

**ARTICLE VI. ADMINISTRATION
AND ENFORCEMENT**

Sec. 6.1. Organization.

The administration of this ordinance is hereby vested in three offices of the government of the Village of Kronenwetter, as follows:

Zoning Administrator
Board of Appeals
Village Plan Commission

This section shall first set out the authority of each of these three offices, and then describe the procedure and substantive standards with respect to the following administrative functions:

- (a) Issuance of zoning certificates.
- (b) Issuance of occupancy certificates.
- (c) Variances.
- (d) Appeals.
- (e) Amendments.
- (f) Conditional uses.
- (g) Fees.
- (h) Penalties.

Sec. 6.2. Zoning Administrator.

The authority and duties of the Zoning Administrator herein stated are intended to be an extension of those provisions and duties of the Zoning Administrator stated in the Building and Plumbing and Electrical Codes and Regulations Ordinance for the Village of Kronenwetter are hereby incorporated by reference herein. The Zoning Administrator of the Village of Kronenwetter and such deputies or assistants that have been, or shall be, duly appointed by the Village Board, shall enforce this ordinance, and in addition, thereto, and in furtherance of such authority shall:

- (a) Issue all zoning certificates and make and maintain records thereof;
- (b) Issue all certificates of occupancy, and make and maintain records thereof;
- (c) Conduct inspection of buildings, structures, and use of land to determine compliance with the terms of this ordinance;
- (d) Maintain permanent and current records of this ordinance, including, but not limited to, all maps, amendments, conditional uses, variances, appeals, and applications therefore;
- (e) Provide and maintain a public information service relative to all matters arising out of this ordinance;
- (f) Forward to the Village Plan Commission all applications for conditional uses and for amendments to this ordinance that are initially filed with the office of the Zoning Administrator;
- (g) Forward to the Board of Appeals applications for appeals, variances, or other matters on which the Board of Appeals is required to approve or deny said application under this ordinance;
- (h) Issue occupancy certificates regulating the erection and use of land for periods not to exceed ten (10) days for specific purposes such as: temporary carnivals, churches, charities, and revival meetings which are not detrimental to the public health, safety, morals, comfort, convenience, or general welfare; provided, however, that said use or operation and any incidental temporary structures or tents are in conformance with all other ordinances and codes of the Village;

- (i) Initiate, direct, and review, from time to time, a study of the provisions of this ordinance, and to make reports of its recommendations to the Village Plan Commission not less frequently than once a year.

Sec. 6.3. Board of Appeals.

The Village President shall appoint pursuant to Wis. Stats. §62.23(7)(e) five members and up to two alternative members to the Board of Appeals subject to confirmation by the Village Board. The Village President may, subject to confirmation by the Village Board, designate one member of the Board of Appeals as its chairperson. The Board of Appeals shall be governed by the following provisions:

- (a) **Jurisdiction.** The Board of Appeals may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the Village of Kronenwetter Zoning Ordinance. Provided, such exceptions shall be in harmony with the general purpose and intent of the Village of Kronenwetter Zoning Ordinance and in accordance with the general and specific rules therein contained. The Board of Appeals shall have the following additional powers:
 - (1) To hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made by an administrative official in the enforcement of the Village of Kronenwetter Zoning Ordinance.
 - (2) To hear and decide special exceptions to the Village of Kronenwetter Zoning Ordinance which the Board of Appeals is required to pass upon under such ordinance.
 - (3) To authorize upon appeal in specific cases such variance from the terms of the Village of

Kronenwetter Zoning Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in practical difficulty or unnecessary hardship. So that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

- (4) To permit in appropriate cases, and subject to appropriate conditions and safeguards in harmony with general purpose and intent of the Village of Kronenwetter Zoning Ordinance, a building or premises to be erected or used for public utility purposes in any location which is reasonably necessary for the public convenience and welfare. (Ord. No. 1.27, § 1, 1-25-1999)
- (b) **Term of Office.** The term of office for members and alternate members of the Board of Appeals shall be for three years. (Ord. No. 1.27, § 2, 1-25-1999)
- (c) **Alternate Members.** The Village President shall annually designate one of the alternate members as the first alternate and the other alternate member as the second alternate. The first alternate shall act, with full power, only when a member of the board refuses to vote because of interest or when a member is absent. The second alternate shall so act only when the first alternate so refuses or is absent or when more than one member of the board so refuses or is absent. (Ord. No. 1.27, § 3, 1-25-1999)
- (d) **Vacancies.** Vacancies shall be filled for the unexpired terms of members whose positions become vacant. (Ord. No. 1.27, § 4, 1-25-1999)

(e) **Removal.** The Village President may remove a member of the Board of Appeals or an alternate member of the Board of Appeals for cause upon written charges, after public hearing and with the approval of the Village Board.
(Ord. No. 1.27, § 5, 1-25-1999)

(f) **Compensation.** Each member or alternate member of the Board of Appeals shall receive such compensation from time to time as set by the Village Board for each meeting of the Board of Appeals which that person attends. In addition, each member or alternate member of the Board of Appeals shall be paid mileage, at a rate established by the Village Board, for driving to and from said meetings.
(Ord. No. 1.27, § 6, 1-25-1999)

(g) **Hiring Secretary and Employees.** The Board of Appeals may hire a secretary and other employees.
(Ord. No. 1.27, § 7, 1-25-1999)

(h) **Conduct of Meetings.**

- (1) The board shall adopt rules for the conduct of its meetings in accordance with the provisions of this ordinance.
- (2) Meetings of the board shall be held at the call of the President and at such other times as the board may determine.
- (3) The President, or in the President's absence, the acting President, may administer oaths and compel the attendance of witnesses.
- (4) All meetings of the board shall be open to the public.
- (5) The board 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 in the office of the board and shall be a public record.
(Ord. No. 1.27, § 8, 1-25-1999)

(i) **Appeals to Board of Appeals.**

- (1) An appeal to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the Village affected by any decision of the administrative officer.
- (2) All such appeals shall be taken within a reasonable time. The board, by rule, shall establish the time period for all appeals.
- (3) Appeals shall be taken by filing with the officer from whom the appeal is taken and with the board of appeal a notice of appeal specifying the grounds thereof.
- (4) 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.
- (5) An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Appeals after the notice of appeal has been filed with the officer, that by reason of facts stated in the certificate a stay would, in the officer's opinion, cause immediate peril to life or property. In such case, proceedings shall not be stayed otherwise 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.

- (6) The Board of Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time.
- (7) Any person may appear at the hearing in person or by agent or by attorney.
(Ord. No. 1.27, § 9, 1-25-1999)
- (j) The Board of Appeals may 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 out to be made, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issue of a permit.
(Ord. No. 1.27, § 10, 1-25-1999)
- (k) The concurring vote of four (4) members of the board shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any ordinance, or to effect any variation in any ordinance. The grounds of every such determination shall be stated.
(Ord. No. 1.27, § 11, 1-25-1999)
- (l) Any person or persons, jointly or severally aggrieved by any decision of the Board of Appeals, or any taxpayer, or any officer, department, board or bureau of the Village, may, within thirty (30) days after filing of

the decision in the office of the Board of Appeals, commence an action pursuant to Wis. Stats. §62.23 seeking the remedy available by certiorari.

