

Memo

To: Plan Commission

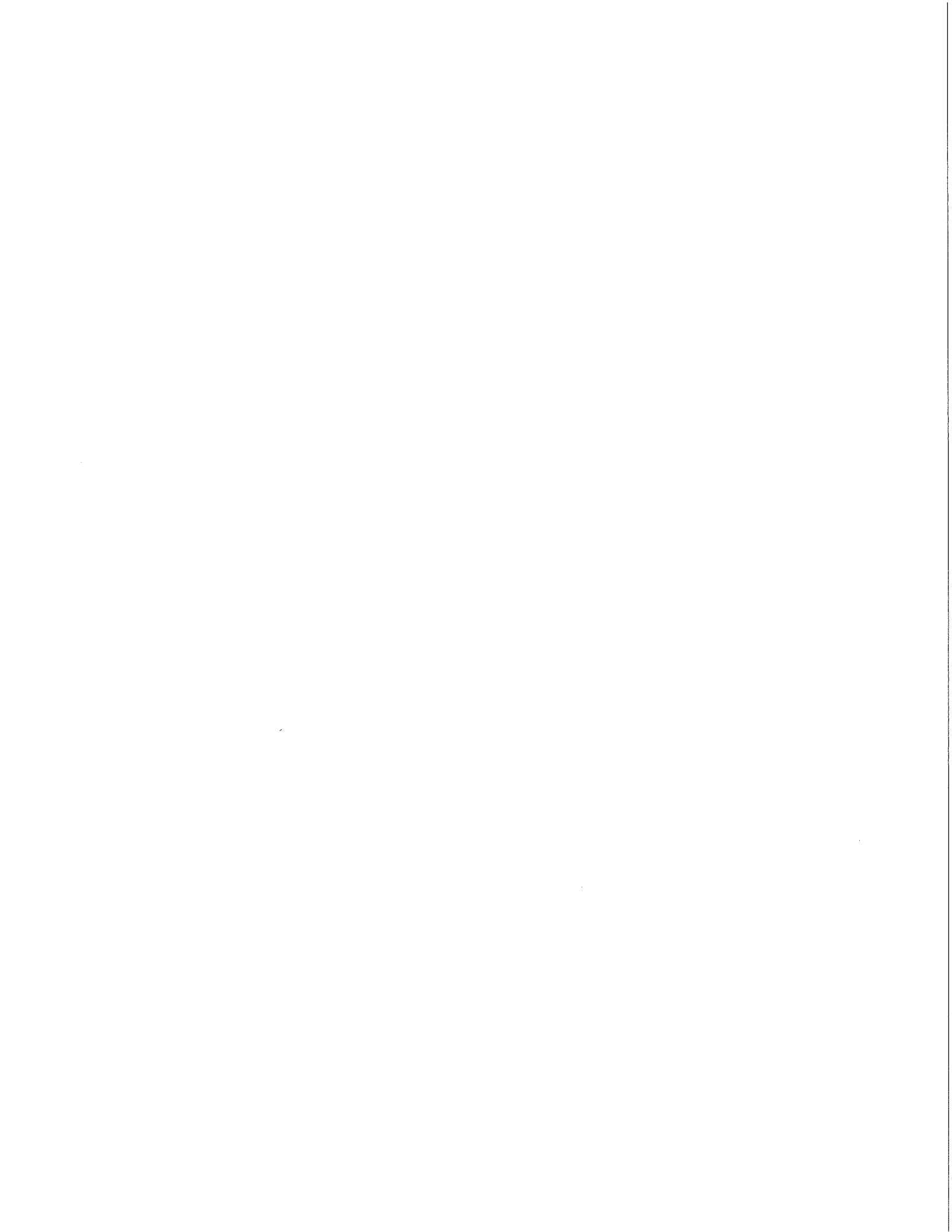
Fr: Trevor Fuller, Planning and Zoning Administrator

Re: DISCUSSION OF THE PLAN COMMISSION'S ROLE AS OUTLINED IN THE POSITION DESCRIPTION, VILLAGE ORDINANCES, AND STATE STATUTES

Date: July 22, 2014

Attached is a copy of the plan commission's position description, as well as excerpts from the village ordinances and Wisconsin State Statutes, which define the responsibilities of the plan commission.

