

## CHAPTER 13

### Administration

#### **SEC. 8-13-1 GENERAL ADMINISTRATIVE SYSTEM.**

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

#### **SEC. 8-13-2 ZONING ADMINISTRATOR.**

The Village Board shall designate a Village official to serve as the Zoning Administrator and as the administrative enforcement officer for the provisions of this Chapter. The duty of the Zoning Administrator shall be to interpret and administer this Chapter and to issue, after on-site inspection, all permits required by this Chapter. The Zoning Administrator shall further:

- (a) Maintain records of all permits issued, inspections made, work approved and other official actions.
- (b) Establish that all necessary permits that are required for floodland uses by state and federal law have been secured.
- (c) Inspect all structures, lands and waters as often as necessary to assure compliance with this Chapter.
- (d) Investigate all complaints made relating to the location of structures and the use of structures, lands and waters, give notice of all violations of this Chapter to the owner, resident, agent or occupant of the premises and report uncorrected violations to the Village Attorney in a manner specified by him.
- (e) Prohibit the use or erection of any structure, land or water until he has approved such use or erection.
- (f) Request assistance and cooperation from the Police Department, Village Engineer and Village Attorney as deemed necessary.

#### **SEC. 8-13-3 ROLE OF SPECIFIC VILLAGE OFFICIALS IN ZONING ADMINISTRATION.**

- (a) **Plan Commission.** The Plan Commission, together with its other statutory duties, shall make reports and recommendations relating to the plan and development of the Village to the Village Board, other public officials and other interested organizations and citizens. In general, the Plan Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning. Under this Chapter, its functions are primarily recommendatory to the Village Board pursuant to guidelines set

forth in this Chapter as to various matters and, always, being mindful of the intent and purposes of this Chapter. Recommendations shall be in writing. A recording thereof in the Commission's minutes shall constitute the required written recommendation. The Commission may, in arriving at its recommendation, on occasion of its own volition, conduct its own public hearing. The Plan Commission shall hold all public hearings for conditional use permit requests.

- (b) **Village Board.** The Village Board, the governing body of the Village, subject to recommendations by the Plan Commission and the holding of public hearings, may amend the zoning map and supplementary floodland zoning map and to amend the text of this Chapter. The Village Board may delegate to the Plan Commission the responsibility to hold some or all public hearings as required under this Chapter.
- (c) **Zoning Board of Appeals.** A Zoning Board of Appeals is established to provide an appeal procedure for persons who deem themselves aggrieved by decisions of administrative officers in enforcement of this Chapter. See Chapter 15 of this Code for additional provisions.

#### SEC. 8-13-4 OCCUPANCY PERMIT.

- (a) **Occupancy Permit Required.** The use or occupancy of any building which is in a B-1, B-2, B-3, B-4, M-1 or P-1 District under the Zoning Code or the use or occupancy of any building which is a nonconforming use shall not be changed until a certificate of occupancy permitting the new use or occupancy is issued by the Zoning Administrator. No such certificate of occupancy shall be issued unless the building shall comply with the requirements of this Code and any other ordinance of the Village governing the use and occupancy of buildings. The provisions of this Zoning Code with respect to time limitations on permits, renewals, appeals, penalties and enforcement shall apply to occupancy permits.
- (b) **Application.** Application shall be made to the Zoning Administrator on forms provided by him and the payment of a permit fee of \$190.00.

#### SEC. 8-13-5 SITE PLAN APPROVAL.

- (a) **Site Plan Approval.** All applications for Building Permits for any construction, reconstruction, expansion or conversion, except for one (1) and two (2) family residences in Residential Districts, shall require site plan approval by the Plan Commission in accordance with the requirements of this Section.
- (b) **Application.** The applicant shall also submit a site plan and sufficient plans and specifications of proposed buildings, machinery and operations to enable the Plan Commission or its consultants to determine whether the proposed application meets all the requirements applicable thereto in this Chapter.
- (c) **Administration.** The Zoning Administrator shall make a preliminary review of the application and plans and refer them, along with a report of his findings, to the Plan Commission within twenty (20) days. The Plan Commission shall review the application and may refer the application and plans to any consultants selected by the Village Board

to advise whether the application and plans meet all the requirements applicable thereto in this Chapter. Within thirty (30) days of its receipt of the application, the Commission shall authorize the Zoning Administrator to issue or refuse a Permit.