(Ord. No. 1.27, § 12, 1-25-1999)

Sec. 6.4. The Village Plan Commission.

The Village Plan Commission, as defined herein and as established in Wis. Stats. §62.23(1), is the Village Plan Commission referred to in this Ordinance.

- (a) **Purpose.** The purpose of this ordinance is to establish a Village of Kronenwetter Plan Commission and set forth its organization, powers and duties, to further the health, safety, welfare and wise use of resources for the benefit of current and future residents of the Village and affected neighboring jurisdictions, through the adoption and implementation of comprehensive planning with significant citizen involvement.
- (b) **Authority; Establishment.** The Village Board hereby exercises its village powers and establishes a seven (7) member Plan Commission under Wis. Stats. §61.35 and 62.23. The Plan Commission shall be considered the "Village Planning Agency" under Wis. Stats. §236.02(13) and 236.45, which authorize, but do not require, Village adoption of a subdivision or other land division ordinance.
- (c) **Membership.** The Plan Commission shall always have at least three (3) citizen members who are not Village officials, the other members may be Village elected or appointed officials.
- (d) **Appointments.** The Village President shall appoint the members of the Plan Commission and designate a Plan Commission Chairperson during the month of April to fill any expiring term. The

Village President may appoint himself or herself or another Village Board member to the Plan Commission and may designate himself or herself, the other Village Board member, or a citizen member as Chairperson of the Plan Commission. In a year in which any Village Board member is elected at the spring election, any appointment or designation by the Village President shall be made after the election and qualification of the Village Trustee members as elected. Any citizen appointed to the Plan Commission shall take and file the oath of office within five (5) days of notice of appointment, as provided under Wis. Stats. §19.01.

(e) **Terms of Office.** The term of office for the Plan Commission Chairperson and each Commission member shall be for a period of three (3) years, ending on April 30, or until a successor is appointed and qualified, except:

(1) **Initial Terms.** The citizen members initially appointed to the Plan Commission shall be appointed for staggered terms.

(2) **Village Trustee or President.** The Plan Commission member who is a Village Board member or Village President, including a person designated the Plan Commission Chairperson, shall serve for a period of two (2) years, as allowed under Wis. Stats. §66.0501(2), concurrent with his or her term on the Village Board, except an initial appointment made after April 30 shall be for a term that expires two (2) years from the previous April 30.

(f) **Vacancies.** A person who is appointed to fill a vacancy on the Plan Commission shall serve for the remainder of the term.

(g) **Compensation; Expenses.** The Village Board of the Village of Kronenwetter hereby sets a per diem allowance, as from time to time amended by the Village Board, per meeting for citizens and Village Board members of the Plan Commission, as allowed under Wis. Stats. §66.0501(2). In addition, the Village Board may reimburse reasonable costs and expenses.

(h) **Experts and Staff.** The Plan Commission may, under Wis. Stats. §62.23(1), recommend to the Village Board the employment of experts and staff, and may review and recommend to the approval authority proposed payments under any contract with an expert.

(i) **Rules; Records.** The Plan Commission, under Wis. Stats. §62.23(2), may adopt rules for the transaction of its business, subject to Village ordinances, and shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record under Wis. Stats. §19.21-19.39.

(j) **Chairperson and Officers.**

(1) **Chairperson.** The Plan Commission Chairperson shall be appointed and serve a term as provided in Sections 5 and 6 of this Ordinance. The Chairperson shall, subject to Village ordinances and Commission rules:

a. Provide leadership to the Commission.

b. Set Commission meeting and hearing dates.

c. Provide notice of Commission meetings and hearings and set their agendas, personally or by his or her designee.

- d. Preside at Commission meetings and hearings.
 - e. Ensure that the laws are followed.
- (2) *Vice Chairperson.* The Plan Commission may elect, by open vote or secret ballot under Wis. Stats. §19.88(1), a Vice Chairperson to act in the place of the Chairperson when the Chairperson is absent or incapacitated for any cause.
- (3) *Secretary.* The Plan Commission shall elect, by open vote or secret ballot under Wis. Stats. §19.88(1), one of its members to serve as Secretary, or, with the approval of the Village Board, designate the Village Clerk or other Village officer or employee as Secretary. If the Village Clerk, other Village officer or employee is designated the Secretary hereunder, said Secretary or employee shall receive a per diem allowance, as from time to time set by the Village Board.
- (k) ***Commission Members as Local Public Officials.*** All members of the Plan Commission shall faithfully discharge their official duties to the best of their abilities, as provided in the oath of office, Wis. Stats. §19.01, in accordance with, but not limited to, the provisions of the Wisconsin Statutes on: Public Records, secs. 19.21-19.39; Code of Ethics for Local Government Officials, secs. 19.42, 19.58 & 19.59; Open Meetings, secs. 19.81-19.89; Misconduct in Office, sec. 946.12; and Private Interests in Public Contracts, sec. 946.13. Commission members shall further perform their duties in a fair and rational manner and avoid arbitrary actions.

(l) ***General & Miscellaneous Powers.*** The Plan Commission, under Wis. Stats. §62.23(4), shall have the power:

- (1) Necessary to enable it to perform its functions and promote Village planning.
- (2) To make reports and recommendations relating to the plan and development of the Village to the Village Board, other public bodies, citizens, public utilities and organizations.
- (3) To recommend to the Village Board programs for public improvements and the financing of such improvements.
- (4) To receive from public officials, within a reasonable time, requested available information required for the Commission to do its work.
- (5) For itself, its members and employees, in the performance of their duties, to enter upon land, make examinations and surveys, and place and maintain necessary monuments and marks thereon. However, entry shall not be made upon private land, except to the extent that the private land is held open to the general public, without the permission of the landowner or tenant. If such permission has been refused, entry shall be made under the authority of an inspection warrant issued for cause under Wis. Stats. §66.0119, or other court-issued warrant.

(m) ***Village Comprehensive Planning: General Authority & Requirements.***

- (1) The Plan Commission shall

make and adopt a comprehensive plan under Wis. Stats. §62.23 and 66.1001, which contains the elements specified in Wis. Stats. §66.1001(2), and follows the procedures in Wis. Stats. §66.1001(4).

(2) The Plan Commission shall make and adopt the comprehensive plan within the time period directed by the Village Board, but not later than a time sufficient to allow the Village Board to review the plan and pass an ordinance adopting it to take effect on or before January 1, 2010, so that the Village comprehensive plan is in effect by the date on which any Village program or action affecting land use must be consistent with the Village comprehensive plan under Wis. Stats. §66.1001(3).

