific action of the Village Board. If the municipal sewer serves the proposed site or can be constructed to serve the

proposed site, an exemption will not be granted or will be granted conditioned upon hook-up to the Village sewer when it is available. Nothing contained herein will bar the use of existing on-site sewage treatment systems provided they are "not failing", (as defined by Section 145.245, Wis. Stats., and regulations adopted thereunder including any revisions of such law), and lawful.

22.21 ZONING DISTRICTS.

22.21(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:

22.21(1) (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

22.21(1) (B) Rural Development District RD

22.21(1) (C) Commercial Districts.

- (1) C-1 Central Business District
- (2) C-2 General Commercial District

22.21(1) (D) Industrial Districts.

- (1) I-1 Light Industrial District
- (2) I-2 Heavy Industrial District

22.21(1) (E) Public and Institutional District PI

22.21(1) (F) Agricultural District A

22.21(1) (G) Conservancy District W

22.21(1) (H) Wellhead Protection Overlay District WP

22.21(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.

22.21(3) (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).

22.21(3) (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.

22.21(3) (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.

22.21(5) (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 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-1 district will prevent the Village Board from requiring sewer in the future.

22.21(5) (B) Permitted Uses.

(1) Single-family dwellings.

22.21(5)(B) (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.

22.21(5) (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.

22.21(5)(C) (11) Home occupations (see Section 22.18). Use may require a Conditional Use Permit.

22.21(5) (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.

22.21(5)(D)(2)

- 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.

22.21(5) (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.

- 22.21(6) (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.

22.21(6) (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.

22.21(6) (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.
- 22.21(6)(C) (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.

22.21(6)(D)(4) b. Accessory building: 18 feet.

22.21(6)(D) (5) **Building Size.**

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

22.21(6) (E) **Off-street Parking.**

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

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

22.21(7) (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.

22.21(7) (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.

22.21(7))(B)(5) c. Off-street parking provisions shall be required.

(6) Public parks and playgrounds.

22.21(7) (C) **Permitted Accessory Uses.**

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

(2) Signs (see Section 22.23).

22.21(7) (D) **Conditional Uses.** [see Section 22.26(4)]

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

(2) Elementary, junior and senior high schools.

(3) Fire stations.

(4) Churches.

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

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

(7) Golf courses.

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

(9) Private lodges and clubs.

(10) Boarding houses.

(11) 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.

(12) 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:

Dwelling Type	Minimum Lot Area
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.

22.21(7)(E) (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.

22.21(8) (A) Purpose. The RD Rural Development District is intended to allow for residential and general agricultural use within the Village.

22.21(8) (B) Permitted Uses.

- (1) Single-family dwellings.
- (2) Two-family dwellings.
- (3) General agricultural crop production.
- (4) Forestry.

22.21(8) (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).

22.21(8) (D) Conditional Uses. [see Section 22.26(4)]

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

- 22.21(8)(D)
- (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).

22.21(8) (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).

22.21(8) (F) Off-Street Parking.

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

22.21(9) C-1 CENTRAL BUSINESS DISTRICT.

22.21(9) (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.

22.21(9) (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.

- 22.21(9)(B)**
- (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.

- 22.21(9)(D)
- (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.

22.21(9)(E) (4) **Maximum Building Height.** (see Section 22.14)

a. All buildings: 45 feet.

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

22.21(10) (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.

22.21(10) (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.

- 22.21(10)(B)**
- (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.

22.21(10) (C) Permitted Accessory Uses.

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

22.21(10) (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.

- 22.21(10)(D)
- (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.
- (2) **Setbacks and Required Yards for Principal Building.** (see Section 22.13)
 - a. Minimum front yard: 20 feet.
 - b. Minimum side yard: 10 feet.
 - c. Minimum rear yard: 20 feet.

22.21(10)(E) (3) **Setbacks and Required Yards for Accessory Building.** (see Section 22.15)

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

(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.**

22.21(11) (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.

22.21(11) (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 semiprecious 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.

- 22.21(11)(B)**
- (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.

- 22.21(11)(C) (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.

22.21(11) (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.

22.21(11)(E) (2) Maximum Building Height.

- a. Principal building: 50 feet.
- b. Accessory building: 35 feet.

22.21(12) I-2 HEAVY INDUSTRIAL DISTRICT.

22.21(12) (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.

22.21(12) (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.

22.21(12) (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.

22.21(12) (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.

22.21(13) (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.

22.21(13) (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.

- 22.21(13)(B)** **(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.

22.21(13) (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:

22.21(13)(D)(1)

- 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.

