

ARTICLE M**Administration****SEC. 10-1-170 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. 10-1-171 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) Record the lowest floor elevations of all structures erected, moved, altered or improved in the floodland districts.
- (c) Establish that all necessary permits that are required for floodland uses by state and federal law have been secured.
- (d) Inspect all structures, lands and waters as often as necessary to assure compliance with this Chapter.
- (e) Investigate all complaints made relating to the location of structures and the use of structures, lands and waters, give notice of all violations of this Chapter to the owner, resident, agent or occupant of the premises and report uncorrected violations to the Village Attorney in a manner specified by him.
- (f) Prohibit the use or erection of any structure, land or water until he has inspected and approved such use or erection.
- (g) Request assistance and cooperation from the Police Department and Village Attorney as deemed necessary.

SEC. 10-1-172 ROLE OF SPECIFIC VILLAGE OFFICIALS IN ZONING ADMINISTRATION.

- (a) **Village Board.** The Village Board, the governing body of the Village, subject to the holding of public hearings by said Board, has ultimate authority to grant permitted conditional uses, planned unit development conditional uses, make changes and amendments in zoning districts, the zoning map and supplementary floodland zoning map and to amend the text of this Chapter.
- (b) **Zoning Board of Appeals.** A Zoning Board of Appeals is established to provide an appeal procedure for persons who deem themselves aggrieved by decisions of administrative officers in enforcement of this Chapter. See Article O of this Chapter for detail provisions.

SEC. 10-1-173 ZONING PERMIT.

- (a) **Zoning Permit Required.** No new structure, new use of land, water or air or change in the use of land, water or air shall hereafter be permitted and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit.
- (b) Applications for a zoning permit shall be made to the Zoning Administrator and shall include the following where pertinent and necessary for proper review:
 - (1) Names and addresses of the applicant, owner of the site, architect, professional engineer and contractor.
 - (2) Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
 - (3) Plat of survey prepared by a land surveyor registered in the State of Wisconsin or other map drawn to scale and showing such of the following as may be required by the Zoning Administrator: the location, boundaries, dimensions, uses, and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets and other public ways; public utilities; off-street parking, loading areas and driveways; existing highway access restrictions; high water; channel, floodway and floodplain boundaries; and existing and proposed street, side and rear yards.
 - (4) Additional information as may be required by the Zoning Administrator or Village Board (if involved).
- (c) **Action.**
 - (1) A zoning permit shall be granted or denied in writing by the Zoning Administrator within thirty (30) days of application and the applicant shall post such permit in a conspicuous place at the site.
 - (2) The permit shall expire within six (6) months unless substantial work has commenced or within eighteen (18) months after the issuance of the permit if the structure for which a permit is issued is not substantially completed, in which case of expiration, the application shall reapply for a zoning permit before commencing work on the structure.
 - (3) Any permit issued in conflict with the provisions of this Chapter shall be null and void.

SEC. 10-1-174 CERTIFICATE OF COMPLIANCE REQUIRED.

- (a) **Certificate Required.** No vacant land hereafter developed; no building hereafter erected, relocated, moved, reconstructed or structurally altered; and no floodlands hereafter filled, excavated or developed shall be occupied or used until a certificate of compliance has been issued by the Zoning Administrator. Such certificate shall show that the structure, premises or use is in conformity with the provisions of this Chapter.
- (b) **Application for Certificate of Compliance.** Application shall be made in the same manner as for a zoning permit pursuant to Section 10-1-173 and coincidental with application for zoning and/or building permit. Application for a certificate of compliance in the floodland districts shall include certification by a registered professional engineer or land surveyor that the plans therefor will fully comply with the floodland regulations set forth in this Chapter; before certificate shall issue, further such certification by an engineer or surveyor shall also be filed to the effect that the project does, indeed, so comply.

- (c) Existing Uses. 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 the adoption of the Chapter, certifying, after inspection, the extent and kind of use made of the building or premises and whether or not such use conforms to the provisions of this Chapter.
- (d) Nonconforming Uses.
 - (1) No nonconforming use shall be maintained, renewed or changed until a certificate of compliance has been issued by the Zoning Administrator.
 - (2) Certificates of compliance for the continued occupancy of nonconforming uses existing at the time of the passage of this Chapter shall be issued by the Zoning Administrator and the certificate shall state that the use is a nonconforming one and does not conform with the provisions of this Chapter. The Zoning Administrator shall notify the owner(s) of the property being used as nonconforming use.