(3) In this section the requirement to "make" the plan means that the Plan Commission shall ensure that the plan is prepared, and oversee and coordinate the preparation of the plan, whether the work is performed for the Village by the Plan Commission, Village staff, another unit of government, the regional planning commission, a consultant, citizens, an advisory committee, or any other person, group or organization.

(n) ***Procedure for Plan Commission Adoption & Recommendation of a Village Comprehensive Plan or Amendment.*** The Plan Commission, in order to ensure that the requirements of Wis. Stats. §66.1001(4), are met, shall proceed as follows.

(1) *Public Participation Verification.* Prior to beginning work on a comprehensive plan, the Plan

Commission shall verify that the Village Board has adopted written procedures designed to foster public participation in every stage of preparation of the comprehensive plan. These written procedures shall include open discussion, communication programs, information services and noticed public meetings. These written procedures shall further provide for wide distribution of proposed, alternative or amended elements of a comprehensive plan and shall provide an opportunity for written comments to be submitted by members of the public to the Village Board and for the Village Board to respond to such written comments.

(2) *Resolution.* The Plan Commission, under Wis. Stats. §66.1001(4)(b), shall recommend its proposed comprehensive plan or amendment to the Village Board by adopting a resolution by a majority vote of the entire Plan Commission. The vote shall be recorded in the minutes of the Plan Commission. The resolution shall refer to maps and other descriptive materials that relate to one or more elements of the comprehensive plan. The resolution adopting a comprehensive plan shall further recite that the requirements of the comprehensive planning law have been met, under Wis. Stats. §66.1001, namely that:

a. The Village Board adopted written procedures to foster public participation and that such procedures allowed for public participation at each stage of preparing the comprehensive plan.

- b. The plan contains the nine specified elements and meets the requirements of those elements;
 - c. The (specified) maps and (specified) other descriptive materials relate to the plan.
 - d. The plan has been adopted by a majority vote of the entire Plan Commission, which the clerk or secretary is directed to record in the minutes.
 - e. The Plan Commission clerk or secretary is directed to send a copy of the comprehensive plan adopted by the Commission to the governmental units specified in Wis. Stats. §66.1001(4), and this Ordinance.
- (3) *Transmittal.* One copy of the comprehensive plan or amendment adopted by the Plan Commission for recommendation to the Village Board shall be sent to:
- a. Every governmental body that is located in whole or in part within the boundaries of the Village, including any school district, Village sanitary district, public inland lake protection and rehabilitation district or other special district.
 - b. The clerk of every city, village, county and regional planning commission that is adjacent to the Village.
 - c. The Wisconsin Land Council.
 - d. After September 1, 2003,
- e. The regional planning commission in which the Village is located.
 - f. The public library that serves the area in which the Village is located.
- (o) ***Comprehensive Plan.*** The Comprehensive Plan for the Village of Kronenwetter, Marathon County, Wisconsin, dated March, 2001, is hereby adopted as the Village of Kronenwetter Comprehensive Plan, which Plan as it now exists and as it shall from time to time hereafter be amended, shall be an aid and a guide to the Plan Commission and the Village Board in the performance of their duties and in the further development of the Village. (Cross reference 66.0213).
- (p) ***Plan Implementation & Administration.***
- (1) *Ordinance Development.* If directed by resolution or motion of the Village Board, the Plan Commission shall prepare the following:
 - a. Zoning. A proposed Village zoning ordinance under village powers, Wis. Stats. §61.35 and 62.23(7), a Village construction site erosion control and storm water management zoning ordinance, a Village exclusive agricultural zoning ordinance under subchapter V of Chapter 91, Wis. Stats. and any other zoning ordinance within the Village's authority.
 - b. Official Map. A proposed official map ordinance under Wis. Stats. §62.23(6).
- the Department of Administration.

- c. Subdivisions. A proposed Village subdivision or other land division ordinance under Wis. Stats. §236.45.
 - d. Other. Any other ordinance specified by the Village Board (Note: e. g., historic preservation, design review, site plan review).
- (2) *Ordinance Amendment.* The Plan Commission, on its own motion, or at the direction of the Village Board by its resolution or motion, may prepare proposed amendments to the Village's ordinances relating to comprehensive planning and land use.
- (3) *Non-Regulatory Programs.* The Plan Commission, on its own motion, or at the direction of the Village Board by resolution or motion, may propose non-regulatory programs to implement the comprehensive plan, including programs relating to topics such as education, economic development and tourism promotion, preservation of natural resources through the acquisition of land or conservation easements, and capital improvement planning.
- (4) *Program Administration.* The Plan Commission shall, pursuant to Village ordinance have the following powers:
- a. Zoning Conditional Use Permits. The Zoning Administrator shall refer applications for conditional use permits under Village zoning to the Plan Commission for review and recommendation to the Village Board.
 - b. Subdivision Review. Proposed plats under Chapter 236, Wis. Stats. and proposed subdivisions or other land divisions under the Village subdivision ordinance under Wis. Stats. §236.45, shall be referred to the Plan Commission for review and recommendation to the Village Board.
- (5) *Consistency.* Any ordinance, amendment or program proposed by the Plan Commission, and any Plan Commission approval, recommendation for approval or other action under Village ordinances or programs that implement the Village's comprehensive plan under Wis. Stats. §62.23 and 66.1001 shall be consistent with that plan as of January 1, 2010. If any such Plan Commission action would not be consistent with the comprehensive plan, the Plan Commission shall use this as information to consider in updating the comprehensive plan.
- (q) ***Referrals to the Plan Commission:***
- (1) *Required referrals under Wis. Stats. §62.23(5).* The following shall be referred to the Plan Commission for report:
 - a. The location and architectural design of any public building and site plan review (for Business, Industrial and Multi-family Districts).
 - b. The location of any statue or other memorial.
 - c. The location, acceptance,

extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any:

1. Street, alley or other public way;
 2. Park or playground;
 3. Airport;
 4. Area for parking vehicles; or
 5. Other memorial or public grounds.
- d. The location, extension, abandonment or authorization for any publicly or privately owned public utility.
- e. All plats under the Village's jurisdiction under Wis. Stats. §236, including divisions under a Village subdivision or other land division ordinance adopted under Wis. Stats. §236.45.
- f. The location, character and extent or acquisition, leasing or sale of lands for:
1. Public or semi-public housing;
 2. Slum clearance;
 3. Relief of congestion; or
 4. Vacation camps for children.
- g. The amendment or repeal of any ordinance adopted under Wis. Stats. §62.23, including ordinances relating to: the Village Plan Commission; the Village

master plan or the Village comprehensive plan under Wis. Stats. §66.1001, a Village official map; and Village zoning under village powers.

