

**Village of Arpin
Wood County, Wisconsin
Ordinance #29**

**AN ORDINANCE ADOPTING THE LAND DEVELOPMENT CODE
WITHIN THE VILLAGE OF ARPIN, WOOD COUNTY, WISCONSIN**

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The Village Board of the Village of Arpin, Wood County, Wisconsin, does ordain the following:

ARTICLE A – INTRODUCTION

SECTION 1 – AUTHORITY: The ordinance from which this chapter is derived is adopted under the authority granted by Wisconsin §61.35, 62.23(7), 87.30 and 144.26. Therefore, the Village Board of Arpin, Wisconsin, do ordain as follows:

SECTION 2 – PURPOSE: The purpose of this Code is to promote the health, safety, morals, prosperity, aesthetics, and general welfare of the Village of Arpin.

SECTION 3 – INTENT: It is the general intent of this Code to regulate and restrict the use of all structures, lands, and waters; regulate and restrict lot coverage, population distribution and density, and the size and location of all structures so as to promote the efficiency of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the Community; and implement the Community's comprehensive plan or plan components. It is further intended to provide for the administration and enforcement of this Code and to provide penalties for its violation.

SECTION 4 – ABROGATION AND GREATER RESTRICTIONS: It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easement, covenants or agreements between parties or with any rules, regulations, or permits previously adopted or issued pursuant to laws; provided, however, that where the chapter imposes a greater restriction upon the use of buildings or premises, or upon the height of a building or requires larger open spaces than are required by other rules, regulations or permits or by easement, covenants or agreements, the provisions of this chapter shall govern.

SECTION 5 – INTERPRETATION: In their interpretation and application, the provisions of this Code shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

SECTION 6 – SEVERABILITY: If any section, clause, provision, or portion of this Code is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Code shall not be affected thereby.

SECTION 7 – REPEAL: All other ordinances or parts of ordinances of the Village in consistent or conflicting with this Code, to the extent of the inconsistency only, are hereby repealed.

SECTION 8 – EFFECTIVE DATE: This Code shall be effective after a public hearing, adoption by the Village Board of Trustees, and publication or posting as provided by law.

SECTION 9 – RULES AND DEFINITIONS:

9.1 General Interpretations. The following rules of construction apply to this Code:

- A. For the purpose of this ordinance, the following definitions shall be used, in case of any difference of meaning or implication between the text of this Code and any caption or illustration, the text shall control; the word "shall" is always mandatory whereas the word "may" is permissive; words used in the present tense shall include the future, and words used with singular number shall include the plural, and the plural the singular, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and" or "or", the conjunction shall be interpreted as follows: "and" indicates that all the connected items, conditions, provisions or events shall apply; "or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination; all measured distances shall be to the nearest integral foot; the masculine gender includes the feminine and neuter. Any words not herein defined shall be construed as defined in State Statutes and Village codes.
- B. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Automobile Salvage Yard. Any area of land where two or more inoperative vehicles, and/or accumulation of parts thereof, are stored in the open and are not being restored to operation; or any land, building, or structure used for the wrecking or storing of such motor vehicles.

Automobile Service Station. Any building or premises which sells gasoline, oil and related products to the motoring public. This shall include repairs, washing and lubricating, body work, painting and dismantling.

Block. A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-way, shorelines of waterways, or boundary lines of municipalities.

Boarding House. A building where meals and lodging are offered for compensation for five but not more than 12 persons and where no more than five sleeping rooms are provided for such purpose. An establishment where meals are served for compensation for more than 12 persons shall be deemed a restaurant.

Buildable Area. The specified portion of a lot within the building and set-back lines.

Building. Any structure which is built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind and which is permanently affixed to the land.

Building, Accessory. Structure used for benefit of main buildings (i.e., garage, tool shed).

Building, Principal. The main building on a lot, intended for primary use as permitted by the regulations of the zone in which it is located.

Building Setback Line. A line parallel to the street line defined by the Village Land Development Code beyond which buildings may not be erected.

Buildings, Public and Semi-Public. Public and semi-public buildings in the sense of this Code are structures principally of an institutional nature and serving a public need such as: churches, hospitals, rest homes, schools including private academic schools and nursery schools, libraries, museums, post offices, police and fire stations, public and private utilities and other public services; but not including the operation of a public bar, restaurant or recreational facility as commercial enterprise.

Channel. A natural or artificial water course of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.

Club or Lodge. An association, or persons who are bona fide members, which owns, hires, or leases a building or portion thereof, the use of such premises being restricted to members and their guests.

Conditional Use. Use of land which, while appropriate for inclusion within a given district, possesses a potential of creating problems with regard to nearby parcels of land or the occupants thereof, and which are therefore permitted only subject to the fulfillment of conditions which effectively ensure that no such problems will be created. The term "conditional use" is the same as "special permit" as provided for in the state statutes.

Development. Any alteration of the natural configuration of the earth's surface or vegetative cover creating commercial, industrial, residential or similar uses and accessory facilities, including all streets, parking areas, and private drives.

Drainage System. One or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

Dwelling, Detached. A residential building which is entirely surrounded by open space on the same lot.

Dwelling, Duplex (two family). A residential building containing two dwelling units.

Dwelling, Multiple - Family (apartment). A building containing three or more dwelling units.

Dwelling, Single - Family. A residential building containing one dwelling unit.

Dwelling Unit. A group of rooms constituting all or part of a dwelling, used or intended for use exclusively as living quarters for one-family which includes complete kitchen facilities permanently installed.

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

Family. One or more persons related by blood, marriage or adoption, or a group of not more than five persons not related, maintaining a common household in a dwelling unit.

Environmental Control Facility. Any facility temporary or permanent, which is reasonably expected to abate, reduce or aid in the prevention, measurement, control or monitoring of noise, air or radiation or other pollutants.

Floor Area, Gross. For the purpose of determining requirements for off-street parking and off-street loading, the floor area shall mean the sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to such use, including accessory storage areas located within selling or working space, such as 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.

Forestry. The production and management of trees as a crop.

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

Garage, Private. A structure primarily intended for and used for the enclosed storage or shelter of the private motor vehicles. Carports are considered garages.

Grade. The slope of a road, street, or other public way, specified in percent.

High-Water Mark, Ordinary. The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

Height, Building. Building height is the vertical distance measured from grade to the highest point of the roof; adjacent to the street wall for flat roofs; to the deck line of mansard roofs; and, to the mean height between eaves and ridges for gable, hip, gambrel or pent roof.

Home Occupation. Any occupation for gain or support, when such occupation is incidental to the residential use of the premises and does not involve any external alteration that would effect a substantial change in the residential character of the building; provided, further, that no more than one person other than a member of the residential family is employed on the premises and that no more than 25 percent of the floor area of any floor of the residence, excluding accessory buildings, is used for the home occupation.

Human Habitation. Structures used as human residence or dwelling, including commercial and industrial structures.

Hunting or Fishing Shelter. A building or structure without permanent toilet or kitchen facilities, intended solely for fishing, hunting or trapping and only for temporary occupancy.

Junkyard. An open area or fenced-in enclosure where waste, discarded or salvaged materials are baled, packed, disassembled or handled for purchase, sale or exchange, including auto wrecking activities, building wrecking activities, used lumber places and places for storage of salvaged building materials and equipment, but not including such places where such uses are conducted entirely within a completely enclosed building and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in working condition, or salvaged materials incidental and necessary to manufacturing operations. Two or more inoperative pieces of equipment shall constitute a salvage yard.

Loading Space. An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

Local Road. A road intended to provide access to other roads from individual properties and to provide right-of-way beneath it for sewer, water, and storm drainage pipes.

Lot. A parcel of land, whether legally described or subdivided as one or more lots or parts of lots, and which is occupied or intended for occupancy by one principal building or principal use, together with any accessory buildings and such open spaces as are required by this Code; and having its principal frontage upon a street or road.

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

Lot, Depth. The average horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.

Lot, Out. A remnant parcel of land not to be used for building purposes, so designated on the plat.

Lot, Parking. An open area, other than a street or other public way, used for the parking of motor vehicles and available to the public whether for a fee, free or as an accommodation for clients or customers.

Lot, Width. The average horizontal distance between the side lot lines of a lot measured within the lot boundaries or the minimum distance between the side lot lines within the buildable area.

