

## **ARTICLE XVII. ADMINISTRATION AND ENFORCEMENT**

This section of the ordinance shall set forth the requirements to adequately provide and develop the proper administration and enforcement of this ordinance.

### **A. GENERAL**

1. This section shall provide for the establishment of the positions of Zoning Administrator, Zoning Board of Appeals and Town Plan Commission.

### **B. ZONING ADMINISTRATOR**

The Town Board of Morrison shall appoint a Zoning Administrator. It will be the primary responsibility of the Zoning Administrator to administer and enforce this ordinance with the assistance or such other persons as the Town Board may direct. The Zoning Administrator shall serve with compensation as set by the Town Board and shall be removable by the Town Chairperson for cause upon written charges and after public hearing. The Town of Morrison Zoning Administrator shall have the following responsibilities and duties in addition to those other responsibilities and duties which are assigned from time to time to the Zoning Administrator by the Town Board:

1. Issue all land use permits, exclusive of conditional use permits and excavation permits, and make and maintain records thereof.

2. Conduct inspection of buildings, structures, and use of land to determine compliance with the terms of this ordinance.

3. Disseminate information to those individuals and entities having questions concerning this ordinance.

4. Forward to the Town of Morrison Plan Commission, or the designated representative of the Plan Commission, all applications for conditional uses and all applications for amendments to this ordinance.

5. Forward to the Board of Appeals, or the designated representative of the Board of Appeals, all appeals concerning any action taken by the Zoning Administrator or any other administrative official in the enforcement of this section or any ordinance adopted pursuant to this ordinance.

6. Maintain permanent and current records of this ordinance including, but not limited to: all maps, amendments, conditional uses, variances, appeals, and applications thereof.

7. Initiate, direct, and review, from time to time, a study of the provisions of this ordinance, and to make reports of its recommendations to the Town Plan Commission.

8. If the Zoning Administrator shall find that any of the provisions of this ordinance are being violated, he shall consult with the Town Board and only with its advice and consent, shall thereafter notify in writing the person responsible for such violation and ordering the action necessary to correct it. The Zoning Administrator shall be solely responsible for the administrative enforcement of Article XVIII of this ordinance.

9. Comply with all open meeting, public hearing and notice requirements concerning the enforcement of this ordinance.

### C. BOARD OF APPEALS

1. A Board of Appeals is hereby established. The Board of Appeals shall consist of five (5) members appointed by the Town Chairperson, subject to confirmation by the Town Board for three (3) years, except that of those first appointed, one (1) shall serve for one (1) year; two (2) for two (2) years; and two (2) for three (3) years. The members shall serve with compensation as set by the Town Board and shall be removable by the Town Chairperson for cause upon written charges and after public hearing. The Town Chairperson shall designate one of the members, Chairperson of the Board of Appeals. The Town Chairperson shall appoint an alternate member for a term of three (3) years who shall act with full power, only when a member of the Board of Appeals is absent or refuses to vote because of interest. Vacancies shall be filled for the unexpired terms of members whose terms become vacant. The Board of Appeals may employ a secretary and other employees.

2. The Board of Appeals shall adopt rules for its government and procedure. Meetings of the Board of Appeals shall be held at the call of the Chairperson of the Board of Appeals and at such other times as the Board of Appeals may determine. The Chairperson, or in his/her absence, the acting Chairperson, may administer oaths and compel the attendance of witnesses.

3. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Appeals and shall be a public record.

Statements of the facts found by the Board shall be included in the minutes of each case heard or considered by it. The reason for recommending or denying an

exception as provided in the ordinance shall also appear in the minutes. In every instance, a statement of the facts upon which such recommendations are based shall appear in the minutes.

4. Appeals to the Board of Appeals may be taken by any person alleging there is an error in any order, requirement, decision or determination made by the Zoning Administrator or any administrative official acting on behalf of the Zoning Administrator in the enforcement of this section or of any other ordinance adopted pursuant to this ordinance.

Such an appeal shall be made within thirty (30) days after the decision or the action complained of, by filing with the Town Zoning Administrator a notice of appeal specifying the grounds thereof.

5. The Zoning Administrator or his/her designated representative shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken.

6. The Board of Appeals shall hold a public hearing on each appeal. Time, place, and purpose of the appeal shall be published as provided in the State law on planning and zoning and applicable to the Town of Morrison.