22.21(14) (A) Purpose. The Agricultural District is intended to allow for agricultural and general farming uses within the Village, including limited livestock operations.

22.21(14) (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.

22.21(14) (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).

22.21(14) (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).

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22.21(14)(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.

(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 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).

22.21(14) (F) Off-Street Parking.

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

22.21(15) W CONSERVANCY DISTRICT.

22.21(15) (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.

22.21(15) (B) Permitted Uses.

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

22.21(15) (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.

22.21(16) (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.

22.21(16) (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.

22.21(16) (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.

22.21(16)(C)(1)

- 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.

22.21(16)(C)(3)a.6.

- (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.

- 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.

22.21(16)(C)(3)

- 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.
 4. 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:

22.21(16)(C)(4)f.

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.

22.21(16)(C)(4)

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

22.21(16)(C)(5)

- 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

22.21(16)(D)(2)

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.** #15-01

22.21(17) (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.

22.21(17) (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.

22.21(17) (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.

22.21(17) (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.

(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.
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.

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

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.

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

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.
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.

(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:

22.21(17)(E)(4)

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.
10. Machine or Metal Working Shops.
11. Manure Storage.
12. Non-metallic earthen materials extraction or sand and gravel pits.

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

13. Pesticide and Fertilizer Dealer, Transfer or Storage.
14. *Blank*
15. Railroad Yards and Maintenance Stations.
16. Rendering Plants and Slaughterhouses.
17. Salt or Deicing 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.

(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.

- (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.

22.21(17)(E)(6)

- 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.
- 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:

22.21(17)(E)(6)b.

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.
- 22.21(17)(F)(3)

- 22.21(17)(F)(3) 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.

22.22 PARKING AND LOADING

22.22 (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.

22.22(2) **SCOPE OF THESE REGULATIONS.** The off-street parking and loading provisions of this Ordinance shall apply as follows:

- 22.22(2) (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.
- 22.22(2) (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.
- 22.22(2) (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.
- 22.22(2) (D) Any existing parking and loading serving any type of use may not be reduced below the requirements of this Ordinance.

22.22(3) **GENERAL PROVISIONS.**

- 22.22(3) (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.
- 22.22(3) (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.

22.22(3) (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.

22.22(3) (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.

22.22(3) (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.

- 22.22(3) (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.
- 22.22(3) (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.
- 22.22(3) (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:
- 22.22(4) (A) **Animal Hospitals.** One space per employee plus four (4) additional spaces.
- 22.22(4) (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.
- 22.22(4) (C) **Boarding Houses.** One (1) space per bedroom.
- 22.22(4) (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.

- 22.22(4) (F) **Churches.** One (1) space per (5) seats of the main assembly area.
- 22.22(4) (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.
- 22.22(4) (H) **Funeral Homes or Mortuaries.** Twenty (20) per chapel, plus one (1) space per vehicle kept on the premises.
- 22.22(4) (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.
- 22.22(4) (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.
- 22.22(4) (K) **Hotel and Motels.** One (1) space per rental unit plus one (1) space per employee on the major shift.
- 22.22(4) (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.
- 22.22(4) (M) **Medical and Dental Clinics.** Five (5) spaces per doctor.
- 22.22(4) (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.
- 22.22(4) (O) **Museums and Libraries.** One (1) space for each 200 square feet of floor area.
- 22.22(4) (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.
- 22.22(4) (Q) **Parks and Playgrounds.** Parking spaces shall be provided in

adequate number as determined by the Planning Commission to serve the public.

- 22.22(4) (R) **Planned Unit Developments.** Parking spaces shall be provided on the basis of the required space for each individual use.
- 22.22(4) (S) **Private Clubs, Lodge Halls.** One (1) space for every 100 square feet of floor area.
- 22.22(4) (T) **Public Assembly Facilities Providing for Seated Audiences** (theaters, auditoriums, gymnasiums, etc.), one (1) space per three (3) seats.
- 22.22(4) (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.
- 22.22(4) (V) **Retail and Customer Service Establishments.** One (1) space per 200 square feet of floor area.
- 22.22(4) (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.**
- 22.22(6) (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.
- 22.22(6) (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.
- 22.22(6) (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.

- 22.22(6) (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.
- 22.22(6) (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.
- 22.22(6) (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.
- 22.22(6) (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.**

22.22(6)(H)(1)

- 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.

- 22.22(6) (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.