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

Lot Lines. 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 street or alley right-of-way line.

Manufactured Home. One- or two-family home certified and labeled as a manufactured home under 42 USC 5401 to 5426 which, when placed on the site, is set on an enclosed foundation in accordance with Wis. Stats. §70.043(1), and Wis. Admin. Code Ch. SPS 321, Sub Chs. III, IV, and V (Wis. Admin. Code SPS 321.12 et seq., 321.15 et seq., 321.18), or a comparable foundation as approved by the Village Board, is installed according to manufacturer's instructions, if properly connected to utilities and is a minimum of 16 feet wide. For purpose of zoning code enforcement, manufactured homes shall be allowed as permitted and conditional uses where single-family residences and two-family residences are shown as permitted and conditional uses. All such structures manufactured prior to July 15, 1976, shall be defined as mobile homes.

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

Mobile Home Park. Two or more mobile homes and manufactured homes located on a single tract of ownership operated as a single entity as a business investment of the owner. A mobile home park consists entirely of mobile homes and manufactured homes; each located on a site leased to its occupants who own or lease the living unit as their permanent residence.

Modular Home. Any structure or component thereof which is intended for use as a dwelling and is made or assembled in manufacturing facilities at or away from the building site for installation, connection, or assembly and installation, on the building site and for which certification is sought by the manufacturer. The term "modular home" shall be the same as the term "manufactured home or building" as per Wis. Stats. §101.71(6).

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

Person. Any individual, firm, trust, partnership, public or private association or corporation; or an individual, partnership, firm, company, corporation, municipality county, town, state or federal agency, whether tenant, owner, lessee, licensee, or their agent, heir, or assignee.

Public Way. Any public road, street, highway, walkway, drainageway, or part thereof.

Quarrying. The removal of rock, slate, gravel, sand, top soil or other natural material from the earth by excavating, stripping, leveling or any other such process.

Recreational Area. Shall include park, playground, ball-field, ski hill, sports field, swimming pool, riding stables or other facilities and area constructed for recreational activities and open for uses by the public or private organizations.

Sanitary Landfill. A waste disposal operation which consists of dumping garbage, rubbish, and other debris into a depression or trench, compacting and promptly covering it with a layer of earth of suitable thickness.

Screening. Either (a) a strip of at least 10 feet wide, densely planted (or having equivalent natural growth) with shrubs or trees at least 4 feet high at the time of planting, of a type that will form a year-round dense screen at least 6 feet high; or (b) an opaque wall or barrier or uniformly painted fence at least 6 feet high.

Shoreland. Lands within 1,000 feet from a lake, pond or flowage or 300 feet from a river or streams ordinary high-water mark or to the landward side of the floodplain, whichever distance is greater.

Sign. Any permanent outdoor advertising sign, display, device, notice, figure, painting, drawing, message, placard, poster, billboard or other things, which is designated, intended or used to advertise or inform, and which any part of the advertising or informative contents of which is visible from any place on the main-travelled way of any portion of a public roadway. Such definition does not include family name plaques or family farm signs with a total single side area of 32 square feet or less.

However, a sign shall not include any display of official court or public office notices nor shall include a sign located completely within an enclosed building unless the context shall be exposed to view from a street. Each display surface of a sign shall be considered a separate sign.

Street, Arterial. *A street used, or intended to be used, primarily for fast or heavy through traffic. Arterial street shall include: standard streets, highways, and parkways.*

Street, (Avenue, Place, Road Terrace, Lane, Parkway, Boulevard or Court). A right-of-way of a required width, which affords a primary means of access to abutting property.

Street, Collector. A street used, or intended to be used, to carry traffic from minor streets to the major system of arterial streets including principal entrance streets to residential developments.

Street, Frontage. Any street to be constructed by the developer or any existing street in which development shall take place on both sides.

Street Line. The dividing line between a lot and a continuous street.

Street Map, Official. The map established by the governing body pursuant to law showing the streets, highways, and parks, theretofore laid out, adopted and established by law, and any amendments or additions thereto adopted by the governing body.

Structure. Anything erected, the use of which requires more or less permanent location on or in the ground; or attached to something having a permanent location on or in the ground.

Structural Alteration. Any change in the supporting members of a building such as bearings, wall columns, beams or girders or any substantial changes in the roof and exterior walls.

Toxic Materials. Toxic materials are materials which are capable of causing injury to living organisms by chemical, biological or other means.

Trailer, Camping. Mobile units designed to be used for temporary living or commercial purposes.

Use, Accessory. A subordinate use which is clearly and customarily incidental to the principal use of a building or premises and which is located on the same lot as the principal building or use except for such accessory parking facilities as are specifically authorized to be located elsewhere.

Use, Nonconforming. The use or occupancy of a building or premises, which is lawful at the time of the enactment of the ordinance from which this chapter is derived or amendments thereto, or which has been established by approved variance of this chapter, but which use or occupancy does not conform to the provisions of this chapter or any amendments thereto.

Use, Principal. The primary use of a property or structure.

Variance. A departure from the terms of this chapter where it is shown that unique physical circumstances applying to a land parcel causes a hardship to the owner and that the condition permitted by the departure still will be in fundamental harmony with surrounding uses and the intent and purpose of this chapter.

Vehicle. Any device for carrying or conveying persons or objects. The term "vehicle" includes automobiles, trucks, motorcycles, all-terrain vehicles, snowmobiles, bicycles, trailers and other similar types of vehicles.

Water, Navigable. All natural inland lakes, streams, ponds, sloughs, flowages and other waters which are navigable under the laws of Wisconsin. Navigable does not apply to farm drainage ditches if such lands are not adjacent to a natural navigable stream or river; those parts of such drainage ditch adjacent to such lands were not navigable streams before ditching; and such lands are maintained in nonstructural agricultural use.

Water Setback. The distance which a building shall be required to be set back, placed, located or erected from the water line.

Waterway. Includes navigable water, rivers, streams, ditches, lagoons, canals and channels.

Waterways, Work in Respect to. Shall include the following activities:

- To construct, dredge, commence or do any work with respect to any artificial waterway, channel, ditch, lagoon, pond, lake, or similar waterway where the purpose is ultimate connection with an existing navigable stream, lake or other body of navigable water, or where any part of such artificial waterway is located within 500 feet of the normal high-water mark of an existing navigable lake or flowage, or 300 feet of navigable streams, rivers, channels, or canals.
- To connect any natural or artificially constructed waterway, canal ditch, lagoon, pond, lake or similar waterway with an existing body of navigable water.
- To change or alter the course of a river or stream.
- To remove materials from the bed of navigable waters.
- To deposit any material or to place any structure upon the bed of any navigable water where no bulkhead line has been established, or beyond a lawfully established bulkhead line.

Wetlands. Areas where water is at, near or above the land surface long enough to support aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

Wetland Alteration. Filling, flooding, draining, dredging, ditching, tilling, excavating, temporary water level stabilization measures, or dike and dam construction in a wetland area.

Yard. An open space on a lot which is unoccupied and unobstructed from its lowest level to the sky. A yard extends along a line and at right angles to such lot line to a depth or width specified in the yard regulations for the zoning district in which such lot is located.

Yard, Front. A yard extending along the full width of the front lot line between side lot lines.

Yard, Rear. The portion of the yard on the same lot with the principal building, located between the rear line of the building and the rear lot line and extending for the full width of the lot.

Yard, Side. A yard extending along a side lot line between the front and rear yards.

ARTICLE B – GENERAL PROVISIONS

SECTION 1 – COMPLIANCE: No structure, land, or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a zoning/building permit and without full compliance with the provisions of this Code and all other applicable local, county and state regulations.

SECTION 2 – DUTY OF CODE ADMINISTRATOR: The duty of the Code Administrator shall be to investigate all complaints, give notice of violations, and to enforce the provisions and intent of this Code.

