Town Plan Commission Ordinance

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Town Plan Commission Ordinance

The Town Board of the Town of Breed, Oconto County, Wisconsin, does ordain as follows:

Section 1. Title

This ordinance is entitled the Town of Breed Plan Commission Ordinance.

Section 2. Purpose

The purpose of this ordinance is to establish a Town of Breed Plan Commission and set forth its organization, powers and duties, to further the health, safety, welfare and wise use of resources for the benefit of current and future residents, through the adoption and implentation of affected neighboring jurisdictions, through the adoption and implentation of comprehensive planning with significant citizen involvement.

Section 3. Authority; Establishment (5-Member)

The Town Board of the Town of Breed has been authorized by the Town meeting under sec. 60.11(2)(c), Wis. Stats., to exercise village powers and the Town has a population of less than 2,500 according to the most recent regular or special federal census, sec. 990.01 (29), Wis. Stats.The Town Board hereby excercises village powers under sec. 60.22(3), Wis. Stats., and establishes a five (5) member Plan Commission under secs. 60.62(4), 61.35 and 62.23, Wis Stats. The Plan Commission shall be considered the Town Planning Agency under secs. 236.02(13) and 236.45, Wis. Stats.,which authorize, but do not require, Town adoption of a subdivision or other land division ordinance.

Section 4. Membership (5-Member)

The Plan Commission consists of one (1) member of the Town Board, who may be the Town Board Chairperson, and four (4) citizen members, who are not otherwise Town officials, and who shall be persons or recognized experience and qualifications.

Section 5. Appointments

The Town Board Chairperson shall appoint the members of the Plan Commission and designate a Plan Commission Chairperson during the month of April to fill any expiring term. The Town Board Chairperson may appoint himself or herself or anotherTown Board member to the Plan Commission and may designate himself or herself, theother Town Board member, or a citizen member as Chairperson of the Plan Commission. (All appointments are subject to the advisory approval of the Town Board.) In a year which any Town Board member is elected at the spring election, any appoinment or designation by the Town Board Chairperson shall be made after the election and qualification of the Town Board members elected. Any citizen appointed to the Plan Commission shall take and file the oath of office within five (5) days of notice of appointment, as provided under secs. 19.01 and 60.31, Wis. Stats.
Section 6. Terms of Office (With Citizen Member Terms Staggered)
The term of office for the Plan Commission Chairperson and each Commission member shall be for a period of 3 years, ending on April 30, or until a successor is appointed and qualified, except: (1) Initial Terms. (5-member)
The citizen members initially appointed to the Plan Commission shall be appointed for staggered terms.(2) Town Board Member or Chairperson. The Plan

Commission member who is a Town Board member or Town Board Chairperson, including a person designated the Plan Commission Chairperson, shall serve for a period of two (2) years, as allowed under sec. 66.0501(2), Wis. Stats., concurrent with his or her term on the Town Board, except an initial appointment made after April 30 shall be for a term that expires two (2) years from the previous April 30.

Section 7. Vacancies

A person who is appointed to fill a vacancy on the Plan Commission shall serve for the remainder of the term.

Section 8. Compensation; Expenses

The Town Board of the Town of Breed hereby sets a per diem allowance to be determined, as allowed under sec. 66.0501(2), Wis. Stats. In addition, the Town Board may reimburse reasonable costs and expenses, as allowed under sec. 60.321, Wis. Stats.

Section 9. Experts & Staff

The Plan Commission may, under sec. 62.23(1), Wis. Stats., recommend to the Town Board the employment of experts and staff, and may review and recommend to the approval authority proposed payments under any contract with an expert

Section 10. Rules; Records

The Plan Commission, under sec. 62.23(2), Wis. Stats., may adopt rules for the transaction of its business, subject to Town ordinances, and shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record under secs. 19.21-19.39, Wis. Stats.

