

ARTICLE J

Administration

SEC. 13-1-130 GENERAL ADMINISTRATIVE SYSTEM.

This Chapter contemplates an administrative and enforcement officer entitled the "Zoning Administrator" to administer and enforce the same. Certain considerations, particularly with regard to granting of permitted conditional uses, planned unit development conditional uses, changes in zoning districts and zoning map, and amending the text of this Code require review and recommendation by the Plan Commission and ultimate action by the Common Council. A Zoning Board of Appeals is provided to assure proper administration of the Chapter and to avoid arbitrariness.

SEC. 13-1-131 ZONING ADMINISTRATOR.

The Director of Community Development is hereby designated as the administrative enforcement officer for the provisions of this Chapter and is also herein referred to as the Zoning Administrator. 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 City Attorney 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) Request assistance and cooperation from the Police Department, Building Inspector and City Attorney as deemed necessary.

SEC. 13-1-132 ROLE OF SPECIFIC CITY OFFICIALS IN ZONING ADMINISTRATION.

- (a) **PLAN COMMISSION.**
 - (1) The Plan Commission, together with its other statutory duties, shall make reports and recommendations relating to the plan and development of the City to the Common Council, 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 Common Council 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.

- (2) For the purposes of this Chapter, the Plan Commission shall review and make recommendations to the Common Council on the following: Special use permits, development site plans, transitional areas, annexations, rezonings, planned unit developments (PUDs), changes to the official map, redevelopment plans and tax increment finance (TIF) plans. The Plan Commission shall also adopt and revise as necessary a comprehensive plan, recommend necessary changes or amendments to this Code and perform any further duties imposed upon it by the Council.
- (b) **COMMON COUNCIL.** The Common Council, the governing body of the City, subject to recommendations by the Plan Commission and the holding of public hearings by said Council, has ultimate authority to grant permitted conditional uses, planned unit development conditional uses, make changes and amendments in zoning districts, the zoning map and supplementary floodland zoning map and to amend the text of this Chapter. The Council may delegate to the Plan Commission and the responsibility to hold some or all public hearings as required under this Chapter.
- (c) **ZONING BOARD OF APPEALS.** A Zoning 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 Article L of this Chapter for detail provisions.

SEC. 13-1-133 ZONING PERMIT.

- (a) **ZONING PERMIT REQUIRED.** No new structure, new use of land, water or air or change in the use of land, water or air shall hereafter be permitted and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit.
- (b) Applications for a zoning permit shall be made to the Zoning Administrator and shall include the following where pertinent and necessary for proper review:
 - (1) Names and addresses of the applicant, owner of the site, architect, professional engineer and contractor.
 - (2) Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and zoning district within which the subject site lies.
 - (3) Plat of survey prepared by a land surveyor registered in the State of Wisconsin or other map drawn to scale and showing such of the following as may be required by the Zoning Administrator: the location, boundaries dimensions, uses, and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets and other public ways; public utilities; off-street parking, loading areas and driveways; existing highway access restrictions; high water; channel, floodway and floodplain boundaries; and existing and proposed street, side and rear yards.
 - (4) Additional information as may be required by the City Zoning Administrator or the

Plan Commission (if involved).

(c) **ACTION.**

- (1) A zoning permit shall be granted or denied in writing by the Zoning Administrator within thirty (30) days of application and the applicant shall post such permit in a conspicuous place at the site.
- (2) The permit shall expire within six (6) months unless substantial work has commenced or within eighteen (18) months after the issuance of the permit if the structure for which a permit is issued is not substantially completed, in which case of expiration, the application shall reapply for a zoning permit before commencing work on the structure.
- (3) Any permit issued in conflict with the provisions of this Chapter shall be null and void.

SEC. 13-1-134 CHANGES IN OCCUPANCY.

(a) **INTENT.** To ensure that as many properties as possible are in compliance with this Code, all commercial, multi-family and industrial property changing occupancy shall first be reviewed by the Department of Community Development.

(b) **PROCEDURE.** The procedure for obtaining approval on a change in occupancy is as follows:

- (1) The property owner or agent shall meet with the Department of Community Development to explain the proposed occupancy. An application for change in occupancy shall be filed with the Department of Community Development; and
- (2) The Department of Community Development will review the application and will verify whether the new occupancy complies with this code. If the occupancy complies, an occupancy permit will then be issued to the applicant. If the new occupancy does not comply, then corrective actions will be so noted and explained to the applicant. An occupancy permit will not be issued until all corrective actions are completed.

(c) **APPEAL.** An applicant who disagrees with corrective actions imposed upon him by the Department of Community Development may appeal to the City Plan Commission. The procedure to appeal this action is:

- (1) Applicant files a letter with the Department of Community Development explaining his disagreement with the interpretation of the Department of Community Development;
- (2) The Department shall place the appeal on the agenda at the next regularly scheduled meeting of the Plan Commission; and
- (3) The Plan Commission shall review the appeal and consider the matter. If the Commission upholds the Department's interpretation, then the applicant shall take the necessary corrective action. If the Commission agrees with the applicant, it may so order that an occupancy permit be granted or may order that an occupancy permit be issued with conditions it deems appropriate.

SEC. 13-1-135 VIOLATIONS AND PENALTIES.

- (a) **VIOLATIONS.** It shall be unlawful to use or improve any structure or land, or to use water or air in violation of any of the provisions of this Chapter. In case of any violation, the Common Council, the Zoning Administrator, the Plan Commission or any property owner who would be specifically damaged by such violation may cause appropriate action or proceeding to be instituted to enjoin a violation of this Chapter or cause a structure to be vacated or removed.
- (b) **REMEDIAL ACTION.** Whenever an order of the Zoning Administrator has not been complied with within thirty (30) days after written notice has been mailed to the owner, resident agent or occupant of the premises, the Common Council, the Zoning Administrator or the City Attorney may institute appropriate legal action or proceedings.
- (c) **PENALTIES.** Any person, firm or corporation who fails to comply with the provisions of this Chapter or any order of the Zoning Administrator issued in accordance with this Chapter or resists enforcement shall, upon conviction thereof, be subject to a forfeiture and such additional penalties as provided for in Section 1-1-7 of this Code of Ordinances.

SEC. 13-1-136 FEES FOR ZONING, LAND USE, BUILDING, PLUMBING, ELECTRICAL, HEATING, VENTILATING, AND AIR CONDITIONING INSPECTIONS.

No person may receive a permit under Section 13 without having first paid the appropriate fee. Such fees will be set and reviewed by the Common Council annually. A list of the fees shall be maintained in the office of the City Clerk and the Director of Community development.

SEC. 13-1-137 THROUGH SEC. 13-1-139 RESERVED FOR FUTURE USE.