- (d) **Requirements.** In acting on any site plan, the Plan Commission shall consider the following:
- (1) The appropriateness of the site plan and buildings in relation to the physical character of the site and the usage of adjoining land areas.
  - (2) The layout of the site with regard to entrances and exits to public streets; the arrangement and improvement of interior roadways; the location adequacy and improvement of areas for parking and for loading and unloading and shall, in this connection, satisfy itself that the traffic pattern generated by the proposed construction or use shall be developed in a manner consistent with the safety of residents and the community, and the applicant shall so design the construction or use as to minimize any traffic hazard created thereby.
  - (3) The adequacy of the proposed water supply, drainage facilities and sanitary and waste disposal.
  - (4) The landscaping and appearance of the completed site. The Plan Commission may require that those portions of all front, rear and side yards not used for off-street parking shall be attractively planted with trees, shrubs, plants or grass lawns and that the site be effectively screened so as not to impair the value of adjacent properties nor impair the intent or purposes of this Section. A tree survey and preservation plan shall be submitted in accordance with the requirements of Section 8-2-10.
- (e) **Effect on Municipal Services.** Before granting any site approval, the Plan Commission may, besides obtaining advice from consultants, secure such advice as may be deemed necessary from the Village Engineer or other municipal officials, with special attention to the effect of such approval upon existing municipal services and utilities. Should additional facilities be needed, the Plan Commission shall forward its recommendations to the Village Board and shall not issue final approval until the Village Board has entered into an agreement with the applicant regarding the development of such facilities.
- (f) **Validity of Site Plan Approvals.** Where the Plan Commission has approved or conditionally approved an application for a site plan, such approval shall become null and void within twelve (12) months of the date of the commission's action unless the use is commenced, construction is underway or the current owner possesses a valid building permit under which construction is commenced within six (6) months of the date of issuance and which shall not be renewed unless construction has commenced and is being diligently prosecuted. Approximately forty-five (45) days prior to the automatic expiration of such approval, the Zoning Administrator shall notify the holder by certified mail of such expiration. The Plan Commission may extend such approval for a period of ninety (90) days for justifiable cause, if application is made to the Village at least thirty (30) days before the expiration of said approval.
- (g) **Site Plan Requirements.** In addition to the requirements for Site Plan Approval set forth under the provisions of Section 8-13-5 "Site Plan Approval" of the Village of Hales Corners Zoning Code, detailed site plans pertaining to the proposed structure shall be

presented to the Village Plan Commission for review and approval indicating the following information and data:

- (1) Scale and Name of Project. Site Plan drawn to a recognized engineering scale with the name of project noted.
- (2) Owner's and/or Developer's Name and Address. Owner's and/or developer's name and address noted on the Site Plan.
- (3) Architect and/or Engineer's Name and Address. Architect and/or engineer's name and address noted on the Site Plan.
- (4) Date. Date of Site Plan submittal with all dates of revision.
- (5) Vicinity Sketch. A vicinity sketch (drawn to scale) which clearly indicates the subject property within the context of the larger community of which the subject property is a part showing abutting and nearby streets and street names as well as any major public facilities (i.e., schools, public parks, public buildings, etc.).
- (6) Scale and Site Size. The scale of drawing and the size of the site (in square feet or acres) noted on the Site Plan.
- (7) Existing and Proposed Topography. Existing and proposed topography shown at a contour interval of not more than two (2) feet at National Geodetic Vertical Datum of 1929 (mean sea level). A site grading plan may also be required by the Village Planner/Zoning Administrator and/or Plan Commission.
- (8) Soils Data. The characteristics and types of soils related to contemplated specific uses. Soil borings may be required by the Village Engineer, Village Planner/Zoning Administrator, and/or Plan Commission.
- (9) Off-Street Parking Spaces, Loading, Ingress and Egress, and Driveway Locations of Adjoining Properties. The total number of off-street parking spaces, loading areas, drives, curb cuts, and vehicular ingress and egress locations to the site. If the proposed development abuts an existing or planned collector or arterial street or highway, as identified on the Village of Hales Corners Master Plan or component thereof, all driveway locations of all adjoining properties within two hundred (200) feet of the site shall be graphically indicated and dimensioned (with distances and widths noted) on the Site Plan.
- (10) Type, Size, and Location of All Structures and Signs.
  - a. The type, size, and location of all structures and signs with all building and ground-mounted sign dimensions noted on the Site Plan.
  - b. All building overhangs (such as, but not limited to, building eaves, soffits, overhanging roofs, and bay windows) including, but not limited to, the location of all exterior building columns and all other building protrusions (with or without foundations or footings) shall be graphically indicated on the Site Plan with their respective dimensions indicated.
  - c. A tabular calculation of the total maximum allowable sign area for each type of allowable sign(s) and/or signage for the property shall be provided and presented on the Site Plan as an integral part of said Site Plan. Chapter 9 "Signs and Billboards" of the Village of Hales Corners Zoning Code shall be consulted by the applicant and all such tabular calculations shall be based

upon the requirements of Chapter 9 "Signs and Billboards" of the Village of Hales Corners Zoning Code as amended.

- (11) Building Height. Height of all building(s), including both principal and accessory, expressed in both feet and stories.
- (12) Existing and Proposed Street Names. Existing and proposed street names (if any new streets are proposed).
- (13) Existing and Proposed Public Street Rights-of-Way or Reservations. Existing and proposed public street rights-of-way or reservations (if any new streets are proposed) and widths with existing or proposed centerline elevations, pavement type, fire lanes, walks, curbs, gutters, culverts, etc.
- (14) Building and Yard Setbacks. All building and yard setback lines graphically indicated on the Site Plan.
- (15) North Arrow. North arrow.
- (16) Proposed Sanitary Sewers, Storm Sewers, and Water Mains. Existing and general location of proposed sanitary sewers, storm sewers (including direction of flow), water mains, and fire hydrants. All locations for the proposed connections to such utilities shall be indicated on the Site Plan.
- (17) Proposed Stormwater Management Facilities. A stormwater management plan shall be prepared for all proposed development meeting all applicable Village Code requirements. Plans shall indicate the location of any proposed stormwater management facilities, including detention/retention area(s).
- (18) "Landscape Plan" Required. A "Landscape Plan" meeting the following requirements shall be submitted with the Site Plan for Plan Commission review and approval:
  - a. Proposed Name. The proposed name of the development.
  - b. Location. The location of the proposed development.
  - c. Names, Addresses, and Telephone Numbers of the Owners, Subdividers, Lessee and/or Developer. The names, addresses, and telephone numbers of the owners, subdividers, lessee and/or developer(s) of the property and of the designer of the plan.
  - d. Date. Date of the "Landscape Plan" submittal and all applicable revision dates.
  - e. Site Boundary. The boundary line of the site with dimensions and bearings, indicated by a solid line, and the total land area encompassed by the site.
  - f. Landscape Bufferyard Areas. All proposed "Landscape Bufferyards" shall be clearly delineated and dimensioned and graphically shown in relation to all proposed lot lines and lots upon which said "Landscape Bufferyards" are located.
  - g. Location, Extent, Type, and Sizes of Existing Trees and Natural Resource Features. Location, extent, type (common name and scientific name in the case of plant materials), and sizes of all existing trees in all areas of the proposed development which are designated as a "Landscape Bufferyard." If any existing vegetation is to be demolished, the extent of such

demolition shall be properly delineated and so noted on the "Landscape Plan."

