

**ORDINANCE NO. 2017-13**

**AN ORDINANCE TO UPDATE ALL MUNICIPAL CODE REFERENCES TO REFLECT THE CLERK-TREASURER DESIGNATION IN THE OFFICIAL MAP, SUBDIVISION AND ZONING ORDINANCES**

Purpose: Since the Village of McFarland now has the offices of Clerk and Treasurer combined in a single individual, this Ordinance is a technical amendment identifying all of the ordinances in which either the Clerk or Treasurer is currently identified, and designating that officer as the Clerk-Treasurer.

Sponsor: Village Administrator Schuenke

Recommended Referral: Required; preceded by Class 2 Notice.

Public Hearing: Required; by Plan Commission

The Village Board of the Village of McFarland do hereby ordain as follows:

1. Section 41-5 of the McFarland Municipal Code is hereby amended to read as follows:

“Sec. 41-5. - Certified copy of Official Map.

There shall be a certified copy of the Official Map described in Section 41-1(c). The certified copy shall be kept in the office of the Village Clerk-Treasurer and shall be available for the inspection by any interested person during regular office hours. The certified copy shall bear on its face a certification that it is a true copy of the Official Map described in and accompanying this Chapter and shall show the date of adoption of the ordinance from which this Chapter is derived and shall be signed by the Village President and countersigned by the Village Clerk-Treasurer. Thereafter no change or addition to such Official Map shall become effective until it shall have been indicated by the appropriate convention on the aforesaid certified copy of the Official Map and a certificate placed thereon or attached thereto, bearing the number and date of adoption of the amending ordinance. The certificate shall be signed by the Village President and countersigned by the Village Clerk-Treasurer.”

2. Section 41-6 of the McFarland Municipal Code is hereby amended to read as follows:

“Sec. 41-6. - Map to be filed with register of deeds.

The Village Clerk-Treasurer shall be responsible immediately upon adoption of the Official Map or any amendment thereto for recording a true copy of the amended Official Map with the register of deeds.”

3. Sections 56-36(a), (b) and (c) of the McFarland Municipal Code are hereby amended to read as follows:

“(a) Submission. Before submitting a Final Plat for approval, the subdivider shall prepare a Preliminary Plat and complete an application form prescribed by the Community Development Department. The subdivider shall submit 20 copies of the Preliminary Plat. The

Preliminary Plat shall be prepared in accordance with this Chapter, and the subdivider shall file copies of the Preliminary Plat and the application as required by this Section with the Village Clerk-Treasurer at least 20 days prior to the meeting of the Plan Commission at which action is desired. The Village Clerk-Treasurer shall submit a copy of the Preliminary Plat to the Plan Commission, the Village Engineer, the Community Development Department and the Department of Public Works for review and written report of their recommendations and reactions to the proposed plat.

(b) Public improvements, plans and specifications. Simultaneously with the filing of the Preliminary Plat, the owner shall file with the Village Clerk-Treasurer five complete sets of engineering reports and plans for the construction of any public improvements required by this Chapter, specifically addressing sewer and water service feasibility, drainage facilities, traffic patterns, typical street cross sections, erosion control plans, pavement design and other improvements necessary in the Subdivision.

(c) Property owners association; restrictive covenants. A draft of the legal instruments and rules for proposed property owners associations, when the subdivider proposes that common property within a Subdivision would be either owned or maintained by such an organization of property owners pursuant to Wis. Stats. § 236.293, and proposed deed restrictions or restrictive covenants, shall be submitted at the time of filing the Preliminary Plat with the Village Clerk-Treasurer.”

