

Article IX - Administration

Section

9.01 Zoning Administrator Designation:

- A. The Village Zoning Administrator is hereby designated as the administrative and enforcement officer for the provisions of this Ordinance. The duty of the Zoning Administrator shall be to interpret and administer this Ordinance and to issue, after on-site inspection, all permits required by this Ordinance. The Zoning Administrator shall further:
1. Keep an accurate record of all permits, numbered in the order of issuance, in a record book for this purpose.
 2. Initiate, direct and review, from time to time, a study of the provisions of this Chapter, and make reports of the recommendations to the Planning Commission for investigation and appropriate action.
 3. Upon reasonable cause or question as to proper compliance, to revoke any building or occupancy permit and issue cease and desist orders requiring the cessation of any building, moving, alteration, or use which is in violation of the provisions of this Chapter, such revocation to be in effect until reinstated by the Administrator or the Board of Appeals; or take any other action as directed by the Village Board to ensure compliance with or to prevent violation of its provisions.
 4. Inspect all structures, lands, and waters as often as necessary to assure compliance with this Ordinance.
 5. 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 Ordinance to the owner, resident, agent, or occupant of the premises, and report uncorrected violations to the Village Attorney in a manner specified by him (see Section 9.08).
 6. Assist the Village Attorney in the prosecution of Ordinance violations (see Section 9.08).
 7. Be permitted access to premises and structures during reasonable hours to make those inspections as deemed necessary by him to ensure compliance with this Ordinance. If, however, he is refused entry after presentation of his identification, he may procure a special inspection warrant in accordance with Section 66.122 of the Wisconsin Statutes.
 8. Prohibit the use or erection of any structure, land, or water until he has inspected and approved such use or erection.
 9. Request assistance and cooperation from the Village Police Department and Village Attorney as deemed necessary.

9.02 Building Permit:

- A. No building or structure above or below the ground, shall be erected, structurally altered, or relocated within the Village until a building permit has been issued by the Zoning Administrator certifying that such building would be in compliance with the provisions of this Chapter and all applicable building codes.
- B. No person, whether as owner, contractor, builder, etc. shall erect, construct, or structurally alter any building or other structure without obtaining a building permit from the Zoning Administrator and such Zoning Administrator shall not issue any permit unless the requirements of this Chapter are complied with. All applications for building permits shall be accompanied by plans, drawn to scale, showing the location, actual shape and dimensions of the lot to be built on, the exact size and location on the lot of the proposed or existing building and accessory building, the required setbacks, the existing and intended use of each building or part of a building, the number of families the building is intended to accommodate and such other information as may be required by the Zoning Administrator for the purpose of compliance with this Chapter. An application for a Building Permit shall be made in conformity with the requirements of the Zoning Ordinance and all applicable building codes.
- C. In any district where public sewerage service is not available, the width and area of all lots shall be sufficient to permit the use of an on-site sewage disposal system designed in accordance with Section H65 of the Wisconsin Administrative Code.
- D. A Building 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. 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, and the applicant shall reapply for a Building Permit before commencing work on the structure. Any permit issued in conflict with the provisions of this Ordinance shall be null and void.

9.03 Planning Commission:

- A. The Village Planning Commission shall have the duties of making reports and recommendations relating to the plan and development of the Village to public officials, agencies, public utility companies, civic, educational, professional and other organizations, and citizens. The Commission, its members and employees, in performance of its functions, may enter upon any land and make examinations and surveys. In general, the Planning Commission shall have such powers as may be necessary to enable it to perform its function and promote municipal planning.

9.04 Conditional Use Permit:

- A. Purpose: The formulation and enactment of a comprehensive zoning ordinance is based on the division of the entire Village into districts in each of which are permitted specified uses that are mutually compatible.

In addition to such permitted compatible uses, however, it is recognized that there are other uses which it may be necessary or desirable to allow in a given district, but which because of their potential influence upon neighboring uses or public facilities, need to be carefully regulated with respect to location or operation for the protection of the community. Such uses are classified in this Chapter as "conditional uses".

