
280. Boards and Commissions

28O.1301 Generally

The administration of this ordinance is vested the following three (3) offices of the City of Madison:

- A. Zoning Administrator
- B. Zoning Board of Appeals
- C. City Plan Commission

The following agencies and officials are addressed in other parts of the MGO: Board of Public Works (§ 33.07), City Attorney (§ 3.07), City Clerk (§ 3.05), City Engineer (§ 3.08), Department of Planning and Community and Economic Development (§ 3.12), City Department of Transportation (§ 3.14), Community Development Authority (§ 3.17), Landmarks Commission (§ 33.19), Mayor (§§ 3.03, 3.04), Urban Design Commission (§ 33.24).

28O.1302 Zoning Administrator

(1) Establishment

- A. This section establishes the office of the Zoning Administrator of the Department of Planning and Community and Economic Development.
- B. The Zoning Administrator is responsible to the Director of the Neighborhood Preservation and Inspection Division or her/his designee.
- C. The Director of the Neighborhood Preservation and Inspection Division is assigned the same powers as the Zoning Administrator.

(2) Duties

The Zoning Administrator shall enforce this ordinance, and shall exercise the duties listed below to determine compliance with this Chapter and to support is enforcement or administrative functions:

- A. Issue all zoning certificates.
- B. Issue all certificates of occupancy.
- C. Inspect uses, land, buildings, or structures.
- D. Maintain permanent and current records of this ordinance, including but not limited to all maps, amendments, conditional uses, variances, appeals, zoning certificates, certificates of occupancy, and applications for approval.
- E. Provide and maintain public records relative to all matters arising out of this ordinance.
- F. Receive, file and forward to the City Clerk all applications for amendments to this ordinance.
- G. Receive, file and forward to the City Plan Commission all applications for conditional uses.

- H. Receive, file and forward to the Zoning Board of Appeals all applications for appeals, variances or other matters on which the Zoning Board of Appeals is required to act under this ordinance.
- I. Initiate, direct and review, from time to time, a study of this Chapter.
- J. Make recommendations to the City Plan Commission about revisions to this Chapter.
- K. Refer violations of this Chapter to the City Attorney for prosecution.
- L. Review and interpret deed restrictions which were initiated at the request of a City agency in order to relate the restrictions to uses of land authorized in this Zoning Code.
- M. To take other actions that are assigned under other provisions of this Chapter.

280.1303 Common Council

The Common Council is the governing body of the City of Madison. The Common Council is the final decision maker for text or map amendments to this Chapter. Refer to MGO Chapter 2 for the Standing Rules for the Government of the Common Council.

280.1304 Plan Commission

(1) Establishment

The City Plan Commission is created by Chapter 16 of the City Code.

(2) Jurisdiction

The City Plan Commission has the following jurisdiction and authority:

- A. To hear and act upon all applications for conditional uses.
- B. To hear and make recommendations about applications for amendments to this Chapter to the Common Council.
- C. To hear and act upon all other matters referred to it upon which it is required to act under this Chapter.

280.1305 Board of Zoning Appeals

(1) Establishment

This section establishes the Zoning Board of Appeals as authorized by W.S. § 62.23(7)(e).

(2) Membership and Administration

- A. The Zoning Board of Appeals has five (5) members appointed by the Mayor subject to confirmation by the Common Council.
- B. Each member of the Zoning Board of Appeals serves for a staggered term of three (3) years.

Note: Suggest moving the following to the floodplain regulations – they are out of place with the very general provisions set out here:

- Provide substantial damage assessment for floodplain structures.
- Maintain floodplain records, including floodplain maps, all water surface profiles, and substantial damage assessment reports.
- Submit copies of applications for amendments, variances and appeals to the floodplain regulations and floodplain maps to the appropriate Regional Office of the Wisconsin Department of Natural Resources, and the Federal Emergency Management Agency.
- Submit copies of any adopted amendments, any decisions by the Zoning Board of Appeals on appeals and variances to the floodplain regulations and floodplain maps within ten (10) days of the decision, any case-by-case analyses of proposals in floodplain areas, an annual summary report of the number and types of zoning actions taken and substantial damage assessment reports to the appropriate District Office of the Wisconsin Department of Natural Resources.
- Copies of the violation report on floodplain regulations shall be sent to the Southern District office of the Wisconsin Department of Natural Resources. [NOTE: INCLUDE THIS IN THE ENFORCEMENT SECTION OF THE FLOODPLAIN REGULATIONS, NOT THE ZONING ADMINISTRATOR'S DUTIES]

PLAN COMMISSION: MOVE THESE PROVISIONS TO THE APPROPRIATE SECTIONS, IF WE NEED TO KEEP THEM:

- To maintain and make available to the public records detailing the location and capacity of every community living arrangement within the City of Madison.
- To hear and act upon all applications for Planned Commercial Sites.

- C. The members of the board are removable by the Mayor for cause upon written charges and after public hearing.
- D. The Mayor shall designate one of the members as chairman.
- E. The board may employ a secretary and other employees.
- F. Vacancies shall be filled for the unexpired terms of members whose terms become vacant.
- G. The Mayor shall appoint, for staggered terms of three years, two alternate members in addition to the five standing members. Annually, the Mayor shall designate one of the alternate members as first alternate and the other as second alternate. The first alternate shall act, with full power, only when a member of such board refuses to vote because of interest or when a member is absent. The second alternate shall so act only when the first alternate so refuses or is absent or when more than one member of the board so refuses or is absent. The above provisions, with regard to removal and the filling of vacancies, shall apply to the alternates.

(3) Jurisdiction

The Zoning Board of Appeals has the following jurisdiction and authority:

- A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this Chapter.
- B. To hear and act upon applications for variances from the terms provided in this Chapter (refer to §28M.1105 for procedures and standards).
- C. To hear and decide appeals where it is alleged there is error in a determination made by the Director of the Department of Planning and Community and Economic Development.
- D. To hear and act upon all other matters referred to it upon which it is required to act under this Chapter.

Move the following to the floodplain regulations: "Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map."

(4) Meetings and Rules

- A. Meetings of the Zoning Board of Appeals shall be held at the call of the chairman and at such other times as the Board may determine.
- B. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.
- C. All meetings of said board, including all deliberations on any appeal prior to reaching a decision thereon, shall be open to the public.
- D. The board shall keep minutes of its proceedings, showing the vote for each member upon each question or, if absent or failing to vote, indicating such fact. The board shall also keep records of its examinations and other official actions. All of the Board's minutes and records shall be immediately filed in the office of the Board and shall be a public record.

- E. Any person may appear and testify at a hearing, either in person or by duly authorized agent or attorney.
- F. The board shall adopt its own rules of procedure not in conflict with this ordinance or with the applicable Wisconsin Statutes.
- G. The Board may select or appoint any officer that it deems necessary.

(5) Finality of Decisions of the Zoning Board of Appeals.

All decisions and findings of the Zoning Board of Appeals are considered final administrative determinations, and are subject to judicial review as provided by law.