

Article M: Administration

Sec. 13-1-240 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 Common Council. A Zoning Board of Appeals is provided to assure proper administration of the Chapter and to avoid arbitrariness.

Sec. 13-1-241 Zoning Administrator.

- (a) **Appointment.** The Common Council shall designate the Zoning Administrator 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.
- (b) **Duties.** In enforcing and administering this Chapter, the Zoning Administrator shall perform the following duties:
- (1) Issue the necessary building permits and occupancy and zoning use permits required by the provisions of this Chapter, provided its provisions have been complied with.
 - (2) Keep an accurate record of all permits, numbered in the order of issuance, in a record book for this purpose.
 - (3) In case of any finding of a violation of a provision of this Chapter, notify, in writing, the actual violator where known, the owner of the property on which the violation has taken place and the Common Council, indicating the nature of the violation and the action necessary to correct it.
 - (4) Receive, file and process for action all applications for conditional uses, variances and amendments to this Chapter which are filed in the zoning office.
 - (5) Initiate, direct and review, from time to time, a study of the provisions of this Chapter and make reports of the recommendations to the Plan Commission and Common Council for investigation and appropriate action.
 - (6) Carry out such additional responsibilities as are hereinafter set forth by the provisions of this Chapter.
- (c) **Authority.** In the enforcement of this Chapter, the Zoning Administrator shall have the power and authority for the following:
- (1) At any reasonable time and for any proper purpose to enter upon any public or private premises and make inspection thereof.

- (2) 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 Zoning Administrator or the Zoning Board of Appeals, or take any other action as directed by the Common Council to insure compliance with or to prevent violation of its provisions.
- (3) In the name of the City and with authorization of the Common Council commence any legal proceedings necessary to enforce the provisions of this Chapter or the Building Code, including the collection of forfeitures provided herein.

Sec. 13-1-242 Role of Specific City 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 City of Osseo to the Common Council, 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 Common Council 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 have the powers to conduct and hold public hearings on all proposed amendments to the City Zoning Ordinance as provided in Sec. 62.23(7)(d), Wis. Stats.
- (b) **Common Council.** The Common Council, the governing body of the City, subject to recommendations by the Plan Commission and the holding of public hearings by said Board, has ultimate authority to grant planned unit development applications, issue conditional use permits, make changes and amendments in zoning districts, the zoning map and supplementary floodland zoning map and to amend the text of this Chapter. The Common Council 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 Article O of this Chapter for detail provisions.

Sec. 13-1-243 Land Use Permit.

- (a) **Permit Required.** No building shall be erected, moved or structurally altered until a land use permit therefor shall have been applied for and issued
- (b) **Application.** All applications for a land use permit shall be accompanied by a location sketch in duplicate, drawn to scale, showing the location, actual shape and dimensions of the lot to be built upon, the exact size and location on the lot of the proposed or existing building and accessory building, the lines within which the building shall be erected, altered or moved, the existing or intended use of each building, or part of a building, the number of families the building is intended to accommodate, and such other information with regard to the lot and neighboring lots or buildings as may be necessary to determine and provide for the enforcement of these zoning regulations.
- (c) **Application; Dimensions.** All dimensions shown relating to the location and size of the lot shall be based on actual survey. The lot and the location of the building thereon shall be staked out on the ground before construction is started.
- (d) **Issuance of Denial.** Except as otherwise provided in these zoning regulations, the Zoning Administrator shall issue or refuse to issue a land use permit within ten (10) days after receipt of an application therefor. Refusal to issue a land use permit shall be given in writing, with the reasons for such refusal.
- (e) **Proper Applicants; In General.** The following shall be considered proper applicants for a land use permit or certificate of compliance under the terms of these zoning regulations;
- (1) Record title owner under properly recorded instrument of conveyance;
 - (2) Vendee under properly recorded land contract;
 - (3) Vendee under written contract of sale, agreement to sell, earnest money agreement, or similar real estate agreement.
 - (4) Duly authorized agent for any of the above.
- (f) **Identification.** The Zoning Administrator may request proper proof of the applicant showing that he/she is a proper applicant, under the terms of this Chapter. The application for a land use permit or certificate of compliance shall not be considered filed until such time as the requested proof is filed with the Zoning Administrator office. The Zoning Administrator may revise the form of application for land use permit and certificate of compliance to conform with the terms of this Chapter. If the applicant is not the fee simple owner of the property involved, the name of the owner of any lienholder shall be included in the application.
- (g) **Time Limitations.** Any land use permit granted under this Chapter shall become null and void within six (6) months after it is issued if construction on the property for which the permit is granted has not been commenced within the six (6) month period. In all such cases where a permit has become null and void, a new application must be filed for a new land use permit before any construction can be commenced at such location. All