(2) *Required Referrals Under Sections of the Wisconsin Statutes other than Wis. Stats. §62.23(5).* The following shall be referred to the Plan Commission for report:

- a. An application for initial licensure of a child welfare agency or group home under Wis. Stats. §48.68(3).
- b. An application for initial licensure of a community-based residential facility under Wis. Stats. §50.03(4).
- c. Proposed designation of a street, road or public way, or any part thereof, wholly within the jurisdiction of the Village, as a pedestrian mall under Wis. Stats. §66.0905.
- d. Matters relating to the establishment or termination of an architectural conservancy district under Wis. Stats. §66.1007.
- e. Matters relating to the establishment of a reinvestment neighborhood required to be referred under Wis. Stats. §66.1107.
- f. Matters relating to the establishment or termination of a business improvement district required to be referred under Wis. Stats. §66.1109.
- g. A proposed housing project

under Wis. Stats. §66.1211(3).

- h. Matters relating to urban renewal and redevelopment in the Village required to be referred under subchapter XIII of Chapter 66, Wis. Stats.
- i. The adoption or amendment of a Village subdivision or other land division ordinance under Wis. Stats. §236.45(4).
- j. Any other matter required by the Wisconsin Statutes to be referred to the Plan Commission.

(3) *Required Referrals Under This Ordinance.* In addition to referrals required by the Wisconsin Statutes, the following matters shall be referred to the Plan Commission for report:

- a. A proposed driveway access ordinance or amendment.
- b. A proposed Village official map ordinance under Wis. Stats. §62.23(6), or any other proposed Village ordinance under Wis. Stats. §62.23, not specifically required by the Wisconsin Statutes to be referred to the commission.
- c. A proposed Village zoning ordinance or amendment adopted under authority separate from or supplemental to Wis. Stats. §62.23, including a Village construction site erosion control stormwater management zoning ordinance and a Village exclusive agricultural

zoning ordinance under subchapter V of Chapter 91, Wis. Stats.

- d. An application for a conditional use permit under the Village zoning ordinance.
- e. A proposed extraterritorial zoning ordinance or a proposed amendment to an existing ordinance under Wis. Stats. §62.23(7a).
- f. A proposed boundary change pursuant to an approved cooperative plan agreement under Wis. Stats. §66.0307, or a proposed boundary agreement under Wis. Stats. §66.0225, or other authority.
- g. A proposed zoning ordinance or amendment pursuant to an agreement in an approved cooperative plan under Wis. Stats. §66.0307(7m).
- h. Any proposed plan, element of a plan or amendment to such plan or element developed by the regional planning commission and sent to the Village for review or adoption.
- i. Any proposed contract, for the provision of information, or the preparation of a comprehensive plan, an element of a plan or an implementation measure, between the Village and the regional planning commission, under Wis. Stats. §66.0309, another unit of government, a consultant or any other

person or organization.

- j. A proposed agreement, or proposed modification to such agreement, to establish an airport affected area, under Wis. Stats. §66.1009.
- k. A proposal to create environmental remediation tax incremental financing in the Village under Wis. Stats. §66.1106.
- l. Any other matter required by any Village ordinance or Village Board resolution or motion to be referred to the Plan Commission for report and recommendation.

(4) *Discretionary Referrals.* The Village Board, or other Village officer or body with final approval authority or referral authorization under the Village ordinances, may refer any of the following to the Plan Commission for report and recommendations:

- a. A proposed county development plan or comprehensive plan, proposed element of such a plan, or proposed amendment to such plan.
- b. A proposed county zoning ordinance or amendment.
- c. A proposed county subdivision or other land division ordinance under Wis. Stats. §236.45, or amendment.
- d. A proposed intergovernmental cooperation agreement, under Wis. Stats. §66.0301, or other statute, affecting

land use, or a municipal revenue sharing agreement under Wis. Stats. §66.0305.

- e. A proposed plat or other land division under the county subdivision or other land division ordinance under Wis. Stats. §236.45.
- f. A proposed county plan, under Wis. Stats. §236.46, or the proposed amendment or repeal of the ordinance adopting such plan, for a system of Village arterial thoroughfares and minor streets, and the platting of lots surrounded by them.
- g. Any other matter deemed advisable for referral to the Plan Commission for report and recommendation.

(5) *Referral Period.* No final action may be taken by the Village Board or any other officer or body with final authority on a matter referred to the Plan Commission until the Commission has made its report, or forty-five (45) days, or such longer period as stipulated by the Village Board, has passed since referral. The forty-five (45) day period for referrals required by the Wisconsin Statutes may be shortened only if so authorized by statute. The forty-five (45) day referral period, for matters subject to required or discretionary referral under the Village's ordinances, but not required to be referred under the Wisconsin Statutes, may be made subject by the Village Board to a referral period shorter or longer than the forty-five (45) day referral period if deemed advisable.

Sec. 6.5. Zoning Certificates.

- (a) **Certificates.** Except as hereinafter provided, no permit pertaining to the use of land or buildings shall be issued by any officer, department, or employee of the Village of Kronenwetter unless the application for such permit has been examined by the Zoning Administrator and has affixed to it a certificate of the Zoning Administrator, indicating that the proposed building or structure complies with all the provisions of this ordinance. Any permit or certificate of occupancy, issued in conflict with the provisions of this ordinance, shall be null and void.
- (b) **Plats.** Every application for a building permit shall be accompanied by:
- (1) A plat, in duplicate, of the piece or parcel of land, lot, lots, block or blocks, or parts or portions thereof, drawn to scale showing the actual dimensions, as certified by a "registered land surveyor" or a "registered professional engineer," registered with the State of Wisconsin, as a true copy of the piece or parcel, lot, lots, block or blocks, or portions thereof, according to the registered or recorded plat of such land; and
 - (2) A plat, in duplicate, drawn to a scale in such form as may, from time to time, be prescribed by the Zoning Administrator, showing the ground area, height, and bulk of the building or structure, the building lines in relation to lot lines, the use to be made of the building, structure, or land, and such other information as may be required by the Zoning Administrator for the proper enforcement of this ordinance.

Sec. 6.6. Variances.

- (a) **Purpose.** The Board of Appeals, after a public hearing, may determine and vary the regulations of this ordinance in harmony with their general purpose and intent, only in the specific instances hereinafter set forth, where the Board of Appeals makes findings of fact in accordance with the standards hereinafter prescribed and further, finds that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this ordinance.
- (b) **Application for Variance and Notice of Hearing.** An application for a variance shall be filed in writing with the Zoning Administrator. The application shall contain such information as the Board of Appeals may, by rule, require. Notice of the time and place of such public hearing shall be published at least once in a newspaper of general circulation in the Village of Kronenwetter and also by mailing notice thereof to the parties in interest, said publication and mailing to be made at least ten (10) days prior to the date of the hearing. The board shall thereafter reach its decision within ninety (90) days from the filing of the application.
- (c) **Standards for Variances.** The Board of Appeals shall not vary the regulations of this ordinance, as authorized in Section 6.6(a), above, unless it shall make findings based upon the evidence presented to it in each specific case that:
- (1) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of the regulations

were to be carried out;

- (2) The conditions upon which a petition for a variation is based are unique to the property for which the variance is sought, and are not applicable, generally, to other property within the same zoning classification;
- (3) The purpose of the variance is not based exclusively upon a desire to make more money out of the property;
- (4) The alleged difficulty or hardship is caused by this ordinance and has not been created by any persons presently having an interest in the property;
- (5) The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and
- (6) The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

The Board of Appeals may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards established in this section.