4. Section 56-36(h)(1) of the McFarland Municipal Code is hereby amended to read as follows:

“(1) The subdivider shall, within two days after filing with the Village, transmit two copies to the County Planning Agency, two copies to the Director of the Planning Function in the Wisconsin Department of Administration, additional copies to the Director of the Planning Function for retransmission of two copies each to the Wisconsin Department of Transportation if the Subdivision abuts or adjoins a state trunk highway or a connecting street and the Wisconsin Department of Commerce if the Subdivision is not served by the public sewer and provision for such service has not been made, and an adequate number of copies to the Plan Commission. The subdivider shall file with the Village Clerk-Treasurer an affidavit indicating full compliance with the requirement of filing with objecting agencies. The County Planning Agency, the Wisconsin Department of Administration, the Wisconsin Department of Transportation and the Wisconsin Department of Commerce shall be hereinafter referred to as objecting agencies.”

5. Section 56-36(i) of the McFarland Municipal Code is hereby amended to read as follows:

“(i) Drafting standards. The subdivider shall submit to the Village Clerk-Treasurer and to those agencies having the authority to object to plats under provisions in Wis. Stats. Ch. 236 copies of a Preliminary Plat (or Certified Survey Map) based upon an accurate exterior boundary survey by a registered land surveyor that shall show clearly the proposed Subdivision at a scale of not more than one inch per 100 feet having two-foot contour

intervals, shall identify the improvements (grading, tree planting, paving, installation of facilities and dedications of land), easements that the subdivider proposes to make and shall indicate by accompanying letter when the improvements will be provided. Any proposed restrictive covenants for the land involved shall be submitted.”

6. Sections 56-37(b) and (c) of the McFarland Municipal Code are hereby amended to read as follows:

“(b) Public hearing. The Village Clerk-[Treasurer](#) shall schedule a public hearing on the Preliminary Plat before the Plan Commission. The Village Clerk-[Treasurer](#) shall give notice of the Plan Commission's review and public hearing on the Preliminary Plat or Certified Survey Map by listing it as an agenda item in the Plan Commission's meeting notice published in the official Village newspaper. The notice shall include the name of the applicant, the address of the property in question and the requested action. Property owners within 200 feet of the proposed land division shall receive written notice of the public hearing.

(c) Board action. After receipt of the Plan Commission's recommendation, the Village Board shall, within 90 days of the date the plat was filed with the Village Clerk-[Treasurer](#) approve, approve conditionally or reject such plat and shall state, in writing, any conditions of approval or reasons for rejection, unless the time is extended by agreement with the subdivider. Failure of the Village Board to act within 90 days or extension thereof shall constitute an approval of the Preliminary Plat, unless other authorized agencies object to the plat. The Village Clerk-[Treasurer](#) shall communicate to the subdivider the action of the Village Board. If the Preliminary Plat is approved, the Village Clerk-[Treasurer](#) shall endorse it for the Village Board.”

7. Sections 56-38(a)(1) and (2) of the McFarland Municipal Code are hereby amended to read as follows:

“(1) The subdivider shall prepare a Final Plat and complete an application form prescribed by the Community Development Department in accordance with this Chapter and shall file 20 copies of the Plat and the application with the Village Clerk-[Treasurer](#) at least 15 days prior to the meeting of the Plan Commission at which action is desired. The Village Clerk-[Treasurer](#) shall give notice of the Plan Commission's meeting in the manner prescribed in Section 56-37(a). The owner or subdivider shall file 20 copies of the Final Plat not later than 24 months after the date of approval of the Preliminary Plat; otherwise, the Preliminary Plat and Final Plat will be considered void unless an extension is requested in writing by the subdivider and for good cause granted by the Village. The owner or subdivider shall also submit at this time a current certified abstract of title or registered property report and such other evidence as the Village Attorney may require showing title or control in the applicant.