land use permits granted under the terms of this Chapter shall be valid for only twelve (12) months. Land use permits shall expire on the first anniversary date from their issuance. If a certificate of compliance has not been issued for the property by the expiration date of the land use permit, application for a new land use permit must be made in order to continue work on the premises involved.

- (h) **Conditions for Refusal; Appeal Procedure.** The Zoning Administrator or City Engineer shall not issue a land use permit for any property, the improvement of which might tend to interfere with the exterior lines of planned new streets, highways, parkways, parks or playgrounds, or the exterior lines of planned widening or extending of existing streets, highways, parkways, parks or playgrounds. Any person who feels aggrieved by the decision of the Zoning Administrator or City Engineer may appeal to the Zoning Board of Appeals, which has power in a specific case, by the vote of a majority of its members, to grant a permit for a building or such street, highway, parkway, park or playground, which will as little as practicable increase the cost of opening such street, highway, parkway, park or playground and such Zoning Board of Appeals may impose reasonable requirements as a condition of granting such permit, which requirements shall be designed to promote the health, convenience, safety or general welfare of the City. Such board shall refuse a permit where the applicant will not be substantially damaged by placing his/her building outside the planned street, highway, parkway, park or playground.
- (i) **Fees.** Prior to issuing a land use permit the Zoning Administrator shall collect from the applicant to defray the cost to the City of processing the application, a permit fee.
- (j) **Additional Requirements.** In addition to other requirements of this Chapter, no building, land use or moving permit shall be issued unless:
 - (1) Sanitary sewer and water is available, or installation thereof has been approved by the Common Council or, alternatively;
 - (2) A sanitary sewer system in accordance with COMM 82.30, Wis. Adm. Code, and related sections thereof, has been approved for the premises and the premises is in compliance with NR112.01 through NR112.25, Wis. Adm. Code.

Sec. 13-1-244 Site Plan Approval.

- (a) **Site Plan Approval.** All applications for Zoning Permits for any construction, reconstruction, expansion or conversion, (including mobile home parks and subdivisions) except for one (1) and (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 for a zoning permit shall also submit a site plan and sufficient plans and specifications of proposed buildings, machinery and operations to

enable the Plan Commission or its expert 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/her findings, to the Plan Commission within ten (10) days. The Plan Commission shall review the application and may refer the application and plans to any expert consultants selected by the Common Council to advise whether the application and plans meet all requirements applicable thereto in this Chapter. Within forty (40) days of its receipt of the application, the Plan Commission shall authorize the Zoning Administrator to issue or refuse a Zoning 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 the 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.
- (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 City 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 Common Council and shall not issue final approval until the Common Council has entered into an agreement with the applicant regarding the development of such facilities.

Sec. 13-1-245 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

Common Council, the Zoning Administrator, the Plan Commission 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, the resident agent or occupant of the premises, the Common Council, the Zoning Administrator or the City Attorney may institute appropriate legal action or proceedings.
- (c) **Penalties.**
 - (1) 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 1-1-7 of this Code of Ordinances.
 - (2) Failure to obtain a permit prior to commencement of work under this Chapter shall double the fee for the required permit.
 - (3) The City of Osseo may refuse to issue a building permit for structure/parcels in violation of any provision of this Zoning Code.

Sec. 13-1-246 Fees.

The following fees shall be applicable for this Chapter:

- (a) **Rezoning Application.** A fee per application (including repetitions of previous applications) is required, as prescribed by the fee schedule in Section 1-3-1.
- (b) **Conditional Use Permit Application.** All conditional use applications shall be filed with the City Clerk along with a filing fee prescribed in Section 1-3-1.
- (c) **Variance and Appeals Applications.** All applications for variances and appeals shall be filed with the City Clerk along with a filing fee prescribed in Section 1-3-1.
- (d) **Building Permit Application.** The fees for building permits shall be established in Title 14, Building Code, of this Code of Ordinances.

Sec. 13-1-247 through Sec. 13-1-259 Reserved for Future Use.