- (d) **Authorized Variances.** Variances from the regulations of this ordinance shall be granted by the Board of Appeals only in accordance with the standards established in Section

6.6(c), above, and may be granted only in the following instances and in no others:

- (1) To permit any yard or setback less than a yard or a setback required by the applicable regulations;
- (2) To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but in no event shall the respective area and width of the lot or lots be less than 80 percent of the required area and width;
- (3) To permit the same off-street parking facility to qualify as required facilities for two or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week;
- (4) To reduce the applicable off-street parking or loading facilities required by not more than one parking space or loading space, or 20 percent of the applicable regulations, whichever number is greater;
- (5) To increase by not more than 25 percent the maximum distance that required parking spaces are permitted to be located from the use served; and
- (6) To increase by not more than ten percent the maximum gross floor area of any use so limited by the applicable regulations.

The concurring vote of four of the members of the Board of Appeals shall be necessary to grant a variance. No order of the Board of Appeals granting a variance shall be valid for a period longer than six months from the date of such order unless the building permit is obtained within such period and the erection or alteration of a building is started or the use is commenced

within such period.

- (e) **Rehearings, Reconsiderations, and New Applications.** Rehearings, reconsiderations, and new applications seeking the same relief concerning the same property after a previous application has been denied will not be heard unless a substantial change of conditions or circumstances has intervened between the time the matter was first decided and the subsequent application. A change of ownership or the passage of time without additional conditions or circumstances will not justify substantial change.

Sec. 6.7. Appeals.

- (a) **Scope of Appeals.** An appeal may be taken to the Board of Appeals by any person, firm, or corporation, or by any office, department, board, or bureau aggrieved by a decision of the Zoning Administrator. Such an appeal shall be taken within thirty (30) days after the decision or the action complained of, by filing with the Zoning Administrator a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board of Appeals all of the papers constituting a record upon which the action appealed from was taken.
- (b) **Findings on Appeals.** An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Appeals, after the notice of the appeal has been filed, that by reason of facts stated in the certificate a stay would, in the Zoning Administrator's opinion, cause imminent peril to life and property, in which case the proceedings shall not be stayed unless otherwise by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice of the Zoning Administrator and on due cause shown. The Board of Appeals shall select a reasonable time and

place for the hearing of the appeal and give due notice thereof to the parties by one publication in a newspaper of general circulation in the Village of Kronenwetter and also by mailing notice thereof to the parties in interest, said publication and mailing to be made at least ten (10) days prior to the date of hearing. The board shall thereafter reach its decision within ninety (90) days from the filing of the appeal. The Board of Appeals may affirm or may, upon the concurring vote of four of its members, reverse, wholly or in part, or modify the order, requirement, decision or determination that, in its opinion, ought to be done, and to that end, shall have all the powers of the officer from whom the appeal is taken. The Zoning Administrator shall maintain records of all actions of the Board of Appeals relative to appeals.

Sec. 6.8. Amendments.

- (a) **Authority.** For the purpose of promoting the public health, safety, morals, comfort, and general welfare, conserving the value of property throughout the Village, and lessening or avoiding congestion in the public streets and highways, the Village Board may, from time to time, in the manner hereinafter set forth, amend the regulations imposed in the districts created by this ordinance, provided that in all amendatory ordinances adopted under the authority of this section, due allowance shall be made for existing conditions, the conservation of property values, the direction of building development to the best advantages of the entire community, and the uses to which property is devoted at the time of the adoption of such amendatory ordinance.
- (b) **Initiation of Amendment.** Amendments may be proposed by the Village Board, the Village Plan

Commission or by any interested person or organization.

- (c) **Application for Amendment.** An application for an amendment shall be filed with the Zoning Administrator in such form and accompanied by such information as required by the Zoning Administrator. Such application shall be forwarded to the Village Plan Commission, with the request to hold a public hearing on said application for amendment.
- (d) **Hearing on Application.** The Village Plan Commission shall hold a public hearing on each application for an amendment at such time and place as shall be established by the Plan Commission. The hearing shall be conducted and a record of such proceedings shall be preserved in such manner, as the Village Plan Commission shall, by rule, prescribe from time to time.
- (e) **Notice of Hearing.** Notice of time and place of such hearing shall be published at least two (2) times in a newspaper of general circulation in the Village of Kronenwetter not less than seven (7) days before such hearing. Supplemental or additional notices may be published or distributed as the Village Plan Commission may, by rule, prescribe from time to time.
- (f) **Findings of Fact and Recommendation of the Village Plan Commission.** Within thirty (30) days after the close of the hearing on a proposed amendment, the Village Plan Commission shall make written findings of fact and shall submit same together with its recommendations to the Village Board. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the Village Plan Commission shall make findings

based upon the evidence presented to it in each specific case with respect to the following matters:

- (1) Existing use of property within the general area of the property in question.
- (2) The zoning classification of property within the general area of the property in question.
- (3) The suitability of the property in question to the uses permitted under the existing zoning classification.
- (4) The trend of development, if any, in the general area of the property in question, including changes if any which have taken place since the day the property in question was placed in its present zoning classification.
- (5) Minimum size of parcel. A lot, lots, or parcel of land shall not qualify for a zoning amendment unless it possesses 200 feet of frontage or contains 25,000 square feet of area, or adjoins a lot, lots, or parcel of land which bears the same zoning district classification as the proposed zoning amendment.
- (6) Any amendment substantially conforms to the adopted Comprehensive Plan and any other adopted Master Plans by the Village.

The Village Plan Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the applicant. The Village Plan Commission may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher

classification than that requested by the applicant. For the purpose of this paragraph, the R1 district shall be considered the highest classification and the M2 district shall be considered the lowest classification.

(g) ***Action by the Village Board.***

- (1) The Village Board shall not act upon a proposed amendment to this ordinance until it shall have received a written report and recommendation from the Village Plan Commission on the proposed amendment.
- (2) The Village Board may grant or deny any application for an amendment, provided however, that in the event of a written protest against any proposed amendment, signed and acknowledged by the owners of 20 percent or more either of the areas of the land included in such proposed amendment, or by the owners of 20 percent or more of the area of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20 percent or more of the area of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment shall not be granted except by a favorable vote of three-fourths of all the members of the Village Board voting on the proposed change.
- (3) If an application for a proposed amendment is not acted upon finally by the Village Board within ninety (90) days of the date upon which such application is received by the Village Board, it shall be deemed to have been denied.