SECTION 3 – PERMITS:

- 3.1 Purpose: The primary purpose issuing zoning/building permits is to ensure compliance with provisions and intent of this Code.
- 3.2 Zoning/Building Permit: No structure shall be built, moved or structurally altered until a zoning/building permit has been issued by the Code Administrator and the zoning/building permit fee has been paid in accordance with Article L.
- 3.3 Conditional Use Permit: When the use being applied for is listed as a "conditional use", the Code Administrator shall issue a conditional use permit in lieu of the zoning/building permit.
- 3.4 Application Procedure: Applications for zoning/building permits or conditional use permits shall be accompanied by scale maps or drawings prepared to the best of the applicant's ability, showing legibly and accurately the location, size and shape of the lot(s) involved; and of any proposed structures, including the relation of abutting streets and any abutting lakes or streams; and the existing and proposed use of each structure and lot, or the number of persons that would normally occupy the building or structure. Applications for conditional use permits must meet the provisions of Article F.
 - A. Applicants with parcels indicating wetland areas, according to Wood County GIS maps, will need to contact the Wood County Zoning office or the Wisconsin Department of Natural Resources to receive written approval of their proposed project. The written approval, or "Wood County Shoreland or Floodplain Zoning Permit" must be included with the Village zoning/building application.
 - B. In accordance with Wisconsin §61.352(3) every building/zoning permit shall contain the following language: "You are responsible for complying with state and federal laws concerning construction near or on wetlands, lakes, and streams. Wetlands that are not associated with open water can be difficult to identify. Failure to comply may result in removal or modification of construction that violates the law or other penalties or costs. For more information, visit the WI DNR of natural resources wetlands identification web page or contact a WI Department of Natural Resources service center."

- 3.5 Expiration: If within six months of the date of issuance of a zoning/building permit or conditional use permit, the proposed construction or preparation of land for use has not commenced, the permit shall expire, except that the Code Administrator may grant an extension of the permit for a period not to exceed six months upon the showing of valid cause.
- 3.6 Extension: Upon written application of the holder of any zoning/building permit or conditional use permit, upon showing a valid cause for failure to commence proposed construction or preparation of land under a permit, the Code Administrator may grant an extension of the permit for one additional period of not more than six months. Alternately, solely in cases where construction under a zoning/building permit or conditional use permit is delayed pursuant to a plan of development or improvement which contemplates future construction or land preparation more than one year after the original application for such permit, the Village Board, upon the request of the Code Administrator, may grant an extension of such permit for a period not to exceed two (2) years, ending on a specified date.

SECTION 4 – EXEMPTIONS:

- 4.1 The following uses are exempt from the provisions of this Code and permitted in any zoning district: poles, wires, cables, conduits, vaults, laterals, pipe mains, valves or other similar distribution equipment for utility uses including telephone, electric power, gas, water, sanitary sewer and storm sewer.

SECTION 5 – TRAFFIC VISIBILITY:

- 5.1 Clear Vision Areas Provided: All street and highway intersections in the Village of Arpin shall be provided with a clear vision area, triangular in shape, bounded by the street or highway centerlines and a line connecting the centerline points at a specified distance from their point of intersection as illustrated in Figure 1.
- 5.2 Centerline Defined: For the purposes of this Code "centerline" shall be defined as follows:
- A. Where there is an undivided pavement within a right-of-way, the centerline shall be the centerline of that pavement, irrespective of whether or not that coincides with the centerline of the right-of-way.
 - B. Where there is a divided pavement within a right-of-way and the distance between the centerlines of the pavements, measured along the centerline of the intersecting street or road is sixty (60) feet, the centerlines of the pavements shall be used separately in the manner illustrated in Figure 1, to designate the clear vision triangles.

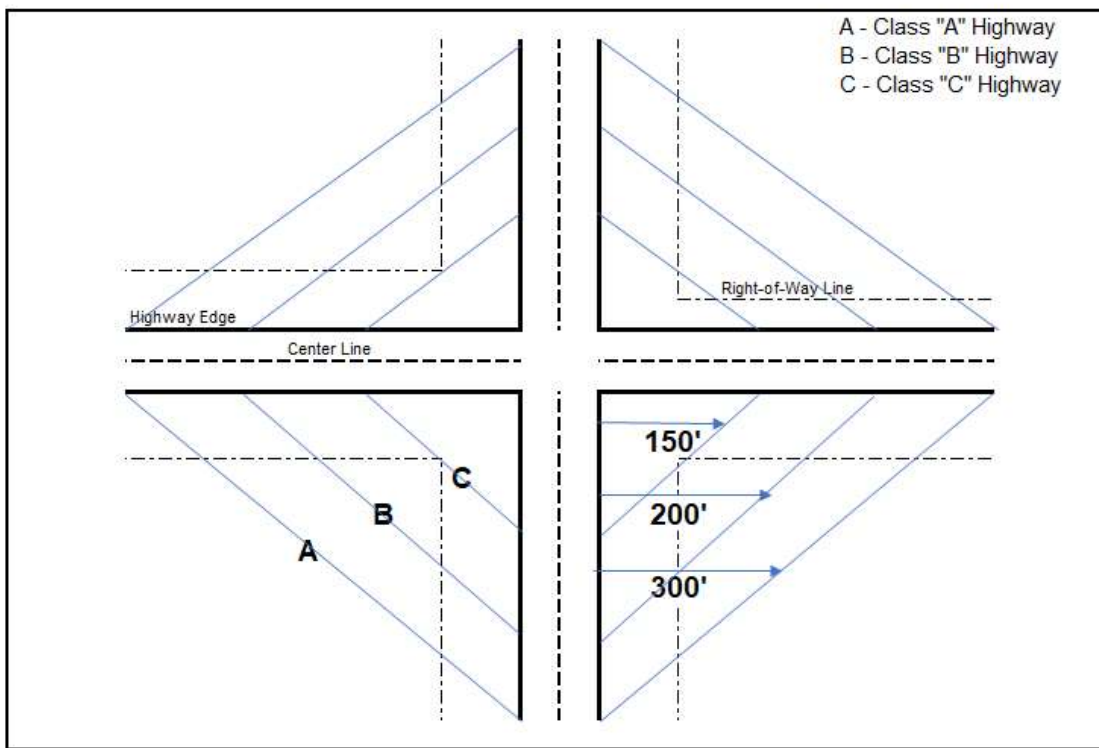
- 5.3 Clear Vision Triangle Sizing: The distance from the point of intersection of the centerlines of two roadways to the points on those centerlines that are to be used to determine visual clearance triangle size shall be as follows:

State Highways 300 ft. (Class A)
County Highways 200 ft. (Class B)
Town Roads and Local Streets 150 ft. (Class C)
Railroad Crossings 300 ft.

- 5.4 Uses Allowed in Clear Vision Areas:

- A. Objects shall be allowed within any clear vision area, as defined above, provided the objects are no higher than 2 ½ feet above the average elevation of the street sections included within the clear vision triangle.
- B. Objects higher than 2 ½ feet above the average elevation of the street sections lying within the clear vision triangle shall be allowed only if the objects do not substantially obstruct the view across the triangle. The determination as to "substantial obstruction" shall be made by Village Board.
- C. In situations where trees are present, this provision shall be construed to mean that a sufficient number of trees shall be removed so an object, such as a motor vehicle, clearly visible across the clear vision to provide for the public safety. However, it shall not necessarily be construed to mean that every tree in the clear vision triangle must be removed. This restriction shall not apply to the posts and wires or wire fences, provided that they do not obstruct visibility across the clear vision area. Agricultural crops are exempt from this provision.

FIGURE 1: CLEAR SIGHT TRIANGLES



SECTION 6 – SET BACK REQUIREMENTS:

- 6.1 Roadways: Building setbacks from roadways shall be as follows:
- A. State Highways: 110 feet from the centerline of the highway or 50 feet from the right-of-way line, whichever is greater.
 - B. County Highways: 75 feet the centerline of the highway or 42 feet from the right-of-way line, whichever is greater.
 - C. Village/Local Roads and Streets: 75 feet from the centerline of the roadway.
- 6.3 Reduced Building Setbacks: A setback less than the required setbacks may be permitted where there are at least five (5) existing main buildings within 500 feet of the proposed site that are built to less than the required setback. In such cases, the setback shall be the average of the nearest main building on each side of the proposed site or, if there is no building on one side, the average of the setback for the main building on one side and the required setback. Any other setback must be provided by the Board of Appeals according to Article J of this Code.
- 6.4 Structures Permitted Within Setback Lines:
- A. Objects and structures shall be allowed within the setbacks herein provided as set forth in Article B, Sections 4, 5.4(c) and 6.3.
 - B. In addition to those conditions listed in Article B 6.4(A), access or frontage roads constructed pursuant to provisions set forth in Article B of this Code; and signs permitted in other sections of this Code or signs placed by public authorities for the guidance or warning of traffic.

