

Adopted by Village Board

*3 days
or more*

CHAPTER 101

VILLAGE PLAN COMMISSION

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Sec. 101.1 Title

This ordinance is entitled "Village of Lyndon Station Plan Commission

Ordinance."

Sec. 101.2 Purpose

The purpose of this ordinance is to establish a Village of Lyndon Station 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 of the town and affected neighboring jurisdictions, through the adoption and implementation of comprehensive planning with significant citizen involvement.

Sec. 101.3 Authority; Establishment

The Town Board of the Village of Lyndon Station has been authorized by the village meeting under sec. 60.10(2)(c), Wis. Stats., to exercise village powers and the village 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 Village Board hereby exercises village powers under sec. 60.22(3), Wis. Stats., and

establishes a seven (7) member Plan Commission. The Plan Commission shall be considered the "Village Planning Agency" under secs. 236.02(13) and 236.45, Wis. Stats., which authorize, but do not require, Village adoption of a subdivision or other land division ordinance.

Sec. 101.4 **Membership**

The Plan Commission consists of one (1) member of the Village Board, who may be the Village Board Chairperson, and six (6) citizen members, who are not otherwise village officials, and who shall be persons of recognized experience and qualifications.

Sec. 101.5 **Appointments**

The Village President shall appoint the members of the Plan Commission and shall designate a Plan Commission Chairperson. Appointments shall be made 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. The Village President may appoint himself or herself or another Village Board member to the Plan Commission and may designate himself or herself, the other village board member, or a citizen member as chairperson of the Plan Commission. The Plan Commission shall always have at least 3 citizen members who are not village officials and who are persons of recognized experience and qualifications. In a year which any Village Board Member is elected at the spring election, any appointment or designation by the Village President shall be made after the election and qualification of the Village Board Members elected. Any citizen appointed to the Plan Commission shall take and file the Oath of Office within 5 days of notice of appointment, as provided under Sec. 19.01 and 62.21, Wis. Stats.

Sec. 101.6 **Terms of Office**

Term of office; Initial staggering of terms. The term of office for each Plan Commission Member shall be three years, ending on April 30th or until a successor is appointed and qualified. In order to stagger the terms of appointments to the Plan Commission, members shall be appointed as follows: Two persons for a term that expires on the first April 30th following their appointment, two persons for a term that expires on the 2nd April 30th following their appointment, and 3 persons for a term that expires on the 3rd April 30th following their appointment. Once the terms are staggered members shall be appointed for 3 year terms.

Village Board Member or Chair Person. The Plan Commission member who is the Town Board member or Town Board Chairperson, including a person designated as 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 30th shall be for a term that expires two (2) years from the previous April 30th.

Sec. 101.7**Vacancies**

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

Sec. 101.8**Compensation; Expenses**

The Village Board of the Village of Lyndon Station hereby sets a per diem allowance of fifteen dollars (\$15.00) per meeting for each member of the Plan Commission, as allowed under sec. 66.0501(2), Wis. Stats. In addition, the Village Board may reimburse reasonable costs and expenses, as allowed under sec. 60.321, Wis. Stats.

Sec. 101.9**Experts and Staff**

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

Sec. 101.10**Rules; Records**

The Plan Commission, under sec. 62.23(2), Wis. Stats., may adopt the rules of the transaction of its business, subject to village ordinances, and shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record under secs. 19.21-19.32, Wis. Stats.

Sec. 101.11**Chairperson and Officers**

- A. 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 village ordinances and Commission rules:
- (1) Provide leadership to the Commission;
 - (2) Set Commission meetings and hearing dates;
 - (3) Provide notice of Commission meetings and hearings and set their agendas, personally or by his or her designee;
 - (4) Preside at Commission meetings and hearings; and
 - (5) Ensure that the laws are followed.

- B. 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.
- C. 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 Village Board, designate the Village clerk or other Village officer or employee as Secretary.

Sec. 101.12 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. 19.21-19.3839; Code of Ethics for Local Government Officials, secs. 19.42, 19.58, and 19.59; Open Meetings, secs. 19.81-19.89; Misconduct in Office, sec. 946.12; and Private Interest in Public Contracts, sec. 946.13. Commission members shall further perform their duties in a fair and rational manner and avoid arbitrary actions.

Sec. 101.13 General and Miscellaneous Powers

The Plan Commission under sec. 62.23(4), Wis. Stats., shall have the powers:

- A. Necessary to enable it to perform its functions and promote Village planning.
- B. To make reports and recommendations relating to the plan and development of the village to the Village Board, other public bodies, citizens, public utilities and organizations.
- C. To recommend to the Village Board programs for public improvements and the financing of such improvements.
- D. To receive from public officials, within a reasonable time, requested available information required for the Commission to do its work.
- E. 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., or other court issued warrant.