(2) The subdivider shall, within two days after filing with the Village, transmit two copies to the County Planning Agency, two copies to the Director of the Planning Function in the Wisconsin Department of Administration, additional copies to the Director of the Planning Function for transmission of two copies each to the Wisconsin Department of

Transportation if the Subdivision abuts or adjoins a state trunk highway or a connecting street and the Wisconsin Department of Commerce if the Subdivision is not served by a public sewer and provision for service has not been made, and the original Final Plat and adequate copies to the Plan Commission. The subdivider shall file with the Village Clerk-[Treasurer](#) an affidavit indicating full compliance with the requirement of filing with objecting agencies. The County Planning Agency, the Wisconsin Department of Administration, the Wisconsin Department of Transportation, and the Wisconsin Department of Commerce shall be hereinafter referred to as objecting agencies.”

8. Sections 56-38(a)(4) and (5) of the McFarland Municipal Code are hereby amended to read as follows:

“(4) Simultaneously with the filing of the Final Plat or map, the owner shall file with the Village Clerk-[Treasurer](#) 12 copies of the final plans and specifications of public improvements required by this Chapter, and a signed copy of the developer's contract required by Section 56-104.

(5) The Village Clerk-[Treasurer](#) shall refer two copies of the Final Plat to the Plan Commission, one copy to the Village Engineer, and a copy each to the telephone and power and other utility companies. The abstract of title or registered property report may be referred to the Village Attorney for examination and report. The Village Clerk-[Treasurer](#) shall also refer the final plans and specifications of public improvements to the Village Engineer for review. The recommendations of the Plan Commission and Village Engineer shall be made within 30 days of the filing of the Final Plat. The Village Engineer shall examine the plat or map and final plans and specifications of public improvements for technical details and, if the Village Engineer finds them satisfactory, shall so certify in writing to the Plan Commission. If the plat or map or the plans and specifications are not satisfactory, the Village Engineer shall return them to the owner and so advise the Plan Commission.”

9. Section 56-38(b)(4) of the McFarland Municipal Code is hereby amended to read as follows:

“(4) The Plan Commission shall, within 30 days of the date of filing of the Final Plat with the Village Clerk-[Treasurer](#), recommend approval, conditional approval or rejection of the Plat and shall transmit the Final Plat and application along with its recommendations to the Village Board. The Plan Commission may hold the matter in abeyance if there is incomplete or inadequate information.”

10. Sections 56-38(c)(1) and (2) of the McFarland Municipal Code are hereby amended to read as follows:

“(1) The Village Board shall, within 60 days of the date of filing the original Final Plat with the Village Clerk-[Treasurer](#), approve or reject such Plat unless the time is extended by agreement with the subdivider. If the Plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the subdivider. The Village Board may not inscribe its approval on the Final Plat unless the Village Clerk-

[Treasurer](#) certifies on the face of the Plat that the copies were forwarded to objecting agencies as required herein, the date thereof and that no objections have been filed within 20 days or, if filed, have been met.

(2) The Village Board shall, when it determines to approve a Final Plat, give at least ten days' prior written notice of its intention to the Village Clerk-[Treasurer](#) of any municipality within 1,000 feet of the Final Plat.”

11. Sections 56-38(d) and (e) of the McFarland Municipal Code are hereby amended to read as follows:

“(d) Recordation. After the Final Plat has been approved by the Village Board and required improvements either installed or a contract and sureties insuring their installation is filed, the Village Clerk-[Treasurer](#) shall cause the certificate inscribed upon the Plat attesting to such approval to be duly executed and the Plat returned to the subdivider for recording with the county Register of Deeds. The Register of Deeds cannot record the Plat unless it is offered within six months after the date of last approval and within 24 months after the first approval.

(e) Copies. The subdivider shall file eight copies of the Final Plat with the Village Clerk-[Treasurer](#) for distribution to the approving agencies, affected sanitary districts, and other affected agencies for their files.”

12. Section 56-38(g)(1) of the McFarland Municipal Code is hereby amended to read as follows:

“(1) Transmittal responsibility lies with the Village Clerk-[Treasurer](#), Town Clerk, or to whomever the plat is first submitted; and the subdivider shall indicate which one in the subdivider's application.”