SECTION 7 – HEIGHT REGULATION EXCEPTIONS: Heights of the following structures may exceed code limits for the zone in which it is to be located: stacks, lookout towers, silos, windmills, solar panels, water towers, spires, radio and television aerials, masts, antenna and mechanical appurtenances and barns and other buildings designed for the storage of agricultural products.

SECTION 8 – AREA REGULATIONS:

- 8.1 Lot Reduction: Upon adoption of this Code, no lot area may be reduced so that the dimensions and yard requirements specified by this Code cannot be met.
- 8.2 Existing Lot Use: Lots existing and of record prior to adoption of this Code but of substandard size, may be devoted to uses permitted in the district in which located, provided state and county sanitary codes can be met, except where specified within the jurisdiction of shoreline provisions of the Wood County Shoreland Zoning Ordinance.

- 8.3 **Lot Divisions:** No improved lot shall hereafter be divided into two or more lots and no portion of any improved lot shall be sold unless all improved lots resulting from each such division or sale shall conform with all the applicable regulations of the district in which the property is located.
- 8.4 **Yard and Open Space Regulations:** All yards and other open spaces allocated to a building (or group of buildings comprising one principal use) shall be located on the same lot as that building. The maintenance of yards and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of that building or of the property on which it is located, as long as the building is in existence. Furthermore, no legally required yards, other open space or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy yard, other open space or minimum lot area requirements for any other building.
- 8.5 **Required Lot Grouping:** If two substandard lots with continuous frontage have the same ownership as of the effective date of this Code, the lots involved shall be considered to be an individual parcel for the purpose of this Code. If more than two substandard lots with continuous frontage have the same ownership as of the effective date of this Code, said lots shall be grouped in such manner as to provide standard sized lots whenever possible.

SECTION 9 – NON-CONFORMING USES, STRUCTURES AND LOTS:

- 9.1 **Existing Nonconforming Uses and Structures:** The lawful nonconforming use of a structure, land or water existing at the time of adoption or amendment of this Code may continue although the use does not conform with the provisions of this Code.
- A. Only that portion of the structure, land or water in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except: when required to do so by law or order, or so as to comply with the provisions of this Code.
 - B. Total lifetime structural repairs or alterations shall not exceed fifty (50) percent of the full value of the property unless it is permanently changed to conform to the provisions of this Code.
 - C. Substitution of new equipment may be permitted by the Board of Appeals if such equipment will reduce the incompatibility of the nonconforming use with neighboring uses.
- 9.2 **Abolishment or Replacement:** If such nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure, land, or water shall conform to the provisions of this Code. When a non-conforming use or structure is damaged by fire, explosion, flood the public enemy or other calamity, to the extent of more than fifty (50) percent of its current full value, it shall not be restored except so as to comply with the use provisions of this Code.

ARTICLE C – ZONING DISTRICTS AND ZONING MAP

SECTION 1 – ESTABLISHMENT: There are hereby established 7 districts in the Village:

Agricultural (A)
Single Family Residential (R-1)
Multiple-Family Residential (R-2)
General Commercial (C-1)
General Industrial (I)
Recreation/Open Space (ROS)
General Floodplain (GFP)

SECTION 2 – ZONING MAP:

2.1 All Land Use Districts in effect in the Village of Arpin shall be displayed on a certified copy of the Zoning Map which, along with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this Code.

A. The Zoning Map shall be Identified by the signatures of the Village President and Village Clerk and shall bear the following words:

“This is to certify that this is the Zoning Map referred to in Article C, Section 2, of Ordinance Number 29 of the Village of Arpin, Wood County, Wisconsin.”

Together with the date of the adoption of this Code, the Zoning Map shall be available to the public in the Office of the Village Clerk and is available online:

<https://s3.us-east-1.amazonaws.com/docs.woodcogis.com/ZoningMaps/VillageOfArpin.pdf>

see: *“Appendix A: Village of Arpin Zoning Map”*

SECTION 3 – DISTRICT BOUNDARIES:

3.1 Where the designation on the map indicates that the various districts are approximately bounded by a street, road, or alley line, then that line shall be interpreted to be the district boundary line, unless otherwise provided.

3.2 Where the Official Zoning Map indicates that the district boundaries approximately follow section lines, quarter section lines or other logical subdivisions of sections, those lines shall be interpreted to be the district boundary, unless otherwise provided.

3.3 Where the district boundaries are not otherwise indicated and where the property has been or may in the future be divided into blocks and lots, the district boundaries shall be interpreted to be lot lines. Where the designations on the official map are approximately bounded by lot lines, said lot lines shall be interpreted to be the district boundary.

3.4 In all other cases, the district boundary shown on the map can be clarified by checking the district designation for each property description in the “Village Plat Book”.

ARTICLE D – BASIC DISTRICT REGULATIONS

SECTION 1 – AGRICULTURAL DISTRICT (A):

- 1.1 Purpose: The Agricultural District (A) is set aside for the pursuit and promotion of agriculture and related uses for those areas best suited for such activities.
- 1.2 Principal Uses: Agriculture, dairying, general farming, forestry, greenhouses, nurseries, orchards, livestock raising, poultry raising, soil and water conservation programs, production and harvesting of forest crops, forest management practices including planting, cutting, thinning and harvesting of trees. Farm dwellings for those resident owners and laborers currently engaged in the permitted uses are accessory uses and shall comply with all the provisions of the R-1 District.
- 1.3 Conditional Uses: Must comply with Article F. Sanitary landfills, sewage disposal, gravel pits, railroad right-of-way's, utility corridors agricultural processing plants, commercial recreation facilities, power plants, forest processing activities, hunting and fishing shelters and other uses similar to the above.
- 1.4 Dimensional Requirements: See Figure 2. Parking must comply with Article H.

SECTION 2 – SINGLE FAMILY RESIDENTIAL DISTRICT (R-1):

- 2.1 Purpose: The Single-Family Residential District (R-1) is intended to provide and promote intensive residential and compatible land use in developed and developable urban areas where public facilities such as sewer and water lines (or wells) exist or where it is feasible and acceptable to accommodate such uses.
- 2.2 Principal Uses: Single family dwellings, two family dwellings, accessory uses.

No mobile home, motor home, tent trailer or camping trailer, as defined in Article A, Section 9(B) of this Ordinance, shall be parked in a residential zone and used for human habitation after the date of the adoption of this ordinance, except for the purpose of using such unit while a permanent dwelling is being constructed, not to exceed a period of one year for such purpose. Whenever such unit is parked in a residential zone for such purpose herein described, a conditional use permit for such use must first be obtained from the Code Administrator and the required fee shall be paid as provided in Article F, Section 2(D) of this ordinance.

An unoccupied recreational motor home or camping trailer may be stored by the owner on such owner's premises.
- 2.3 Conditional Uses: Must comply with Article F. Churches, group homes, home occupations, livestock farming, public or semi-public uses, railroad right-of-way, schools, utility corridors, and other uses similar to the above.
- 2.4 Dimensional Requirements: See Figure 2. Parking must comply with Article H.

SECTION 3 – MULTIPLE-FAMILY RESIDENTIAL DISTRICT (R-2):

- 3.1 Purpose: The Multiple-Family Residential District (R-2) is intended to provide higher density residential development than the Single-Family Residential District (R-1) in developed areas where public facilities such as sewer and water lines (or wells) exist and where such development is protected from incompatible land uses.
- 3.2 Principal Uses: Multiple-family dwellings such as rooming houses, boarding houses, four-plexes, eight-plexes or larger apartment buildings, housing cooperatives, accessory uses. Mobile home parks can be established in Multi-Family Residential Districts provided they abide by Village Ordinance #9 and all other State and County regulations.
- 3.3 Conditional Uses: Same as Single-Family Residential District (R-1).
- 3.4 Dimensional Requirements: See Figure 2. Parking must comply with Article H.

