

ARTICLE M

Administration

(Revised Ord. 2010-04, May 11, 2010)

SEC. 13-1-170 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 action by the Village Board. A Zoning Board of Appeals is provided to assure proper administration of the Chapter and to avoid arbitrariness.

SEC. 13-1-171 ZONING ADMINISTRATOR.

The Zoning Administrator is hereby designated as the primary administrative officer for the provisions of this Chapter. The zoning Administrator shall be appointed by resolution of the Village Board. The duty of the Zoning Administrator shall be to interpret and administer this Chapter. All required permits in accordance with the provisions of this Chapter shall be issued by the Building Inspector and Clerk-Treasurer. The Zoning Administrator shall further:

- (a) Issue all zoning certificates, and make and maintain records; which records shall be maintained in the Village Hall.
- (b) Require on-site inspections by the Building Inspector of buildings, structures, and use of land to determine compliance with the terms of this Chapter.
- (c) Maintain permanent and current records of this Chapter, including but not limited to, all maps, amendments, conditional uses, variances, appeals and applications therefore.
- (d) Provide and maintain a public information function relative to all matters arising out of this Chapter.
- (e) Receive, file and forward to the Village Clerk-Treasurer all applications for amendments to this Chapter.
- (f) Receive, file and forward to the Plan Commission all applications for conditional uses.
- (g) Receive, file and forward to the Board of Appeals all applications for appeals, variances, or other matters on which the Board of Appeals is required to act under this Chapter, and shall attend all Board of Appeals meetings to provide technical assistance when requested by the Village Board.
- (h) Initiate, direct and review from time to time a study of the provisions of this Chapter, and make recommendations to the Plan Commission.

SEC. 13-1-172 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 0 of this Chapter for detail provisions.

SEC. 13-1-173 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) **Application.** 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.
- (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. 13-1-174 SITE PLAN APPROVAL & DESIGN REVIEW

(a) Site Plans

- (1) Site Plan Approval. (Rev. 4/98) All applications for zoning and/or building permits for any construction, reconstruction, expansion or conversion, except for permitted uses in zoning districts R-1S, R-1L, R-1E, R-2, and M-H, shall require a site plan approval by the Plan Commission in accordance with the requirements of this Section. No site plan review by the Plan Commission is required if a structure is removed, replaced with a structure of the same size and the established building front, side, and rear yard setbacks, height, parking and loading, and access provisions of the Zoning Code are met.
- (2) Application. The applicant for a zoning or building 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.
- (3) 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 ten (10) days. The Plan Commission shall review the application and may refer the application and plans to any expert consultants selected by the Plan Commission and/or Village Engineer 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 Plan Commission shall authorize the Zoning Administrator to issue or refuse a zoning /occupancy permit.
- (4) Requirements. In acting on any site plan, the Plan Commission shall consider the following:
 - a. The appropriateness of the site plan and buildings in relation to the physical character of the site and the usage of adjoining land areas.
 - b. 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.
 - c. The adequacy of the proposed water supply, drainage facilities and sanitary and waste disposal.
 - d. 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.
- (5) 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.

(b) **Design Review.**

- (1) **Purpose.** Design review is implemented under municipal authority to promote the public health, safety and welfare and under municipal zoning authority by the Plan Commission. Requirements for design review and approval apply to uses and developments regardless of the characterization of the use or development within this Chapter as a permitted use or conditional use.
- (2) **Scope of Design Review.**
 - a. The following developments shall be subject to design review by the Plan Commission:
 1. Development of residential projects consisting of three (3) or more dwelling units.
 2. Any development in a commercial district.
 3. Any development in an industrial district.
 4. Any development in a business park district.
 5. Any development for which the applicant is a public utility or governmental entity.
 6. Any parking area including five (5) or more parking spaces.
 - b. Design review shall be limited to development for which a current application is made for a land use or building permit. This Section shall not be deemed to apply to any existing development or use of land which is not affected by a current application for land use or building permit, nor shall this Section apply to any rehabilitation of an existing structure so long as the size of the rehabilitated structure is not increased.
- (3) **Definitions.** For purposes of this Section, the following terms shall be defined in the following manner:
 - a. **Design Review.** The review of the design of development to determine compliance of such development with the design standards herein expressed.
 - b. **Design Review Standards.** In reviewing plans for development, the Plan Commission and Zoning Administrator shall determine that the following standards are met:
 1. **Grading.** Grading shall insure a drainage system consistent with established water runoff patterns in the area. All grading shall allow for the installation and maintenance of appropriate landscape materials. Respect for the natural topography in site development will be recommended as a means of capitalizing, on the sloping terrain, and earth berms are required to screen out unpleasant views and accentuate pleasant views, unless waived by the Plan Commission.
 2. **Landscaping.** Landscaping shall be used for a functional as well as decorative purpose, including framing desirable views, screening unattractive features and views along the roadway, screening different uses from each other, and