Section 11. Chairperson & Officers

(1) Chairperson. The Plan Commission Chairperson shall be appointed and serve a term as provided in sections 5 and 6 of this ordinance. The Chairperson shall , subject to Town ordinances and Commission rules:
(a) provide leadership to the Commission;
(b) set Commission meeting and hearing dates;
(c) provide notice of Commission meetings and hearings and set their agendas, personally or by his or her designee;

(d) preside at Commission meetings and hearings; and
(e) ensure that the laws are followed.

(2) Vice Chairperson. The Plan Commission may elect, by open vote or secret ballot under sec. 19.88(1), Wis. Stats., a Vice Chairperson to act in the place of the Chairperson when the Chairperson is absent or incapacitated for any cause.

(3) Secretary. The Plan Commission shall elect, by open vote or secret ballot under sec. 19.88(1), Wis. Stats., one of its members to serve as Secretary, or, with the approval of the Town Board, designate the Town Clerk or other Town officer or employee as Secretary.

Section 12. Commission Members as Local Public Officials

All members of the Plan Commission shall faithfully discharge their official duties to the best of their abilities, as provided in the oath of office, sec. 19.01, Wis. Stats., in accordance with, but not limited to, the provisions of the Wisconsin Statutes on:
Public Records, secs. 19.21-19.39; Code of Ethics for Local Government Officials, secs. 19.42, 19.58 & 19.59; Open Meetings, secs. 19.81-19.89; Misconduct in Office, sec. 946.12; and Private Interests in Public Contracts, sec. 946.13. Commission members shall further perform their duties in a fair and rational manner and avoid arbitrary actions.

Section 13. General & Miscellaneous Powers

The Plan Commission, under sec. 62.23(4), Wis. Stats., shall have the power:
(1) Necessary to enable it to perform its functions and promote Town planning.
(2) To make reports and recommendations relating to the plan and development of the Town to the Town Board, other public bodies, citizens, public utilities and organizations.
(3) To recommend to the Town Board programs for public improvements and the financing of such improvements.
(4) To receive from public officials, within a reasonable time, requested available information required for the Commission to do its work.
(5) For itself, its members and employees, in the performance of their duties, to enter upon land, make examinations and surveys, and place and maintain necessary monuments and marks thereon. However, entry shall not be made upon private land, except to the extent that the private land is held open to the general public, without the permission of the landowner or tenant. If such

permission has been refused, entry shall be made under the authority of an inspection warrant issued for cause under sec. 66.0119, Wis. Stats., other court-issued warrant.

Section 14. Town Comprehensive Planning: General Authority & Requirements

(1) The Plan Commission shall make and adopt a comprehensive plan under secs. 62.23 and 66.1001, Wis. Stats., which contains the elements specified in sec. 66.1001(2),Wis. Stats, and follows the procedures in sec. 66.1001(4), Wis. Stats. (2) The Plan Commission shall make and adopt the comprehensive plan within the time period directed by the Town Board, but not later than a time sufficient to allow the Town Board to review the plan and pass an ordinance adopting it to take effect on or before January 1, 2010, so that the Town comprehensive plan is in effect by the date on which any Town plan is in effect by the date on which any Town program or action affecting land use must be consistent with the Town comprehensive plan under sec. 66.1001(3), Wis. Stats.

(3) In this section the requirement to make the plan means that the Plan Commission shall ensure that the plan is prepared, and oversee and coordinate the preparation of the plan, whether the work is performed for the Town by the Plan Commission, Town staff, another unit of government, the regional planning commission, a consultant, citizens, an advisory committee, or any other person, group or organization.

Section 15. Procedure for Plan Commission Adoption & Recommendation of a Town Comprehensive Plan or Amendment