Conditional uses may be permitted in the district in which listed upon petition for such grant to the Village Board and subject to the approval of the Board and to such other conditions as hereinafter designated.

- B. Application for Conditional Use Permit: A request for conditional use grant shall be submitted in writing to the Village Clerk by the person requesting such action on forms furnished by the Village Clerk. The person requesting such action shall provide all information requested on the application/petition including:
1. Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor, when engaged, and all opposite and abutting property owners of record.
 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; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
 3. A map drawn to scale showing the location, property boundaries, dimensions, uses, and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets, and other public ways; off-street parking, loading areas, and driveways; existing highway access restrictions; existing and proposed street, side, and rear yards; and areas subject to inundation by floodwaters.
 4. Purpose of which the Conditional Use Permit is requested.
 5. Reciting of facts indicating that the proposed use will not be detrimental to the general public interest, the purposes of this Chapter and the general area in which it is located.
 6. Drainage and sewage disposal plans.
 7. Architecture and landscape treatment.

9.04 Conditional Use Permit cont'd

B. Application for Conditional Use Permit cont'd

8. Planting screen and operational control devices plan, where necessary, to eliminate noise, dust, odor, smoke, or other objectionable operating conditions.
9. Any further information requested on the application/petition which may be required by the Planning Commission to render its decision.

Failure to supply such information shall be grounds for dismissal of the application/petition.

C. Planning Commission Review and Recommendation:

1. The Village Clerk shall transmit the petition to the Planning Commission.
2. The Village Planning Commission shall conduct a study and investigation of all proposed changes and amendments within the corporate limits and shall recommend that the petition be granted as requested, modified, or denied. The recommendation shall be made within sixty (60) days from which the petition is first received and shall be made in writing to the Village Board.

D. Hearings: The Village Board shall hold a public hearing upon each proposed change or amendment recommended by the Village Planning Commission, giving notice of the time, place, and change or amendment proposed by publication of a Class 2 notice under Chapter 985, Wisconsin Statutes.

E. Review and Decision: Within thirty (30) days following the public hearing and any necessary study and investigation, the Village Board shall as soon as practical, render its decision in writing and a copy made a permanent part of the Board's records. Such decisions shall include an accurate description of the conditional use permitted, of the property on which permitted, and any and all conditions made applicable thereto, or if disapproved, shall indicate the reasons for disapproval.

F. Standards for Conditional Use Permit Approval: The Planning Commission and Village Board shall apply the following general standards when reviewing, recommending, and approving or disapproving a conditional use permit:

1. No grant of a special exception shall violate the spirit or intent of this Ordinance.
2. No special exception shall be allowed which could be contrary to the public health, safety; or general welfare, or which would be substantially adverse to property values in the neighborhood affected.

9.04 Conditional Use Permit cont'd

F. Standards and Conditional Use Permit Approval cont'd

3. No use shall be permitted by special exception that would constitute a nuisance by reason of noise, dust, smoke, odor or other similar factors.
4. The use will not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted.
5. That adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided.
6. Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

G. Authority to Impose Conditions: The Planning Commission and the Village Board may make the granting of an application for a conditional use permit contingent upon such express conditions as it considers necessary to further the aims of this Ordinance and to achieve the standards of Section F. above. The applicant must agree to the conditions prior to the approval of a conditional use permit. These conditions may include, but are not limited to, specifications of:

1. The period of time in which all or part of the use may be permitted.
2. Setback and yard dimensions.
3. Specified sewage disposal and water supply facilities.
4. Landscaping and planting screens.
5. Operational controls.
6. Sureties.
7. Deed restrictions.
8. Location of structures, docks, piers, or signs.
9. Location and amount of parking facilities.
10. Type of construction.
11. Type of shore cover.
12. Sign and lighting limitations.
13. Number of employees.

H. When a conditional use permit is approved, the building permit shall be appropriately noted and such permit shall be applicable solely to the structures, use and property so described. Indication of such permit shall also be made on the Zoning District Map by appropriate symbol.

