

- (2) The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable generally to other property;
 - (3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the Owner would result, as distinguished from a mere inconvenience, financial hardship or self-imposed hardship, if the strict letter of the regulations were carried out; and
 - (4) There would be no costs (present or future) to the Village from the granting of the variance or exception.
- (c) Any recommendations for variances or exceptions by the Plan Commission must be approved by a majority vote of the Plan Commission and shall be so endorsed by the Village Clerk and transmitted to the Village Board. The Village Board, if it approves, shall do so by resolution adopted by a majority vote and shall instruct the Village Clerk to notify the Plan Commission and the Subdivider.
- (d) Variances from the strict application of this Chapter may also be granted in accordance with this Chapter in the case of Planned Unit Developments provided the Village Board, upon review and recommendations from the Plan Commission, shall find that the proposed development is fully consistent with the purpose and intent of this Chapter, Village Zoning Ordinances, and any Village Comprehensive Plan.

SECTION 10-3-36 Enforcement, Penalties and Remedies

- (a) VIOLATIONS. It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this Chapter or the Wisconsin Statutes and no Person shall be issued a building permit by the Village authorizing the building on, or improvement of, any Land Division within the jurisdiction of this Chapter not of record as of the effective date of this Chapter until the provisions and requirements of this Chapter have been fully met. The Village may institute appropriate action or proceedings to enjoin violations of this Chapter or the applicable Wisconsin Statutes.
- (b) PENALTIES.
- (1) Any Person, firm or corporation who fails to comply with the provisions of this Chapter shall, upon conviction thereof, forfeit not less than Fifty Dollars (\$50.00) no more than Five Hundred Dollars (\$500.00) and the costs of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense.
 - (2) Recordation improperly made has penalties provided in sec. 236.30, Wis. Stats.
 - (3) Conveyance of Lots in unrecorded Plats has penalties provided for in sec. 236.31, Wis. Stats.
 - (4) Monuments disturbed or not placed have penalties as provided for in sec.

236.32, Wis. Stats.

- (5) Assessor's Plat made under sec. 70.27, Wis. Stats., may be ordered by the Village at the expense of the Subdivider when a Subdivision is created by successive divisions.

(c) REVOCATION OF PERMITS AND/OR APPROVALS.

- (1) The Village Clerk, Village Engineer, Director of Public Works or Building Inspector may revoke or suspend any permit or approval issued under the regulations of this Chapter and may stop construction or use of approved materials, equipment, methods of construction, devices or appliances for any of the following reasons:
 - a. Whenever the Village Engineer shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with and that the Subdivider or his/her contractor has refused to conform after written warning or instruction has been issued to him/her.
 - b. Whenever the continuance of any construction becomes dangerous to life or property.
 - c. Whenever there is any violation of any condition or provisions of the application for permit, or of the permit or of any approval.
 - d. Whenever, in the opinion of the Village Engineer, Director of Public Works or Building Inspector, the Subdivider has provided inadequate management of the project.
 - e. Whenever any false statement or misrepresentation has been made in the application for a permit, plans, drawings, data specifications or Plat on which the issuance of the permit or approval was based.
 - f. Whenever there is a violation of any of the conditions of an approval given by the Village Engineer, Director of Public Works or Building Inspector for the use of all materials, equipment, methods of construction, devices or appliances.
- (2) The notice revoking a permit or approval shall be in writing and may be served upon the applicant of the permit, Owner of the premises and his/her agent, if any, and/or on the Person having charge of construction.
- (3) A revocation placard shall also be posted upon the premises in question by the Village Engineer, Director of Public Works or Building Inspector.
- (4) After the notice is served upon the Persons as aforesaid and posted, it shall be unlawful for any Person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this Chapter, shall be procured and fees paid therefore, and thereafter the resumption of any construction or operation shall be in compliance with the regulations of this Chapter. However, such work as the Village Engineer, Director of Public Works or Building Inspector may order

as a condition precedent to the reissuance of the building permit may be performed, or such work as he/she may require for the preservation of life and safety.

- (5) Any appeals of such revocations or suspensions must be made in writing and within seven (7) calendar days to the Village Clerk for consideration by the Village Board at its next regularly scheduled meeting, provided the appeal is filed not less than seven (7) days prior to the meeting date.
 - (6) The Building Inspector is hereby directed to withhold the issuance of building permits within the Land Division until compliance with the provisions of this Chapter is obtained.
 - (7) The Building Inspector is hereby directed to withhold the issuance of occupancy permits within the Land Division if violations of this Chapter may result in health or safety problems for the occupants.
- (d) APPEALS. Any Person aggrieved by an objection to a Plat, CSM or CDP or a failure to approve a Plat, CSM or CDP may appeal therefrom, as provided in secs. 236.13(5) and 62.23(7)(e)10, 14 and 15, Wis. Stats., within thirty (30) days of notification of the rejection of the Plat, CSM or CDP. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court may direct that the Plat, CSM or CDP be approved if it finds that the action of the Approving or Objecting Agency is arbitrary, unreasonable or discriminatory.

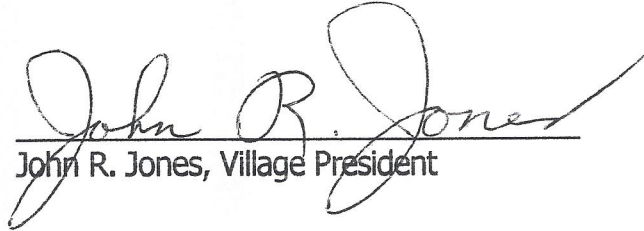
SECTION 10-3-37 Restrictions For Public Benefit

Pursuant to sec. 236.293, Wis. Stats., any restriction placed on divided lands by covenant, grant of Easement, Land Division, CSM or Consolidation approval, which was required by the Village and which names a public body or public utility as grantee, promisee or beneficiary, vests in the public body or utility the right to enforce the restriction by law or in equity against anyone who has interest in the land subject to the restriction. The restriction may be released or waived by the public body or public utility having the right of enforcement.

SECTION 10-3-38 Planned Unit Developments/Cluster Developments

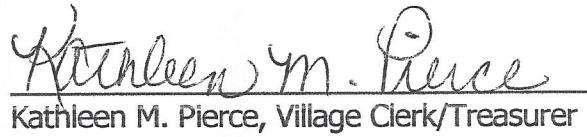
- (a) APPLICATION OF CHAPTER THREE IN ITS ENTIRETY. When PUD or Cluster Development provided for by the Village Zoning Code is proposed, and the applicability of this ordinance would run counter to the proposal, the Village Board and/or Plan Commission may declare any or all of the requirements of this ordinance non-applicable to the proposed development. In such instances, the approving ordinance or resolution shall formally indicate the non-applicability by reference to this subsection.
- (b) APPLICATION OF PORTIONS OF CHAPTER THREE. The citing of this subsection and declaration of Chapter Three as non-applicable to a PUD and/or cluster Development does not abrogate the ability of the Village to require certain improvements by direct citation or reference to sections of this ordinance in an improvement contract, agreement, general or specific implementation plan, approving ordinance or resolution or any other such relevant documents issued by the Village Board and/or Plan Commission to regulate the proposed development.

Approved by the Village of Friendship Board on May 5th, 2008.



John R. Jones, Village President

Attest:



Kathleen M. Pierce, Village Clerk/Treasurer