SECTION 4 – GENERAL COMMERCIAL DISTRICT (C-1):

- 4.1 Purpose: The General Commercial District (C-1) is intended to provide and promote an area for the business and trading needs of the Village, especially those which can be most suitably located in a compact and centrally located business district.
- 4.2 Principal Uses: Commercial retail and service establishments including but not limited to apparel, drinking, eating, entertainment facilities, finance, food, general merchandise, hardware, insurance, personal, professional and real estate services. Existing residences shall comply with provisions of the R-1 district.
- 4.3 Conditional Uses: Must comply with Article F. Dwellings for personnel directly connected with the operation of a commercial establishment not to exceed two dwellings per establishment; public or semipublic uses, transportation terminals, utility facilities, vehicle sales, and other uses similar to the above.
- 4.4 Dimensional Requirements: See Figure 2. Parking must comply with Article H.

SECTION 5 – GENERAL INDUSTRIAL DISTRICT (I):

- 5.1 Purpose: The General Industry District (I) is set aside to create industrial areas to accommodate a wide variety of industrial establishments which may operate to their maximum advantage without affecting other uses and activities.
- 5.2 Principal Uses: Construction and trade contractors, dairies, feed mills, food processing or packaging except meat and meat products, lumber yards, machine shops, petroleum bulk storage, warehouses and storage facilities.

- 5.3 Conditional Uses: Must comply with Article F. Incinerators, landfills, manufacture of paint products, paper pulp, rail yards, sewage disposal slaughterhouses, wrecking and salvage yards, and other uses similar to the above.
- 5.4 Prohibited Uses: Residential except caretaker dwellings, institutions including schools, day care centers, hospitals and homes for the aged.
- 5.5 Dimensional Requirements: See Figure 2. Parking must comply with Article H.
- A. All structures on industrially zoned property adjacent to a residential, recreational/open space, general floodplain or agricultural district must be set back a minimum of 100 feet from side and rear lot lines, regardless of the provisions in Figure 2.

SECTION 6 – RECREATION/OPEN SPACE DISTRICT (ROS):

- 6.1 Purpose: The Recreation/Open Space District (ROS) is intended to provide areas for public and semi-public recreational pursuits and preserve open space.
- 6.2 Principal Uses: Parks, arboretums, playgrounds, boating, fishing, wading, swimming beaches and bathhouses, skating, sledding, sustained yield forestry, school forests, sport fields, sport trails, wildlife preserves, soil and water conservation, water measurement and water control facilities.
- 6.3 Conditional Uses: Must comply with Article F.
- A. Airports, airstrips and landing fields provided the site area is not less than 20 acres.
- B. Governmental and cultural uses such as: fire and police stations, community centers, libraries, public emergency shelters and museums.
- C. Utilities, provided all principal structures and uses are not less than 50 feet from any residential district lot line.
- D. Public, parochial and private elementary and secondary schools and churches provided the lot area is not less than two acres and all principal structures and uses are not less than 50 feet from any lot line.
- E. Colleges, universities, hospitals, sanitariums, religious, charitable, penal and correctional institutions; and cemeteries.
- F. Archery ranges, campgrounds, conservatories, baseball and golf driving ranges, firearm ranges, golf courses, gymnasiums, hunting, marinas, music halls and band shells, pools, shelters, and zoological and botanical gardens provided the lot area is not less than three acres and all structures are not less than 50 feet from any district boundary.

SECTION 7 – GENERAL FLOODPLAIN (GFP):

- 7.1 Purpose: The General Floodplain District (GFP) is established to provide for the safe discharge of flood water and to minimize flood losses, to preserve the storage capacity of the floodplain and prevent pollution. Uncontrolled use of floodplains, rivers or streams within the Village adversely affects the public health, safety, convenience and general welfare and impairs the tax base of the Village.
- 7.2 Principal Uses: Hiking, fishing, trapping, hunting, swimming, and boating; harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops; pasturing of livestock; cultivation of agricultural crops; the practice of silviculture, including the planting, thinning, and harvesting of timber; construction or maintenance of duck blinds.
- 7.3 Conditional Uses: All conditional uses must comply with the “Wood County Shoreland Zoning Provisions” and “Wood County Floodplain Ordinance.”
- A. The construction and maintenance of roads which are necessary to conduct silvicultural activities or agricultural cultivation;
 - B. The construction or maintenance of nonresidential buildings;
 - C. The establishment of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, fish hatcheries, and public boat launching ramps and attendant access roads;
 - D. The construction or maintenance of electric, gas, telephone, water and sewer transmission and distribution facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members and the construction or maintenance of railroad lines.
- 7.4 Prohibited Uses: (NR 115.04(4)) Any use not listed in Article E, Section 7.2 is prohibited, unless the wetland or portion of the wetland has been rezoned by amendment of this ordinance in accordance with Article I of this ordinance and Wisconsin §59.69(5)(e).

FIGURE 2: DIMENSIONAL REQUIREMENTS

ZONE		MINIMUM LOT SIZE AT PRINCIPAL STRUCTURE		MINIMUM YARD SETBACKS						MAXIMUM HEIGHT		PERCENT MAXIMUM LOT COVERAGE
				FRONT		SIDE		REAR				
				Principal Building	Accessory Structure	Principal Building	Accessory Structure	Principal Building	Accessory Structure	Principal Building	Accessory Structure	
Category	Permitted Uses	Area Sq Ft	Width									
R-1	Single-Family Residential	10,000	100	Article B, Section 6		15	10	20	10	35	15	50%
R-2	Multi-Family Residential	10,000	100	Article B, Section 6		15	7.5	25	10	50	15	75%
A-1	Agricultural	871,200	200	Article B, Section 6		25	25	50	50	35	15	5%
I	General Industry	See Notation**	100	Article B, Section 6		15	5	15	5	75	25	75%
C-1	General Commercial	2,500	35	None						50	15	100%
ROS	Recreation/Open Space	No Dimensional Requirements. Article D, Section 6										
GFP	General Floodplain	No Dimensional Requirements. Article D, Section 7										
*Minimum Lot Size Area is in Sq Ft., Set Back measurement is in Feet.												
**Minimum area required to meet stipulated setbacks, parking, loading, etc.												

ARTICLE E – SHORELAND & FLOODPLAIN ZONING

SECTION 1 – PURPOSE: Uncontrolled development and use of the shoreland and floodplains of the municipality would adversely affect the public health, safety, convenience and general welfare and impair the tax base.

SECTION 2 – GENERAL PROVISIONS:

- 2.1 The “*Wood County Shoreland Zoning Provisions*” and “*Wood County Floodplain Ordinance*” are incorporated by reference and are available online at:

<https://www.woodcountywi.gov/Departments/Clerk/Ordinances/704-Shoreland%20Zoning.pdf>

<https://www.woodcountywi.gov/Departments/Clerk/Ordinances/703-Flood%20Plain.pdf>

- A. Where a provision of the “*Wood County Shoreland Zoning Provisions*” or “*Wood County Floodplain Ordinance*” is required by a standard in Wisconsin Admin Code Chapter NR 117, and where the Wood County provision is unclear, the provision shall be interpreted in light of the Wisconsin Admin Code Ch. NR 117 standards in effect on the date of the adoption of this ordinance.

SECTION 3 – SHORELAND & FLOODPLAIN REGULATED AREAS:

- 3.1 Shoreland GIS map layers, for reference purposes only, can be found at:

<https://gis.woodcountywi.gov/Land-Records-Viewer/index.html>

ARTICLE F – CONDITIONAL USES

SECTION 1 – PERMIT: The Village of Arpin Zoning Committee or Village Board may authorize the Code Administrator to issue a conditional use permit for conditional uses after review and a public hearing, provided that such conditional uses and structures are in accordance with the purpose and intent of this Code and are found to be not hazardous, harmful, offensive, or otherwise adverse to the environmental or the value of the neighborhood or the community.

SECTION 2 – APPLICATION: Applications for conditional use permits shall be made in duplicate to the Code Administrator on forms furnished by the Village. Upon receipt, the application will be promptly forwarded by the Code Administrator to the Zoning Committee. The application shall include the following:

- A. Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor and all opposite and abutting property owners of record.
- B. Description of the subject site by lot, block and recorded subdivision or by other legal description where unplatted or by metes and bounds; addresses 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.
- C. Plat or survey prepared by a registered land surveyor showing all the information required under Article B, Section 3 for a zoning permit and existing and proposed landscaping.
- D. Fee in the amount of \$50.00.