SEC. 10-1-175 SITE PLAN AND ARCHITECTURAL REVIEW
(Amended 11/5/2003, Ordinance #9-2003)

(a) Establishment and Purpose. The Village of Trempealeau hereby establishes Site Plan and Architectural Review standards to promote stability of property values; to promote compatible development; to encourage the use of lands in accordance with their character and adaptability; to protect certain public investments in the area; to foster the attractiveness and functional utility of the community as a place to live and work; to avoid the overcrowding of population; to lessen congestion on the public roads and streets; to reduce hazards of life and property; to preserve the character and quality of the built environment by maintaining the integrity of those areas which have a discernible character or are of special historic significance; to raise the level of community expectations for the quality of its environment; and to uphold the goals, strategies and guidelines of the Village's Comprehensive Plan.

(b) Compliance. No use, development, structure, or sign shall hereafter be erected, moved, reconstructed, extended, enlarged, or changed until the Plan Commission has reviewed and approved site plans and architectural plans for the site, structures, or signs for all uses within any Public or Semi-Public Zoning District, Multi-family Zoning District, Commercial/Business Zoning District and Industrial Zoning District. The Plan Commission shall not approve any plans unless they find after viewing and study of the application that the use, site, structure, improvements, or sign, as planned will not violate the intent and purposes of this Ordinance. Only after the Plan Commission has approved of the submitted plan may the appropriate permit(s) be granted.

(c) Site Plan Review Principles and Standards. To implement the purposes set forth in Section 10-1-175, the Plan Commission and staff shall review the site, existing and proposed structures, neighboring uses, utilization of landscaping and open space, parking areas, driveway locations, loading and unloading, highway access, traffic generation and circulation, drainage, sewage and water systems, and the proposed operation. The Plan Commission will approve said site plans only after determining that:

- (1) The Proposed use(s) conforms to the uses permitted in the zoning district.

- (2) No land shall be used or structure erected where the land is unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, or low bearing strength of underlying soil, erosion susceptibility of underlying soil, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics and general welfare of this community.
- (3) All lots shall abut a fully dedicated and improved public street that has the full required width as required by that zoning district; no building permit shall be issued for a lot which does not abut a fully dedicated public street.
- (4) Lots abutting more restrictive districts boundaries shall provide side and rear yard setbacks not less than those required in the more restrictive abutting district.
- (5) The dimensional arrangement of buildings and structures shall conform to the required area, yard, setback and height restrictions of the Village Zoning Ordinance.
- (6) The proposed use conforms to all use and design provisions and requirements (if any) as found in this Ordinance or any other codes or laws for the specified uses.
- (7) There is a proper relationship between the existing and proposed onsite buildings within the vicinity of the project in order to assure the safety and convenience of pedestrian and vehicular traffic.
- (8) The proposed onsite buildings, structures, and entry ways 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, storm water drainage, erosion, grading, lighting, and parking as specified by the Zoning Ordinance or any other Village Codes or Laws.
- (9) Natural features of the landscape are retained where they can enhance the development on the site, or where they furnish a barrier or buffer 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.
- (10) The site plan must adhere to the Village's requirements for grading, drainage and landscaping.
- (11) 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 by the Plan Commission and the Zoning Ordinance.
- (12) Dumpsters and other trash receptacles are screened from view from street rights-of-way and adjacent residential uses.
- (13) Land, buildings and structures are readily accessible to emergency vehicles and the handicapped.
- (14) The site plan is consistent with the goals, objectives, principals, standards, strategies and policies of the Village Comprehensive Plan and various components thereof.
- (15) When a site plan modification or addition is reviewed, all existing non-conformities and outstanding code violations shall be identified, resolved and remedied.

(16) All uses shall provide adequate off-street parking and loading areas.

