

1 AN ORDINANCE

2
3 Related to the Codification of Ordinances Concerning the Town of Three Lakes Plan
4 Commission

5
6 Whereas, the Town of Three Lakes has a Plan Commission, and has previously enacted
7 ordinances related to the Plan Commission;

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9 Whereas, these ordinances should be included in the Official Code of Ordinances of the
10 Town of Three Lakes;

11
12 Whereas, sec. 60.80 and 66.0103, Wis. Stats., allow public notice of the adoption of this
13 ordinance to be given in summary form;

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15 NOW, THEREFORE, the Town Board of Supervisors of the Town of Three Lakes does
16 hereby Ordain as follows:

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18 ARTICLE ONE. Chapter 73 of the Code of Ordinances of the Town of Three Lakes is
19 hereby created to read:

20
21 CHAPTER 73 TOWN PLAN COMMISSION.

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23 73-1 Purpose. The purpose of this ordinance is to establish a Town of Three Lakes Plan
24 Commission and set forth its organization, powers and duties, to further the health, safety,
25 welfare and wise use of resources for the benefit of current and future residents of the Town and
26 affected neighboring jurisdictions, through the adoption and implementation of comprehensive
27 planning with significant citizen involvement.

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29 73-2 Authority and Establishment.

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31 The Town Board of the Town of Three Lakes, having been authorized by the Town meeting
32 under sec. 60.10(2)(c), Wis. Stats., to exercise village powers, hereby exercises village powers
33 under sec. 60.22(3), Wis. Stats., and establishes a seven (7) member Plan Commission under
34 sees, 61.35 and 62.23, Wis. Stats. The Plan Commission shall be considered the "Town Planning
35 Agency" under sees. 236.02(13) and 236.45, Wis. Stats., which authorize, but do not require,
36 Town adoption of a subdivision or other land division ordinance.

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38 73-3 Membership.

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40 The Plan Commission consists of: seven members, appointed as follows: (a) a maximum of two
41 (2) but at least one (1) elected Town Board Member(s), which may be the Town Chairperson
42 and/or a Town Supervisor; a maximum of five (5) but at least four (4) citizen members, who are
43 not otherwise Town officials, and who shall be persons of recognized experience and
44 qualifications.

45 73-4 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 designate himself or herself (if seated on the Commission), the Town Board Supervisor member, or a citizen member as Chairperson of the Plan Commission. Appointments are subject to the approval of the Town Board. In a year in which the Town Board Chairperson member and/or Town Board Supervisor member is elected at the Spring election, any appointment or designation by the Town Board Chairperson shall be made after the election and qualification of the Town Board Supervisors and/or Town Board Chairperson 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 sees. 19.01 and 60.31, Wis. Stats.

73-5 Terms of Office.

The term of office for the Plan Commission Chairperson and each Commission member shall be for a period of three (3) years, ending on April 30, or until a successor is appointed and qualified, except as follows: The first citizens appointed to the Plan Commission shall be appointed for staggered terms as follows: one (1) person for a term that expires in one (1) year from April 30, 2010; a minimum of one (1) and maximum of two (2) person(s) for a term that expires in two (2) years from April 30, 2010; and two (2) persons for a term that expires in three (3) years from April 30, 2010.

(b) Town Board Supervisor Member or Town Board Chairperson Member. The Plan Commission member who is the Town Board Supervisor or the Town Board Chairperson, including either if 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 for the initial appointment which shall expire two (2) years from April 30, 2009.

73-6 Vacancies.

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

73-7 Compensation and Expenses.

The Town Board of the Town of Three Lakes hereby sets a per diem allowance of \$0 per meeting for citizen and Town Board members of the Plan Commission, 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.

73-8 Experts and 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.

73-9 Rules and 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 sees. 19.21-19.39, Wis. Stats.

73-10 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 Town ordinances and Commission rules:

- (1) provide leadership to the Commission;
- (2) set Commission meeting 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 Town Board, designate the Town Clerk or other Town officer or employee as Secretary.

73-11 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, sees. 19.21-19.39; Code of Ethics for Local Government Officials, sees. 19.42, 19.58 & 19.59; Open Meetings, sees. 19.81-19.89; Misconduct in Office, sec. 916.12; 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.

73-12 General and Miscellaneous Powers.

