

PART "D"

ADMINISTRATION AND ENFORCEMENT

SECTION 21.17 GENERAL ADMINISTRATIVE SYSTEM

(1) Intent. This Chapter contemplates an administrative and enforcement officer entitled the "Zoning Administrator" or "Building Inspector" to administer and enforce the same. In this Chapter, the two titles are used interchangeably. Certain considerations, particularly with regard to granting of permitted special uses, planned unit development conditional uses, changes in zoning districts and zoning map, and amending the text of this Zoning Chapter require review and recommendation by the Plan Commission and ultimate action by the Village Board. A Board of Appeals is also provided for to assure proper administration of the Chapter and to avoid arbitrariness.

(2) Zoning Administrator.

The Village Board shall designate a Village official to serve as the Zoning Administrator and as the administrative enforcement officer for the provisions of this Chapter. The duty of the Zoning Administrator shall be to interpret and administer this Chapter and to issue, after on-site inspection, all permits required by this Chapter. The Zoning Administrator shall further:

- (a) Maintain records of all permits issued, inspections made, work approved and other official actions.
- (b) Record the lowest floor elevations of all structures erected, moved, altered or improved in the floodland districts.
- (c) Establish that all necessary permits that are required for floodland uses by state and federal law have been secured.
- (d) Inspect all structures, lands and waters as often as necessary to assure compliance with this Chapter.
- (e) 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 Chapter to the owner, resident, agent or occupant of the premises and report uncorrected violations to the Village Administrator in a manner specified by him.
- (f) Prohibit the use or erection of any structure, land or water until he has inspected and approved such use or erection.
- (g) Issue stop, cease, and desist orders requiring the correction of all conditions found to be in violation of the provisions of this ordinance. Such written orders shall be served personally or be certified mail upon persons deemed by the Building Inspector to be in violation of the provisions of this ordinance. It shall be unlawful for any persons to violate any such order issued by the Building Inspector.
- (h) Revoke by order, any building permit approved under a misstatement of fact or contrary to the law or provision of this ordinance.
- (i) Maintain permanent and current records of the administration and enforcement of this

Ordinance, including, but not limited to, applications, processing and decisions for all amendments, special uses, variations, and appeals, and designate on the Zoning District Map each amendment and special use granted by the Village Board.

- (j) Provide and maintain a public information bureau relative to all matters arising out of this Ordinance.
- (k) Receive, file, and forward to the Board of Appeals all applications for variance, special exceptions, or other matters on which the Board of Appeals is required to act under this Ordinance.
- (l) Forward to the Village Clerk all applications initially filed with the Building Inspector for special uses, amendments, and other matters under this Ordinance upon which the Village Board is required to act and forward to the Plan Commission copies of such applications upon which it is required to submit reports and recommendations thereto to the Village Board.
- (m) Forward to the Police Department all matters that require law enforcement or citation actions.
- (n) Permits that authorize "reasonable accommodations" for a handicapped person. The zoning administrator will use a zoning permit which may or may not have conditions that waives specified zoning ordinance requirements, if the zoning administrator determines that both of the following conditions have been met.
 1. The requested accommodation (i.e., the requested waiver of zoning restrictions), or another less-extensive accommodation is necessary to afford handicapped or disabled persons equal housing opportunity or equal access to public accommodations and the minimum accommodations that will give the handicapped or disabled persons adequate relief.
 2. The accommodation will not unreasonably undermine the basic purposes the zoning ordinance seeks to achieve.

(3) Role Of Specific Village Officials In Zoning Administration.

- (a) **PLAN COMMISSION.** The Plan Commission, together with its other statutory duties, shall make reports and recommendations relating to the plan and development of the Village to the Village Board, other public officials and other interested organizations and citizens. In general, the Plan Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning. Under this Chapter, its functions are primarily recommendatory to the Village Board pursuant to guidelines set forth in this Chapter as to various matters and, always, being mindful of the intent and purposes of this Chapter. Recommendations shall be in writing. A recording thereof in the Commission's minutes shall constitute the required written recommendation. The Commission may, in arriving at its recommendation, on occasion of its own volition, conduct its own public hearing.
- (b) **VILLAGE BOARD.** The Village Board, the governing body of the Village, subject to recommendations by the Plan Commission and the holding of public hearings by said Board, has authority to make changes and amendments in zoning districts, the zoning map and supplementary floodland zoning map and to amend the text of this Chapter. The Village Board may delegate to the Plan Commission the responsibility to hold some or all public hearings as required under this Chapter.
- (c) **BOARD OF APPEALS.** A Board of Appeals is established to provide an appeal procedure for persons who deem themselves aggrieved by decisions of administrative officers in enforcement of this Chapter. See Section 21.19 of this Chapter for additional provisions.

(4) Certification of Compliance.

