

18.06 ADMINISTRATION. (1) ZONING ADMINISTRATOR. The Zoning Administrator shall have the following duties and powers:

(a) Advise applicants as to the provisions of this chapter, assist them in preparing permit applications and appeal forms, and insure that the regional flood elevation is shown on permit applications where appropriate.

(b) Issue permits and certificates of compliance and inspect properties for compliance with this chapter.

(c) Keep records of all official actions such as:

1. All permits issued.
2. Inspections made.
3. Work approved.
4. Documentation of certified lowest floor and regional flood elevations for floodplain development.
5. Records of water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures, including changes, appeals, variances and amendments.

(d) Have access to any structure or premises between the hours of 8:00 A.M. and 6:00 P.M. for the purpose of performing these duties.

(e) Submit copies of decisions on variances, conditional use permits, appeals for a map or text interpretation, and map or text amendments within 10 days after they are granted or denied to the appropriate district office of the Department.

(f) Investigate and report violations of this chapter to the Plan Commission and the District Attorney, Corporation Counselor Village Attorney.

(g) Submit copies of floodplain text amendments and biennial reports to the regional FEMA office.

(2) BUILDING/ZONING PERMITS. (a) When Required. Unless another section of this chapter specifically exempts certain types of development from this requirement, a building or zoning permit shall be obtained from the Zoning Administrator before any development, as defined in sec. 18.02 of this chapter, including any change in the use of an existing building or structure, is initiated.

(b) Application. An application for a permit shall be made to the Zoning Administrator upon forms furnished and shall include the following information for the purpose of proper enforcement of these regulations:

1. General Information. a. Name, address and telephone number of applicant, property owner and contractor.

b. Legal description of the property and a general description of the proposed use or development indicating new construction or modification to existing structures.

2. Site Development Plan. The site development plan shall be drawn to scale and submitted as a part of the permit application form and shall contain the following information:

- a. Location, dimensions, area and elevation of the lot noted on a copy of the Wetland Inventory Map, if applicable.
- b. Location and boundaries of wetlands.
- c. Specifications and dimensions for areas of proposed wetland alteration.
- d. Location of the ordinary high-water mark of any abutting navigable waterways.
- e. Existing and proposed topographic and drainage features and vegetative cover.
- f. Location of any structures with distances measured from the lot lines and center line of all abutting streets or highways.
- g. Location of any existing or proposed on- site sewage systems or private water supply systems.
- h. Location and elevation of existing or future access roads.
- i. Location of floodplain and floodway limits on the property as determined from floodplain zoning maps used to delineate floodplain areas.
- j. The elevation of the lowest floor of proposed buildings using National Geodetic and Vertical Datum (NGVD).
- k. Data sufficient to determine the regional flood elevation at the location of the development and to determine whether or not the requirements of sec. 18.04(1) of this chapter are met. This may include any of the information noted in sec. 18.04(4)(d) of this chapter.

3. Data Requirements to Analyze Developments. a. The applicant shall provide all computations required to show the effects of the project on flood heights, velocities and floodplain storage, for all subdivision proposals, as "subdivision" is defined in §236.02(8), Wis. Stats., and other proposed developments exceeding 5 acres in area or where the estimated cost exceeds \$125,000. The applicant shall provide the following:

- i. Regional flood elevation data.
- ii. Vehicular access to lands outside the floodplain.
- iii. Adequate surface drainage to minimize flood damage.

The estimated cost of the proposal shall include all structural development, landscaping improvements, access and road development, electrical and plumbing, and similar items reasonably applied to the overall development costs, but may not include land costs.

b. The Department shall determine elevations and evaluate the proposal where the applicant is not required to provide computations as above and inadequate data exists. The Village may transmit additional information such as the data in sec. 18.04(4)(d) of this chapter, where appropriate, to the Department with the request for analysis.

(c) Expiration. All permits issued under the authority of this chapter shall expire one year from the date of issuance.

(3) CERTIFICATES OF COMPLIANCE: (a) Except where no building, zoning or conditional use permit is required, no land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, rebuilt or replaced shall be occupied, until a certificate of compliance is issued by the Zoning Administrator subject to the following provisions.

1. The certificate of compliance shall show that the building or premises or part thereof and the proposed use conform to the provisions of this chapter.

2. Application for such certificate shall be concurrent with the application for a permit.

3. The certificate of compliance shall be issued within 10 days after notification of completion of the work specified in the permit, providing the building or premises or proposed use conforms with all the provisions of this chapter.

4. For floodplain development, the applicant shall submit a certification signed by a registered professional engineer or registered land surveyor that the fill and lowest floor elevations are in compliance with the permit issued, including any required floodproofing. Floodproofing adequacy may also be certified by a registered professional architect.

(b) The Zoning Administrator may issue a temporary certificate of compliance for a building, premises or part thereof according to rules and regulations established by the Village.

(c) 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 adoption of this chapter, certifying, after inspection, the extent and type of use made of the building or premises and whether or not such use conforms to the provisions of this chapter.

(4) FEES. The Village Board may, by resolution, adopt fees for the following:

- (a) Building/zoning permits.
- (b) Certificates of compliance.
- (c) Public hearings.
- (d) Legal notice publications.
- (e) Conditional use permits.

(5) BOARD OF ZONING APPEALS. (a) Membership. See sec. 1.04(3) of this Code.

(b) Powers and Duties. The Board of Zoning Appeals shall:

1. Appeals. Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this chapter.

2. Conditional Uses. Hear and decide applications for any conditional use permits required by this chapter.

3. Variances. May grant, upon appeal, a variance from the dimensional standards of this chapter, pursuant to sub. (6) be low.