7. Due notice of the hearing shall be given to the appellant as well as any other individual who has filed a request with the Zoning Administrator for a written notice of the time and place of the appeal. Due notice of the hearing shall also be given to all owners of any real estate, where said real estate is located within one hundred (100) feet of the property subject to the appeal. The "due notice" provision of this paragraph shall be satisfied if the Zoning Administrator sends a letter to any person entitled to "due notice" stating the time and place of the hearing. An affidavit of mailing executed by the Zoning Administrator shall be deemed conclusive proof that "due notice" was given to said parties.

8. The Board of Appeals shall have the following powers:

a. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Administrator or any administrative official acting on behalf of the Zoning Administrator with respect to the enforcement of this section or any ordinance adopted pursuant to this section;

b. To hear and decide special exceptions to the terms of this ordinance upon which this Board of Appeals is required to determine under said ordinance;

c. To authorize upon appeal and specific cases such variance from the term of the ordinances will not be contrary to the public interest, where, only to special

conditions, a literal enforcement of the provisions of the ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done;

d. In exercising the above mentioned powers in paragraph a through c hereinabove, in conformance with the provisions of this ordinance, reverse or affirm, wholly or partly, any order, requirement, decision or determination appealed from, said Board of Appeals shall further have the power to make any such order, requirement, decision or determination as ought to have been made by the Zoning Administrator or any official acting behalf of the Zoning Administrator. The Board of Appeals may therefore issue or direct the issuance of any permit which the Zoning Administrator could have issued.

9. Except as specifically provided, no action of the Board of Appeals shall have the effect of permitting in any district uses prohibited in such district.

In every case where a variance from these regulations has been granted by the Board of Appeals, the minutes of the Board shall affirmatively show in what particular and specific respects an "unnecessary hardship" or "practical difficulty" would have been created by the literal enforcement of the terms of this ordinance.

10. The concurring vote of four (4) members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant in any matter on which it is required to pass or effect any variation in the requirements of this ordinance. If a decision is not rendered by the Board of Appeals within 60 days from the date the Appeal was filed with the Zoning Administrator, then said Appeal shall be deemed denied by the Board of Appeals.

#### D. TOWN PLAN COMMISSION

The Town Plan Commission shall be the authorized planning agency and shall perform the duties of the Town Plan Commission as set forth in Section 62.23 of the Wisconsin Statutes.

1. Jurisdiction. The Morrison Town Plan Commission shall carry out the following duties under this ordinance.

a. Review all applications for conditional uses, applications for excavation permits and proposed amendments to this ordinance and report said findings and recommendations to the Town Board in the manner designated by this ordinance for amendments in conditional uses;

b. Receive from the Zoning Administrator his/her recommendations as related to the effectiveness of this ordinance, and report his/her conclusion and recommendations to the Morrison Town Board.

c. Hear and decide matters upon which it is required to consider and make recommendations under this ordinance.

2. Meetings

a. All meetings of the Town Plan Commission shall be held at the call of the Chairperson of the Commission or his/her designated representative, and at such times as the Commission may determine.

b. The Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact and shall also keep records of its hearings and other official actions.

3. Decisions. All actions of the Town Plan Commission shall require the vote of a majority of the members of the Commission present at said meeting at the time said vote is taken provided that a quorum exists. A quorum shall exist when four (4) or more members of the Commission are present at the time the vote is taken.

4. Membership

a. The Town Plan Commission shall consist of seven (7) members appointed by the Morrison Town Chairperson and subject to confirmation by the Morrison Town Board.

b. Town Plan Commission members shall consist of not more than one (1) member of the Zoning Board of Appeals; and not more than two (2) members of the Morrison Town Board. The remaining Plan Commission members shall be additional citizens of the Town of Morrison.

c. The term shall be for three (3) years, except that of those first appointed; two (2) shall serve for one (1) year; two (2) for two (2) years; and three (3) for three (3) years.

d. The Town Plan Commission members shall be removable by the Town Board of Morrison for cause upon written charges after a public hearing.

e. Vacancies shall be filled for the unexpired terms of members. The Town Chairperson shall appoint personnel to fill the vacancies, subject to approval by the Town Board of Morrison.

f. The Town Chairman shall appoint the Chairman of the Town Plan Commission.

#### E. BUILDING PERMIT

1. No building, or addition thereto, constructed after the effective date of this ordinance, and no addition to a previously existing building shall be occupied until a building permit has been issued by the Town Zoning Administrator. No change in the use of a building shall be made until a permit has been issued by the Town Zoning Administrator for a change.