- h. Location, Extent, Type, and Sizes of Proposed Landscape Materials and Plantings. Location, extent, type (common name and scientific name in the case of plant materials), and sizes of proposed landscaping and landscape plantings in all areas of the proposed development which are designated as "Landscape Bufferyards" or for areas which are to serve as landscaped entrances or other special landscaped features of the development. A summary table of all types and total number of plant materials to be used shall be clearly indicated.
  - i. Landscape Plant Material Specifications. All new landscape plant material shall be grown in a nursery located in Plant Hardiness Zone 4 (as defined by the U.S. Department of Agriculture) and shall conform to the applicable requirements as specified in the current edition of *American Standard for Nursery Stock* as approved by the American National Standards Institute, Inc. and sponsored by the American Association of Nurserymen, Inc. Botanical plant names shall be in accordance with the current edition of *Standardized Plant Names* prepared by the American Joint Committee on Horticultural Nomenclature.
  - j. Maintenance. Areas of a development designated as landscape areas shall be maintained by the property owner and kept free of all debris, rubbish, weeds, and tall grass.
- (19) Pedestrian Sidewalks and Walkways. The location of pedestrian sidewalks and walkways.
- (20) Architectural Plans, Elevations, and Perspective Drawings and Sketches. Architectural plans, elevations, and perspective drawings and sketches illustrating the design, character, materials, and dimensions of proposed which meet the following submission requirements:
- a. Owner/Developer. Owner's and/or developer's name and address noted.
  - b. Architect/Engineer. Architect's name and address noted.
  - c. Date. Date of submittal of plans.
  - d. Scale. Scale of drawings noted on each drawing.
  - e. Building Type, Size, and Location. The type, size, and location of all structures with all building dimensions shown.
  - f. Height. The height of building(s).
  - g. Exterior Materials Samples May be Required. Samples of exterior materials and their colors may be required to be brought to the Plan Commission meeting.
  - h. Additional Information May be Required. Additional information and data which may be required by the Plan Commission, Village Administrator, or Village Planner/Zoning Administrator may include, but not be limited to, the following upon request:
    - 1. Photographs from the site of adjacent neighboring structures and/or property.

2. Detailed drawings of decorative elements of the building(s) or structure(s).
  3. Sectional building or site drawings drawn to a recognized engineering or architectural scale.
- (21) "Lighting Plan" Required. A "Lighting Plan" which meets the lighting regulations set forth in this Ordinance shall be prepared and submitted to the Plan Commission for review and approval. Said Lighting Plan shall have, at a minimum, the following elements:
- a. A catalog page, cut sheet, or photograph of the luminaire including the mounting method.
  - b. A photometric data test report of the proposed luminaire graphically showing the lighting distribution at all angles vertically and horizontally around the luminaire.
  - c. A plot plan, drawn to a recognized engineering or architectural scale, indicating the location of the luminaire(s) proposed, mounting, and/or installation height in feet, the overall illumination levels (in footcandles) and uniformities on the site, and the illumination levels (in footcandles) at the property boundary lines. This may be accomplished by means of an isolux curve or computer printout projecting the illumination levels.
  - d. A graphic depiction of the luminaire lamp (or bulb) concealment and light cut-off angles.
- (22) Easements. The location of all existing and proposed easements on the site including landscape easements, access easements, utility easements, and all other easements.
- (23) Covenants and Deed Restrictions Required. Written documentation of any proposed agreements, provisions, declarations, deed restrictions, or covenants which will govern the use, maintenance, and continued protection of the development.
- (24) Highway Access. Copies of any letters of review or permits granted by applicable federal, State, or County regulatory agencies having jurisdiction over highway access, if applicable.
- (25) Schedule. A development schedule shall be submitted indicating the following:
- a. Project Phasing Plan Required. A project phasing, or staging, plan is required indicating when various areas, landscape areas, densities, intensity of development, uses, and public facilities which are planned to be developed with each phase or stage. The overall design of each stage shall be shown on the plan and through supporting graphic material.
  - b. Project Phase Dates and Timing of Development. The approximate dates for the beginning and completion of each development phase, or stage, shall be indicated.
  - c. Land Use Schedule Required. If different land use types are to be included, the schedule must include the mix of uses to be built in each stage.
- (26) Special Studies May be Required. Fiscal and economic impact analyses, traffic

impact analyses studies performed by a transportation engineer, and/or environmental impact studies may be required when deemed appropriate by the Village Administrator, Village Planner/ Zoning Administrator, Village Engineer, Plan Commission, or the Village Board.