- 22.23(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:

- 22.23(1) (A) Compatible with the zoning regulations.
- 22.23(1) (B) Designed, constructed, installed and maintained in such a manner that they do not endanger public safety or traffic safety.
- 22.23(1) (C) Legible, readable and visible in the circumstances in which they are used.
- 22.23(1) (D) Respectful of the reasonable rights of other advertisers whose messages are displayed.
- 22.23(2) **DEFINITIONS.**
- 22.23(2) (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.
- 22.23(2) (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.
- 22.23(2) (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.
- 22.23(2) (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.
- 22.23(2) (F) **Copy Area.** The geometric area in square feet that encloses the

actual copy of the sign.

- 22.23(2) (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.
- 22.23(2) (H) **Electric Sign.** Any sign containing internal electrical wiring which is attached or intended to be attached to an electrical energy source.
- 22.23(2) (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.
- 22.23(2) (J) **Frontage.** The length of the property line of any one premise parallel to and along each public right-of-way it borders.
- 22.23(2) (K) **Grade.** The elevation or level of the street closest to the sign to which reference is made, measured at the street's centerline.
- 22.23(2) (L) **Ground Sign.** A sign erected on one or more free-standing supports or uprights and not attached to any building.
- 22.23(2) (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.
- 22.23(2) (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.
- 22.23(2) (O) **Illuminated Sign.** A sign which is lighted by an artificial light source either directed upon it or illuminated from an interior source.
- 22.23(2) (P) **Integrated Shopping Center.** A shopping center in single ownership or under unified control, and containing three (3) or more separate businesses.
- 22.23(2) (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.
- 22.23(2) (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.
- 22.23(2) (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.
- 22.23(2) (U) **Portable Sign.** Any sign not permanently attached to the ground or a building.
- 22.23(2) (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.
- 22.23(2) (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.
- 22.23(2) (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.
- 22.23(2) (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.
- 22.23(2) (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.
- 22.23(2) (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.

22.23(2) (AB) **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, INDEMNIFICATION, INSURANCE, PENALTIES.**

22.23(3) (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.

22.23(3) (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.

22.23(3) (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.

22.23(3) (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.

22.23(3) (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.

22.23(3) (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.**

22.23(4) (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:
- 22.23(4)(B) (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.
- 22.23(4) (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.
- 22.23(4) (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.**

22.23(5) (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.

22.23(5) (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.

22.23(5) (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.**

22.23(6) (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:

22.23(7) (A) Abandoned signs.

22.23(7) (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.

22.23(7) (C) Swinging signs.

22.23(7) (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.

22.23(7) (E) **Unclassified Signs.** The following signs are prohibited which:

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

- 22.23(7)(E) (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.**

- 22.23(8) (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.
- 22.23(8) (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.
- 22.23(8) (C) **Non-illuminated Emblems.** Non-illuminated emblems, or insignia of any nation or political subdivision, profit or non-profit organization.
- 22.23(8) (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.
- 22.23(8) (E) **Home Occupation Signs.** Signs associated with a home occupation as defined in the Zoning Ordinance provided such signs are nonilluminated signs that do not exceed two (2) square feet in area. One (1) sign per home occupation is allowed.
- 22.23(8) (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.

- 22.23(8) (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.
- 22.23(8) (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.
- 22.23(8) (J) **Public Notices.** Official notices posted by public officers or employers in the performance of their duties.
- 22.23(8) (K) **Public Signs.** Signs required as specifically authorized for a public purpose by any law, statute, ordinance.
- 22.23(8) (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.
- 22.23(8) (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.

- 22.23(8)(M) (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.
- 22.23(8) (N) **On-Premise Symbols or Insignia.** Religious symbols, commemorative plaques of recognized historic agencies, or identification emblems of religious orders or historic agencies.
- 22.23(8) (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.
- 22.23(8) (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.
- 22.23(8) (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.**
- 22.23(9) (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.
- 22.23(9) (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.

- 22.23(9) (C) All ground sign structure shall be self-supporting structures and permanently attached to sufficient foundations.
- 22.23(9) (D) Electrical service to ground signs shall be concealed wherever possible.
- 22.23(9) (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.
- 22.23(9) (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.**

- 22.23(10) (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.
- 22.23(10) (B) Any overhead sign location that is accessible to vehicles shall have a minimum vertical clearance of sixteen (16) feet.
- 22.23(10) (C) No sign facing a residential district shall be closer than twenty-five (25) feet to that district line.
- 22.23(10) (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.
- 22.23(10) (E) The gross area of permanent window signs shall not exceed fifty percent (50%) of the gross window area.

22.23(11) **SPECIAL SIGNS.**

- 22.23(11) (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.

- 22.23(11)(A) (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.

22.23(11) (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.