SECTION 3 – ZONING COMMITTEE BOARD REVIEW:

- 3.1 No permit for a conditional use shall be granted unless the Zoning Committee of the Village of Arpin shall find that the following conditions are present:
 - A. The maintenance of safe and healthful conditions.
 - B. That uses of other property in the neighborhood that are permitted as principal uses in the zone in which they are located shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the proposed conditional use.
 - C. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
 - D. That adequate utilities, access roads, drainage, and other necessary site improvements have been or are being provided.
 - E. That ingress and egress is so designed to minimize traffic hazards and congestion in the public streets.

- F. That proper measures are taken to prevent and control pollution of the Village waters, including prevention of sedimentation.
 - G. That precautions are taken to prevent soil erosion by not allowing clear cutting of trees and by providing proper slopes and vegetative cover where necessary.
 - H. That the proposed conditional use does not require or discharge volumes of water in an amount that may be detrimental to neighboring uses.
- 3.2 No permit shall be granted where the proposed conditional use is deemed to be inconsistent or conflicting with neighboring uses for reasons of smoke, odors, noise, vibration, lighting, health hazards, or safety hazards.

SECTION 4 – CONDITIONS AND GUARANTEES:

- 4.1 The Village Zoning Committee or Village Board may attach such conditions, in addition to those required elsewhere in this that they deem necessary in fulfilling the purpose and intent of this Code. Violation of any of these conditions shall be deemed a violation of this code. Such conditions may include specifications for, but not limited to: type of shore cover; increased setback and yards; specified sewage disposal and water supply facilities; landscaping and planting screens; architectural design; type of construction; commencement and completion dates; sureties; lighting; fencing; operational control; hours of operation; traffic circulation; deed restrictions; access restrictions; yard and parking requirements; location of piers, docks and signs; and any other requirements necessary to fulfill the purpose and intent of this Code.
- 4.2 In all cases in which a permit for a conditional use is granted, the Zoning Committee or Village Board may require evidence and guarantees as it may deem necessary as proof that the stipulated conditions are being and will continue to be complied with.
- 4.3 Compliance with all other provisions of this code such as lot width and area, setbacks, height, parking and access shall be required of all conditional uses except as modified by Article F.

SECTION 5 – PUBLIC HEARINGS AND DETERMINATION:

- 5.1 Public Hearings: Hearings shall be held by the Zoning Committee within 30 days of filing of applications. A Class 1 notice, as provided by Chapter 965 of the Wisconsin Statutes, shall be posted. The Zoning Committee shall notify by certified mail all abutting or opposite property owners as listed by the developer in the original application of the time, date and subject matter of the hearing. Failure to comply with this provision shall not, however, invalidate any previous or subsequent action on the application.
- 5.2 Determination: The Zoning Committee shall report its decision within 15 days following the public hearing. The decision shall be in writing and, if the conditional use is granted, shall include an accurate description of the use permitted, of the property on which it is permitted, and of all conditions stipulated in connection with the granting of the permit. A copy of the application, minutes of the public hearing, decision of the Zoning Committee, conditions and the permit shall be kept on file with the Code Administrator.

SECTION 6 – TERMINATION:

- 6.1 Where a permitted conditional use does not continue in conformity with the conditions of the original approval, the conditional permit shall be terminated by action of the Zoning Committee and may be considered as a violation of this Code.
- 6.2 No application or permit for a conditional use which has been denied or terminated, wholly or in part, shall be resubmitted for a period of one year from the date of said denial, except on the grounds that substantial new evidence or proof of change to compliance with the application conditions is included in the resubmitted application.

ARTICLE G – SIGNS

SECTION 1 – ENACTMENT: No sign shall hereafter be installed, or structurally altered without a zoning/building permit except those signs exempted in Article G, Section 2 and without being in conformity with the provisions of this Code and Wisconsin §89.19.

- A. At no time shall signs be permitted within a vision clearance triangle in such a manner as to restrict vision or impair safety.
- B. No sign located within 150 feet of a highway or street right-of-way shall contain, include, or be illuminated by a flashing or rotating beam of light.
- C. No sign shall be illuminated by any source of light that is not shielded to prevent glare or illumination of residential property other than that of the sign owner. The glare of any light source shall not be so directed as to impair the safety of moving vehicles.

SECTION 2 – SIGNS EXEMPTED:

- 2.1 The following signs shall be exempt from the provisions of this section:
- A. Customary professional and home occupation signs and “For Rent” and “For Sale” signs. Professional and home occupations signs shall not exceed two feet in height and ten feet in length. “For Rent” and “For Sale” signs shall be of customary size and shall be on the site for a temporary period of time until the property is rented or sold.
 - B. Temporary signs for the purpose of advertising building contractors, auctions, bazaars, festivals, political or other special events provided such signs shall not exceed 32 square feet, no two such signs shall be located closer than 300 feet on any one lot, and provided that such sign shall be removed when the event is complete. Where lot frontage is sufficient to permit two signs, one sign may be used in substitution, provided the total area does not exceed 64 square feet.
 - C. Announcement signs or bulletin boards for public, charitable or religious institutions not to exceed eight square feet in area located on the premises.
 - D. Official signs such as traffic control, parking restrictions, information and notices, provided they do not obstruct the vision of motorists at intersections.
 - E. Signs advertising a product for sale or a service rendered on the same lot upon which the business is located, provided other provisions of this Code are met.
 - F. Signs incidental to the permitted use shall be unlimited provided the surface area of the sign shall not exceed one square foot and that setback requirements for the particular district are met.

SECTION 3 – EXISTING SIGNS:

- 3.1 Signs lawfully existing at the time of the adoption or amendment of this Code may be continued as provided in Article G, Section 4.2 although the use, size or location does not conform with the provisions of this Code.

SECTION 4 – SIGNS PERMITTED:

- 4.1 No sign shall hereafter contain, include or be illuminated by a flashing or rotating light, nor include or be composed of any conspicuous moving or animated parts.
- 4.2 Signs Permitted in Zoning Districts
 - A. All Commercial and Industrial Districts
 - i. No sign shall be placed within 20 feet of a residential district boundary line.
 - ii. When any sign is illuminated, the light shall be shaded or concealed so that it will not interfere with the vision of motor vehicle operators or shine directly upon any residential property located in a residential district.
 - iii. All signs shall be mounted in one of the following ways:
 - a. back-to-back;
 - b. flat against a building or wall;
 - c. otherwise mounted so that the backs of all signs or sign structures shall be painted and maintained in a neutral color or a color that blends with the surrounding environment.
 - iv. No sign structure or any part thereof, except as provided elsewhere in this section, shall be located in any public right-of-way.
 - v. No free-standing business or advertising sign shall be located within 10 feet of any driveway or within 25 feet of the intersection of any roadways.
 - vi. Ground mounted on premise signs shall not exceed 30 feet in height above the mean centerline street grade and shall not exceed 100 square feet on all sides for any one premises.
 - B. Residential District: In all residential districts, no signs are permitted except those permitted in Article G, Section 2.
 - C. Agricultural District: Not more than three non-illuminated off-premise signs used in connection with a permitted commercial use are permitted in the agricultural district. Such sign(s) shall not exceed 24 square feet in area and 12 feet in height and shall be erected back of the required front yards and within 500 feet of the commercial use and limited to the owner's property.
 - i. All other signs in an agricultural district shall require a conditional use permit.

ARTICLE H – PARKING

SECTION 1 – COMPLIANCE: Off-street vehicle parking space shall be provided for buildings and uses as hereinafter specified. Such parking shall be reasonably adjacent to the use or building served and be intended specifically to serve residents, patrons, or employees of said use or building.

SECTION 2 – ACCESS:

- 2.1 Adequate access to a public road or street shall be provided for all required parking spaces. The minimum width of an access drive shall be twelve feet to parking areas and twenty-four feet to loading areas and access collectors to streets.
- 2.2 All new and replacement driveway culverts must be sized by the Village Board and will require a zoning/building permit. All culverts must be DOT approved. At minimum specs are as follows: 15" diameter, 30' length, double wall or galvanized. Other lengths may be approved under special circumstances. Before installation of said culvert, a representative of the Village will inspect the area.