(c) Appeals to the Board. Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by an officer, department, board or bureau of the community affected by any order, requirement decision, or determination of the official whose decision is in question. Such appeals shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the official whose decision is in question and with the Board of Zoning Appeals a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the Board all the documents constituting the record concerning the matter appealed.

(d) Hearing Appeals and Applications for Variances and Conditional Use Permits. 1. Notice and Hearing. The Board of Zoning Appeals shall fix a reasonable time for a hearing on the appeal or application. The Board shall give public notice by publishing a Class 1 notice under Ch. 985, Wis. Stats., specifying the date, time and place of the hearing and the matters to come before the Board. Notice shall be mailed to the parties in interest. Written notice shall be given to the appropriate district office of the Department at least 10 days prior to hearings on proposed variances, conditional uses and appeals for map or text interpretations. At the public hearing, any party may appear in person or by agent or attorney.

2. Decision. A decision regarding the appeal or application shall be made as soon as practical. Copies of all decisions on variances, conditional uses and appeals for map or text interpretations shall be submitted to the appropriate district office of the Department within 10 days after they are granted or denied. The final disposition of an appeal or application to the Board of Zoning Appeals shall be in the form of a written resolution or order signed by the Chairman and Secretary of the Board. Such resolution shall state the specific facts which are the basis of the Board's determination and shall either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or prosecution or grant the application.

(e) Boundary Disputes. The following procedure shall be used by the Board of Zoning Appeals in hearing disputes concerning the district boundaries shown on the Official Floodplain Zoning Map:

1. Where a floodplain district boundary is established by approximate or detailed floodplain studies, the regional flood elevations or profiles for the point in question shall be the governing factor in locating the district boundary. If no regional flood elevations or profiles are available to the Board, other available evidence may be examined.

2. In all cases, the person contesting the location of the district boundary shall be given a reasonable opportunity to present arguments and technical evidence to the Board.

3. Where it is determined that the district boundary is incorrectly mapped, the Board should either inform the Plan Commission to petition the Village or inform the person contesting the location of the boundary to petition the Village for a map amendment.

(6) VARIANCES. (a) The Board of Zoning Appeals may, upon appeal, grant a variance from the dimensional standards of this chapter where an applicant convincingly demonstrates that:

1. Literal enforcement of the provisions of the chapter will result in unnecessary hardship on the applicant.

2. The hardship is due to special conditions unique to the property, and not common to a group of adjacent lots or premises, in which case this chapter or the Zoning Map must be amended.

3. Such variance is not contrary to the public interest.

(b) A variance shall not:

1. Allow development below the regional flood elevation.
2. Grant or increase any use of property prohibited in the zoning district.
3. Be granted for a hardship based solely on an economic gain or loss.
4. Be granted for a hardship that is self-created.
5. Damage the rights or property values of other persons in the area.
6. Permit a lower degree of flood protection in a floodway area than the flood protection elevation. In the flood fringe area, a lower degree of flood protection than the flood protection elevation may only be allowed pursuant to sec. 18.0S(S)(b) of this chapter.
7. A variance shall not permit any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.

(c) When a variance is granted in a floodplain area, the applicant shall be notified, in writing, by the Board of Zoning Appeals that increased flood insurance premiums may result. A copy of this notification shall be maintained with the variance appeal record.

(7) **CONDITIONAL USE PERMITS.** (a) Any use listed as a conditional use in this chapter shall be permitted only after an application has been submitted to the Zoning Administrator and a conditional use permit has been granted by the Board of Zoning Appeals, following the procedures in sub. (S)(c) above. To secure information upon which to base its determination, the Board of Zoning Appeals may require the applicant to furnish, in addition to the information required for a building/zoning permit, other pertinent information which is necessary to determine if the proposed use is consistent with the purpose of this chapter.

(b) **Conditions.** Upon consideration of the permit application and the standards applicable to the permitted uses in this chapter, the Board of Zoning Appeals shall attach such conditions to a conditional use permit, in addition to those required elsewhere in this chapter, as are necessary to further the purposes of this chapter as listed in sec. 18.01(3) of this chapter. Such conditions may include specifications for, without limitation because of specific enumeration; type of shore cover; erosion protection measures; increased side yard setbacks; specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; location of piers, docks, parking areas and signs; and type of construction.

(8) **REVIEW OF APPEALS OF PERMIT DENIALS.** (a) The Board of zoning Appeals shall review all data constituting the basis for the appeal of permit denial. This data may include, where appropriate:

1. Permit application data listed in sub. (2)(b) above.
2. Floodway/flood fringe determination data in sec. 18.04(4)(d) of this chapter.
3. Data listed in sec. 18.04(2)(c)1. of this chapter where the applicant has not submitted this information to the Zoning Administrator.
4. Other data submitted to the Zoning Administrator with the permit application, or submitted to the Board with the appeal.

(b) For appeals of all denied permits, the Board shall: 1. Follow the procedures of sub. (5) above.

2. Consider any zoning agency recommendations.

3. Either uphold the denial or grant the appeal.

(c) For appeals concerning increases in regional flood elevation, the Board shall:

1. Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases equal to or greater than 0.01 foot may only be allowed after amending the flood profile and map and any appropriate legal arrangements are made with all adversely affected property owners.

2. Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase equal to or greater than 0.01 foot provided no other reasons for denial exist.

(9) PUBLIC INFORMATION. (a) Where useful, marks on bridges or buildings or other markers may be set to show the depth of inundation during the regional flood at appropriate locations within the floodplain.

(b) All available information in the form of maps, engineering data and regulations shall be readily available and should be widely distributed.

(c) All legal descriptions of property in the floodplain should include information designating the floodplain zoning classification when such property is transferred.