13. Sections 56-39(a) and (b) of the McFarland Municipal Code are hereby amended to read as follows:

“(a) Use of Certified Survey Map. When it is proposed to divide land into at least two but no more than four parcels or building sites, any one of which is 35 acres in size or less, or when it is proposed to create by land division not more than four parcels or building sites within a recorded Subdivision Plat without changing the exterior boundaries of a block, lot or outlot, the subdivider shall prepare a Certified Survey Map in accordance with this Chapter and shall file 20 copies of the map and the letter of application with the Village Clerk-[Treasurer](#) at least 20 working days prior to the meeting of the Plan Commission at which action is desired.

(b) Referral to Plan Commission. The Village Clerk-[Treasurer](#) shall, within two normal work days after filing, transmit the copies of the map and letter of application to the Plan Commission.”

14. Section 56-39(d) of the McFarland Municipal Code is hereby amended to read as follows:

“(d) Review and approval. Following public hearing by the Plan Commission in the manner used for Preliminary Plats, the Plan Commission shall approve, approve conditionally and thereby require resubmission of a corrected Certified Survey Map or reject such Certified Survey Map within 60 days from the date of filing of the map unless the time is extended by agreement with the subdivider. If the map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider. If the map is approved, the Plan Commission shall cause the Village Clerk-Treasurer to so certify on the face of the original map and return the map to the subdivider.”

15. Section 56-39(f) of the McFarland Municipal Code is hereby amended to read as follows:

“(f) Copies. The subdivider shall file five copies of the recorded Certified Survey Map with the Village Clerk-Treasurer for distribution to the Village Engineer, Building Inspector, Village Assessor and other affected departments for their files.”

16. Section 56-40(b) of the McFarland Municipal Code is hereby amended to read as follows:

“(b) The Village Clerk-Treasurer shall schedule a public hearing before the Plan Commission when a Preliminary Plat of a Replat of lands within the Village is filed, and shall cause notices of the proposed Replat and public hearing to be mailed to the owners of all properties within the limits of the exterior boundaries of the proposed Replat and to the owners of all properties within 200 feet of the exterior boundaries of the proposed Replat.”

17. Section 56-105(a) of the McFarland Municipal Code is hereby amended to read as follows:

(a) Engineering reports, construction plans and specifications. As required by Section 56-36, engineering reports, plans and proposed specifications shall be submitted simultaneously with the filing of the Preliminary Plat unless waived by the Village Engineer. At the Final Plat stage, construction plans for the required improvements conforming in all respects with the standards of the Village Engineer and the ordinances of the Village shall be prepared at the subdivider's expense by a professional engineer who is registered in the State of Wisconsin, and said plans shall contain the engineer's seal. Such plans, together with the quantities of construction items, shall be submitted to the Village Engineer for approval and for an estimate of the total cost of the required improvements; upon approval they shall become a part of the contract required. Simultaneously with the filing of the Final Plat with the Village Clerk-Treasurer, or as soon thereafter as practicable, copies of the construction plans and specifications shall be furnished for the following public improvements:”

18. Section 56-107 of the McFarland Municipal Code is hereby amended to read as follows:

“Sec. 56-107. - Curb and gutter.

After the installation of all utility and stormwater drainage improvements, the subdivider shall construct concrete curbs and gutters in accordance with plans and standard specifications approved by the Village Board, on file with the Village Clerk-Treasurer. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts.”

19. Section 56-112(c) of the McFarland Municipal Code is hereby amended to read as follows:

“(c) Plans indicating the proposed location of all gas, cable television, electrical power and telephone distribution and transmission lines required to service the plat shall be approved by the Village Board and such map shall be filed with the Village Clerk-Treasurer.”