2. Application for said building permit shall be made in writing to the Morrison Town Zoning Administrator by the landowner or his/her authorized agent. The Zoning Administrator shall issue the building permit if the proposed building complies with all provisions of this ordinance. Said building permit shall remain in full force and effect for a period of one (1) year from the date of issuance. After said one year period has expired, no further building can take place without the reissuance of another building permit. The building permit shall be granted or denied within a ten (10) day period from the date the application is received by the Zoning Administrator. The failure of the Zoning Administrator to issue a building permit within said ten day period shall be construed as a denial of the building permit, thereby beginning the tolling of the thirty (30) day period in which the applicant can appeal to the Board of Appeals for the issuance of said building permit.

3. Each building permit shall be accompanied by a plat in accordance with requirements as specified in Article XVII, Subsection F, Site Plans.

4. No building permit will be issued without proof that all easements have been properly registered with the county and all other requirements of conditional use permit or variance are met, and a copy provided for town records.

#### F. SITE PLANS

1. All applicants for building permits for business, residential, and industrial uses shall be accompanied by the following:

- a. A copy of the plat or certified survey map of the proposed building site.
- b. A site plan, in duplicate, drawn at a minimum scale of one (1) inch to one hundred (100) feet showing the ground area, height, and bulk of building or structure, the building lines in relation to lot lines, the use to be made of the building, structure, or land; and such other information as may be required by the Zoning Administrator for the proper enforcement of this ordinance.

2. Said plan material shall be submitted to the Zoning Administrator or his/her designated representative. Required plat material shall be submitted in conjunction with an application for a building permit.

#### G. VARIANCES

1. Application. An application for a variance shall be filed with the Zoning Administrator or his designated agent. The application shall contain such information as requested in the application provided by the Zoning Administrator as well as such other further information as the Zoning Administrator may deem reasonably necessary to evaluate such request for a variance.

2. Standards of Variances. The Zoning Board of Appeals shall not vary the regulations as set forth in G-1 above unless it shall make findings based upon the evidence presented to it in each specific case.

a. Because of the particular physical surrounding, shape, or topographical condition of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out.

b. Conditions upon which a petition for a variance is based are unique to the property for which the variance is sought, and are not applicable, generally to other property within the same zoning classification.

c. Alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.

d. Granting of the variance shall not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

e. Proposed variation shall not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property value within the neighborhood.

#### H. AMENDMENTS AND REZONINGS

1. Authority. The Morrison Town Board may, from time to time, in the manner hereafter set forth, amend the regulations imposed in the districts, amend district boundary lines, and rezone parcels of property provided that in all amendatory ordinances and rezonings adopted under the authority of this section, due allowance shall be made for the intent purposes of said changes as per Article I of this ordinance.

2. Initiation. Amendments and rezonings may be proposed by a governmental body, interested person or organization.

3. Application. An application for an amendment or rezoning shall be filed with the Zoning Administrator and shall be in such form and accompanied by such information as required by the Zoning Administrator. The Zoning Administrator shall then immediately forward a copy of said application to the Chairperson of the Town Plan Commission.

4. Finding and Recommendation

a. The Town Plan Commission shall make written findings of fact and shall submit them, together with its recommendations to the Town Board prior to the public hearing. Said written findings shall be submitted to the Town Board within sixty (60) days from the date the application was received by the Zoning Administrator. A failure of the Town Plan Commission to submit written findings to the Town Board within the sixty (60) day period shall constitute a denial of the application by the Town Plan Commission. The Town Plan Commission shall have complied with this paragraph concerning the submission of written findings to the Town Board upon receipt of the written findings by the Town Clerk for the Town of Morrison.

b. Where the purpose and effect of the proposed amendment or rezoning is to change the zoning classification of particular property, the Town Plan Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:

(1) Existing uses or property within the general area of property in question.

(2) Zoning classification of property within the general area of the property in question.

(3) Suitability of property in question to the uses permitted under the existing zoning classification.

(4) Trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification.

(5) The Plan Commission may recommend the adoption of an amendment or rezoning changing the zoning classification of the property in question to any higher classification than that requested by the applicant.

(6) The Plan Commission shall not recommend the adoption of a proposed amendment or rezoning unless it finds that the adoption of such amendment or rezoning is in the public interest and is not solely for the interest of the applicant.