complementing the architectural massing of the building. Landscaping should express the unique natural beauty of Marshall. There should be a variety of trees and shrubs in group plantings, alternated and dispersed in order to create some variety. Native species should be in scale with the buildings and complement the topography; non-native species are discouraged. The unique character of the native landscape should be preserved. Both inland and lowland sites are included in the design review. Species for planting should reflect this. The selection list of appropriate species for both types shall be supplied by the Zoning Administrator at the time of application.

The Village of Marshall Landscaping Plan Standards document shall be the official document used for landscaping guidelines.

3. Building Relationships.
 - (a) The structures shall be related to the site to enhance or maintain current contours. New development shall consider activities on adjacent properties with relation to access from abutting streets, parking areas, service areas, building setbacks, height of structures, and color and materials of adjacent or nearby buildings.
 - (b) In the development of the site, the existing quality of vegetation should ordinarily be maintained. In some cases, existing vegetation may need to be removed to allow for high quality design development. The relationship of any building to the public right-of-way should be completed in a manner that presents an attractive, properly located structure. In the siting of new structures, consideration shall be given to relating attractively to abutting roadways.
4. Lighting. The functions of exterior lighting on private property shall be:
 - (a) To illuminate building facades, especially those bearing business identification signs. Architectural lighting should be free from glare and of a type to complement the existing development in the district.
 - (b) To illuminate pedestrian walks and spaces. Security lighting should provide necessary levels of illumination to insure safety of the property and its residents or guests, while not reflecting direct rays of light into adjacent property.
 - (c) To illuminate parking and service areas. Off street parking area lighting should be so arranged as to conform with applicable sections of Article G, Section 13-1-92. (The choice of equipment, design, quantity, and placement of on-site lighting shall relate to these functions. Lighting shall be adequate but not excessive. The height and number of lighting standards shall be appropriate to the building and its function and to the neighborhood.)

5. Utility Service. It shall be a goal of the Village to eliminate overhead wiring within the Village. To this end, owners of property within the Village, working with the utilities servicing the Village shall, in all new development and in any redevelopment, provide for underground service. This shall be accomplished during building development and construction.
6. Signs. Signs shall be subject to Title 15 Chapter 7.
7. Parking and Service Areas; Screening.
 - (a) The amount of parking and service areas to be provided in conjunction with any use shall conform to the requirements as set forth in Article G, Sections 13-1-91 and 13-1-92.
 - (b) Parking areas shall be illuminated using attractive low-profile standards and fixtures.
 - (c) The Plan Commission in its review of plans for the Village will concern itself with the height at time of planting, the spacing, height at maturity, and ability of proposed plants to screen throughout the year.
 1. Parking and service areas shall be screened from views from public streets and abutting properties. Screening shall be accomplished in a manner consistent with the requirements of Article G, Section 13-1-92.
 2. All open off-street parking areas containing more than five (5) spaces shall have effective screening on each side adjoining or fronting on any residential property or any public or private street.
 3. All open off street loading shall have effective screening on each side adjoining or fronting on any residential property or any public or private street.
 4. Accessory landscaped areas shall total not less than three percent (3%) of the surfaced area of the parking lot. If the screening is to be accomplished by using plant material, it shall be planted at a minimum height of thirty (30) inches and grown to a height at maturity [five (5) years] of at least five (5) feet. If any other material is used to screen these types of areas, it shall be a minimum height of fifty-four (54) inches.
 - (d) Any property located in a commercial or industrial district shall have effective screening along lot lines adjoining any residence district.
 - (e) Rubbish and trash storage areas shall be screened to block the view of rubbish and trash containers from any point outside the property on which the storage area is located.
 - (f) Large parking lots shall be avoided. Parking lots with more than fifteen (15) parking spaces should be adequately subdivided by accessory landscaping areas and tree plantings.