Sec. 101.14

Village Comprehensive Planning: General Authority and Requirements

- A. The Plan Commission shall make and adopt the 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.
- B. The Plan Commission shall make and adopt the comprehensive plan within the time period directed by the Village Board, but not later than a time sufficient to allow the Village Board to review the plan and pass an ordinance and adopting it to take effect on or before January 1st of the year it is due, so that the village comprehensive plan is in effect by that date on which any village program or action affecting land use must be consistent with the village comprehensive plan under sec. 66.1001(3), Wis. Stats.
- C. 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 village by the Plan Commission, Village staff, another unit of government, the regional planning commission, a consultant, citizens, an advisory committee, or any other person, group or organization.

Sec. 101.15

Procedure for Plan Commission Adoption and Recommendation of a Village 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.

- A. Public Participation Verification. Prior to beginning work on a comprehensive plan, the Plan Commission shall verify that the Village 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 Village Board and for the Village Board to respond to such written comments.

- B. Resolution. The Plan Commission, under sec. 66.1001(4)(b), Wis. Stats., shall recommend its proposed comprehensive plan or amendment to the Village 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 the requirements of the comprehensive planning law have been met, under sec. 66.1001, Wis. Stats., namely that:

- (1) The Village Board adopted written procedures to foster public participation and that such procedures allowed public participation at each stage of preparing the comprehensive plan;
- (2) The plan contains the nine (9) specified elements and meets the requirements of those elements;
- (3) The maps and other descriptive materials relate to the plan;
- (4) 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
- (5) 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 paragraph (3) of this Section.

- C. Transmittal. One copy of the comprehensive plan or amendment adopted by the Plan Commission for recommendation to the Village Board shall be sent to:

- (1) Every governmental body that, is located in whole or in part within the boundaries of the Village, including any school district, Village sanitary district, public inland lake protection and rehabilitation district or other special district.
- (2) The clerk of every city, village, town, county and regional planning commission that is adjacent to the Village.

- (3) The Wisconsin Land Council.
- (4) The Wisconsin Department of Administration.
- (5) The regional planning commission in which the Village is located.
- (6) The public library that serves the area in which the Village is located.

Sec. 101.16

Plan Implementation and Administration

- A. Ordinance Development. If directed by resolution or motion of the Village Board, the Plan Commission shall prepare the following:
 - (1) Official Map. A proposed or official map ordinance under sec. 62.23(6), Wis. Stats.
 - (2) Other. Any other ordinance specified by the Village Board, which may include historic preservation, design review, or site plan review.
- B. Ordinance Amendment. The Plan Commission, on its own motion, or at the direction of the Village Board by its resolution or motion, may prepare proposed amendments to the village ordinances relating to comprehensive planning and land use.
- C. Non-Regulatory Programs. The Plan Commission, on its own motion, or at the direction of the Village 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 and conservation easements, and capital improvement planning.
- D. Program Administration. The Plan Commission shall, pursuant to Village ordinances, have the following powers:
 - (1) Subdivision Review. Proposed plats under Chapter 236, Wis. Stats., shall be referred to the Plan Commission for review and recommendation to the Village Board.
 - (2) Implementation and Administration of the Village of Lyndon Station Comprehensive Plan.
- E. Consistency. Any ordinance, amendment or program proposed by the Plan Commission, and any Plan Commission approval,

recommendation for approval or other action under village ordinances or programs that implement the village's comprehensive plan under secs. 62.23 and 66.1001, Wis. Stats., shall be consistent with that plan as of January 1st of the year it's due. 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.

Sec. 101.17

Referrals to the Plan Commission

- A. Required Referrals under sec. 62.23(5), Wis. Stats. The following shall be referred to the Plan Commission for report:
- (1) The location and architectural design of any public building.
 - (2) The location of any statute or other memorial.
 - (3) The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any:
 - (a) Street, alley or other public way;
 - (b) Park or playground;
 - (c) Airport;
 - (d) Area for parking vehicles; or
 - (e) Other memorial or public grounds.
 - (4) The location, extension, abandonment or authorization for any publicly or privately-owned public utility.
 - (5) All plats under the Village's jurisdiction under Chapter 236, Wis. Stats., including divisions under a village subdivision or other land division ordinance adopted under sec. 236.45, Wis. Stats.
 - (6) The location, character and extent or acquisition, leasing or sale of lands for:
 - (a) Public or semi-public housing;
 - (b) Slum clearance;
 - (c) Relief of congestion; or
 - (d) Vacation camps for children.
 - (7) The amendment or appeal of any ordinance adopted under sec. 62.23, Wis. Stats., including ordinances relating to: The Village Plan Commission; the Village master plan or the Village comprehensive plan under sec. 66.1001, Wis. Stats.; a Village official map.