- (a) **CERTIFICATION REQUIRED.** Except as hereinafter provided, no permit pertaining to the use of land or permit as required by building codes for the erection, enlargement or structural alteration of a building or structure shall be issued by an officer, department, or employee of the Village unless the applications for such permit has been examined by the Zoning Administrator, indicating that the application complies with the provisions of this Ordinance. Any building permit or occupancy permit, issued for an application that is in conflict with the provisions of this Ordinance, shall be null and void.
- (b) **EXISTING USES.** Upon written request from the owner, the Zoning Administrator shall issue a certificate of compliance for any building or premises existing at the time of the adoption of this Chapter, certifying, after inspection, the extent and kind of use made of the building or premises and whether or not such use conforms to the provisions of this Chapter.
- (c) **NONCONFORMING USES.**
 - 1. No nonconforming use shall be maintained, renewed or changed until a certificate of compliance has been issued by the Zoning Administrator.
 - 2. Certificates of compliance for the continued occupancy of nonconforming uses existing at the time of the passage of this Chapter shall be issued by the Zoning Administrator and the certificate shall state that the use is a nonconforming one and does not conform with the provisions of this Chapter. The Zoning Administrator shall notify the owner(s) of the property being used as nonconforming use.

(5) Plan Review and Approval.**(a) BUILDING PERMITS.**

All applications for building permits shall be accompanied by plans in duplicate, drawn to an appropriate scale, showing the shape and dimensions of the lot to be built upon, the size and location of buildings and accessory buildings existing and proposed and the lines within which the building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of dwelling units or lodging rooms the building is designed to accommodate, and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Ordinance. One copy of such plans shall be returned to the owner when such plans have been approved by the Zoning Administrator.

(b) SITE PLAN APPROVAL.

Any land use activity, approval of which is contingent upon site plan approval, shall comply with the requirements of this Section unless contrary provisions related to specific uses are set forth elsewhere in this Ordinance. The Zoning Administrator may not issue a building permit for the construction, establishment or expansion of such land use activity until a final site plan has been approved by the Public Works Department.

- l. Acreage within the site and proposed square footage of buildings.
 - m. Landscape treatment including screening of parking areas and existing features to be retained.
 - n. Architectural drawings and sketches which illustrate the design and character of the proposed structure(s) and indicating building material to be used.
 - o. Erosion control plan.
 - p. Any other information required by the Department of Public Works to illustrate the proposal.
3. Plan Approval.
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- a. One, Two, and Three Family Homes
- (1) The Department of Public Works shall be responsible for reviewing and approving the site and drainage plans for all one (1), two (2), and three (3) family homes. As appropriate, the Department of Public Works will also seek input from the Village Police, Fire, and EMS Departments or from the public utilities in the review of these plans.
 - (2) The Department of Public Works shall normally have ten (10) days from the date of submittal to review and approve or deny the final site plan.
 - (3) In the event that the Department does not act upon the site plan within this time period, or if any decision of the Department is not agreeable to the applicant, the applicant may request in writing that the Plan Commission review the plans. Said written request shall also contain the applicant's reasons for making such appeal. The Department of Public Works shall submit in writing its reasons for denying approval of the plan. The Plan Commission shall then review the previous decision and approve or disapprove the plan.
- b. All Other Developments
- (1) The Site Plan Review Committee shall be responsible for reviewing and approving residential developments of four (4) or more units and all office, commercial, industrial, or institutional projects.
 - (2) The Site Plan Review Committee shall be comprised of the following people:
 - Director of Public Works
 - Building Inspector/Zoning Administrator
 - Administrator/Clerk-Treasurer
 - Police Chief

1. Preliminary Site Plan Requirements.

Prior to the submission of a final site plan the applicant shall prepare a preliminary plan and meet with the Department of Public Works to consider preliminary features of the site and the proposed development. Such preliminary plans shall include the proposed general layout, the location of existing land uses, structures, parking and access, both on the immediate property and on all abutting properties, proposed parking and landscaping proposals. In preparation of such plan all applicable ordinances and official plans, maps and regulations of the Village and the State of Wisconsin shall be consulted.

2. Final Site Plan Requirements.

Five copies of the final site plan shall be submitted to the Department of Public Works for review. Unless waived by the Department of Public Works the final site plan shall be prepared by a licensed architect or civil engineer, a practicing land planner or a practicing designer.

Unless otherwise determined by the Plan Commission, such final plan shall contain the following information:

- a. Name, location, owner and designer of the proposed development.
- b. Location sketch of site in the Village.
- c. Location of the site and building situation in relation to all abutting properties and buildings, including the means of ingress and egress to such properties and any screening or buffers on such properties.
- d. Date, north arrow and graphic scale (not less than 1 inch equals 50 feet).
- e. Location of all property lines, existing streets, existing easements and utilities, including dimensions of same.
- f. Present zoning.
- g. Proposed utility system including easements.
- h. Any features proposed in the official map not existing, such as increased right-of-way, open space, etc.
- i. Floodable area included in the 100-year flood mapping.
- j. Proposed driveway, parking spaces and building layout including scaled dimensions between buildings.
- k. Indication of drainage system for entire property including drainage flow diagram. This should include the proposed grading of the property with building and lot elevations noted in U.S.G.S. datum.