The Plan Commission, in order to ensure that the requirements of sec. 66.1001 (4),Wis. Stats, are met, shall proceed as follows.
(1) Public participation verification. Prior to beginning work on a comprehensive plan, the Plan Commission shall verify that the Town Board has adopted written procedures designed to foster public participation in every stage of preparation of the comprehensive plan. These written procedures shall include open discussion, communication programs, information services and noticed public meetings. These written procedures shall further provide for wide distribution of proposed, alternative or amended elements of a comprehensive plan and shall provide an opportunity for written comments to be submitted by members of the public to the Town Board and for the Town Board to respond to such written comments.
(2) Resolution. The Plan Commission, under sec. 66.1001(4)(b), Wis. Stats., shall

recommend its proposed comprehensive plan or amendment to the Town Board by adopting a resolution by a majority vote of the entire Plan Commission. The vote shall be recorded in the minutes of the Plan Commission. The resolution shall refer to maps and other descriptive materials that relate to one or more elements of the comprehensive plan. The resolution adopting a comprehensive plan shall further recite that the requirements of the comprehensive planning law have been met, under sec. 66.1001, Wis. Stats., namely that:
(a) the Town Board adopted written procedures to foster public participation and that such procedures allowed public participation at each stage of preparing the comprehensive plan;
(b) the plan contains the nine (9) specified elements and meets the requirements of those elements;
(c) the (specified) maps and (specified) other descriptive materials relate to the plan;
(d) the plan has been adopted by a majority vote of the entire Plan Commission, which the clerk or secretary is directed to record in the minutes; and
(e) the Plan Commission clerk or secretary is directed to send a copy of the comprehensive plan adopted by the Commission to the governmental units specified in sec. 66.1001(4), Wis. Stats., and sub. (3) of this section.
(3) Transmittal. One copy of the comprehensive plan or amendment adopted by the Plan Commission for recommendation to the Town Board shall be sent to:
(a) Every governmental body that is located in whole or in part within the boundaries of the Town, including any school district, Town sanitary district, public inland lake protection and rehabilitation district or other special district.
(b) The clerk of every city, village, town, county and regional planning commission that is adjacent to the Town.
(c) The Wisconsin Land Council.
(d) After September 1, 2003, the Department of Administration.
(e) The regional planning commission in which the Town is located.
(f) The public library that serves the area in which the Town is located.

Section 16. Plan Implementation & Administration

(1) Ordinance development. If directed by resolution or motion of the Town Board, the Plan Commission shall prepare the following:
(a) Zoning. A proposed Town zoning ordinance under village powers, secs. 60.22(3), 61.35 and 62.23(7), Wis. Stats., a Town construction site erosion control and stormwater management zoning ordinance under sec. 60.627(6), Wis Stats., a Town exclusive agricultural zoning ordinance

under subch. V of ch. 91, Wis. Stats., and any other zoning ordinance within the Town's authority.
(b) Official map. A proposed official map ordinance under sec. 62.23 (6), Wis. Stats.
(c) Subdivisions. A proposed Town subdivision or other land division ordinance under sec. 236.45, Wis. Stats.
(d) Other. Any other ordinance specified by the Town Board (Note: e.g., historic preservation, design review, site plan review).
(2) Ordinance amendment. The Plan Commission, on its own motion, or at the direction of the Town Board by its resolution or motion, may prepare proposed amendments to the Town's ordinances relating to comprehensive planning and land use.
(3) Non-regulatory programs. The Plan Commission, on its own motion, or at the direction of the Town Board by resolution or motion, may propose non-regulatory programs to implement the comprehensive plan, including programs relating to topics such as education, economic development and tourism promotion, preservation of natural resources through the acquisition of land or conservation easements, and capital improvement planning.
(4) Program administration. The Plan Commission shall, pursuant to Town ordinances, have the following powers.
(a) Zoning conditional use permits. The zoning administrator shall refer applications for [conditional use][special exception] permits [Note: these terms are synonyms; use the term in your Town zoning ordinances] under Town zoning to the Plan Commission for review and recommendation to the Town Board as provided under section ____ of the Town zoning ordinances.
(b) Subdivision review. Proposed plats under ch. 236, Wis. Stats, [and proposed subdivisions or other land divisions under the Town subdivision ordinance under sec. 236.45, Wis. Stats. and section _____ of the Town ordinances] shall be referred to the Plan Commission for review and recommendation to the Town Board.
(c) Other _____ (specify).
(5) Consistency. Any ordinance, amendment or program proposed by the Plan Commission, and any Plan Commission approval, recommendation for approval or other action under Town ordinances or programs that implement the Town's comprehensive plan under secs. 62.23 and 66.1001, Wis. Stats, shall be consistent with that plan as of January 1, 2010. If any such Plan Commission action would not be consistent with the comprehensive plan, the Plan Commission shall use this as information to consider in updating the comprehensive plan.