22.23(11) (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 P shall be issued for a period any calendar year. Any sign more than sixty (60) days deemed to be a permanent requirements for a permanent

Zoning 103

Off-Premise Sign

22.23(11)(D)

- (2) **Size**. No portable sign shall be more than six feet high and no portable sign shall be more than six feet high from grade level.
- (3) **Setback**. All portable signs shall be set back from the front property line by a setback as deemed necessary by the Planning Commission for the safe flow of vehicle or pedestrian traffic.

22.23(11) (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 twentyfive (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.

22.23(12) (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).

22.23(12) (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.

22.23(12) (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.

22.23(12)(D) (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

22.24(1) ESTABLISHMENT.

22.24(1) (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

22.24(2) (A) The Board of Appeals shall consist of five (5) members appointed by the Village President and approved by the Village Board.

22.24(2) (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.

22.24(2) (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.

22.24(2) (D) Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.

22.24(3) GENERAL RULES.

22.24(3) (A) The members of the Board of Appeals shall serve without compensation.

22.24(3) (B) Members shall be removable by the Village President for cause upon written charges and after public hearing.

22.24(3) (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.

22.24(3) (D) The Board of Appeals shall adopt rules governing its procedure consistent with the terms of this Ordinance.

22.24(3) (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.

22.24(3) (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:

- 22.24(4) (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.
- 22.24(4) (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.
- 22.24(4) (C) **Interpretations.** To hear and decide applications for interpretations of the zoning regulations and the location of the boundaries of the zoning districts.
- 22.24(4) (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.
- 22.24(4) (E) **Assistance.** The Board may request assistance from other Village officers, departments, commissions and boards, and the Village Attorney.
- 22.24(4) (F) **Oaths.** The Chairperson may administer oaths and compel the attendance of witnesses.
- 22.24(5) **APPEALS AND APPLICATIONS.**
- 22.24(5) (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.

- 22.24(5)(A) (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.

- 22.24(6) (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.

- 22.24(7) (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.

- 22.24(7)(A) (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.**

- 22.24(8) (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.
- 22.24(8) (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).
- 22.24(8) (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.
- 22.24(8) (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.

- 22.24(8) (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.
- 22.24(8) (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.**
- 22.24(9) (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.
- 22.25 **CHANGES AND AMENDMENTS.**
- 22.25(1) **AUTHORITY.**
- 22.25(1) (A) Pursuant to the provisions of 62.23(7), Wisconsin Statutes, whenever the public necessity, convenience, general welfare or good zoning practice require, the Village Board may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by this Ordinance or amendments thereto.
- 22.25(2) **INITIATION.**
- 22.25(2) (A) A change or amendment may be initiated by the Village Board, Village Planning Commission, or by a petition of one or more of the owners or lessees of property within the area proposed to be changed.
- 22.25(3) **PETITIONS.**
- 22.25(3) (A) All petitions for a change, amendment or supplement of the

established zoning districts and regulations connected therewith shall be filed by the person requesting such action on forms furnished by the Village Clerk. The person requesting such action shall provide all information requested on the petition including:

- 22.25(3)(A)
- (1) Name and street address of the petitioner.
 - (2) The lot number of any real estate owned by the petitioner adjacent to the area proposed to be changed.
 - (3) Legal description of the property to be altered.
 - (4) The existing use of all buildings on such land.
 - (5) The principal use of all properties within 300 feet of such land.
 - (6) Purpose for which such property is to be used.
 - (7) Reciting of facts indicating that the proposed change will not be detrimental to the general public interest and the purposes of this Ordinance.
 - (8) Names and addresses of all surrounding property owners within 175 feet of the property to be altered.
 - (9) Plat plan or survey plat, drawn to scale, showing the property to be rezoned, location of structures and property lines within 250 feet of the parcel.
 - (10) Any further information requested on the petition or which may be required by the Planning Commission to facilitate the making of a comprehensive report to the Village Board.
- (Zoning District Change
1000 8-5)*

Failure to supply such information shall be grounds for dismissal of the petition.

- 22.25(3) (B) A petition for change or amendment submitted by a private property owner shall be filed with the Village Clerk and shall be accompanied by the appropriate fee to defray the cost of giving notice, investigation and other administrative processing.

22.25(4) PLANNING COMMISSION REVIEW AND RECOMMENDATION.

- 22.25(4) (A) The Village Clerk shall transmit the petition to the Planning

Commission.

22.25(4) (B) The Village Planning Commission shall conduct a study and investigation of all proposed changes and amendments within the corporate limits and shall recommend that the petition be granted as requested, modified or denied. The recommendation shall be made within sixty (60) days from which the petition is first received and shall be made in writing to the Village Board.

