

ORDINANCE O2010.05.1

**AN ORDINANCE ESTABLISHING A PLAN COMMISSION
FOR THE TOWN OF HORTONIA**

The Town Board of Hortonia, Outagamie County, Wisconsin, does ordain as follows:

Section 1. TITLE

The short title of this ordinance is the “Town of Hortonia Plan Commission Ordinance.”

Section 2. PURPOSE

The purpose of this ordinance is to establish a Town of Hortonia 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. Adoption of this ordinance shall repeal and replace the ordinance adopted March 9, 2010 entitled, “AN ORDINANCE ESTABLISHING A PLAN COMMISSION FOR THE TOWN OF HORTONIA.”

Section 3. DEFINITIONS

- (1) “Plan Commission” is a group of town officials given authority by the Town Board to review CSMs and Plat maps, proposed zoning and future land use changes, applications for variances, land division and subdivision proposals, petitions for annexation and other land use issues that require the group to insure that what is proposed is consistent with the Town’s Comprehensive Plan, zoning ordinance and other related ordinances. The Plan Commission may propose revisions to the Town Plan, and exercise other powers granted by this ordinance and authorized by Wis. State Statutes.
- (2) “Zoning” means the regulation of the use of real property by local government. Zoning helps plan commissioners bring about orderly growth and change. It controls population density and helps create attractive, healthful residential areas. In addition, zoning helps assure property owners and residents that the characteristics of nearby areas will remain stable.
- (3) “Zoning Ordinance” is a legal document describing how the Town is divided into separate agricultural, residential, commercial, industrial and other districts, thereby preserving the desirable characteristics of each type of setting, based on permitted land use.
- (4) “Comprehensive Plan” is a document expressing a master plan that is adopted or amended under Wis. State Statute §62.23 (2) or (3). The Comprehensive Plan and the Future Land Use Maps it contains guide proposed zoning changes.

- (5) "Plat" is a map of a piece of land with actual and proposed features (as lots with buildings served by streets and utilities).
- (6) "CSM" is a Certified Survey Map with dimension lines and descriptions of actual features that allows land owners and planners to describe a parcel, portion(s) of parcel(s), or collection of parcels.
- (7) "Parcel" is a unit of land that is registered with the County register of deeds, whose value is assessed based on current land use. Additional assessment value of any improvements to the land (eg. Buildings) is also included with the parcel record. Each parcel in the Town of Hortonia is assigned a nine digit number beginning with 120 expressed as 120-####-##.

Section 4. AUTHORITY: ESTABLISHMENT

The Town Board of the Town of Hortonia, having been authorized by the Town meeting under Section 60.10(2)(c), Wis. Stats., to exercise village powers, and having a population of less than 2,500, hereby exercises village powers under Section 60.22(3), Wis. Stats., and establishes a five (5) member Plan Commission under Sections 60.62(4), 61.35 and 62.23, Wis. Stats. The Plan Commission shall be considered the "Town Planning Agency" under Sections 236.02(13) and 236.45, Wis. Stats.

Section 5. MEMBERSHIP

The Plan Commission shall consist of 5 members, all of whom shall be appointed by the Town Board Chairperson, subject to confirmation by the Town Board. The Town Chairperson shall also select the presiding officer. The Town Board Chairperson shall appoint one (1) Town Board member to the commission and may appoint one other town elected or appointed official to the commission, except that the commission shall always have not less than three (3) citizen members, who are not otherwise Town officials. Citizen members shall be persons of recognized experience and qualifications. The Plan Commission may elect a Vice Chairperson to act in place of the Chairperson when the Chairperson is absent. The Plan Commission shall also elect a Secretary, or with the approval of the Town Board, designate the Town Clerk as Secretary. Appointees to the Plan Commission may be removed only by a majority vote of the Town Board. All other provisions of Sections 61.35 and 62.23 shall apply to a Plan Commission that has 5 members.

Section 6. TERM

The Town Board Chairperson and any other Town Board member or Town Official who is appointed to the Plan Commission shall serve on the Plan Commission for a term of two years concurrent with his or her term. The term for all other Plan Commission members shall be for three years, except for initial appointments, ending on April 30 or until a successor is appointed. A person who is appointed to fill a vacancy on the Plan Commission shall serve for the remainder of the term. Initial appointments of citizen members shall be for staggered terms as follows: one (1) person for a term that expires in one (1) year; one (1) person for a term that expires in two (2) years; and the remaining person(s) for a term that expires in three (3) years.

Section 7. COMPENSATION AND EXPENSES

All Plan Commission members are entitled to receive per diem allowances and reimbursement for reasonable costs and expenses as are allowed by Town Board members.