Section 17. Referrals to the Plan Commission

(1) Required referrals under sec. 62.23(5), Wis. Stats. The following shall be referred to the Plan Commission for report:
(a) The location and architectural design of any public building.
(b) The location of any statue or other memorial.
(c) The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any
(i) street, alley or other public way;
(ii) park or playground;
(iii) airport;
(iv) area for parking vehicles; or
(v) other memorial or public grounds.
(d) The location, extension, abandonment or authorization for any publicly or privately owned public utility.
(e) All plats under the Town's jurisdiction under ch. 236, Wis. Stats., including divisions under a Town subdivision or other land division ordinance adopted under sec. 236.45, Wis. Stats.
(f) The location, character and extent or acquisition, leasing or sale of lands for
(i) public or semi-public housing;
(ii) slum clearance;
(iii) relief of congestion; or
(iv) vacation camps for children.
(g) The amendment or repeal of any ordinance adopted under sec. 62.23, Wis. Stats., including ordinances relating to: the Town Plan Commission; the Town master plan or the Town comprehensive plan under sec. 66.1001, Wis. Stats.; a Town official map; and Town zoning under village powers.
(2) Required referrals under sections of the Wisconsin Statutes other than sec. 62.23(5), Wis. Stats. The following shall be referred to the Plan Commission for report:
(a) An application for initial licensure of a child welfare agency or group home under sec. 48.68(3), Wis. Stats.
(b) An application for initial licensure of a community-based residential facility under sec. 50.03(4), Wis. Stats.
(c) Proposed designation of a street, road or public way, or any part thereof, wholly within the jurisdiction of the Town, as a pedestrian mall under sec. 66.0905, Wis. Stats.
(d) Matters relating to the establishment or termination of an architectural conservancy district under sec 66.1007, Wis. Stats.
(e) Matters relating to the establishment of a reinvestment neighborhood required to be referred under sec. 66.1107, Wis. Stats.

(f) Matters relating to the establishment or termination of a business improvement district required to be referred under sec, 66.1109, Wis. Stats
(g) A proposed housing project under sec. 66.1211(3), Wis. Stats.
(h) Matters relating to urban redevelopment and renewal in the Town required to be referred under subch. XIII of ch. 66, Wis. Stats.
(i) The adoption or amendment of a Town subdivision or other land division ordinance under sec. 236.45(4), Wis. Stats.
(j) Any other matter required by the Wisconsin Statutes to be referred to the Plan Commission.
(3) Required referrals under this ordinance. In addition to referrals required by the Wisconsin Statutes, the following matters shall be referred to the Plan Commission for report:
(a) Any proposal, under sec. 59.69, Wis. Stats., for the town to approve general county zoning so that it takes effect in the town, or to remain under general county zoning.
(b) Proposed regulations or amendments relating to historic preservation under sec. 60.64, Wis. Stats.
(c) A proposed driveway access ordinance or amendment.
(d) A proposed Town official map ordinance under sec. 62.23(6), Wis. Stats., or any other proposed Town ordinance under sec. 62.23, Wis. Stats., not specifically required by the Wisconsin Statutes to be referred to the commission.
(e) A proposed Town zoning ordinance or amendment adopted under authority separate from or supplemental to sec. 62.23, Wis. Stats., including a Town construction site erosion control and stormwater management zoning ordinance under sec. 60.627(6), Wis Stats., and a Town exclusive agricultural zoning ordinance under subch. V of ch. 91, Wis. Stats.
(f) An application for a [conditional use][special exception] [Note: these terms are synonyms; use the term in your Town zoning ordinances] permit under the Town zoning ordinance [Note: Assuming that the Town Board, rather than the Plan Commission, grants these permits under sec. 62.23(7)(e) 1, Wis. Stats. and the Town's ordinances].
(g) A proposed site plan [Note: Assuming that the Town Board has final authority, and that such review is not already covered by Town zoning or subdivision ordinances].
(h) A proposed extraterritorial zoning ordinance or a proposed amendment to an existing ordinance under sec. 62.23(7a), Wis. Stats.
(i) A proposed boundary change pursuant to an approved cooperative plan agreement under sec. 66.0307, Wis. Stats., or a proposed boundary agreement under sec. 66.0225, Wis. Stats., or other authority.