22.25(4) (C) The Village Clerk shall provide due notice of the Planning Commission meeting to the applicant and owners of record of properties which are located within 175 feet of the parcel involved in the application.

22.25(5) HEARING.

985.01 (1m)
last insertion at
least one week before
the event.

22.25(5) (A) The Village Board shall hold a public hearing upon each proposed change or amendment recommended by the Village Planning Commission, giving notice of the time, place and the change or amendment proposed by publication of a Class 2 notice under Chapter 985, Wisconsin Statutes, to include a location sketch. The Village Board shall also give at least ten (10) days prior written notice to the Clerk of any municipality within 1,000 feet of any land to be affected by the proposed change or amendment.

22.25(6) VILLAGE BOARD ACTION.

22.25(6) (A) Following such hearing and after careful consideration of the Village Planning Commission's recommendations, the Village Board shall vote on the passage of the proposed change or amendment.

22.25(7) PROTEST.

22.25(7) (A) In the event of a protest at the public hearing against such district change or amendment to the regulations of this Ordinance, duly signed and acknowledged by the owners of twenty percent (20%) or more either of the areas of the land included in such proposed change, or by the owners of twenty percent (20%) or more of the surrounding land extending 1,000 feet from the parcel to be altered, such changes or amendment shall not become effective except by the favorable vote of three-fourths (3/4) of the full Village Board membership.

22.26 ADMINISTRATION

22.26(1) ZONING ADMINISTRATOR DESIGNATION.

- 22.26(1) (A)** The Building Inspector is hereby designated as the enforcement officer (Zoning Administrator) for the provisions of this Ordinance. The Village Clerk can act as the Building Inspector's representative. The duty of the Building Inspector shall be to interpret and administer this ordinance and, after on-site inspection, advise the Village Board on the issuance of all permits required by this Ordinance. The Building Inspector shall further:
- (1)** Keep an accurate record of all permits, numbered in the order of issuance, in a record book for this purpose.
 - (2)** Initiate, direct and review, from time to time, a study of the provisions of this Ordinance, and make reports of the recommendations to the Planning Commission for investigation and appropriate action.
 - (3)** Upon reasonable cause or question as to proper compliance, to revoke any building or occupancy permit and issue cease and desist orders requiring the cessation of any building, moving, alteration, or use which is in violation of the provisions of this Ordinance, such revocation to be in effect until reinstated by the Building Inspector or the Board of Appeals, or take any other action as directed by the Village Board to ensure compliance with or to prevent violation of its provisions.
 - (4)** Inspect all structures, lands, and waters as often as necessary to assure compliance with this Ordinance.
 - (5)** Investigate all complaints made relating to the location of structures and the use of structures, lands, and waters, give notice of all violations of this Ordinance to the owner, resident, agent, or occupant of the premises, and report uncorrected violations to the Village Board for referral to the Village Attorney in a manner specified by him/her [see Section 22.26(9)].
 - (6)** Assist the Village Attorney in the prosecution of Ordinance violations [see Section 22.26(9)].

22.26(1)(A)

- (7) Be permitted access to premises and structures during reasonable hours to make those inspections as deemed necessary by him/her to ensure compliance with this Ordinance. If, however, he/she is refused entry after presentation of his/her identification, he/she may procure a special inspection warrant in accordance with Section 66.122 of the Wisconsin Statutes.
- (8) Prohibit the use or erection of any structure, land, or water until he/she or his/her representative has inspected and approved such use or erection.
- (9) Request assistance and cooperation from the Village Planning Commission, Village Marshal and Village Attorney as deemed necessary.

22.26(2)

BUILDING PERMIT.

22.26(2)

- (A) No building, structure, or fence above or below the ground, shall be erected, structurally altered, or relocated within the Village of New Auburn until a building permit has been issued by the Building Inspector certifying that such building would be in compliance with the provisions of this Ordinance and all applicable building codes. Exceptions are as follows:
 - (1) No building permit shall be required for re-roofing a structure, unless the design or form of the roof is changed, or for painting any structure.
 - (2) No building permit shall be required for the following when the cost does not exceed (total cost - all improvements) \$2,000.00:
 - a. Additional plumbing fixtures;
 - b. New siding;
 - c. New windows;
 - d. Basement expansion;
 - e. New foundation or basement walls;
 - f. New floor (not including replacement)

22.26(2)(A)(2)

- g.** Extra or additional heating plant or central air conditioning;
- h.** Addition or major remodeling of bathrooms;
- i.** New fireplaces;
- j.** Basement finishing;
- k.** Attic finishing;

Any of the above work must be done in conformance with this Zoning Ordinance and all other ordinances in effect within the Village.