- (27) Project Summary. A written project summary indicating operational information, building schedule, and estimate of project value (including all site improvement costs) shall be submitted with the Site Plan materials.
- (28) Statement of Compatibility with the Adopted Elements of the Village of Hales Corners Master Plan. A written report shall be submitted with the petition for a Conditional Use Permit which provides adequate evidence that the proposed building and overall development project shall not hinder or undermine the Village's community character, existing retail and commercial sales and service development, or community facility objectives as set forth in adopted elements of the Village of Hales Corners Master Plan.
- (29) Additional Data May be Required by the Village. Additional data as may be required by the Plan Commission, Village Administrator, Village Planner/Zoning Administrator, or Village Engineer to review the Site Plan.

Reference: Ordinance 05-18

#### **SEC. 8-13-6 OFFICIAL MAP.**

- (a) **Purpose.** Pursuant to Section 62.23(6), Wis. Stats., the official map of the Village is established to provide for orderly, safe and economical expansion of the built-up area of the community designating the location and extent of existing and proposed streets, highways and parks; to ensure proper legal descriptions and monumenting of land; to facilitate adequate provision for transportation, parks, playgrounds and storm water drainage; and to facilitate further subdivision of larger tracts into smaller parcels of land.
- (b) **Effect.** The official map shall be final and conclusive with respect to the location and extent of streets, highways and parks shown on the map. The Village Board may change or add to the map if it is determined to be in the public interest. Changes or additions shall be made in accordance with procedures in Section 62.23, Wis. Stats. The placing of proposed streets, highways or parks upon the official map shall not constitute or be deemed to constitute the opening or establishment of such streets, highways or parks, or the taking or acceptance of any land for such purposes.
- (c) **Subdivision Plats and Building Permits.** The Plan Commission shall require that all subdivision plats conform to the official map. All streets within recorded subdivisions approved by the Plan Commission and Village Board shall become a part of the official map. No building permit shall be issued for any structure in the bed of any street or highway shown on the official map, and no permit for the erection of any structure shall be issued unless a street or highway giving access to the structure has been duly placed on such map, except as provided in Section 62.23, Wis. Stats. The Building Inspector shall require each applicant to submit a plot plan or certified survey plat, certified by a registered surveyor, showing accurately the location of any proposed building with reference to adjacent streets, highways or parks shown on the official map.

- (d) **Appeals.** The Board of Zoning Appeals shall have the power to grant relief from the requirements of this Section in accordance with the provisions of Sec. 62.23(6)(d), (f) and (g), Wis. Stats.

**SEC. 8-13-7 VIOLATIONS AND PENALTIES.**

- (a) **Violations.** It shall be unlawful to use or improve any structure or land, or to use water or air in violation of any of the provisions of this Chapter. In case of any violation, the Village Board, the Zoning Administrator, the Plan Commission or any property owner who would be specifically damaged by such violation may cause appropriate action or proceedings to be instituted to enjoin a violation of this Chapter or cause a structure to be vacated or removed.
- (b) **Remedial Action.** Whenever an order of the Zoning Administrator has not been complied with within thirty (30) days after written notice has been mailed to the owner, resident agent or occupant of the premises, the Village Board, the Zoning Administrator or the Village Attorney may institute appropriate legal action or proceedings.
- (c) **Penalties.** Any person, firm or corporation who fails to comply with the provisions of this Chapter or any order of the Zoning Administrator issued in accordance with this Chapter or resists enforcement shall, upon conviction thereof, be subject to a forfeiture and such additional penalties as provided for in Chapter 19 of this Code or Ordinances. Each violation and each day a violation continues or occurs shall constitute a separate offense. The Village shall have any and all other remedies afforded by the Wis. Stats. in addition to the forfeitures and costs of prosecution provided for in Chapter 19.