(j) A proposed zoning ordinance or amendment pursuant to an agreement in an approved cooperative plan under sec. 66.0307(7m), Wis. Stats.
(k) Any proposed plan, element of a plan or amendment to such plan or element developed by the regional planning commission and sent to the Town for review or adoption.
(l) Any proposed contract, for the provision of information, or the preparation of a comprehensive plan, an element of a plan or an implementation measure, between the Town and the regional planning commission, under sec. 66.0309, Wis. Stats., another unit of government, a consultant or any other person or organization.
(m) A proposed ordinance, regulation or plan, or amendment to the foregoing, relating to a mobile home park under sec. 66.0435, Wis. Stats.
(n) A proposed agreement, or proposed modification to such agreement, to establish an airport affected area, under sec. 66.1009, Wis. Stats.
(o) A proposed town airport zoning ordinance under sec. 114.136(2), Wis. Stats.
(p) A proposal to create environmental remediation tax incremental financing in the town under sec. 66.1106, Wis. Stats.
(q) A proposed county agricultural preservation plan or amendment, under subch. IV of ch. 91, Wis. Stats., referred by the county to the Town, or proposed Town agricultural preservation plan or amendment.
(r) Other (specify).
(s) Any other matter required by any Town ordinance or Town Board resolution or motion to be referred to the Plan Commission.
(4) Discretionary referrals. The Town Board, or other town officer or body with final approval authority or referral authorization under the Town ordinances, may refer any of the following to the Plan Commission for report:
(a) A proposed county development plan or comprehensive plan, proposed element of such a plan, or proposed amendment to such plan.
(b) A proposed county zoning ordinance or amendment.
(c) A proposed county subdivision or other land division ordinance under sec. 236.45, Wis. Stats., or amendment.
(d) An appeal or permit application under the county zoning ordinance to the county zoning board of adjustment, county planning body or other county body.
(e) A proposed intergovernmental cooperation agreement, under sec. 66.0301, Wis Stats., or other statute, affecting land use, or a municipal revenue sharing agreement under sec. 66.0305, Wis. Stats.
(f) A proposed plat or other land division under the county subdivision or other land division ordinance under sec. 236.45, Wis. Stats.
(g) A proposed county plan, under sec. 236.46, Wis. Stats., or the proposed amendment or repeal of the ordinance adopting such plan, for a system of

town arterial thoroughfares and minor streets, and the platting of lots surrounded by them.
(h) Any other matter deemed advisable for referral to the Plan Commission for report.
(5) Referral period. No final action may be taken by the Town Board or any other officer or body with final authority on a matter referred to the Plan Commission until the Commission has made its report, or thirty (30) days, or such longer period as stipulated by the Town Board, has passed since referral. The thirty (30) day period for referrals required by the Wisconsin Statutes may be shortened only if so authorized by statute. The thirty (30) day referral period, for matters subject to required or discretionary referral under the Town's ordinances, but not required to be referred under the Wisconsin Statutes, may be made subject by the Town Board to a referral period shorter or longer than the thirty (30) day referral period if deemed advisable.

Section 18. Effective Date

Following passage by the Town Board, this ordinance shall take effect the day after the date of publication or posting as provided by sec. 60.80, Wis. Stats.
ADOPTED this 11th day of September, 2007.
_____ (Town Board Chairperson)
[Published / Posted] this 12th day of Serptember, 2007.
Attest: _____ (Town Clerk)