SECTION 3 – APPLICATION TO EXISTING USE: The provision of parking space shall not be required for legally existing uses as of the date of this Code, but shall be required at the time of expansion of such use by the addition of new primary floor area or other spatial expansion of building or use generating new parking demand. Off-street parking facilities existing at the effective date of this Code shall not subsequently be reduced to an amount less than required under this Code.

SECTION 4 – MINIMUM SIZE: All required parking spaces shall have a minimum area of 135 square feet and shall have a minimum width of 10 feet and a minimum length of 15 feet. All loading spaces shall be sufficient to meet the requirements of each use and shall provide adequate space for storage and maneuvering of the vehicles it is designed to serve. The minimum dimensions allowable for loading space or truck berth shall be 12 feet in width and 65 feet in depth.

SECTION 5 – COMPUTING REQUIREMENTS:

- 5.1 Fractional Spaces: Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.
- 5.2 Unlisted Uses: For uses not specifically listed in this section or for joint parking facilities serving two or more uses, the Village Zoning Committee shall determine the number of spaces required.

SECTION 6 – DESIGN REQUIREMENTS:

- 6.1 Yards: Off-street parking and loading facilities shall be exempt from the front yard and rear yard regulations for the use district in which the parking is located, except that:

- A. In either class of Residential Districts: no parking space shall be located within twelve feet of any front property line; or within five feet of any side or rear property line, unless enclosed as an accessory use.
 - B. In the Commercial District: parking space that abuts residential property shall be kept five feet from any side or rear property line.
 - C. In the Industrial District: no parking or loading space shall be located in any front yard or in any side yard or rear yard that abuts either of the classes of Residence Districts, and in no instance shall parking or loading space be located within five feet of a side or rear property line, except for railroad loading areas or except in the case of parking space which abuts parking space on the adjoining property in which case no setback shall be required.
 - D. Placement of loading docks and berth shall be limited to side and rear yards, except that where a dock or berth is so designed as to be fully enclosed and incorporated within a principal structure, including any vehicle being loaded or unloaded, such dock or berth may be placed in a front area.
- 6.2 Required Site Plan: Any application for any zoning/building permit shall include a site plan or plot plan drawn to scale and dimensioned showing off-street parking and loading space to be provided in compliance with this Code.

SECTION 7 – PARKING AND LOADING SCHEDULE: Off-street parking and loading space shall be provided in accordance with Figure 3.

FIGURE 3: PARKING SCHEDULE

USE	NUMBER OF PARKING SPACES TO BE REQUIRED	OFF-STREET LOADING AND UNLOADING SPACES TO BE REQUIRED
Single-family, two-family dwellings and mobile homes	1 Space per dwelling unit	Not Applicable
Multiple-family dwellings (excluding elderly)	1.5 spaces for each unit containing two bedrooms or less	Not Applicable
	2 spaces for each unit of more than two bedrooms	
Elderly housing	.5 Spaces per dwelling	Not Applicable
Motels, hotels, boarding houses, private clubs, lodges and resorts	1 space per lodging unit plus spaces equal to 20% of the capacity of clubs or lodges.	1 space for each structure over 20,000 sq. feet of gross floor area
Banks and public administration offices, office buildings and professional offices	2 spaces for each 1,000 sq. feet of leasable floor area	1 space for buildings between 25,000 sq. feet and 75,000 sq. feet of gross floor area and 1 space for each additional 75,000 sq. feet of gross floor area
Professional, medical and dental offices or clinics	1 space for each 250 sq. feet of gross floor area or 3 spaces for each full or part-time professional whichever is greater	Not Applicable
Commercial uses, except as specifically provided below	2 spaces for each 1,000 sq. feet of leasable floor area	1 space for the first 25,000 sq. feet of gross floor area and 1 space for each additional 50,000 sq. feet of gross floor area.
Automobile Service Stations	2 spaces for each service stall plus 1 space for each attendant on the major shift	Not Applicable
Sit-down Restaurants	14 spaces for each 1,000 sq. feet of gross floor area	1 space for each structure over 7,500 sq. feet of gross floor area
Beauty and barber shops	1 space for each chair plus 1 space for each 3 employees.	Not applicable
Furniture sales, automobile and boat sales and appliance sales	1 space for each 600 sq. feet of gross floor area.	1 space plus 1 additional space for each 25,000 sq. feet of gross floor area
Hospitals, rest homes, nursing homes, boarding houses	1 space for each 3 beds plus 1 space for each 2 employees on the major shift	1 space plus 1 additional space for each 100,000 sq. feet of gross floor area
Auditoriums, stadiums, gymnasiums, community centers, funeral chapels, churches and other places of assembly	1 space for each 4 permanent seats in the largest place of assembly	1 space for each structure over 100,000 sq. feet of gross floor area
Manufacturing and Warehousing	1 space for each 300 sq. feet of gross floor area or 1 space for each 2 employees on their major shift, whichever is greater, plus 1 space for each company vehicle	1 space for each structure, plus 1 space for each 50,000 sq. feet of gross floor area over 50,000 sq. feet
Bowling Alley	4 spaces per lane	1 space per 7,500 sq. feet gross floor area

ARTICLE I – AMENDMENTS

SECTION 1 – AUTHORITY: Whenever the public necessity, convenience, general welfare or good planning practice requires, the Village Board may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by this Code or amendments thereto. Changes and amendments to this Code shall be subject to review and recommendation of the Village Zoning Committee to the Village Board.

SECTION 2 – INITIATION: A change or amendment may be initiated by the Village Board, Zoning Committee, or by a petition of one or more of the owners or lessees of a property within the area proposed to be changed.

SECTION 3 – PETITIONS: Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Code Administrator and shall:

- A. Describe the premises to be rezoned (including legal descriptions) or the regulations to be amended.
- B. List the reasons justifying the petition.
- C. Specify the proposed use and list the owner's name and address for all properties lying adjacent to or opposite from the area proposed to be rezoned.
- D. The petition shall be forwarded from the Code Administrator to the Zoning Committee with a request to hold a public hearing as specified in Article I, Section 6. The petitioner will provide additional information as may be required by the Zoning Committee or Village Board.

SECTION 4 – FEE: The cost of any hearing requesting an amendment to the provisions of this ordinance, including changes in the district map, shall be paid by the person requesting the amendment. The cost of the hearing shall be determined and set by the Village Board.

SECTION 5 – RECOMMENDATIONS: The Zoning Committee shall review all such proposed changes or amendments and shall recommend that the petition be granted as requested, modified or denied. Recommendation shall be made in a written statement to the Village Board before any public hearing is held.

SECTION 6 – PUBLIC HEARINGS:

- 6.1 The Village Board shall hold a public hearing upon each recommendation prior to adoption or denial of any alteration, amendment or change in this Code. Public notice will be provided by public posting in accordance with Village posting requirements per resolution.
- 6.2 All parties having a legal interest in any matters to come before the rezoning or amendment hearing and those owners abutting or opposite from the subject property shall be notified by certified mail.

SECTION 7 – VILLAGE BOARD ACTION: Following the public hearing and after careful consideration of the Zoning Committee's recommendation, the Village Board shall vote on the passage of the proposed change amendment. The Village Board may grant or deny any proposed amendment or it may be referred back to the Zoning Committee for further consideration.

SECTION 8 – PROTEST: In the event of a protest against such district change or amendment to the regulations of this Code, duly signed and acknowledged by the owners of 20% or more either of the areas of the land included in such proposed change, or by the owners of 20% or more of land directly adjacent extending 100 feet therefrom, or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of two-thirds of the full Village Board membership.

SECTION 9 – EFFECTIVE DATE OF AMENDMENT: Any change or amendment of this Code shall become effective immediately upon action by the Village Board and publication as provided by law.

ARTICLE J – BOARD OF APPEALS

SECTION 1 – ESTABLISHMENT: There is hereby established a Board of Appeals for the Village of Arpin pursuant to WI §61.35 and §52.23, for the purpose of hearing appeals and applications and granting variances from the provisions of this Code in harmony with the general purpose and intent of this Code.