22.26(2) (B) No person, whether as owner, contractor, builder, etc. shall erect, construct, or structurally alter any building or other structure without obtaining a required building permit from the Building Inspector and such Building Inspector shall not issue any permit unless the requirements of this Ordinance are complied with.

22.26(2) (C) All applications for building permits shall be signed by the applicant or their agent, and shall be made to the Village Clerk for submission to the Building Inspector for approval or disapproval.

22.26(2) (D) The application is to be submitted on the form supplied by the Village of New Auburn which shall contain the following:

- (1)** A statement that the applicant will comply with all Village ordinances and all laws of the State of Wisconsin applicable to the premises.;
- (2)** A legal description of the property.; and,
- (3)** An estimated cost of the work to be done.

The application shall also be accompanied by plans, drawn to scale, showing the location, actual shape and dimensions of the lot to be built on, the exact size and location on the lot of the proposed or existing building and accessory building, the required setbacks, the existing and intended use of each building or part of a building, the number of families the building is intended to accommodate and such other information as may be required by the Village Board for the purpose of compliance with this Ordinance. All grades for building shall be provided by the applicant. Grades are to be checked by the Village Building Inspector before any new footings can be installed. An application for a Building Permit shall be made in conformity with the

requirements of the Zoning Ordinance and all applicable building codes.

- 22.26(2) (E)** A Building Permit shall be granted or denied in writing by the Building Inspector within thirty (30) days of application and the applicant shall post such permit in a conspicuous and prominent place at the site of the permitted building activity. The permit shall expire within six (6) months unless substantial work has commenced, or within eighteen (18) months after the issuance of the permit if the structure for which a permit is issued is not substantially completed, and the property must be returned to its original condition at the time of original issuance of said permit. The applicant shall reapply for a Building Permit before commencing work on the property or structure subject to an expired Building Permit. Substantial work or substantially completed as stated above shall be determined by the Building Inspector and any dispute of such determination shall be presented to the Village Board for final determination. Any permit issued in conflict with the provisions of this Ordinance shall be null and void.

22.26(3) PLANNING COMMISSION.

- 22.26(3) (A)** The Village Planning Commission shall have the duties of making reports and recommendations relating to the plan and development of the Village to public officials, agencies, public utility companies, civic, educational, professional and other organizations, and citizens. The Commission, its members and employees, in performance of its functions, may enter upon any land and make examinations and surveys. In general, the Planning Commission shall have such powers as may be necessary to enable it to perform its function and promote municipal planning. Ref. Section 62.23(2), Wisconsin Statutes.

22.26(4) CONDITIONAL USE PERMIT.

- 22.26(4) (A) Purpose.** The formulation and enactment of a comprehensive zoning ordinance is based on the division of the entire Village into districts in each of which are permitted specified uses that are mutually compatible.

In addition to such permitted compatible uses, however, it is recognized that there are other uses which it may be necessary or desirable to allow in a given district, but which because of their potential influence upon neighboring uses or public facilities, need to be carefully regulated with respect to location or operation for the

protection of the community. Such uses are classified in this Ordinance as "conditional uses".

In some cases, traditionally more restrictive uses such as Single-Family Dwellings are only allowed in less restrictive districts such as Light Industrial as a conditional use. While there may be merit in segregating such uses because of incompatibility with the less restrictive use, the size of the Village and necessity to preserve the tax base may be considered in determining that such more restrictive use shall be permitted as a conditional use.

Conditional uses may, **but are not required** to, be permitted in the district in which listed, (upon petition to the Village Board), and subject to the recommendation of the Planning Commission, approval of the Board and to such other conditions as hereinafter designated.

22.26(4) (B) Application for Conditional Use Permit. A request for conditional use grant shall be submitted in writing to the Village Clerk by the person requesting such action on forms furnished by the Village Clerk. The persons requesting such action shall provide all information requested on the application/petition including:

- (1) Names and address of the applicant, owner of the site, architect, professional engineer, contractor, when engaged, and all opposite and abutting property owners of record.
- (2) Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
- (3) A map drawn to scale showing the location, property 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, existing and proposed street, side and rear yards; and areas subject to inundation by flood waters.
- (4) Purpose of which the Conditional Use Permit is requested.
- (5) Reciting of facts indicating that the proposed use will not be detrimental to the general public interest, the purposes

of this Ordinance and the general area in which it is located.

- 22.26(4)(B)**
- (6)** Drainage and sewage disposal plans.
 - (7)** Architecture and landscape treatment.
 - (8)** Planting screen and operational control devices plan, where necessary, to eliminate noise, dust, odor, smoke, or other objectionable operating conditions.
 - (9)** All applicable Material Safety Data Sheets.
 - (10)** Any further information requested on the application/petition which may be required by the Planning Commission to render its decision.