I. Except as may be specifically otherwise provided, any use shall conform to the building location, height, lot size, and open space regulations of the district in which it is located.

9.04 Conditional Use Permit cont'd

- J. Lapse of Conditional Use Permit: A Conditional Use Permit shall lapse and become void one year after passage by the Village Board unless the conditional use is fully established or a building permit has been issued and/or construction has commenced and is being pursued diligently according to the requirements of the permit. A conditional use permit may be renewed for an additional period of one year by application to and approval of the Village Board.
- K. Automatic Termination of Conditional Use Permit: In the event the use for which the permit was granted shall cease or be abandoned for a period of one continuous year, the Conditional Use Permit granted herein shall automatically cease.
- L. Revocation of Conditional Use Permit: If, in the opinion of the Village Board, the terms of a Conditional Use Permit have been violated, or that the use is substantially detrimental to persons of property in the neighborhood, the Village Board shall, following notice to all parties, hold a public hearing on the revocation of the permit. If, upon finding of fact that the terms of the permit have been violated, the Village Board may revoke, modify, or leave the permit unchanged. The Village Board may thereafter direct the Village Attorney to secure such additional court orders as are necessary to implement its action.
- M. All conditional use petitions shall be accompanied by the appropriate fee to defray the cost of giving notice, investigation and other administrative processing, as provided for in Section 9.05.

9.05 Permit Fees:

- A. All persons, firms, or corporations performing work which by this Ordinance requires the issuance of a permit shall pay a fee for such permit to the Village Clerk to help defray the cost of administration, investigation, advertising, and processing of permits and variances. The fee for permits shall be in accordance with the fee schedule established by the Village Board and presented as a separate attachment in support of these regulations.

- 9.06 Public Hearings: In order that the owners of property involved and other legitimately interested parties may have fair opportunity to be heard, adequate notice shall be given of any public hearing required by the provisions of this Chapter in the manner hereinafter defined or as may be otherwise specifically designated elsewhere in this Chapter.

9.06 Public Hearings cont'd

- A. The notice to be given concerning any appeals or variances, conditional use permits, or changes and amendments of this Ordinance shall be given by publishing a Class 2 notice under Chapter 985 of the Wisconsin Statutes, and by giving due notice of the hearing to all parties in interest.
1. Due notice to parties in interest shall mean that the Village Clerk will mail, by ordinary postage, reasonable advance notice of all hearings and meetings on any pending matter to the applicant and to owners of record of properties which are located within 100 feet of the parcel involved in the application (1,000 feet in the case of changes and amendments to the zoning districts and regulations). In addition, at least ten (10) days prior to written notice of any such hearings shall be given to the Clerk of any municipality whose boundaries are within 1,000 feet of any lands included in the application. Failure of the office to accomplish such provision of notice shall not invalidate or prejudice the proceedings, provided that reasonable efforts were made to so notify the parties in interest.

9.07 Annexations: Any area annexed to the Village of Dorchester after the effective date of this Ordinance shall automatically be placed in the R-1, Single-Family Residence District, and shall remain in such district until the appropriate zoning district(s), zoning district boundaries and regulations are studied and recommended by the Planning Commission and adopted by the Village Board in accordance with the requirements of Article VIII of this Ordinance; except that such adoption be completed within ninety (90) days of the annexation.

9.08 Violations and Penalties:

- A. 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 Ordinance. In case of any violation, the Village Board, the Zoning Administrator, the Village Planning Commission or any property owner who would be specifically damaged by such violation, may institute appropriate action or proceeding to enjoin a violation of this Ordinance or cause a structure to be vacated or removed.
- B. 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 Village Board, the Zoning Administrator, or the Village Attorney may institute appropriate legal action or proceedings to prohibit such owner, agent or occupant from using such structure, land, or water.
- C. Any person, firm, or corporation who fails to comply with the provisions of this Ordinance or any order of the Zoning Administrator issued in accordance with this Ordinance or resists enforcement, shall be subject to a penalty as provided in the Village of Dorchester Municipal Code.