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

- (a) Necessary to enable it to perform its functions and promote Town planning.
- (b) 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.
- (c) To recommend to the Town Board ~~programs~~ proposals 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.

73-13 Town Comprehensive Planning: General Authority and Requirements

(a) The Plan Commission shall make and adopt a comprehensive plan under sees, 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 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 program or action affecting land use must be consistent with the Town 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 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.

73-14 Procedure for Plan Commission Adoption and Recommendation of a Town Comprehensive Plan or Amendment

(a) 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. 65.1001(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:

- i. 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;

- 183 ii. the plan contains the nine (9) specified elements and meets the requirements of those
- 184 elements;
- 185 iii. the (specified) maps and (specified) other descriptive materials relate to the plan;
- 186 iv. the plan has been adopted by a majority vote of the entire Plan Commission, which
- 187 the clerk or secretary is directed to record In the minutes;
- 188 v. the Plan Commission secretary is directed to send a copy of the comprehensive plan
- 189 adopted by the Commission to the governmental units specified in sec. 66.1001(4),
- 190 Wis. Stats., and sub. (3) of this section.
- 191 (b) Transmittal. One copy of the comprehensive plan or amendment adopted by the Plan
- 192 Commission for recommendation to the Town Board shall be sent to:
- 193 (1) Every governmental body that is located in whole or in part within the boundaries of
- 194 the Town, including any school district, Town sanitary district, public inland lake
- 195 protection and rehabilitation district or other special district.
- 196 (2) The clerk of every city, village, town, county and regional planning commission that
- 197 is adjacent to the Town.
- 198 (3) The Wisconsin Land Council.
- 199 (4) After September 1, 2003, the Department of Administration.
- 200 (5) The regional planning commission in which the Town is located.
- 201 (6) The public library that serves the area in which the Town is located.
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203 73-14 Plan Implementation and Administration.

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- 205 (a) Ordinance development. If directed by resolution or motion of the Town Board, the Plan
- 206 Commission shall prepare the following:
- 207 (b) Zoning. A proposed Town zoning ordinance under village powers, sees. 60.22(3), 61.35 and
- 208 62.23(7), Wis. Stats., a Town construction site erosion control and storm water management
- 209 zoning ordinance under sec. 60.627(6), Wis. Stats., a Town exclusive agricultural zoning
- 210 ordinance under sub-chapter. V of Ch. 91, Wis. Stats., and any other zoning ordinance within the
- 211 Town's authority.
- 212 (c) Official map. A proposed official map ordinance under sec. 62.23 (6), Wis. Stats.
- 213 (d) Subdivisions. A proposed Town subdivision or other land division ordinance under sec.
- 214 236.45, Wis. Stats.
- 215 (e) Other. Any other ordinance specified by the Town Board including but not limited to historic
- 216 preservation, design review, site plan review.
- 217 (f) Ordinance amendment. The Plan Commission, on its own motion, or at the direction of the
- 218 Town Board by its resolution or motion, may prepare proposed amendments to the Town's
- 219 ordinances relating to comprehensive planning and land use.
- 220 (g) Non-regulatory programs. The Plan Commission, on its own motion, or at the direction of the
- 221 Town Board by resolution or motion, may propose non-regulatory programs to implement the
- 222 comprehensive plan, including programs relating to topics such as education, economic
- 223 development and tourism promotion, preservation of natural resources through the acquisition of
- 224 land or conservation easements, and capital improvement planning.
- 225 (h) Program administration. The Plan Commission shall, pursuant to Town ordinances, have the
- 226 following powers,
- 227 i. Zoning conditional use permits. The zoning administrator shall refer applications
- 228 for (conditional use)[administrative review] permits under Town zoning to the Plan Commission

for review and recommendation to the Town Board as provided under the Town zoning ordinances.

ii. 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 the Town ordinances shall be referred to the Plan Commission for review and recommendation to the Town Board.

(e) 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 the current plan ~~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.

73-16 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 statue 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

(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.

(4) The location, extension, abandonment or authorization for any publicly or privately owned public utility.

(5) 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.

(6) 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.

(7) The amendment or repeal of any ordinance adopted under sec. 62.23, Wis. Stats., including ordinances relating to: the Town Plan Commission or the Town comprehensive plan under sec. 66.1001, Wis. Stats.; a Town official map; and Town zoning under village powers.

(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. 46.68(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 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.

(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) 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.