20. Section 56-119(b) of the McFarland Municipal Code is hereby amended to read as follows:

“(b) Deposit required. Following the approval of the Final Plat by the Village Board and prior to the signing of the plat by the Village President and Village Clerk-Treasurer, the subdivider shall deposit sufficient money in the Village Clerk-Treasurer's office to cover the cost of completing the plantings in conformity with the tree and shrub planting plan. The Village Forester will then cause the completion of the plantings during the next season, either spring or fall, following acceptance of the plat's required improvements by the Village. The amount of such deposit shall be established by the Parks and Recreation Committee based on anticipated actual costs of furnishing and installing said plantings. All said money deposited in the Village Clerk-Treasurer's office shall be kept in a separate account to be used solely for the purposes set forth in this Section.”

21. Section 56-140(a)(3) of the McFarland Municipal Code is hereby amended to read as follows:

“(3) Preliminary consultation. Prior to the design, preparation and construction of any roadway to be dedicated to the Village, the applicant shall notify the Village Clerk-Treasurer. An on-site meeting will then be arranged to be attended by the Village Engineer and the applicant. Plans must be provided in order for the Village Engineer to check the design and drainage.”

22. Section 56-176(a) of the McFarland Municipal Code is hereby amended to read as follows:

“(a) The Village Board, upon recommendation of the Plan Commission, shall determine whether to require dedication of land or a fee from any subdivider. If the Plan Commission has determined to require payment of money in lieu of parkland dedication, such money shall be paid to the Village Clerk-Treasurer prior to execution of the Development Agreement for such Subdivision. In developments in which the improvements will be constructed, or sales

will occur in phases, the Plan Commission may establish an alternate time schedule for payment of money in lieu of dedication of parkland. The amount due shall be the fee established for the year in which it is paid. The amount of money in lieu of dedication of parkland shall be determined by the Village Board as established by the Village Board from time to time and provided in Appendix A to this Code for dwelling units within the plat allowed by the Zoning Ordinance, for Subdivisions for which the Preliminary Plat was submitted on or after January 1, 2006. Thereafter, the fee shall be adjusted annually as of January 1 of each year by the Village Board, following submission of an annual written report no later than November 15 of each year setting forth current parkland acquisition costs in the Village by the Community Development Director. This report shall analyze land development activity in the Village, utilizing such factors as the Community Development Director deems appropriate to accurately measure the cost that the Village would incur in that year to acquire parkland and other vacant property for recreational purposes. Following a public hearing preceded by publication of a class 2 notice, the Plan Commission shall make a recommendation to the Village Board concerning the report of the Community Development Director. Prior to January 1 of each year, the Village Board shall adopt an ordinance establishing a new fee. In the event an ordinance is not adopted prior to January 1, the Community Development Director shall adjust the fee for that year utilizing the Consumer Price Index—All Urban Consumers-Midwest Region prepared by the United States Department of Labor.”

23. Section 56-238(c)(1)a. and b. of the McFarland Municipal Code is hereby amended to read as follows:

“a. The subdivider shall pay the review fee established by the Village Board from time to time and provided in Appendix A to this Code plus the determined amount per lot within the Preliminary Plat to the Village [Clerk-Treasurer](#) at the time of first application for approval of any Preliminary Plats to assist in defraying the cost of review.

b. The reapplication fee established by the Village Board from time to time and provided in Appendix A to this Code shall be paid to the Village [Clerk-Treasurer](#) at the time of reapplication for approval of any Preliminary Plat that has previously been reviewed.”

24. Section 56-238(c)(2)a. and b. of the McFarland Municipal Code is hereby amended to read as follows:

“a. The subdivider shall pay the fee established by the Village Board from time to time and provided in Appendix A to this Code plus the determined amount per lot within the Final Plat to the Village [Clerk-Treasurer](#) at the time of first application for Final Plat approval of said plat to assist in defraying the cost of review.

b. The reapplication fee as established by the Village Board from time to time and provided in Appendix A to this Code shall be paid to the Village [Clerk-Treasurer](#) at the time of a reapplication for approval of any Final Plat that has previously been reviewed.”