Failure to supply such information shall be grounds for dismissal of the application /petition.

22.26(4) (C) Planning Commission Review and Recommendation.

- (1)** The Village Clerk shall transmit the petition to the Planning Commission.
- (2)** The Village Planning Commission shall conduct a study and investigation of all proposed changes and amendments within the corporate limits and shall recommend that the petition be granted as requested, modified or denied. The Planning Commission may consult with the Building Inspector regarding the petition. The recommendation shall be made within sixty (60) days from which the petition is first received and shall be made in writing to the Village Board.

- 22.26(4) (D) Hearings.** The Village Board shall hold a public hearing upon each proposed conditional use after action by the Village Planning Commission, giving notice of the time, place and change or amendment proposed by publication of a Class 1 notice under Chapter 985, Wisconsin Statutes. In addition, the Village Board may at its option, require that notice be given to owners of record of properties located within 175 feet of the parcel involved. Ref. Section 22.26(6)(A). Ref. 62.23(7)(e)6 and 985.07(3)(b), Wis. Stats.

- 22.26(4) (E) **Review and Decision.** Within thirty (30) days following the public hearing and any necessary study and investigation, the Village Board shall so soon as practical, render its decision in writing and a copy made a permanent part of the Board's records. Such decisions shall include an accurate description of the conditional use permitted, of the property on which permitted, and any and all conditions made applicable thereto, or if disapproved, shall indicate the reasons for disapproval.
- 22.26(4) (F) **Standards for Conditional Use Permit Approval.** The Planning Commission and Village Board shall apply the following general standards when reviewing, recommending and approving or disapproving a conditional use permit:
- (1) No grant of a conditional use shall violate the spirit or intent of this Ordinance.
 - (2) No conditional use shall be allowed which could be contrary to the public health, safety, morals or general welfare, or which would be substantially adverse to property value in the neighborhood affected.
 - (3) No use shall be permitted by conditional use permit that would constitute a nuisance by reason of noise, dust, smoke, odor or other similar factors.
 - (4) The conditional use will not be injurious to the use, value and enjoyment of other property in the immediate vicinity for purposes already permitted.
 - (5) The conditional use will not, in any way, impede or diminish the normal and orderly development and improvement of the surrounding property or the district.
 - (6) That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
 - (7) Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
- 22.26(4) (G) **Authority to Impose Conditions.** The Planning Commission and the Village Board may make the granting of an application for a conditional use permit contingent upon such express conditions as it considers necessary to further the aims of this Ordinance and to achieve the standards of paragraph F above. The applicant must agree to the conditions prior to the approval of a conditional use

permit. These conditions may include, but are not limited to, specifications of:

- 22.26(4)(G)
- (1) The period of time in which all or part of the use may be permitted.;
 - (2) Setback and yard dimensions.;
 - (3) Specified sewage disposal and water supply facilities.;
 - (4) Landscaping and planting screens.;
 - (5) Operational controls.;
 - (6) Sureties.;
 - (7) Deed restrictions.;
 - (8) Location of structures, docks, piers or signs.;
 - (9) Location and amount of parking facilities.;
 - (10) Type of construction.;
 - (11) Type of shore cover.;
 - (12) Sign and lighting limitations.;; and,
 - (13) Number of employees.
- 22.26(4) (H) When a Conditional Use Permit is approved, the building permit shall be appropriately noted and such permit shall be applicable solely to the structures, use and property so described. Indication of such permit shall also be made on the Zoning District Map by appropriate symbol.
- 22.26(4) (I) Except as may be specifically otherwise provided, any use shall conform to the building location, height, lot size and open space regulations of the district in which it is located.
- 22.26(4) (J) **Lapse of Conditional Use Permit.** A Conditional Use Permit shall lapse and become void one (1) year after passage by the Village Board unless the conditional use is fully established or a building permit has been issued and/or construction has commenced and

is being pursued diligently according to the requirements of the permit. A Conditional Use Permit may be renewed for an additional period of one (1) year by application to and approval of the Village Board.

