



## Village Plan Commission Ordinances

Following are three examples of Village Plan Commission ordinances that create and establish plan commissions. Sample 1 is the longest and most thorough ordinance of the three. It is also the most recently created one. CLUE recommends its use above the others, because it is more specific than the other two. CLUE recommends using it in conjunction with the following publication: *Plan Commission Handbook and Recruiting and Retaining Qualified Plan Commissioners*. These publications are located at the following website: [www.uwsp.edu/cnr/landcenter/pubs.html](http://www.uwsp.edu/cnr/landcenter/pubs.html).



# Village Plan Commission Ordinances

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## Sample 1

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From Village of Kronenwetter, Wisconsin

Sec. 6.4. The Village Plan Commission.

The Village Plan Commission, as defined herein and as established in Wis. Stats. §62.23(1), is the Village Plan Commission referred to in this Ordinance.

(a) **Purpose.** The purpose of this Ordinance is to establish a Village of Kronenwetter 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 Village and affected neighboring jurisdictions, through the adoption and implementation of comprehensive planning with significant citizen involvement.

(b) **Authority; Establishment.** The Village Board hereby exercises its village powers and establishes a seven-member Plan Commission under Wis. Stats. §§61.35 and 62.23. The Plan Commission shall be considered the “Village Planning Agency” under Wis. Stats. §§236.02(13) and 236.45, which authorize, but do not require, Village adoption of a subdivision or other land division ordinance.

(c) **Membership.** The Plan Commission shall always have at least three citizen members who are not Village officials, the other members may be Village elected or appointed officials.

(d) **Appointments.** The Village President 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 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 Trustee members as elected. Any citizen appointed to the Plan Commission shall take and file the oath of office within five days of notice of appointment, as provided under Wis. Stats. §19.01.

(e) **Terms of Office.** The term of office for the Plan Commission Chairperson and each Commission member shall be for a period of three 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 Trustee 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 years, as allowed under Wis. Stats. §66.0501(2), 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 years from the previous April 30.

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

(g) **Compensation; Expenses.** The Village Board of the Village of Kronenwetter hereby sets a per diem allowance, as from time to time amended by the Village Board, per meeting for citizens and Village Board members of the Plan Commission, as allowed under Wis. Stats. §66.0501(2). In addition, the Village Board may reimburse reasonable costs and expenses.

(h) **Experts and Staff.** The Plan Commission may, under Wis. Stats. §62.23(1), 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.

(i) **Rules; Records.** The Plan Commission, under Wis. Stats. §62.23(2), 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 Wis. Stats. §§19.21--19.39.

(j) **Chairperson and 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 Wis. Stats. §19.88(1), 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 Wis. Stats. §19.88(1), 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. If the Village Clerk, other Village officer or employee is designated the Secretary hereunder, said Secretary or employee shall receive a per diem allowance, as from time to time set by the Village Board.

(k) **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, Wis. Stats. §19.01, in accordance with, but not limited to, the provisions of the Wisconsin Statutes on: Public Records, §§19.21--19.39; Code of Ethics for Local Government Officials, §§19.42, 19.58 and 19.59; Open Meetings, §§19.81--19.89; Misconduct in Office, §946.12; and Private Interests in Public Contracts, §946.13. Commission members shall further perform their duties in a fair and rational manner and avoid arbitrary actions.

**(l) General and Miscellaneous Powers.**

The Plan Commission, under Wis. Stats. §62.23(4), 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 Wis. Stats. §66.0119, or other court-issued warrant.

**(m) Village Comprehensive Planning: General Authority and Requirements.**

- (1) The Plan Commission shall make and adopt a comprehensive plan under Wis. Stats. §§62.23 and 66.1001, which contains the elements specified in Wis. Stats. §66.1001(2), and follows the procedures in Wis. Stats. §66.1001(4).
- (2) 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 adopting it to take effect on or before January 1, 2010, so that the Village comprehensive plan is in effect by the date on which any Village program or action affecting land use must be consistent with the Village comprehensive plan under Wis. Stats. §66.1001(3).

- (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 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.

**(n) 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 Wis. Stats. §66.1001(4), 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 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.

(2) Resolution. The Plan Commission, under Wis. Stats. §66.1001(4)(b), 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 that the requirements of the comprehensive planning law have been met, under Wis. Stats. §66.1001, namely that:

- a. The Village Board adopted written procedures to foster public participation and that such procedures allowed for 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 Wis. Stats. §66.1001(4), and this Ordinance.