(h) ***Rehearings, Reconsiderations, And New Applications.*** Rehearings, reconsiderations, and new applications seeking the same

relief concerning the same property after a previous application has been denied will not be heard unless a substantial change of conditions or circumstances has intervened between the time the matter was first decided and the subsequent application. A change of ownership or the passage of time without additional conditions or circumstances will not justify substantial change.

Sec. 6.9. Conditional Uses.

(a) ***Purpose.*** The development and execution of this ordinance is based upon the division of the Village into districts, within which districts the use of land and buildings, and the bulk and location of buildings and structures in relation to the land, are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Such conditional uses fall into two categories:

- (1) Uses publicly operated or traditionally affected with a public interest.
- (2) Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

(b) ***Initiation of Conditional Use.*** Any person having a freehold interest in land, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest of an exclusive possessory interest, and which is specifically enforceable, may file an application to use such land

for one or more of the conditional uses provided for in this ordinance in the zoning district in which the land is located.

(c) ***Application for Conditional Use.***

An application for a conditional use shall be filed with the Zoning Administrator on a form prescribed by the Zoning Administrator. The application shall be accompanied by such plans and/or data prescribed by the Village Plan Commission, and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use will conform to the standards set forth in Section 6.9(f), hereinafter. Such application shall be forwarded from the Zoning Administrator to the Village Plan Commission with a request for a public hearing and report relative thereto.

(d) ***Hearing on Application.***

Upon receipt in proper form of the application and statement referred to in this Ordinance, the Village Plan Commission shall hold at least one public hearing on the proposed conditional use. At least seven (7) days in advance of such public hearing, notice of time and place of such hearing shall be published at least two (2) times in a newspaper of general circulation in the Village of Kronenwetter. Supplemental or additional notices may be published or distributed as the Village Plan Commission may, by rule, prescribe from time to time.

(e) ***Authorization.***

For each application for a conditional use, the Village Plan Commission shall report to the Village Board its findings and recommendations, including the stipulations of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. If an

application for a proposed conditional use is not acted upon finally by the Village Board within ninety (90) days of the date upon which such application is received by the Village Board, it shall be deemed to have been denied.

(f) ***Standards.*** No conditional use shall be recommended by the Village Plan Commission unless such commission shall find:

- (1) That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
- (2) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
- (3) 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;
- (4) That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;
- (5) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
- (6) That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by

the Village Board pursuant to the recommendations of the Village Plan Commission.

(g) **Conditions and Guarantees.** Prior to the granting of any conditional use, the Village Plan Commission may recommend, and the Village Board shall stipulate, such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the conditional use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in Section 6.9(f) above. In all cases in which conditional uses are granted the Village Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

(h) **Planned Developments.** Planned developments are of such substantially different character from other conditional uses that specific and additional standards and exceptions are hereby established to govern the recommendations of the Village Plan Commission and the action of the Village Board.

(1) **Use Exceptions.** The Village Plan Commission may recommend and the Village Board may authorize that there be in part of the area of such development, and for the duration of such development, specified uses not permitted by the use regulations of the district in which said development is located, provided that the Village Plan Commission shall find:

a. That the uses permitted by such exception are necessary or desirable and are appropriate with

respect to the primary purpose of the development;

b. That the uses permitted by such exception are not of such a nature or so located as to exercise a detrimental influence on the surrounding neighborhood; and

c. That not more than 20 percent of the ground area or of the gross floor area of such development shall be devoted to the uses permitted by said exception.

(2) **Bulk Regulations.** In the case of any planned development, the Village Plan Commission may recommend and the Village Board may authorize exceptions to the applicable bulk regulations of this ordinance within the boundaries of such development, provided that the Village Plan Commission shall find:

a. That such exception shall be solely for the purpose of promoting an integrated site plan no less beneficial to the residents or occupants of such development as well as the neighboring property, than would be obtained under the bulk regulations of this ordinance for buildings developed on separate zoning lots;

b. That the overall floor area ratio for the planned development would not exceed, by more than 20 percent, the maximum floor area ratio which would be determined on the basis of the floor area ratio required

for the individual uses in such planned developments, as stipulated in each district;

- c. That the minimum lot area per dwelling unit requirements of this ordinance shall not be decreased by more than 20 percent in any such development containing residential uses, and that permanent open space or land, in an amount equivalent to that by which each residential lot or building site has been diminished under this provision, shall be provided in common recreation area within the development;
- d. That spacing between principal buildings shall be at least equivalent to such spacing as would be required between buildings similarly developed under the terms of this ordinance on separate zoning lots, due consideration being given to the openness normally afforded by intervening streets and alleys; and
- e. That along the periphery of such planned developments, yards shall be provided as required by the regulations of the district in which said development is located.

- (i) **Rehearings, Reconsiderations, and New Applications.** Rehearings, reconsiderations, and new applications seeking the same relief concerning the same property after a previous application has been denied will not be heard unless a substantial change of conditions or circumstances has intervened between the time the matter was first decided and the subsequent application. A change of

ownership or the passage of time without additional conditions or circumstances will not justify substantial change.

- (j) **Revocation.** In any case where a conditional use has not been established within one (1) year after the date of granting thereof, then, without further action by the Village Plan Commission or the Village Board, the conditional use or authorization shall be null and void.
- (k) **Renewals.** On the expiration of a Conditional Use Permit, the permit holder may submit an application for renewal along with the appropriate fee for renewal prior to the expiration of the permit. No conditional use permit renewal shall be required to go through a public hearing or the Village Plan Commission as set forth in Wis. Stats. §62.33 and Section 6.9(d) and Section 6.9(e) unless the Village Board at the time of reviewing the renewal of the application determines that there has been noncompliance with the conditions enclosed upon the Conditional Use Permit being renewed or that there has been a change in circumstances necessitating that the Conditional Use Permit to be renewed is also to be modified.

Sec. 6.10. Standards for Approval of Excavations for Private Lakes

- (a) Prior to granting a conditional use permit to allow the excavation of a private lake in an R1, R2, SR or RR district, the Village Plan Commission shall find that:
 - (1) The slope of the proposed pond is no steeper than 3 to 1.
 - (2) All adjoining property owners have been notified in writing of the hearing on the request for a conditional use permit to allow for the excavation of a private lake in an R1, R2, SR or RR

district.

- (3) The private lake must meet the yard requirements established in the zoning district where the lake is to be excavated:
- (4) Any approvals herein must comply with all other related provisions of this Ordinance.

(Effective January 22, 2007)

Sec. 6.11. Fee Schedule.

- (a) *General.* All persons, firms or corporations performing work which requires the review of plans, public hearing(s) or the issuance of permit(s) shall pay a fee and professional fees for such work to the Village Clerk to assist in defraying the cost of administration, investigation, advertising and processing of applications, permits and variances.