- 22.26(4) (K) **Automatic Termination of Conditional Use Permit.** In the event the use for which the permit was granted shall cease or be abandoned for a period of one (1) continuous year, the conditional Use Permit granted herein shall automatically cease.
- 22.26(4) (L) **Revocation of Conditional Use Permit.** If, in the opinion of the Village Board, the terms of a Conditional Use Permit have been violated, or that the use is substantially detrimental to persons of property in the neighborhood, the Village Board shall, following notice to all parties, hold a public hearing on the revocation of the permit. If, upon finding of act that the terms of the permit have been violated, the Village Board may revoke, modify or leave the permit unchanged. The Village Board may thereafter direct the Village Attorney to secure such additional court orders as are necessary to implement its action.
- 22.26(4) (M) All conditional use petitions shall be accompanied by the appropriate fee to defray the cost of giving notice, investigation and other administrative processing, as provided for in Section 22.26(5).
- 22.26(5) **FEES FOR PERMITS, VARIANCES, REZONINGS, CONDITIONAL USES, AND SIGNS.**
- 22.26(5) (A) All persons, firms, or corporations performing work which by this Ordinance requires an action of the Building Inspector, the Planning Commission, or the Village Board shall pay such fee for consideration to the Village Clerk to help defray the cost of administration, investigation, advertising and processing of such actions as may be set in accordance with the fee schedule established by the Village Board and presented as a separate attachment in support of these regulations. See Appendix E, Fee Schedule. No fee is required if not established in Appendix E.
- 22.26(6) **PUBLIC HEARINGS.** In order that the owners of property involved and other legitimately interested parties may have fair opportunity to be heard, adequate notice shall be given of any public hearing required by the provisions of this Ordinance in the manner hereinafter defined or as may be otherwise specifically designated elsewhere in this Ordinance.

22.26(6) (A) The notice to be given concerning any appeals or variances, conditional use permits shall be given by publishing a Class 1 notice under Chapter 985 of the Wisconsin Statutes, and for changes and amendments of this ordinance by a Class 2 notice under Chapter 985 of the Wisconsin Statutes, and by giving due notice of the hearing to all parties in interest.

(1) Due notice to parties in interest shall mean that the Village Clerk will mail, by ordinary postage, reasonable advance notice of all hearings and meetings on any pending matter to the applicant and to owners of record of properties which are located within 175 feet of the parcel involved in the application (1,000 feet in the case of changes and amendments to the zoning districts and regulations). In addition, at least ten (10) days prior to written notice of any such hearings shall be given to the Clerk of any municipality whose boundaries are within 1,000 feet of any lands included in the application. Failure of the office to accomplish such provision of notice shall not invalidate or prejudice the proceedings, provided that reasonable efforts were made to so notify the parties in interest.

22.26(7) ANNEXATIONS. Any area annexed to the Village of New Auburn after the effective date of this Ordinance shall automatically be placed in the R-1, Single-Family residence District, and shall remain in such district until the appropriate zoning district(s), zoning district boundaries and regulations are studied and recommended by the Planning Commission and adopted by the Village Board in accordance with the requirements of Section 22.25 of this Ordinance; except that such adoption be completed within ninety (90) days of the annexation.

22.26(8) MUNICIPALITIES AND STATE AGENCIES REGULATED. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all required permits. State agencies are required to comply if Section 13.48(13) of the Wisconsin Statutes applies. The construction, reconstruction, maintenance, and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt from compliance when Section 30.12(4)(a) of the Wisconsin Statutes applies.

22.26(9) VIOLATIONS AND PENALTIES.

22.26(9) (A) It shall be unlawful to use or improve any structure or land, or to use water or air in violation of any of the provisions of this

Ordinance. In case of any violation, the Building Inspector, Village Board, Village Planning Commission or any property owner who would be specifically damaged by such violation, may institute appropriate action or proceeding to enjoin a violation of this Ordinance or cause a structure to be vacated or removed.

- 22.26(9) (B)** Whenever an order of the Building Inspector, Planning Commission, Board of Appeals or Village Board has not been complied with within thirty (30) days after written notice has been mailed to the owner, resident, agent or occupant of the premises, Building Inspector, Planning Commission, Board of Appeals, Village Board or the Village Attorney may institute appropriate legal action or proceedings to prohibit such owner, agent or occupant from using such structure, land or water.
- 22.26(9) (C)** 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 Ordinance or any order of the Building Inspector, Village Board, Board of Appeals or Planning Commission issued in accordance with this Ordinance 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. All footings, construction, buildings and structures installed in violation of this Ordinance shall, at the request of the Village, immediately be removed by the violator at the violator's expense. Compliance with this Ordinance is mandatory, and no building or structure shall be allowed without full compliance. Compliance therewith may also be enforced by injunctive order at the suit of the Village or the owner or owners of real estate within the district affected by the regulations of this ordinance.

**VILLAGE OF NEW AUBURN
MUNICIPAL CODE
ZONING CHAPTER 22**

Alphabetical Index

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