SECTION 2 – MEMBERSHIP:

- 2.1 The Board of Appeals shall consist of five (5) members appointed by the President of the Village Board and confirmed by the Village Board of Trustees. No more than one trustee shall be a member of the Board of Appeals.
- 2.2 The members of the Board of Appeals shall all reside within the Village of Arpin. Terms shall be for three (3) years, except that of those first appointed, one shall serve for one year, two for two years and two for three years. Successors shall be appointed in a like manner at the expiration of each term and their term shall be three years in all cases.
- 2.3 The Chairman of the Board of Appeals shall be designated by the Village President.
- 2.4 The members of the Board of Appeals shall receive such compensation as determined by the Village Board and shall be removable by the Village President for cause upon written charges and after public hearing.

SECTION 3 – DUTIES:

The Board of Appeals is hereby delegated the following duties and responsibilities;

- To correct errors or abuses in the administration of the Code by the Code Administrators.
- To grant relief when hardship results from strict application of the provisions of the Code.
- To consider applications for exceptions and variances.
- To grant or deny applications for variances from the Code.
- To Interpret the zoning regulations or the zoning district map.

SECTION 4 – RULES, MEETINGS, MINUTES:

- 4.1 The Village Board shall adopt rules of procedure in accordance with the provisions of this Code adopted pursuant to WI §61.35 and §62.23. The Board of Appeals may adopt further rules as necessary to carry into effect the regulations of the Village Board.
- 4.2 Meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public.
- 4.3 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 actions, all of which shall be immediately filed with the Clerk and shall be a public record.

SECTION 5 – APPEALS TO BOARD AND APPEAL FEES: Appeals to the Board of Appeals may be taken by any person aggrieved or by an officer, WI DNR or board of the Village affected by any decision of the Code Administrator or other administrative officer. Such appeal shall be taken within ten (10) calendar days, by filing with the officer from whom the appeal is taken and with the Board of Appeals a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. The cost of an appeal shall be as provided in Article L, Section 1, of this Code. This fee shall be paid to the Village Clerk at the time of the appeal.

SECTION 6 – STAYS: An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer, from whom the appeal is taken, certified to the Board of Appeals, after the notice of appeal, shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed, other than by a restraining order, which may be granted by the Board of Appeals or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

SECTION 7 – HEARING APPEALS: The Board of Appeals shall fix a reasonable time for the hearing of the appeal and give public notice thereof, or other matters referred to as well as give due notice to the parties in interest and decide the same within a reasonable time. Upon the hearing any party may appear in person, or by agent, or by attorney.

SECTION 8 – POWERS OF THE BOARD:

The Board of Appeals shall have the following powers:

- To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the administrative official in the enforcement of the provisions of the Code.
- To hear and decide special exceptions, to the terms of the Code, upon which such Board is required to pass under such Code.
- To authorize upon appeal in specific cases such variance from the terms of the Code as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the Code will result in unnecessary hardship, and so the spirit of the Code shall be observed and substantial justice done.

SECTION 9 – ORDER ON APPEAL: In exercising the above mentioned powers such board may, in conformity with the provisions of this section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all powers of the officer from whom the appeal is taken, and may issue or direct the issue of a permit.

SECTION 10 – CONCURRING VOTE: The concurring vote of four members of the board 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 any such Code, or to affect any variation in such Code. The grounds of every such determination shall be stated.

SECTION 11 – PRINCIPLES GUIDING BOARD DECISIONS: The following are principles that shall guide the Board of Appeal

- The burden is upon the appellant to prove the need for a variance.
- Pecuniary hardship, loss of profit, self-imposed hardships, such as that caused by ignorance, deed restrictions, proceeding without a permit, or illegal sales, are not sufficient reasons for getting a variance.
- The board is bound to accept the Land Development Code and map, as being correct.
- The plight of the appellant must be unique, such as a shallow or steep parcel of land, or situation caused by other than his own action.
- The hardship justifying a variance must apply to individual appellant's parcel or structure and not generally to other properties in the same district.
- Variances from the permitted and conditional uses within the zoning district shall not be allowed as rezoning provisions and made to change the type of district.
- Variances from the permitted and conditional uses within the zoning district shall not be allowed as rezoning provisions and made to change the type of district.
- The variance must not be detrimental to adjacent properties.
- The Board of Appeals in fulfilling its duties may modify, alter, or change any application.

SECTION 12 – COURT REVIEW: Any person or persons, jointly or severally aggrieved by any decision of the Board of Appeals, or any taxpayer, or any officer, WI DNR, board or bureau of the Village of Arpin, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision of the office of the Village Clerk.

SECTION 13 – CERTIORARI: Upon the presentation of such petition the court may allow a writ of certiorari directed to the Board of Appeals in order to review such decision of the Board of Appeals, and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten (10) days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the Board, and on due cause shown, grant a restraining order.

SECTION 14 – RETURN TO WRIT: The Board of Appeals shall not be required to return the original papers acted upon by it but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from, and shall be verified.

SECTION 15 – COURT DECISION: If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence, or appoint a referee to take such evidence as it may direct and to report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify, the decision brought up for review.

SECTION 16 – COST: Costs shall not be allowed against the Board unless it shall appear to the court that it acted with gross negligence or in bad faith, or with malice, in making the decision appealed from. All issues in any proceeding under this Article shall have preference over all civil action and proceedings.

ARTICLE K – PENALTIES

SECTION 1 – FAILURE TO COMPLY:

- 1.1 Any person, firm, or corporation that fails to comply with the provisions of this Code shall, upon conviction thereof, forfeit not less than \$100.00 forfeiture for each day they are in violation for each violation, plus pay the costs of prosecution.

ARTICLE L – PERMIT AND VARIANCE FEE SCHEDULE

SECTION 1 – PAYMENT OF FEE: The following fees shall be paid by the person requesting the permit or variance to the Village Clerk at the time of filing to defray the costs of administration, investigation, advertising and processing of the permits and variances:

TYPE OF PERMIT	INITIAL FEE	APPEAL FEE
Zoning/Building Permit	\$2.00 per \$1,000 of construction, minimum of \$10.00	
Conditional Use	\$50.00	\$75.00
Variance	\$50.00	\$75.00
Amendments to Ordinance	\$50.00	\$75.00
Sign	\$2.00 per \$1,000 of construction, minimum of \$10.00	

ARTICLE M – ENFORCEMENT

SECTION 1 – CODE ADMINISTRATOR:

- 1.1 The Village Board shall appoint a Code Administrator, who shall receive such compensation as the Village Board shall determine. It shall be the duty of the Code Administrator, with the aid of the Village Board, to enforce the provisions of this Code.
- 1.2 In administering and enforcing this Code, the Village Code Administrator and any of his deputies shall perform the following duties:
 - A. Provide necessary forms for applications for use permits.
 - B. Issue appropriate permits where the provisions of this Code have been complied with.
 - C. Survey the Village, upon the adoption of this Code and, when necessary, upon the passage of amendments, identify and record information relative to nonconforming uses and structures.
 - D. Prepare and maintain a record of all buildings and structures situated within the setback lines as established by this Code, or any amendments thereto, which shall include the distances of the buildings or structures from the centerline, their size, type of construction and use, legal description, names and addresses of the owners and occupant of the premises and the date on which the record is made.
 - E. Maintain files of applications, permits and other relevant information.

- F. Administer the provisions of this Code.
- G. Other duties assigned by the Village Board.

SECTION 2 – PERMITS REQUIRED:

- 2.1 In order to ensure compliance with the Code, permits are required for all new development and improvements to existing structures including: retaining walls, concrete slabs, driveways, etc. The Village Board has the right to determine by vote whether or not an improvement requires a permit. The following permits are required:

- A. Zoning/Building Permit: No building shall be built, moved or structurally altered until a zoning/building permit is approved by the Village Board and issued by the Village Clerk.

Applications for a zoning/building permit will be provided by the Village Clerk. Applications will include a description of the work being completed, an estimated cost of the work being completed and a sketch showing the location, actual shape and dimensions of the lot to be built upon, the exact size and location on the lot of the proposed or existing building and accessory buildings, the lines within which the building shall be erected, altered or moved, the existing and/or intended use of each building or part of a building, and such other information with regard to the lot and neighboring lots or buildings as may be necessary to determine and provide for the enforcement of this Code.

- B. Conditional Use Permit: When the use being applied for is listed as a "conditional use", a conditional use permit shall be issued in lieu of a zoning/building permit.
- C. Variance Permit: A variance permit shall be required for requests to the Board of Appeals.

APPENDIX A: VILLAGE OF ARPIN ZONING MAP