Plan commission is asked to review the material and discuss any possible updates or revisions to the village ordinances or the commission's position description.



Village Ordinance – Chapter 100: Village Charter

100.09 BOARDS AND COMMITTEES.

A. Definitions.

(1) Board: a permanent body of the Village whose members are officially appointed and empowered to perform certain acts of a public nature and to exercise designated governmental functions. When used in this Section 100.09, the term Board shall not include the Village Board.

(2) Commission: a board.

(3) Committee: an official body of the Village to which has been delegated particular duties which are to be performed in the expectation that such acts will be confirmed by the Village Board, or that its recommendations and advice will be of aid and assistance to the Village Board in determining what acts and functions the Village should perform.

B. Creation.

The following Boards, Commissions and Committees are created to perform such duties as required by the Wisconsin Statutes, rules and regulations, the Village Ordinances, and as determined by the Village Board from time to time:

(1) Village Plan Commission is established under the provisions of Wis. Stats. 62.23(1) and hereby vested with such authority as specified in State Statutes.

(2) Park, Recreation & Forestry Committee.

(3) Public Works Committee.

(4) Economic Development Committee.

~~(5) Traffic & Safety Committee.~~

(6) Board of Appeals.

(7) Board of Review.

(8) Board of Ethics.

~~(9) (deleted on 3/15/11)~~

~~(10) (deleted on 12/4/12)~~

(11) Historical Preservation Committee.

C. Appointments.

Members of such Committees, Boards and Commissions shall be appointed to regular terms by the Village President subject to confirmation by the Village Board at a meeting held after the Spring election and prior to May 1st of the calendar year in which the term is to begin. Regular terms shall commence

on May 1st and end April 30th, and be of such length as hereinafter provided. In the event of a vacancy during a term, an appointment for the remainder of the term shall be made by the Village President subject to confirmation by the Village Board. Members may be reappointed, except that no person shall serve, or be appointed to a term for which he would become eligible to serve, for a period which shall exceed ten consecutive years unless the person holds such membership by reason of his or her elected public office or his or her employment by the Village or is otherwise reappointed by the Village Board. Reappointments which exceed the ten year maximum shall be made only when qualified replacements are not available and shall be for one-year terms. One-year reappointments shall not be made for more than five consecutive years. Qualified applicants who have not served for ten consecutive years should be appointed before extensions are granted. All appointments shall take into consideration the qualifications for members of the specific Committee, Board or Commission, as established by the Village Board from time to time. All members of Committees, Boards and Commissions shall serve at the pleasure of the Village Board.

D. Committees and Commission.

(1) Village Plan Commission.

(a) The VILLAGE PLAN COMMISSION shall consist of six regular members and three alternate members, none of whom shall hold any other public office in the Village and one Village of Allouez Trustee. Regular and alternate members shall be appointed for three-year terms; except that initial appointments of the alternate members shall be for one 3-year term, one 2-year term, and one 1-year term.

(b) Each year, the Village President shall designate one of the alternate members as "first alternate", one as "second alternate", and the other as "third alternate". The first alternate shall act with full power only when a member of the Village Plan Commission 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 regular member of the commission so refuses or is absent. The third alternate shall so act only when the first and second alternates refuse to vote or are absent or when more than two regular members of the commission refuse to vote or are absent.

(c) Four members of the Village Plan Commission shall constitute a quorum. If there is not a quorum present, the fact shall be entered on the journal, and the commission may adjourn. At least four members of the commission must vote on all matters, exclusive of abstentions; a majority vote of all members electing to vote shall be necessary for passage or approval of any matter before the commission.

Wisconsin Statute 62.23: City Planning (as referred to by Wis. Stat. 61.35: Village Planning)

62.23 City planning.

(1) Commission.