(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 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.

(5) 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 storm water management zoning ordinance under sec. 60.627(6), Wis. Stats., and a Town ~~exclusive agricultural~~ farmland preservation zoning ordinance under subch. V of Ch. 91, Wis. Stats.

(6) An application for a [conditional use][administrative review] permit under the Town zoning ordinance. 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,

(7) A proposed site plan if such review is not already covered by Town zoning or subdivision ordinances. The Town Board has final authority for approval.

(8) A proposed extraterritorial zoning ordinance or a proposed amendment to an existing ordinance under sec. 62.23(7a), Wis. Stats.

(9) 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.

(10) A proposed zoning ordinance or amendment pursuant to an agreement in an approved cooperative plan under sec. 66.0307(7m), Wis. Stats,

(11) 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.

(12) 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,

(13) A proposed ordinance, regulation or plan, or amendment to the foregoing, relating to a mobile home park under sec. 66.0435, Wis. Stats.

(14) A proposed agreement or proposed modification to such agreement, to establish an airport affected area, under sec. 66.1009, Wis. Stats.

(15) A proposed town airport zoning ordinance under sec. 114.136(2), Wis. Stats.

(16) A proposal to create environmental remediation tax incremental financing in the town under sec. 66.1106, Wis. Stats.

(17) An amendment, under subch. IV of Ch. 91, Wis. Stats., referred by the county to the Town, or a proposed Town agricultural preservation plan or amendment.

(18) Any other matter required by any Town ordinance or Town Board resolution or motion to be referred to the Plan Commission.

(d) 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:

(1) A proposed county development plan or comprehensive plan, proposed element of such a plan, or proposed amendment to such plan.

(2) A proposed county zoning ordinance or amendment.

(3) A proposed county subdivision or other land division ordinance under sec. 236.45, Wis. Stats., or amendment.

(4) An appeal or permit application under the county zoning ordinance to the county zoning board of adjustment, county planning body or other county body.

(5) 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.

(6) A proposed plat or other land division under the county subdivision or other land division ordinance under sec. 236.45, Wis. Stats.,

(7) 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.

(8) Any other matter deemed advisable for referral to the Plan Commission for report.

(e) 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.

(f) Advisory Committees. The Town Board may create advisory committees on a limited-term or ongoing basis to provide advice to the Town on specific issues or subjects. These advisory committees shall be limited to making a study of the subjects committed to them, and reporting on these subjects as directed or from time to time. No zoning petition, plat, conditional use permit, certified survey map, planned unit development or other formal action of the Town shall need be referred to an advisory committee for a recommendation, nor shall need the Plan Commission or Town Board await a recommendation from an advisory committee before acting

on any matter. The advisory committees which are in existence as of the adoption of this ordinance, [Clerk inserts date of adoption], shall continue to exist until modified or abolished by the Town Board.

ARTICLE TWO.

All prior ordinances providing for a Plan Commission or advisory committees to a Plan Commission are hereby repealed, subject to the following provisions:

- (a) All persons who are members of the Plan Commission as of the date this Ordinance is adopted shall complete their current unexpired terms.
- (b) All advisory committee members currently serving shall complete their unexpired terms unless such advisory committee is abolished or altered by the Town Board. Any matters which have been referred to, or are under review by, and advisory committee may be considered by the Plan Commission and Town Board without awaiting a report of the advisory committee.
- (c) All previous actions of the Plan Commission remain valid, and all pending actions of the Plan Commission are unaffected by the codification of these ordinances.

ARTICLE THREE.

The following summary of this Ordinance shall be published as a Class 1 notice under Ch. 985 of the Wisconsin Statutes”

TOWN OF THREE LAKES

NOTICE OF ORDINANCE CODIFICATION.

The Town Board of the Town of Three Lakes voted on March 18, 2014 to enact an ordinance codifying all previous Plan Commission ordinances as Chapter 73 of the Town Code of Ordinances. The ordinance states the number of members of the Plan Commissioner, how they are appointed, what their duties are, and what matters the Plan Commission considers. The ordinance is available for inspection at the Town Hall and will be posted in the Town’s website at www.townofthreelakes.com.

SUSAN HARRIS, Clerk
Town of Three Lakes
715-546-3316
townclerksue@townofthreelakes.com

ARTICLE FOUR.

This ordinance shall be effective upon adoption.