Fire Chief

EMS Director

Village President

A citizen member of the Plan Commission appointed by the President

A designated alternate appointed by the President

A Village resident, with professional qualifications in architecture or civil engineering, appointed by the President

Representatives of Wisconsin Power and Light, Wisconsin Bell, and Star Cablevision

(3) The Site Plan Review Committee will meet as needed. Copies of the final site plan submittal shall be distributed to Committee members at least seven (7) days prior to each meeting. The Committee shall attempt to review and approve or deny the final site plan within fifteen (15) days.

(4) In the event that any decision of the Site Plan Review Committee is not agreeable to the applicant, the applicant may request in writing that the full Plan Commission review the plans. Said written request shall also contain the applicant's reasons for making such appeal. The Site Plan Review Committee shall submit in writing its reasons for denying approval of the plan. The full Plan Commission shall then review the previous decision and approve or disapprove the plan.

4. Standards for Plan Approval.

In the exercise of authority under this Section the Department of Public Works shall determine that the following requirements are met:

- a. Conformance to the Zoning Ordinance and Official Map with attention to density and any proposed rights-of-way. Proposed rights-of-way should be provided for and proper district setback regulations applied from such proposed right-of-way.
- b. Ingress and egress to the property, off-street parking areas and proposed structures thereon with reference to automotive and pedestrian safety, traffic flow and control, provision of services, and access in case of fire or emergency. Special consideration shall be given to consolidation of access whenever possible on major traffic arteries.
- c. Manner of drainage of the property, if applicable, with reference to the effect of provisions for drainage on adjacent properties and the consequences of such drainage on overall Village drainage capacities. Special attention shall be given to the 100-year flooding level and compliance with drainage and grade provisions for same.

- d. Utilities with reference to hook-in locations.
 - e. When applicable, recreation and open space with attention to the size, suitability, development and continued maintenance of the area and the impact on any adjacent living areas.
 - f. Landscaping of site with attention to screening of parking areas and the provision of street trees. Location, size and species of all plant material shall be specified and approved.
 - g. General nature of the development with attention to the design features and appearance of the development so that it will be compatible and harmonious with properties in the general area and will not be so at variance with other developments in the general area as to cause substantial depreciation in property values or aesthetic quality.
 - h. Any special requirements unique to a particular site or development which may be identified by the Plan Commission through discussion of the preliminary site plan.
5. Effect on Municipal Services.

Before granting any site approval, the Plan Commission may, besides obtaining advice from consultants, secure such advice as may be deemed necessary from the Village Engineer or other municipal officials, with special attention to the effect of such approval upon existing municipal services and utilities. Should additional facilities be needed, the Plan Commission shall forward its recommendations to the Village Board and shall not issue final approval until the Village Board has entered into an agreement with the applicant regarding the development of such facilities.

(6) Occupancy Permit

- (a) Any land, vacant on the effective date of this Ordinance, and any building, structure, or addition or major alteration thereto, constructed after the effective date of this Ordinance shall not be used or occupied until an occupancy permit has been issued by the Zoning Administrator. No new use shall be made of any land, building, or structure until an occupancy permit has been issued.
- (b) Every application for a building permit shall also be deemed to be an application for an occupancy permit. Every application for an occupancy permit for a new use of land or existing building or structure where no zoning certificate is required shall be made to the Zoning Administrator.
- (c) An occupancy permit shall be issued only after the Zoning Administrator has inspected the premises and finds:
 - 1. It is to be in compliance with all applicable regulations of the zoning district in

which it is located; and

2. That the use of building or structure is in conformance with the plans and specifications for which the zoning certificate was issued.
- (d) Every occupancy permit shall be dated, shall state that the use or occupancy complies with the provisions of this Ordinance and shall be signed by the Zoning Administrator.
- (e) The occupancy permit shall be issued, or written notice shall be given to the applicant specifying the reasons why a conditional or permanent certificate cannot be issued, not later than seven (7) days after the Zoning Administrator is notified in writing that the building or premises is ready for occupancy.
- (f) Conditional Occupancy Permit.
1. A conditional occupancy permit may be issued if, in the opinion of the Zoning Administrator, an unavoidable situation exists that would cause undue hardship to a homeowner. At the time a conditional permit is issued, a compliance date will be set for completion of each remaining requirement.
 2. As a condition of approval and issuance of a conditional permit, the Village may require the applicant to execute a waiver of special assessments to guarantee a good faith completion of the permit conditions. This waiver would allow the Village to levy special assessments and/or special charges without notice and hearing if the Village is required to complete the required improvements and the homeowner refuses to pay the costs incurred.

The cost of work performed by Village staff or other authorized agents plus interest and administrative charges at a rate approved by the Village Board shall be billed to the homeowner. In the event a homeowner fails to pay the amount due, the Village Clerk shall enter the amount due on the tax rolls and collect as a special assessment or special charge against the property pursuant to section 66.60(18), Wisconsin Statutes.