25. Section 56-238(c)(3)

“(3) Certified Survey Map review fee. The subdivider shall pay the review fee established by the Village Board from time to time and provided in Appendix A to this Code to the Village [Clerk-Treasurer](#) at the time of first application for approval of any Certified Survey Map to assist in defraying the cost of review.”

26. Section 56-238(e) of the McFarland Municipal Code is hereby amended to read as follows:

“(e) Objecting agency review fees. The subdivider shall directly transmit all fees required for state agency review at the time of application. Said review fees shall be retransmitted to the proper state review agency by the Village [Clerk-Treasurer](#). Said fees shall be applicable, where appropriate, to review fees required by the Wisconsin Department of Administration, Wisconsin Department of Transportation, Wisconsin Department of Commerce and the Wisconsin Department of Natural Resources.”

27. Section 62-62(a) of the McFarland Municipal Code is hereby amended to read as follows:

“(a) The Village is hereby divided into zoning districts as shown upon a map designated as the Official Zoning Map of the Village of McFarland and made a part of this Chapter. This Official Zoning Map and all the notations, references and other information shown thereon are a part of this Chapter and shall have the same force and effect as if the matters and information set forth by said map were fully described herein. The Official Zoning Map shall be properly attested and kept on file along with the text of the Official Zoning Regulations in the office of the Village [Clerk-Treasurer](#).”

28. Section 62-64 of the McFarland Municipal Code is hereby amended to read as follows:

“Sec. 62-64. - Parkland dedication for lots existing prior to 1966 or new dwelling units not involving a land division.

New dwelling units coming into existence on lots created prior to 1966 or newly created dwelling units that are not a part of a land division shall be required to dedicate land or pay fees in lieu of land under Chapter 56, Article VI. The Village Board, in its sole discretion, shall determine whether to require dedication of land or payment of money. The choice of land or fees shall be made by the Village Board upon recommendation by the Plan Commission. If the Village determines to require dedication of land, such dedication shall be at the rate of one acre for each 15 proposed dwelling units. If the Village has determined to require payment of money in lieu of dedication of land, such money shall be paid to the Village [Clerk-Treasurer](#) prior to the issuance of any building permits in the amount as established by the Village Board from time to time and provided in Appendix A to this Code per dwelling unit. The fee shall be adjusted annually as of January 1 of each year by the Village Board, following submission of an annual report written no later than November 15 of each year setting forth current parkland acquisition costs in the Village by the Community Development Director. This report shall analyze land development activity in the Village,

utilizing such factors as the Community Development Director deems appropriate to accurately measure the cost that the Village would incur in that year to acquire parkland and other vacant property for recreational purposes. Following a public hearing preceded by publication of a class 2 notice, the Plan Commission shall make a recommendation to the Village Board concerning the report of the Community Development Director. Prior to January 1 of each year, the Village Board shall adopt an ordinance establishing a new fee. In the event an ordinance is not adopted prior to January 1, the Community Development Director shall adjust the fee for that year utilizing the Consumer Price Index—All Urban Consumers-Midwest Region prepared by the United States Department of Labor.”

29. Section 62-67(i)(1) of the McFarland Municipal Code is hereby amended to read as follows:

“(1) Submittal of plan. Within one year after the recording of the general plan and the copy of the related zoning ordinance amendment, a detailed plan for at least one stage of the general plan shall be filed with the Village Clerk-[Treasurer](#), unless an extension is granted by such Village Board. The detailed plan shall contain any information and representation deemed necessary by the Plan Commission and shall consist of a statement entitled, "Planned Development District—Detailed Plan, Statement of Owner's Intent and Description of Development," which shall include without limitations, the following:”

30. Section 62-230(c) of the McFarland Municipal Code is hereby amended to read as follows:

“(c) Compliance checklist. Notwithstanding the provisions listed in Subsections (a) and (b) of this Section, all who undertake allowed home occupations in Residential Districts shall complete and file a Compliance Checklist, in a form as approved by the Plan Commission and made available by the Village Clerk-[Treasurer](#), prior to commencing the home occupation. This form shall be filed with the Village Clerk-[Treasurer](#), who shall retain the form while the home occupation is in use. The filed Compliance Checklist shall be reviewed by the Zoning Administrator to determine compliance of the home occupation with this Code. Such form shall be signed by both the owner and/or occupier of the premises on which the home occupation takes place.”