Section 8. DISCHARGE OF DUTIES

All members of the Plan Commission shall discharge their duties in accordance with, but not limited to, the provisions of the Wisconsin Statutes on Public Records, Section 19.21 et seq.; Code of Ethics, Section 19.42 et seq.; Open Meetings, Section 19.81 et seq.; and Private Interests in Public Contracts, Section 946.13.

Section 9. RULES AND RECORDS

The Plan Commission shall comply with all rules adopted by the Town Board. The Plan Commission may adopt further rules as necessary to carry out its duties. No rules may be changed without the concurring vote of a majority of the Plan Commission. The Plan Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact. The Plan Commission shall keep a record of its resolutions, transactions, findings and determinations all of which shall be a public record. All actions or decisions shall be taken by resolution in which a concurring vote of a majority of the members shall be necessary.

Section 10. GENERAL POWERS

The Plan Commission, under Section 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 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 Section 66.0119, Wis. Stats., or other court-issued warrant.

SECTION 11. TOWN COMPREHENSIVE PLAN

- (1) The Plan Commission shall make and adopt a comprehensive plan under Sections 62.23 and 66.1001, Wis. Stats., which contains the elements specified in Section 66.1001(2), Wis. Stats., and follows the procedures in Section 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 program or action affecting land use must be consistent with the Town comprehensive plan under Section 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 by 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 12. COMPREHENSIVE PLAN PROCEDURES

The Plan Commission, in order to ensure that the requirements of Section 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 Section 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 Section 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 Section 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 13. PLAN IMPLEMENTATION, ADMINISTRATION AND REFERRALS

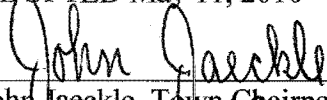
- (1) **Ordinance Development.** If directed by resolution or motion of the Town Board, the Plan Commission shall prepare or make recommendations to the Town Board on the adoption or amendment of land use ordinances including but not limited to zoning, plat or land division review, site plan review, official mapping, stormwater management, erosion and highway access.
- (2) **Ordinance Administration.** The Plan Commission shall review and make recommendations to the Town Board on all zoning map amendments, zoning conditional use permit applications, proposed subdivisions or land divisions and site plan submittals.

- (3) **Other Referrals.** The following additional matters shall be referred to the Plan Commission for recommendation and report pursuant to the Wisconsin Statutes.
- (a) The location and design of public buildings.
 - (b) The location of statues or memorials.
 - (c) The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for any street or other public way; park or playground; airport; area for parking vehicles or other memorial or public grounds.
 - (d) The location, extension, abandonment or authorization for any publicly or privately owned public utility.
 - (e) The location, character and extent of acquisition leasing or sale of lands for public or semi-public housing; slum clearance; relief of congestion; or vacation camps for children.
 - (f) Review of annexation petitions
 - (g) Development of annual report regarding growth and development in the Township expressing estimated assessment value gained based on building permits, and, estimated assessment value lost due to annexation.
 - (h) Applications for initial licensure of a child welfare agency or group home under Section 48.68(3), Wis. Stats.
 - (i) Applications for initial licensure of a community-based residential facility under Section 50.03(4), Wis. Stats.
 - (j) Proposed designation of a street, road or public way, or any part thereof, wholly within the Town, as a pedestrian mall under Section 66.095, Wis. Stats.
 - (k) Matters relating to the establishment or termination of an architectural conservancy district under Section 66.1007, Wis. Stats., a reinvestment neighborhood under Section 66.1107, Wis. Stats., or a business improvement district under Section 66.1109, Wis. Stats.
 - (l) A proposed housing project under Section 66.1211(3), Wis. Stats.
 - (m) Any other matter required by the Wisconsin Statutes to be referred to the Plan Commission.
- (4) **Referral Period.** No final action may be taken by the Town Board or other Town officer or body having final authority on a matter referred to the Plan Commission until the Plan Commission has made its report, or within 30 days or such longer period as may be stipulated by the Town Board or other Town officer or body having final authority.

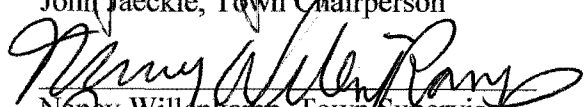
SECTION 14. EFFECTIVE DATE

Upon adoption by the Town Board, this ordinance shall take effect the day after the date of publication or posting as provided by Section 60.60, Wis. Stats.

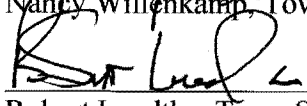
ADOPTED May 11, 2010



John Jaeckle, Town Chairperson




Nancy Willenkamp, Town Supervisor



Robert Luedtke, Town Supervisor

PUBLISHED May 12, 2010



Attest
Andrew Hogan, Clerk

3 ayes 0 nays