There may be additional fees for outside consultants (such as planning, engineering, inspection, legal, and etc.). These fees will be billed at actual cost approximately 30 days after completion of services.

- (b) *Effective Date.* All fees shall be effective upon adoption by the Village Board. The Village Board adopted the following Fee Schedule on the 8th day of March 2004.
- (c) *Fee Schedule.* The following fees shall apply to all projects within the Village:

Conditional Use Permit, Variances and Zoning Fees

Board of Adjustment Variance, Appeal or Rehearing	\$300.00
---------------------------------------------------	----------

Conditional Use Permit Applications – New	\$300.00
Conditional Use Permit Applications – Renewal	\$150.00
Rezoning	\$250.00

Platting

Certified Survey Maps (CSM)	\$100.00 + \$10.00 per lot
Concept Plan	\$200.00 + \$10.00 per lot
Preliminary Plats	\$200.00 + \$100 per lot
Final Plats	\$200.00 + \$10.00 per lot

Erosion Control/Storm Water Review Fees

Commercial/Industrial or Multi-family Site Plans	\$200.00
Plats and CSM's	\$200.00

Site Plan Fees

Minor Site Plan Amendment	\$150.00
Site Plans less than 5,000 square feet of building area	\$500.00
Site Plans greater than 5,000 square feet of building area	\$1,000.00

Platting & Site Plan Review Fees

- This review fee is established to help defray the cost of reviewing and inspecting site plans, subdivisions and Certified Survey Maps occurring in the Village of Kronenwetter. All of these fees are cumulative. The developer or subdivider shall pay fees as herein established to the Village Clerk.

Planning, Engineering and Inspection Review Fees. The Village shall be assisted by planning consultants, engineers and inspectors on all site plans, plats and CSM's submitted for review. The actual cost of the planning consultants, engineers and inspectors fees for reviewing and inspecting, site plans, plats, CSM's and any related supporting documentation, shall be paid by the developer prior to site plan, final plat or CSM approval by the Village Board. Prior to the consultant beginning work, the developer must execute a contract with the Village Board for payment of the services.

Legal Fees. In the event the Village Attorney is required to prepare contracts, developer agreements, and/or related documents between the developer and the Village, the actual cost of the Village Attorney's fees in the preparation and review of documents shall be paid by the developer prior to approval of the site plan, final plat or CSM by the Village Board.

Park Dedication Fees. Per subdivision regulations.

Failure to Obtain Permits. The Village shall charge a double fee if work is started before a permit is applied for and issued. Such double fee shall not release the applicant from full compliance with Village ordinances nor from prosecution for violation of Village ordinances.

Sec. 6.12. Penalties and Enforcement.

(a) ***Violations, Injunctions, Abatement and Removal.*** It shall be unlawful to construct, develop or use any structure, or develop or use

any land, water or air in violation of any of the provisions of this chapter or order of the Zoning Administrator or Board of Appeals. In case of any violation, the Board, or the Village Attorney or the Zoning Administrator upon approval of the Board, or any owner of real estate affected who would be specifically damaged by such violation, may institute appropriate legal action or proceedings to enjoin a violation of this chapter, or seek abatement or removal. In addition, those actions commenced on behalf of the Village may seek a forfeiture or penalty as outlined in this section.

(b) ***Penalties.*** Any person, firm, or corporation, or agent, employee, or contractor of such, who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any provision of this ordinance, shall, upon conviction, forfeit not less than \$10.00 nor more than \$300.00 for each offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the County Jail of Marathon County until said forfeiture and costs are paid, but not to exceed thirty (30) days for each violation. Each day that a violation continues to exist shall constitute a separate offense.

(c) ***Proceedings:***

(1) ***Civil Proceedings.*** An action for violation of a municipal ordinance is deemed a civil action. Accordingly, Wis. Stats. §801-847 shall apply where applicable to violations of this chapter.

(2) ***Village Attorney.*** The Village Attorney may, in the Village Attorney's discretion, commence legal action or proceedings and may proceed pursuant to the

proceedings outlined in Wis. Stats. §66.0113, 66.0114 or 778.10, or pursuant to the issuance of a summons and complaint.

- (3) *Citations.* Citations may be issued by the Zoning Administrator or authorized deputies.
- (4) *Special Inspection Warrants.* The provisions of Wis. Stats. §66.0119 govern the issuance of all special inspection warrants.
- (5) *Statute of Limitations.* Pursuant to Wis. Stats. §893.93(2)(b), any action to recover a forfeiture or penalty imposed by ordinance or regulation, when no other limitation is prescribed by law, shall be commenced within two years of the violation. In those situations in which there occurs a continuing violation in existence for more than two years prior to the issuance of the complaint and wherein each day the violation exists continues to constitute a separate offense, no penalty may be imposed for each day a violation occurring more than two years prior to the commencement of the action; a penalty may be imposed, however, for each day of violation occurring within the two-year period prior to the issuance of the complaint.

Sec. 6.13. Site Plan Review for Business, Industrial and Multi-Family Districts.

- (a) *Purpose.* The purpose of this section is for promoting compatible development, stability of property values, protecting the attractiveness and functional utility of the community as a place to live and work, preserving the character and

quality of the built environment by retaining the integrity of those areas which have a discernible character or are of special historic significance, protecting certain public investments in the area, and raising the level of community expectations for the quality of its environment. This Ordinance requires a site plan and approval as herein set forth of all new construction and additions/modifications to any existing structure in the Business, Industrial or Multi-Family Zoning Districts. Applicable fees shall apply as per the fee schedule.

- (b) *Site Plan Review.* The Plan Commission shall review business and industrial site plans, conditional use applications, as well as all other applications deemed necessary for review by the Plan Commission. Site plans requiring review by the Plan Commission are as set forth below.
 - (1) All new construction and any additions/modifications to existing impervious surface in the Business, industrial or Multi-Family Zoning Districts that exceed the schedule shown in Table 1 below.
 - (2) Any additions/modifications not requiring Plan Commission approval shall require approval by the Building Inspector and public Works Director.

TABLE 1	
Site Plan Review Schedule	
Square Feet of Existing Impervious Surface	Percent of Change/Modification To Impervious Surface
0 – 10,000	25 % or Greater
10,001 – 25,000	20% or Greater
25,001 – 50,000	15% or Greater
50,001 – 100,000	10 % or Greater
100,001 – 200,000	5 % or Greater
200,001 and up	0%

The square feet of existing impervious surface shall be calculated, as all impervious surfaces on said zoning lot.

drainage, erosion, grading, lighting and parking, as specified by this Ordinance or any other codes or laws.