- (g) Acceptable screening may consist of any of the following combinations thereof: principal or accessory buildings; earth berms; masonry walls; hedges; trees; and decorative fences.
8. Building Design. Buildings shall meet the following requirements:
- (a) Materials shall be of a durable, low-maintenance type. The colors shall be harmonious with other buildings in the neighborhood.
 - (b) Mechanical elements on the roof or ground shall be screened from the view of adjacent properties and roadways.
 - (c) Buildings shall be designed with an architectural flavor that will complement and enrich the character of existing buildings in the Village.
 - (d) The overall design of the building shall take into consideration the importance of the particular zoning district.
 - (e) With the exception of the M-I Zoning District, the front and sides of all buildings shall be entirely faced with non-metallic material. The portion of any building facing or backing onto public streets, or abutting a residential zoning district, shall be held to the same requirements as that of the front.
 - (f) An addition shall relate to the existing building in terms of scale, materials and color.
 - (g) Structures should be designed to be compatible with the structures that are adjacent to them.
 - (h) Unbroken exterior facades exceeding seventy (70) feet in length shall be avoided.
 - (i) All building elevations are of importance and should be carefully designed. Building should avoid blank facades.
 - (j) Any of the aforementioned requirements may be waived in whole or in part by the Plan Commission.
- c. **Development.** Any new construction or exterior improvement to real property for which an application for a land use or building permit may be required, by this Code of Ordinances.
- d. **Village Planning Consultant.** Such other Village planning consultant as shall be appointed by the Village Board.
- (4) Development to Comply with Design Standards. No development subject to design review shall occur unless such development complies with all applicable design review standards.
- (5) Manner of Design Review.
- a. Upon application for a zoning or building permit, the applicant shall be advised by the Zoning Administrator whether compliance with design review standards is required by this Section. If such compliance shall be required, the applicant shall be provided with a copy of this Section and a design review application, which shall be in such form as the Zoning Administrator shall approve, and which shall be accompanied by such information as may be necessary to determine and provide for enforcement of this Section.

- b. As a part of the land use and/or building permit issuance process, the design review application shall be reviewed by the Zoning Administrator, who may consult with the village planning consultant for each purpose.
 - c. When the Zoning Administrator deems the application to be complete, review by the Plan Commission shall be scheduled.
 - d. The Plan Commission's determination of compliance or non-compliance with this Section shall be issued by the Zoning Administrator in writing. The written determination shall specifically describe all areas of non-compliance and shall identify changes necessary to bring the proposed development into compliance. Once the non-compliance areas are changed, as requested by the Plan Commission, and has been reviewed and approved by the Zoning Administrator, a permit may be issued.
 - e. No zoning or building permit shall be issued for any development until the Zoning Administrator has determined that the development is in compliance with design review standards. All construction and improvements subject to design review shall conform to the design plans.
 - f. The determinations of the Plan Commission on site plan applications may be appealed to the Zoning Board of Appeals.
- (6) Recommendation of Village Planning Consultant. The village planning consultant may, during the design review process, suggest features of site design, construction, and building and structural design that are not a part of design standards but that, in the opinion of the village planning consultant, would be desirable to make the development a positive asset to the visual appearance of the community and a positive contribution to the growth and stability of the community tax base. Compliance with such recommendations shall not be required of the developer.
- (7) Fees.
- a. The fee for review of a design review application shall be set by resolution, to be paid at the time of submission of the application.
 - b. The applicant shall reimburse the Village for its actual cost of any consultant fees, including but not limited to legal, architect, landscape designers and engineering fees at the invoiced amount plus administrative costs.
- (8) Penalties. Violations of this Section shall be subject to Article M, Section 13-1-175, except that each day a violation continues shall not be deemed a separate violation until expiration of the thirty (30) day notice period for remedial action referenced in Article M, Section 13-1-175(b). Nothing herein shall preclude the Village from maintaining a separate action to prevent or abate or remove violations.