5. Town Board Action

a. The Town Board shall not act upon a proposed amendment to this ordinance or rezoning until it shall have received a written report and recommendation from the Town Plan Commission on the proposed amendment or rezoning or until the sixty (60) day period set forth in paragraph 4a. has expired whichever occurs first. Receipt of the recommendation by the Town Clerk shall constitute a formal receipt of the written recommendation from the Town Plan Commission with respect to the proposed amendment or rezoning.



b. Due notice of the hearing shall be given to the applicant as well as any other individual who has filed a request with the Town Clerk for a written notice of the time and place of the hearing. Due notice of the hearing shall also be given to all owners of any real estate, where said real estate is located within one hundred (100) feet of the subject property. The "due notice" provision of this paragraph shall be satisfied if the Town Clerk sends a letter to any person entitled to "due notice" stating the time and place of the hearing. An affidavit of mailing executed by the Town Clerk shall be deemed conclusive proof that "due notice" was given to said parties.

c. The Town Board may grant or deny any application for an amendment or rezoning, provided, however, that in the event of a written protest against any proposed amendment to this ordinance or proposed rezoning, with said protest be duly signed and acknowledged by the owners of twenty (20) percent or more, either of the areas of the land included in such proposed change, or by the owners of twenty (20) percent or more of the land immediately adjacent, extending one hundred (100) feet therefrom, or by the owners of twenty (20) percent or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such changes, amendments or rezonings shall not become effective except by the unanimous vote of the full Town Board membership.

d. The Board shall make a decision on the amendment or rezoning within sixty (60) days from the receipt of the Plan Commission recommendation by the Town Clerk.

e. If an application for a proposed amendment or rezoning is not acted upon finally by the Town Board within sixty (60) days of the date upon which such application is received by the Town Clerk, it shall be deemed to have been denied.

## I. CONDITIONAL USES

1. Purpose. To place unique land use characteristics within favorable zoning districts to ease conflicts on neighboring lands and public need.

2. Initiation. Any person having a freehold interest in land, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest or an exclusive possessory interest, and which is specifically enforceable; may file an application to use such land for one or more of the conditional uses provided for in this ordinance in the zoning district in which the land is located.

3. Application. The application for conditional use permit shall be filed with the Morrison Zoning Administrator or his designated agent on a form so prescribed by the Town of Morrison. The application shall be accompanied by such plans and/or data prescribed by the Zoning Administrator and shall include a statement, in writing, by the applicant and adequate evidence showing that the proposed conditional use will conform to the standards set forth in the respective zone districts.

4. Town Plan Commission Action. After the application for the Conditional Use has been reviewed by the Town Plan Commission,

a written recommendation shall be submitted by the Town Plan Commission to the Town Board. For purposes of this section, said written recommendation shall be filed with the Town Clerk and such filing shall be deemed a filing with the Town Board. In its written recommendations, the Town Plan Commission shall recommend such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as the Town Plan Commission deems necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in this ordinance. If the Town Plan Commission fails to serve upon the Town Clerk a written recommendation regarding said application for a conditional use permit within sixty (60) days from the date said application was filed with the Zoning Administrator or his designated agent, then in said event the failure to so serve said written recommendations upon the Town Clerk shall be deemed a denial of the conditional use permit by the Town Plan Commission.

5. Hearing on Application. Due notice of the hearing shall be given to the applicant as well as any other individual who has filed a request with the Town Clerk for a written notice of the time and place of the hearing. Due notice of the hearing shall also be given to all owners of any real estate, where said real estate is located within one hundred (100) feet of the subject property. The "due notice" provision of this paragraph shall be satisfied if the Town Clerk sends a letter to any person entitled to "due notice" stating the time and place of the hearing. An affidavit of mailing executed by the Town Clerk shall be deemed conclusive proof that "due notice" was given to said parties.

a. Decision of Town Board. Conditional use permits shall only be granted by the Town Board. Within sixty (60) days of the date on which the Town Clerk receives the written recommendation from the Town Plan Commission as set forth in the previous paragraph, the Town Board shall make a determination concerning the issuance of the conditional use permit. If the Town Plan Commission fails to render a written recommendation to the Town Clerk within sixty (60) days from its receipt of the conditional use application as set forth in the previous paragraph, then the Town Board shall have one hundred twenty (120) days from the date in which the application for the conditional use permit was filed with the Zoning Administrator or his designated agent in which to make a determination regarding the application for the conditional use permit. It is the responsibility of the applicant to notify the Town Board, by means of notification to the Town Clerk, that the Town Plan Commission has failed to take the necessary action as required in paragraph 5 hereinabove.

6. Conditions and Guarantees. When issuing a conditional use permit, the Town Board shall require such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements as specified in this ordinance. In all cases in which conditional uses are granted, the Town Board may require such evidence and guarantees as it may deem necessary as proof that the conditions required in connection therewith are being fulfilled.

## J. FEES

The fee for any application for an amendment or conditional use, a variance or appeal, shall be set by the town at each annual meeting.