- (c) The review will include existing and proposed structures, neighboring uses, utilization of landscaping and open space, parking areas, driveway locations, loading and unloading (in the case of business and industrial uses), highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation. The Plan Commission may approve said site plans only after considering the following:
- (1) The proposed use(s) conform(s) to the uses permitted in that zoning district.
 - (2) The dimensional arrangement of buildings and structures conform to the required area, yard, setback and height restrictions of this Ordinance.
 - (3) The proposed use conforms to all use and design provisions and requirements (if any) as found in this Ordinance for the specified uses.
 - (4) There is a proper relationship between the existing and proposed streets and highways within the vicinity of the project in order to assure the safety and convenience of pedestrian and vehicular traffic.
 - (5) The proposed on-site buildings, structures and entryways are situated and designed to minimize adverse effects upon owners and occupants of adjacent and surrounding properties by providing for adequate design of ingress/egress, interior/exterior traffic flow, stormwater
- (6) Natural features of the landscape are retained where they can enhance the development of the site, or where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes or where they assist in preserving the general safety, health, welfare and appearance of the neighborhood.
 - (7) Adverse effects of the proposed development and activities upon adjoining residents or owners are minimized by appropriate screening, fencing or landscaping, as provided or required.
 - (8) Land, buildings and structures are readily accessible to emergency vehicles and disabled persons.
 - (9) The site plan is consistent with the intent and purpose of this Ordinance, which is to promote the public health, safety and general welfare, to encourage the use of lands in accordance with their character and adaptability, to avoid the overcrowding of population, to lessen congestion on the public roads and streets, to reduce hazards of life and property and to facilitate existing community development plans.
 - (10) The site plan is consistent with the public goals, objectives, principles, standards, policies and urban design criteria set forth in the Village's *Master Plan* or components thereof.

(d) ***Plans and Written Submittals.***

The following is a description of the plans, documents and written submittals required for the various permits by this Ordinance. Applications shall be submitted on forms provided by the Village Clerk, along with applicable fees as per the fee schedule. All plans and documents must be 11" x 17" reproducible, except one set of originals at D-size scale.

(1) ***Written Use Description.*** A description of the intended uses, described in reasonable detail, may include the following:

- a. Zoning. Existing zoning district(s) and proposed zoning district(s) (if different).
- b. Land use plan designation. The designated type of use shown for the site on the Village Land Use Map.
- c. Current land uses. Present land uses on the subject property.
- d. Proposed land uses. Proposed land uses for the subject property.
- e. Projected use. Projected number of residents, employees, and daily visitors.
- f. Proposed development. The amount of dwelling units, floor area, impervious surface area, and landscape surface area, and resulting site density floor area ratio, impervious surface area ratio, and landscape surface area ratio.
- g. Operations. The operational considerations relating to

hours of operation, projected normal and peak water usage, sanitary sewer or septic loading, and traffic generation.

- h. Building material. The exterior building and fencing material types and colors.
- i. Expansion. Any possible future expansion and related implications.
- j. Other information. Any other information pertinent to adequate understanding by the Plan Commission of the intended use and its relation to nearby properties.

(2) ***Small Location Map.*** A map of the subject property showing all lands for which the use is proposed, and all other lands within two hundred feet of the boundaries of the subject property. The location map shall clearly indicate the current zoning of the subject property and adjacent properties. Show any other jurisdiction(s) that maintain control over the property. The location map shall be at a scale that is not less than one inch equals eight hundred feet, as well as a location map copy on a sheet no larger than 11" x 17", showing the subject property and illustrating its relationship to the nearest street intersection.

(3) ***Scale Site Plan.*** A site plan of the subject property as proposed for development. A site plan shall be submitted at scale (and a reduction at 11" x 17") that includes:

- a. A title block which

- indicates the name, address and phone/fax number(s) of the current property owner and/or agent(s) (developer, architect, engineer, planner) for project;
- b. The date of the original plan and the latest date of revision to the plan;
 - c. A north arrow and a graphic scale. Said scale shall not be smaller than one inch equals one hundred feet;
 - d. A legal description of the subject property;
 - e. All property lines and existing and proposed right-of-way lines with bearings and dimensions clearly labeled;
 - f. All existing and proposed easement lines and dimensions with a key provided and explained on the margins of the plan as to ownership and purpose;
 - g. All required building setback lines;
 - h. All existing and proposed buildings, structures, and paved areas, including building entrances, walks, drives, decks, patios, fences, utility poles, drainage facilities, and walls;
 - i. The location and dimensions of all access points onto public streets;
 - j. The location and dimensions of all on-site parking (and off-site parking provision if they are to be employed), including a summary of the number and size of parking stalls provided versus the number required by this Ordinance;
 - k. The location and dimensions of all loading and service areas on the subject property and labels indicating the dimensions of such areas;
 - l. The location of all outdoor storage areas and screening devices;
 - m. The location, type, height, size and lighting of all signage on the subject property;
 - n. The location, height, design/type, illumination power and orientation of exterior lighting on the subject property;
 - o. The location and type of any permanently protected green space areas;
 - p. The location of existing and proposed drainage facilities;
 - q. In the legend, data for the subject property:
 - i. Lot Area;
 - ii. Floor Area;
 - iii. Floor Area Ratio;
 - iv. Impervious Surface Area;
 - v. Impervious Surface Ratio;
 - vi. Building Height.
- (4) *Detailed Landscape Plan.* At the same scale as the site plan (and a reduction at 11" x 17"), showing the location of all required buffer yards and landscaped areas, and existing

and proposed landscape point fencing and berm options for meeting said requirements.

- a. The individual plant locations, species, and size shall be shown.
- b. Screening such as fencing types and berm heights shall be shown by size and height.

(5) *Grading Plan.* At the same scale as the site plan (and a reduction at 11" x 17") showing existing and proposed grades, including retaining walls and related devices, and erosion control measures. It will include:

- a. Existing and proposed contours at a minimum of 2-foot contours;
- b. Existing and proposed spot elevations at corners of structures and significant changes in grade;
- c. Flow lines of all drainages.

(6) *Elevation Drawings.* Side views of proposed buildings, structures, or proposed remodeling of existing buildings showing finished exterior treatment shall also be submitted, with adequate labels provided to clearly depict exterior materials, texture, color and overall appearance. Perspective renderings of the proposed project and/or photo of similar structures may be submitted, but not in lieu of an adequate drawing showing the actual intended appearance of the buildings.

(7) *Erosion Control Plan.* At the same scale as the site plan (and a reduction at 11" x 17") showing

all erosion control measures:

- a. Location and description of soil types which have been rated severe for erosion limitations by the U.S. Soil Conservation Service;
- b. Elevation and extent of all proposed grading;
- c. Plans and specifications for erosion control devices, such as retaining walls, cribbing, planting, anti-erosion devices, and other temporary or permanent protective measures;
- d. Drainage areas of the site, upstream culverts or other restrictions;
- e. Plans (written or drawn) for removal, re-contouring, or other disposition of sediment basins or other temporary devices;
- f. Plans prepared as per *Wisconsin Construction Site Best Management Practices Handbook*, prepared by the Wisconsin Department of Natural Resources.