(a) The council of any city may by ordinance create a "City Plan Commission," to consist of 7 members. The commission shall also include, as a nonvoting member, a representative from a military base or installation, with at least 200 assigned military personnel or that contains at least 2,000 acres, that is located in the city, if the base's or installation's commanding officer appoints such a representative. All members of the commission, other than the representative appointed by the commanding officer of a military base or installation, shall be appointed by the mayor, who shall also choose the presiding officer. The mayor may appoint himself or herself to the commission and may appoint other city elected or appointed officials, except that the commission shall always have at least 3 citizen members who are not city officials. Citizen members shall be persons of recognized experience and qualifications. The council may by ordinance provide that the membership of the commission shall be as provided thereunder.

(d) The members of the commission shall be appointed to hold office for a period of 3 years. Appointments shall be made by the mayor during the month of April for terms that expire in April or at any other time if a vacancy occurs during the middle of a term.

(e) The city plan commission shall have power and authority to employ experts and a staff, and to pay for their services and such other expenses as may be necessary and proper, not exceeding, in all, the appropriation that may be made for such commission by the legislative body, or placed at its disposal through gift, and subject to any ordinance or resolution enacted by the governing body.

(f) Any city may by ordinance increase the number of members of the city plan commission so as to provide that the building commissioner or building inspector shall serve as a member thereof.

(2) Functions.

It shall be the function and duty of the commission to make and adopt a master plan for the physical development of the city, including any areas outside of its boundaries that in the commission's judgment bear relation to the development of the city provided, however, that in any county where a regional planning department has been established, areas outside the boundaries of a city may not be included in the master plan without the consent of the county board of supervisors. The master plan, with the accompanying maps, plats, charts, and descriptive and explanatory matter, shall show the commission's recommendations for such physical development, and shall, as described in sub. (3) (b), contain at least the elements described in s. 66.1001 (2). The commission may from time to time amend, extend, or add to the master plan or carry any part or subject matter into greater detail. The commission may adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record.

(3) The master plan.

(a) The master plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development.

(b) The commission may adopt the master plan as a whole by a single resolution, or, as the work of making the whole master plan progresses, may from time to time by resolution adopt a part or parts of a master plan. Beginning on January 1, 2010, or, if the city is exempt under s. 66.1001 (3m), the date under s. 66.1001 (3m) (b), if the city engages in any program or action described in s. 66.1001 (3), the master plan shall contain at least all of the elements specified in s. 66.1001 (2). The adoption of the plan or any part, amendment, or addition, shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the city plan commission. The resolution shall refer expressly to the elements under s. 66.1001 and other matters intended by the commission to form the whole or any part of the plan, and the action taken shall be recorded on the adopted plan or part of the plan by the identifying signature of the secretary of the commission, and a copy of the plan or part of the plan shall be certified to the common council, and also to the commanding officer, or the officer's designee, of any military base or installation, with at least 200 assigned military personnel or that contains at least 2,000 acres, that is located in or near the city. The purpose and effect of the adoption and certifying of the master plan or part of the plan shall be solely to aid the city plan commission and the council in the performance of their duties.

(4) Miscellaneous powers of the commission.

The commission may make reports and recommendations relating to the plan and development of the city to public officials and agencies, public utility companies, civic, educational, professional and other organizations, and citizens. It may recommend to the mayor or council, programs for public improvements and the financing thereof. All public officials shall, upon request, furnish to the commission, within a reasonable time, such available information as it may require for its work. The commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and marks thereon. In general, the commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning.

(5) Matters referred to city plan commission.

The council, or other public body or officer of the city having final authority thereon, shall refer to the city plan commission, for its consideration and report before final action is taken by the council, public body or officer, the following matters: The location and architectural design of any public building; the location of any statue or other memorial; the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public way, park, playground, airport, area for parking vehicles, or other memorial or public grounds; the location, extension, abandonment or authorization for any public utility whether publicly or privately owned; all plats of lands in the city or within the territory over which the city is given platting jurisdiction by ch. 236; the location, character and extent or acquisition, leasing or sale of lands for public or semipublic housing, slum clearance, relief of congestion, or vacation camps for children; and the amendment or repeal of any ordinance adopted pursuant to this section. Unless such report is made within 30 days, or such longer period as may be stipulated by the common council, the council or other public body or officer, may take final action without it.