B. 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:

- (1) An application for initial licensure of a child welfare agency or group home under sec. 48.68(3), Wis. Stats.
- (2) An application for initial licensure of a community-based residential facility under sec. 50.03(4), Wis. Stats.
- (3) 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.
- (4) Matters relating to the establishment or termination of an architectural conservancy district under sec. 66.1007, Wis. Stats.
- (5) Matters relating to the establishment of a reinvestment neighborhood required to be referred under sec. 66.1107, Wis. Stats.
- (6) Matters relating to the establishment or termination of a business improvement district required to be referred under sec. 66.1109, Wis. Stats.
- (7) A proposed housing project under sec. 66.1211(3), Wis. Stats.
- (8) Matters relating to urban redevelopment and renewal in the Town required to be referred under sub Ch. XIII of Ch. 66, Wis. Stats.
- (9) The adoption or amendment of a village subdivision or other land division ordinance under sec. 236.45(4), Wis. Stats.
- (10) Creation and amendment of a Village Tax Incremental District under sec. 60.85, Wis. Stats.
- (11) Creation and amendment of a Cooperative Tax Incremental District under sec. 66.1105(16), Wis. Stats.
- (12) Creation and amendment of a Lake Protection Districts under Ch. 33 of the Wis. Stats.
- (13) Any other matters required by the Wisconsin Statutes to be referred to the Plan Commission.

C. 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:

- (1) A proposal, under sec. 59.69, Wis. Stats., for the Village to approve general county zoning so that it takes effect in the Village, or to remain under general county zoning.
- (2) Proposed regulations or amendments relating to historic preservation under sec. 60.64, Wis. Stats.
- (3) A proposed driveway access ordinance or amendment.
- (4) A proposed Village official map ordinance under sec. 62.23(6), Wis. Stats., or any other proposed Village ordinance under sec. 62.23, Wis. Stats., not specifically required by the Wisconsin Statutes to be referred to the Commission.
- (5) A proposed extraterritorial zoning ordinance or a proposed ordinance to an existing ordinance under sec. 62.23(7a), Wis. Stats.
- (6) 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.
- (7) Any proposed plan, element of a plan or amendment to such plan or element developed by the regional planning commission and sent to the village for review or adoption.
- (8) 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 village and the regional planning commission, under sec. 66.0309, Wis. Stats., another unit of government, a consultant or any other person or organization.
- (9) A proposed ordinance, regulation or plan, or an amendment to the foregoing, that relates to a mobile home park under sec. 66.0435, Wis. Stats.
- (10) A proposed agreement, or proposed modification to such agreement, to establish an airport affected area, under sec. 66.1009, Wis. Stats.
- (11) A proposed Village airport zoning ordinance under sec. 114.136(2), Wis. Stats.
- (12) A proposal to create environmental remediation tax incremental financing in the Village under sec. 66.1106, Wis. Stats.
- (13) A proposed county agricultural preservation plan or amendment under sub Ch. IV of Ch. 91, Wis. Stats., referred by the county to the Village, or a proposed village agricultural preservation plan or amendment.

- (14) A proposed county development plan or comprehensive plan, proposed element of such a plan, or proposed amendment to such a plan.
 - (15) A proposed county zoning ordinance, shoreland protection ordinance, or amendments.
 - (16) A proposed county subdivision or other land division ordinance under sec. 236.45, Wis. Stats., or amendment.
 - (17) An appeal, permit application, Special Exception Permit, Conditional Use Permit, Planned Unit Development, rezoning application, and any other matters pertaining to land use of property in the Village under the county zoning ordinance or shoreland protection ordinance to the county zoning board of adjustment, county planning body or other county body.
 - (18) A proposed intergovernmental cooperation agreement, under sec. 66.0301, Wis. Stats., or other statute, affecting land use, or municipal revenue sharing agreement under sec. 66.0305, Wis. Stats.
 - (19) A proposed plat, Certified Survey Map, or other land division under the county subdivision or other land division ordinance under sec. 236.45, Wis. Stats.
 - (20) 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 Village arterial thoroughfares and minor streets, and the platting of lots surrounded by them.
- D. Discretionary Referrals. The Village Board, or other Village officer or body with final approval authority or a referral of authorization under the Village Ordinances, may refer any other matter deemed advisable for referral to the Plan Commission for a report.
- E. Referral. No final action need be taken by the Village 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 Village 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 village ordinances, but required to be referred under the Wisconsin Statutes, may be made subject by the Village Board to a referral period shorter or longer than the thirty (30) day referral period if deemed advisable.