SEC. 13-1-175 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.

SEC. 13-1-176 OFFICIAL MAP.

- (a) **Purpose.** In order to conserve and promote the public health, safety, convenience and general welfare, there is hereby adopted and established the Official Map of the Village of Marshall, Dane County, Wisconsin, consisting of two (2) sheets; said maps cover the area of the Village and the surrounding area over which the Village has extraterritorial jurisdiction in accordance with Section 62.23(6), Wis. Stats. It is the further purpose of the Official Map to show the width and location of streets, highways and parkways in order to promote the efficient and economical development of the Village of Marshall.
- (b) **Certified Copies.** A certified copy of the Official Map shall be adopted and approved with the text as a part of this Section; shall bear upon its face the attestation of the Village President and Village Clerk; and shall be available to the public in the office of the Village Clerk. Changes thereafter to the Official Map shall not be effective until entered and attested on this certified copy.
- (c) **Certificate to be Filed With Register of Deeds.** Immediately upon the adoption of this Section, the Village Clerk-Treasurer shall file with the Register of Deeds of Dane County a certificate showing that the Village of Marshall has established the Official Map as described on a map entitled "Official Map" and shall do likewise as to any change or addition.
- (d) **Authority of the Plan Commission.** The Village Plan Commission, when passing upon a land subdivision plat referred to it by the Village Board, shall not recommend such plat for approval unless it conforms to the Official Map.
- (e) **Building Permit, Plat of Survey.** For the purpose of preserving the integrity of the Official Map, no permit shall hereafter be issued for any building in the right-of-way of any street, highway or parkway shown or laid out on such map, except as provided in paragraphs (d) or (g) in Subsection (6) of Sec. 62.23, Wis. Stats. The proper official authorized by the Village Board to issue building permits shall require each applicant to submit a Plat of Survey, certified by a qualified surveyor, for approval. Such plat shall accurately show the location of any proposed building with reference to any street as shown on the Official Map.
- (f) **Changes and Amendments.** The Village Board, whenever and as often as it may deem for the public interest, may change or add to the Official Map of the Village in conformity with the provisions contained in paragraph (b), Subsection (6) of Sec. 62.23, Wis. Stats.

SEC. 13-1-177 ZONING PERMIT FEES.

The following fees shall be applicable under this Chapter:

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| (a) | One- and two-family residential dwellings: | \$ 65.00 |
| (b) | Residential additions and alterations: | \$ 40.00 |
| (c) | Commercial uses: | \$125.00 |
| (d) | Commercial addition/alteration: | \$ 85.00 |
| (e) | Residential accessory buildings: | \$ 25.00 |
| (f) | Signs: | \$20.00 for the first twenty (20) square feet
50¢ per square foot thereafter |
| (g) | Change in use/occupancy: | \$ 25.00 |
| (h) | Other (fence, deck, pool): | \$ 25.00 |

SEC. 13-1-178 ADMINISTRATIVE AND OTHER FEES. (Rev. 8/94)

- (a) In reviewing and acting upon any proposal or request that goes before the Plan Commission, Board of Appeals, or the Village Board, the Village may retain the services of professional consultants, including but not limited to planners, engineers, architects, attorneys, environmental specialists or recreation specialists. The Village may require that the person making the proposal or request pay for such professional review services. The Village may delay acceptance or action upon the proposal or request until such fees are paid by the person making such proposal or request.
- (b) The submission of a proposal or request that goes before the Plan Commission, Board of Appeals or the Village Board shall be deemed an agreement to pay for such professional review services as may be applicable to the proposal or request. The person proposing the proposal or request may be required to execute a written agreement as to payment for such professional review services, using a form providing by the Village Clerk-Treasurer, prior to processing of the proposal or request by the Village.

SEC. 13-1-179 RESERVED FOR FUTURE USE.