

Village of Nichols Outagamie County, Wisconsin

Ordinance #13-1-176

Ordinance Establishing a Plan Commission

The Village Board of the Village of Nichols, Outagamie County, Wisconsin does ordain as follows:

Section 1. Title

This ordinance is entitled the "Village of Nichols Plan Commission Ordinance."

Section 2. Purpose

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

Section 3. Authority; Establishment

The Village Board of the Village of Nichols, hereby establishes a five member Plan Commission under sections. 61.35 and 62.23, Wis. Stats.

Section 4. Membership

The Plan Commission consists of five (5) members consisting of Village elected or appointed officials, except that at least three (3) must be citizen members who are not otherwise Village officials, and who shall be persons of recognized experience and qualifications.

Section 5. Appointments

The Village President shall appoint the members of the first Plan Commission and designate a Plan Commission Chairperson no later than February 1, 2009. 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. In a year in 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 five (5) days of notice of appointment, as provided under sections. 19.01 and 61.21, Wis. Stats.

Section 6. 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:

(1) Initial Terms. The citizen members initially appointed to the Plan Commission shall be appointed for staggered terms.

(2) Village Board Member or President. The Plan Commission member who is a Village Board Member or Village President, 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 Village 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 the remainder of the term.

Section 8. Compensation; Expenses

The Village Board of the Village of Nichols hereby sets a per diem allowance of \$30.00 per meeting for citizen and Village Board members of the Plan Commission, as allowed under sec. 66.0501(2), Wis. Stats.

Section 9. Experts & 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.

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 Village ordinances, and shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record under sections 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 Village 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 Village Board, designate the Village Clerk or other Village officer or employee as Secretary.

Section 12. 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 Village planning.
- (2) 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.
- (3) To recommend to the Village 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., or other court-issued warrant.

Section 13. 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 Village's jurisdiction under ch. 236, Wis. Stats., including divisions under a Village subdivision or other land division ordinance adopted under sec. 236.45, Wis. Stats.
- (f) The amendment or repeal of any ordinance adopted under sec. 62.23, Wis. Stats., including ordinances relating to: the Village Plan Commission; the Village comprehensive plan under sec. 66.1001, Wis. Stats.; a Village official map; and Village zoning.

(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) The adoption or amendment of a Village subdivision or other land division ordinance under sec. 236.45(4), Wis. Stats.
- (b) 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) A proposed driveway access ordinance or amendment.
- (b) 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.
- (c) A proposed Village zoning ordinance or amendment adopted under authority separate from or supplemental to sec. 62.23, Wis. Stats., including a Village construction site erosion control and storm water management zoning ordinance under sec. 60.627(6), Wis. Stats.
- (d) An application for a special exception.
- (e) A proposed site plan.
- (f) 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.
- (g) A proposed ordinance, regulation or plan, or amendment to the foregoing, relating to a mobile home park under sec. 66.0435, Wis. Stats.

- (h) A proposed county agricultural preservation plan or amendment, under subchapter. IV of chapter. 91, Wis. Stats., referred by the county to the Village, or proposed Village agricultural preservation plan or amendment.
- (i) Any other matter required by any Village ordinance or Village Board resolution or motion to be referred to the Plan Commission.

(4) Discretionary referrals. The Village Board, or other Village officer or body with final approval authority or referral authorization under the Village ordinances, may refer any of the following to the Plan Commission for report:

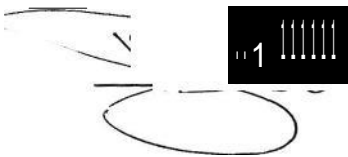
- (a) A proposed intergovernmental cooperation agreement, under sec. 66.0301, Wis Stats., or other statute, affecting land use, or a municipal revenue sharing agreement under sec. 66.0305, Wis. Stats.
- (b) Any other matter deemed advisable for referral to the Plan Commission for report.

(5) Referral Period. No final action may 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's ordinances, but not 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.

Section 14. Effective Date

Following passage by the Village Board, this ordinance shall take effect the day after the date of publication or posting as provided by sec. 61.50, Wis. Stats.

ADOPTED this _____ day of 0-1-017.eA- 20 C)8.

 _____ (Nichols Village President)
 [Published / Posted] this _____ day of oelbheY, 20

Attest: Sheryl A. Le.14 (Nichols Village Clerk)

ARTICLE N**Changes and Amendments to the Zoning Code****SEC. 13-1-180 AUTHORITY.**

Whenever the public necessity, convenience, general welfare or good zoning practice requires, the Village Board may, by ordinance, change the district boundaries established by this Chapter and the Zoning Map incorporated herein and/or the Supplementary Floodland Zoning Map incorporated herein, or amend, change or supplement the text of the regulations established by this Chapter or amendments thereto. Such change or amendment shall be subject to the review of the Village Board.

SEC. 13-1-181 INITIATION OF CHANGES OR AMENDMENTS.

The Village Board, the Zoning Board of Appeals and other government bodies and any private petitioners may apply for an amendment to the text of this Chapter to the District boundaries hereby established or by amendments hereto in the accompanying zoning map made a part of this Chapter and/or the Supplementary Floodland Zoning Map to be made a part of this Chapter by reference.

SEC. 13-1-182 PROCEDURE FOR CHANGES OR AMENDMENTS.

- (a) **Application.** Petitions for any change to the district boundaries and map(s) or amendments to the text regulations shall be addressed to the Village Board and shall be filed with the Zoning Administrator, describe the premises to be rezoned or the portions of text of regulations to be amended, list the reasons justifying the petition, specify the proposed use, if applicable, and have attached the following, if petition be for change of district boundaries:
- (1) Plot plan, drawn to a scale of one (1) inch equals one hundred (100) feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts and the location and existing use of all properties within three hundred (300) feet of the area proposed to be rezoned.
 - (2) Owners' names and addresses of all properties lying within one hundred (100) feet of the area proposed to be rezoned.
 - (3) Together with additional information as may be required by the Village Board.
- (b) **Hearings.**
- (1) The Village Board shall hold a public hearing at a time established by the Village Board upon each proposed change or amendment, giving notice of the time, place and the change or amendment proposed by publication of a Class 2 notice, under Chapter 985 of the Wisconsin Statutes. At least ten (10) days' prior, written notice shall also be given to the clerk of any municipality within one thousand (1,000) feet of any land to be affected by the proposed change or amendment.
- (c) **Village Board's Action.** Following such hearing, the Village Board shall vote on the proposed ordinance effecting the proposed change or amendment.