31. Section 62-363(a) of the McFarland Municipal Code is hereby amended to read as follows:

“(a) Time of appeal. Appeals shall be filed within 30 days after the receipt of the written decision or order from which the appeal is taken by filing in duplicate a notice of appeal with the Village Clerk-[Treasurer](#). The date of receipt of the decision shall not be counted in determining the time for filing of the appeal. Sundays and holidays shall be counted, except if the last day falls on a Saturday, Sunday or legal holiday, the time for filing shall be extended to the next secular day.”

32. Sections 62-363(c) through (f) of the McFarland Municipal Code are hereby amended to read as follows:

“(c) Appeal and application forms. Every appeal or application shall be made upon forms furnished by the Village Clerk-Treasurer, which have been approved by the Board of Zoning Appeals. A scale drawing shall accompany each form showing the location and size of the property, existing improvements, all abutting properties and improvements thereon and change or addition requested. The applicant or appellant shall provide all information requested on the form and any additional information requested in writing by the chair or Clerk of the Board of Zoning Appeals, which is necessary to inform the Board of Zoning Appeals of the facts of the appeal. Failure to supply such information shall be grounds for dismissal of the appeal or application.

(d) Filing appeal or application. The appellant or applicant shall file the required appeal form in duplicate with the Village Clerk-Treasurer. The Village Clerk-Treasurer shall deliver one copy to the Zoning Administrator or other officer or body from whose decision an appeal is taken. Upon receipt of an appeal, the Zoning Administrator or other officer or body responsible for the original determination shall transmit to the Clerk of the Board of Zoning Appeals all notes or papers relating to the order or decision from which the appeal is being taken.

(e) Fee. All appeals and applications filed with the Village Clerk-Treasurer shall be accompanied by payment of a required fee as established by the Village Board from time to time and provided in Appendix A to this Code. If the appellant or applicant elects the contested case method, the appellant or applicant shall also pay the amount determined by the Board of Zoning Appeals to cover the additional administrative costs involved.

(f) Insufficient notice. No appeal or application shall be considered by the Board of Zoning Appeals unless it is made on the required form. Upon receipt of any communication purporting to be an appeal or application, the Village Clerk-Treasurer shall supply the applicant with the proper forms which must be filed within ten days, in addition to the 30 days specified in Subsection (a) of this Section, in order to be considered by the Board of Zoning Appeals.”

33. Section 62-364(a)(1) and (2) of the McFarland Municipal Code is hereby amended to read as follows:

“(1) By certified mail or personal service to the appellant or applicant and to the Zoning Administrator or other administrative official or body from whose decision an appeal is taken and the Village Clerk-Treasurer on behalf of the Plan Commission not less than ten days prior to the date of the hearing.

(2) In every case involving a variance, conditional use, exception, planned unit development or public utility exception, the Village Clerk-Treasurer shall mail notice to the owners of record of all land within the area included in the application and within 100 feet of any part of the building or premises affected not less than ten days prior to the hearing. Names and last-known addresses of such owners shall be furnished by the applicant at the time of filing the appeal or application.”

34. Section 62-365(b) of the McFarland Municipal Code is hereby amended to read as follows:

“(b) Form of decision. The final disposition of an appeal or application shall be in the form of a written decision or order signed by the chair and Clerk of the Board of Zoning Appeals. Such decision shall state the reasons for the Board of Zoning Appeals' determination with findings of fact and conclusions of law and shall either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal or grant or deny the special exception, conditional use of variance. Copies of the decision shall be sent to the applicant, Village Clerk-[Treasurer](#), on behalf of the Plan Commission and any Village committee involved.”