(d) Architectural Review Principals and Standards. To implement the purposes set forth in Section 10-1-175, the following architectural review principles, criteria and review guidelines are established:

- (1) *Agricultural Buildings*. Shall be designed to be appropriately proportioned to the intended agricultural use.
- (2) *Appearance*. No building shall be permitted the design or exterior appearance of which is of such unorthodox or abnormal appearance in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards as defined by the Plan Commission.
- (3) *Building Facades*. In village commercial and business districts, all building exteriors shall be brick, decorative masonry, glass panel or other appropriate finished façade as may be approved by the Plan Commission. In village industrial districts, all building exteriors facing a street shall be brick, decorative masonry, glass panel, or other appropriate finished façade as may be approved by the Plan Commission; such brick, masonry, glass, or other decorative facing shall extend for a distance of 20 feet along the sides of the structure. Public or Semi-Public structures shall have exteriors in brick, decorative masonry, glass panel, or other appropriate finished façade as may be approved by the Plan Commission. Multi-family structures shall be built with varying facades such as brick, aluminum siding, glass, wood, or any other material required by the Plan Commission. The Village Plan Commission may require additional building façade features to enhance a “theme” appearance such as in the Historic District.
- (4) *Building Location*. No building shall be permitted to be sited in a manner which would unnecessarily destroy or substantially damage the beauty of the area, particularly insofar as it would adversely affect values incident to ownership of land in the area; or which would unnecessarily have an adverse effect on the beauty and general enjoyment of existing structures or signs on adjoining properties.
- (5) *Building Rooflines and Roof Shapes*. The visual continuity of roofs and their contributing elements (parapet walls, coping, cornices, etc.) shall be maintained in building development or redevelopment.
- (6) *Building Scale and Mass*. The relative proportion of a building to its neighboring existing buildings, to pedestrians or observers or to other existing buildings shall be maintained or enhanced when new buildings are built or when existing buildings are remodeled or altered.
- (7) *Colors*. Since the selection of building colors has a significant aesthetic and visual impact upon the public and neighboring properties, color shall be selected in general harmony with the existing neighboring buildings.
- (8) *Heating, Air Conditioning and Ventilating Equipment*. All shall be located in a manner to be unobtrusive and screened from view.
- (9) *Landscaping*. All properties shall be landscaped according to a Plan Commission approved landscape plan.
- (10) *Light Pollution*. No lighting on the site shall be so bright or so obtrusive that it, in the opinion of the Plan Commission, deters from the quality of life for

- neighboring property owners. No lighting on the site shall be so unorthodox that it detracts from the appearance of the general area.
- (11) *Monotony.* No building shall be permitted the design or exterior appearance of which is so identical with those adjoining as to create excessive monotony or drabness in the area.
 - (12) *Overhead/Dock Doors.* No overhead or dock door on any business or industrial building shall face a public street. The Plan Commission may permit overhead doors (not including docks) to face a public street when it has made a finding that there is no feasible alternative location for such doors.
 - (13) *Other Standards.* The Plan Commission may implement other architectural standards upon a building or structure it deems appropriate to uphold the purpose of this Ordinance and the Village Comprehensive Plan.
- (e) *Penalty for Unauthorized Modification.* No development, building, sign or structure may be moved, reconstructed, extended, enlarged, altered or changed until the Plan Commission has reviewed and approved such alteration. Any such violation of the provisions of this ordinance by any person shall be unlawful and shall be prosecuted. A violator shall, upon conviction, forfeit to the municipality a penalty \$50.00 for the first offense, and \$200.00 per offense thereafter, together with the taxable costs of such action. Each day of continued violation shall constitute as a separate offense. Every violation of this ordinance is a public nuisance, and the creation may be enjoined, and the maintenance may be abated by action at suit of the municipality, or any citizen thereof pursuant to Wisconsin State Law.
- (f) *Appeals.* Any person or persons aggrieved by any decisions of the Plan Commission regarding use, approval, site plan review or architectural review, may appeal the decision to the Zoning Board of Appeals. The written appeal shall be filed with the Village Clerk within 15 days following the decision of the Plan Commission.

SEC. 10-1-176 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, or any property owner who would be specifically damaged by such violation may cause appropriate action or proceeding to be instituted to enjoin a violation of this Chapter or cause a structure to be vacated or removed.
- (b) *Remedial Action.* Whenever an order of the Zoning Administrator has not been complied with within thirty (30) days after written notice has been mailed to the owner, resident agent or occupant of the premises, the 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 Section 1-1-6 of this Code of Ordinances.

SECTION 10-1-177 THROUGH SECTION 10-1-179 RESERVED FOR FUTURE USE.