

- c. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
  - d. Road construction activities are carried out in the immediate area of the roadbed only; and
  - e. Any wetland alteration must be necessary for the construction or maintenance of the road.
- (2) The construction and maintenance of nonresidential buildings provided that:
- a. The building is used solely in conjunction with a use permitted in the shoreland-wetland district or for the raising of waterfowl, minnows or other wetland or aquatic animals;
  - b. The building cannot, as a practical matter, be located outside the wetland;
  - c. The building does not exceed five hundred (500) square feet in floor area; and
  - d. Only limited filling and excavating necessary to provide structural support for the building is allowed.
- (3) The establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural and scientific areas, game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves and public boat launching ramps, provided that:
- a. Any private development allowed under this paragraph shall be used exclusively for the permitted purpose;
  - b. Only limited filling and excavating necessary for the development of public boat launching ramps, swimming beaches or the construction of park shelters or similar structures is allowed;
  - c. The construction and maintenance of roads necessary for the uses permitted under this paragraph are allowed only where such construction and maintenance meets the criteria in Subsection (c)(1) of this Section; and
  - d. Wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves shall be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.
- (4) The construction and maintenance of electric and telephone transmission lines and water, gas and water distribution lines, and sewage collection lines, and related facilities and the construction and maintenance of railroad lines provided that:
- a. The utility transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;
  - b. Only limited filling or excavating necessary for such construction or maintenance is allowed; and
  - c. Such construction or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the wetland listed in Section 13-3-38 (c) of this Chapter.

### **SEC. 13-3-23 PROHIBITED USES.**

- (a) Any use not listed in Section 13-3-22 of this Chapter is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this Chapter in accordance with Section 13-3-38 of this Chapter.

- (b) The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary high-water mark of any navigable waters are prohibited.

**SEC. 13-3-24 NONCONFORMING STRUCTURES AND USES.**

- (a) The lawful use of a building, structure or property which existed at the time this Chapter, or an applicable amendment to this Chapter, took effect and which is not in conformity with the provisions of the Chapter, including the routine maintenance of such a building or structure, may be continued, subject to the following conditions.
- (b) The shoreland-wetland provisions of this ordinance authorized by Sec. 61.351, Wis. Stats., shall not limit the repair, reconstruction, renovation, remodeling or expansion of a nonconforming structure or of any environmental control facility related to such a structure in existence on the effective date of the shoreland-wetland provisions. All other modifications to nonconforming structures are subject to Sec. 62.23(7)(h), Wis. Stats., which limits total lifetime structural repairs and alterations to fifty percent (50%) of current fair market value.
- (c) If a nonconforming use or the use of a nonconforming structure is discontinued for twelve (12) consecutive months, any future use of the building, structure or property shall conform to the appropriate provisions of this Chapter.
- (d) Any legal nonconforming use of property which does not involve the use of a structure and which existed at the time of the adoption or subsequent amendment of this Chapter adopted under Sections 62.231 or 61.351, Wis. Stats., may be continued although such use does not conform with the provisions of this Chapter. However, such nonconforming use may not be extended.
- (e) The maintenance and repair of nonconforming boathouses which are located below the ordinary high-water mark of any navigable waters shall comply with the requirements of Sec. 30.121, Wis. Stats.
- (f) Uses which are nuisances under common law shall not be permitted to continue as nonconforming uses.

**SEC. 13-3-25 THROUGH SEC. 13-3-29 RESERVED FOR FUTURE USE.**

## ARTICLE D

## Administrative Provisions

## SEC. 13-3-30 ZONING ADMINISTRATOR.

The Building Inspector is appointed Zoning Administrator for the purpose of administering and enforcing this Chapter. The Zoning Administrator shall have the following duties and powers:

- (a) Advise applications as to the provisions of this Chapter and assist them in preparing permit applications and appeal forms.
- b) Issue permits and inspect properties for compliance with this Chapter.
- c) Keep records of all permits issued, inspections made, work approved and other official actions.
- (d) Have access to any structure or premises between the hours of 8:00 a.m. and 6:00 p.m. for the purpose of performing these duties.
- (e) Submit copies of decisions on variances, conditional use permits, appeals for a map or text interpretation and map or text amendments within ten (10) days after they are granted or denied to the appropriate district office of the Department.
- (f) Investigate and report violations of this Chapter to the appropriate Village planning agency and the District Attorney, corporation counsel or Village Attorney.