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Plan Commission Position Description

The Village of Allouez Plan Commission is established by the Village Board and is governed by Wisconsin State Statute 62.23.

The plan commission is established to advise the Village Board regarding community planning and land use management. The plan commission is responsible for developing and recommending policies, procedures, and ordinances to the Village Board for adoption that best suit the community and are consistent with the comprehensive plan and existing ordinances of the Village. The commission is responsible for involving the community through open meetings and educational programs that can best determine the community's interests and concerns regarding community planning and land use management. The commission may be asked to review and provide recommendations for the following matters: conditional use permits, zoning, subdivision/land division plats approval, etc. The Plan Commission shall collaborate and work in conjunction with the economic development committee on promoting business and economic growth in the community.

Typical meetings are held on evenings of the fourth Monday of the month. Special meetings may be called at the discretion of the chair or vice-chair of the plan commission or upon the request by the Village Board. Members may be asked to become involved in a task force or subcommittee.

The plan commission's areas of interest include developing plans and programs for the following:

Community Planning

- Prepare and recommend a comprehensive plan for adoption by the Village Board and update the plan at least once every ten years.
- Ensure that any new or amended zoning, subdivision, and official mapping ordinances are consistent with the comprehensive plan.

Public Participation

- Hold public meetings and hearings, in compliance with Wisconsin's Open Meetings Law, prior to adopting plans and ordinances.

Plan Implementation

- Develop and recommend ordinances and amendments to the Village Board that are necessary for successful implementation of zoning regulations, subdivision development, official mapping, design review, etc.

- Recommend programs for public improvements or other non-regulatory programs to implement the comprehensive plan, such as educational programs, economic development (including Tax Increment Financing (TIF) and Planned Development District (PDD)), acquisition of land or conservation easements, intergovernmental agreements, etc.

Development Review

- Review proposed plats that fall within the Village's plat approval jurisdiction. Approval of preliminary or final plats may be assigned to the plan commission or Village Board.
- Review proposed zoning amendments.
- Provide preliminary and final recommendations to the Village Board for PDD and conditional use development plans and permitting in accordance with Village ordinance 11.25. Act as a liaison between the developer and Village Board.
- Provide recommendations for the TIF process, site plan review, historic preservation review, and any other tasks defined by the Village Board and ordinances.

Referrals and Advisory Recommendations

- The plan commission must first review the following matters, before action is taken by the Village Board or other decision-making bodies [Wis. Stat.62.23(5)]:
 - Location and design of public buildings
 - Location of statues and memorials
 - Land for public purposes such as streets, parks, airports, etc.
 - Land for public or semi-public housing, slum clearance, relief of congestion, vacation camps for children
 - Public amenities
 - Child welfare agencies and group homes
 - Community-based residential facilities
 - Pedestrian ways
 - Proposed housing projects
 - Plats of land of which the municipality is given platting jurisdiction
 - Adoption or amendment of a subdivision or land division ordinance
 - Amendment or repeal of any ordinance adopted under Wis. Stat. 62.23, including ordinances relating to plan commissions, comprehensive planning, official mapping, and zoning

Chair and Vice-chair Responsibilities

- The chair and vice-chair positions are elected by the plan commission members.
- The positions are elected annually (May) and cannot serve more than two terms consecutively.
- The chair shall be responsible for presiding over the meetings of the commission, preparing the agenda with the Village Administrator, acting as primary contact for the administrator from the commission, and fulfilling other responsibilities within the powers of the plan commission as delegated by the voting members of the plan commission.
- The vice-chair fulfills the duties of the chair in the chair's absence.

Miscellaneous Powers

- Employ or contract experts or staff for services as approved by the Village Board.
- Adopt rules of procedure and keep a record of its studies, resolutions, transactions, findings, and determinations.