35. Section 62-365(e) of the McFarland Municipal Code is hereby amended to read as follows:

“(e) Filing of decision. Every order of decision of the Board of Zoning Appeals shall be immediately filed with the Clerk of the Board of Zoning Appeals who shall thereupon forward the decision to the Village Clerk-[Treasurer](#) and mail a copy to the applicant or appellant by certified mail. Copies of decisions granting conditional uses or variances in a Floodplain, Shoreland or Wetland district shall be mailed to the district office of the Wisconsin Department of Natural Resources.”

36. Section 62-398 of the McFarland Municipal Code is hereby amended to read as follows:

“Sec. 62-398. - Appeals of Landmarks Commission actions.

A decision by the Landmarks Commission to deny a certificate of appropriateness may be appealed to the Village Board. The appeal shall be initiated by filing a petition, specifying the grounds therefor, with the Village Clerk-[Treasurer](#) within ten days of the date the decision of the Landmarks Commission is made. After a public hearing, the Village Board may, by vote of two-thirds of its members, reverse or modify the decision of the Landmarks Commission if, after balancing the interest of the public in preserving the subject property and the interest of the owner in using it for such owner's own purposes, the Village Board finds that, owing to special conditions pertaining to the specific piece of property, demolition will preclude any and all reasonable use of the property and/or will cause serious hardship for the owner, provided that any self-created hardship shall not be a basis for reversal or modification of the Landmarks Commission's decision.”

37. Section 62-400(c) of the McFarland Municipal Code is hereby amended to read as follows:

“(c) In the event of such rescission, the Landmarks Commission shall notify the Village Clerk-[Treasurer](#), the Building Inspector and the Village Assessor of same, and shall cause the rescission to be recorded at Village expense in the Dane County Register of Deeds.”

38. Section 62-402(a) of the McFarland Municipal Code is hereby amended to read as follows:

“(a) The Landmarks Commission shall hold a public hearing when considering the plan for an Historic District. Notice of the time, place and purpose of such hearing shall be given by publication as a class 2 notice. Notice of the time, place and purpose of the public hearing shall also be sent by the Village Clerk-Treasurer to the owners of record, as listed in the assessment records, who are owners of property situated within the district or within 200 feet of the boundaries of the proposed district at least ten days prior to the date of the hearing. Following the public hearing, the Landmarks Commission shall vote to recommend, reject or withhold action on the plan. The recommendation, if any, shall be forwarded to the Village Board.”

39. Section 62-705 (intro.) of the McFarland Municipal Code is hereby amended to read as follows:

“The following maps are hereby adopted and made a part of this Chapter and are on file in the office of the Village Clerk-Treasurer.”

The above and foregoing Ordinance was duly adopted at a regular meeting of the McFarland Village Board on the 24<sup>th</sup> day of July, 2017.

APPROVED:

  
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Brad Czebotar, Village President

ATTEST:

  
\_\_\_\_\_  
Matthew G. Schuenke, Interim Clerk

4837-5624-3785, v. 1

ORDINANCE 2017 -13	
MOTION <u>Czebotar</u>	SECOND <u>Kolk</u>
ACTION	DATE
<u>Adopted</u>	<u>7/24/2017</u>
Referred	
Tabled	
Withdrawn	
Defeated	
Published	
INDIVIDUAL VOTING RECORD	
Adrian <u>Aye</u>	Kolk <u>Aye</u>
Brassington <u>Aye</u>	Lytle <u>Aye</u>
Clow <u>Aye</u>	O'Hearn <u>Aye</u>
Czebotar <u>Aye</u>	
VOTING RESULTS	
Motion Carried:	<u>7-0</u>
Motion Defeated:	