## SEC. 13-3-31 ZONING PERMITS.

- (a) When Required. Unless another Section of this Chapter specifically exempts certain types of development from this requirement, a zoning permit shall be obtained from the Zoning Administrator before any new development, as defined in Section 13-3-41(b)(4) of this Chapter, or any change in the use of an existing building or structure is initiated.
- (b) Application. An application for a permit shall be made to the Zoning Administrator upon forms furnished by the Village and shall include, for the purpose of proper enforcement of these regulations, the following information:
  - (1) General Information.
    - a. Name, address and telephone number of applicant, property owner and contractor, where applicable.
    - b. Legal description of the property and a general description of the proposed use or development.
    - c. Whether or not a private water or sewage system is to be installed.
  - (2) Site Development Plan. The site development plan shall be drawn to scale and submitted as a part of the permit application form and shall contain the following information:
    - a. Dimensions and area of the lot;
    - b. Location of any structures with distances measured from the lot lines and centerline of all abutting streets or highways;
    - c. Description of any existing or proposed on-site sewage systems or private water supply systems;

- d. Location of the ordinary high-water mark of any abutting navigable waterways;
  - e. Boundaries of all wetlands;
  - f. Existing and proposed topographic and drainage features and vegetative cover;
  - g. Location of floodplain and floodway limits on the property as determined from floodplain zoning maps used to delineate floodplain areas;
  - h. Location of existing or future access roads; and
  - i. Specifications and dimensions for areas of proposed wetland alteration.
- (c) Expiration. All permits issued under the authority of this Chapter shall expire one (1) year from the date of issuance.

#### SEC. 13-3-32 CERTIFICATES OF COMPLIANCE

- (a) Except where no zoning permit or conditional use permit is required, no land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, rebuilt or replaced shall be occupied, until a certificate of compliance is issued by the Zoning Administrator subject to the following provisions:
- (1) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use thereof, conform to the provisions of this Chapter.
  - (2) Application for such certificate shall be concurrent with the application for a zoning or conditional use permit.
  - (3) The certificate of compliance shall be issued within ten (10) days after notification of the completion of the work specified in the zoning or conditional use permit, providing the building or premises and proposed use thereof conform with all the provisions of this Chapter.
- (b) The Zoning Administrator may issue a temporary certificate of compliance for a building, premises or part thereof pursuant to rules and regulations established by the Village Board.
- (c) Upon written request from the owner, the Zoning Administrator shall issue a certificate of compliance for any building or premises existing at the time of ordinance adoption, certifying after inspection the extent and type of use made of the building or premises and whether or not such use conforms to the provisions of this Chapter.

#### SEC. 13-3-33 CONDITIONAL USE PER/WILTS FOR WETLAND AREAS.

- (a) Application. Any use listed as a conditional use in this Chapter shall be permitted only after an application has been submitted to the Zoning Administrator and a conditional use permit has been granted by the Board of Appeals, following the procedures in Sections 13-3-36(c), (d) and (e) for hearing and deciding appeals.
- (b) Conditions. Upon consideration of the permit application and the standards applicable to the permitted uses in Section 13-3-23(c) of the Chapter, the Board of Appeals shall attach such conditions to a conditional use permit in addition to those required elsewhere in this Chapter, as are necessary to further the purposes of this Chapter as listed in Section 13-3-2 of this Chapter. Such conditions may include specifications for, without limitation because of specific

enumeration: type of shore cover; erosion potential; increased side yard setbacks; specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; location of piers, docks, parking areas and signs; and type of construction. To secure information upon which to base its determination, the Board of Appeals may require the applicant to furnish, in addition to the information required for a zoning permit, other pertinent information which is necessary to determine if the proposed use is consistent with the purpose of this Chapter.

### **SEC. 13-3-34 FEES.**

The Village Board, by resolution, shall establish fees for the following:

- a) Zoning permits.
- b) Public hearings.
- c) Legal notice publications.
- d) Conditional use permits.
- e) **Rezoning** petitions.
- f) Certificates of compliances.

### **SEC. 13-3-35 RECORDING.**

Where a zoning permit or conditional use permit is approved, an appropriate record shall be made by the Zoning Administrator of the land use and structures permitted.

### **SEC. 13-3-36 REVOCATION.**

Where the conditions of a zoning permit or conditional use permit are violated, the permit shall be revoked by the Board of Appeals.

### **SEC. 13-3-37 BOARD OF APPEALS.**

- (a) **Appointment.** The Village President shall appoint a Board of Appeals under Title 2, Chapter 4 of this Code of Ordinances and Section 62.23(7)(e), Wis. Stats., consisting of five (5) members subject to confirmation by the Village Board. The Board of Appeals shall adopt rules for the conduct of the business of the Board of Appeals as required by Section 62.23(7)(e)3, Wis. Stats.
- (b) **Powers and Duties.** The Board of Appeals shall:
  - (1) Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this Chapter.
  - (2) Hear and decide applications for conditional use permits under this Chapter.
  - (3) May authorize, upon appeal, a variance from the dimensional standards of this ordinance where an applicant convincingly demonstrates:
    - a. That literal enforcement of the terms of the ordinance will result in unnecessary hardship for the applicant.
    - b. That the hardship is due to special conditions unique to the property; and is no self-created or based solely on economic gain or loss.
    - c. That such variance is not contrary to the public interest as expressed by the purpose of this Chapter.