(3) Transmittal. One copy of the

comprehensive plan or amendment adopted by the Plan Commission for recommendation to the Village Board shall be sent to:

- a. 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.
- b. The clerk of every city, village, county and regional planning commission that is adjacent to the Village.
- c. The Wisconsin Land Council.
- d. After September 1, 2003, the Department of Administration.
- e. The regional planning commission in which the Village is located.
- f. The public library that serves the area in which the Village is located.

(o) Comprehensive Plan. The Comprehensive Plan for the Village of Kronenwetter, Marathon County, Wisconsin, dated March 2001, is hereby adopted as the Village of Kronenwetter Comprehensive Plan, which Plan as it now exists and as it shall from time to time hereafter be amended, shall be an aid and a guide to the Plan Commission and the Village Board in the performance of their duties and in the further development of the Village. (Wis. Stats. §66.0213)

(p) Plan Implementation and Administration.

(1) Ordinance Development. If directed by resolution or motion of the Village Board, the Plan Commission shall prepare the following:

- a. Zoning. A proposed Village zoning ordinance under village powers, Wis.



Stats. §§61.35 and 62.23(7), a Village construction site erosion control and stormwater management zoning ordinance, a Village exclusive agricultural zoning ordinance under subchapter V of Chapter 91, Wis. Stats. and any other zoning ordinance within the Village's authority.

b. Official Map. A proposed official map ordinance under Wis. Stats. §62.23(6).

c. Subdivisions. A proposed Village subdivision or other land division ordinance under Wis. Stats. §236.45.

d. Other. Any other ordinance specified by the Village Board (Note: e.g., historic preservation, design review, site plan review).

(2) 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's ordinances relating to comprehensive planning and land use.

(3) Nonregulatory Programs. The Plan Commission, on its own motion, or at the direction of the Village Board by resolution or motion, may propose nonregulatory 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 or conservation easements, and capital improvement planning.

(4) Program Administration. The Plan Commission shall, pursuant to Village ordinance have the following powers:

a. Zoning Conditional Use Permits. The Building Inspector/Zoning Administrator shall refer applications for conditional use permits under Village zoning to the Plan Commission for review and

recommendation to the Village Board.

b. Subdivision Review. Proposed plats under Chapter 236, Wis. Stats. and proposed subdivisions or other land divisions under the Village subdivision ordinance under Wis. Stats. §236.45, shall be referred to the Plan Commission for review and recommendation to the Village Board.

(5) 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 Wis. Stats. §§62.23 and 66.1001 shall be consistent with 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.

(q) Referrals to the Plan Commission:

(1) Required Referrals Under Wis. Stats. §62.23(5). The following shall be referred to the Plan Commission for report:

a. The location and architectural design of any public building and site plan review (for business, industrial and multifamily districts).

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

1. Street, alley or other public way;

2. Park or playground;

3. Airport;

4. Area for parking vehicles; or

- 5. 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 Wis. Stats. ch. 236, including divisions under a Village subdivision or other land division ordinance adopted under Wis. Stats. §236.45.
- f. The location, character and extent or acquisition, leasing or sale of lands for:
  - 1. Public or semi-public housing;
  - 2. Slum clearance;
  - 3. Relief of congestion; or
  - 4. Vacation camps for children.
- g. The amendment or repeal of any ordinance adopted under Wis. Stats. §62.23, including ordinances relating to: the Village Plan Commission; the Village master plan or the Village comprehensive plan under Wis. Stats. §66.1001, a Village official map; and Village zoning under village powers.
- (2) Required Referrals Under Sections of the Wisconsin Statutes Other Than Wis. Stats. §62.23(5). The following shall be referred to the Plan Commission for report:
  - a. An application for initial licensure of a child welfare agency or group home under Wis. Stats. §48.68(3).
  - b. An application for initial licensure of a community-based residential facility under Wis. Stats. §50.03(4).
  - c. Proposed designation of a street, road or public way, or any part thereof, wholly within the jurisdiction of the Village, as a pedestrian mall under Wis. Stats. §66.0905.
  - d. Matters relating to the establishment or termination of an architectural conservancy district under Wis. Stats. §66.1007.
  - e. Matters relating to the establishment of a reinvestment neighborhood required to be referred under Wis. Stats. §66.1107.

- f. Matters relating to the establishment or termination of a business improvement district required to be referred under Wis. Stats. §66.1109.
- g. A proposed housing project under Wis. Stats. §66.1211(3).
- h. Matters relating to urban renewal and redevelopment in the Village required to be referred under subchapter XIII of Chapter 66, Wis. Stats.
- i. The adoption or amendment of a Village subdivision or other land division ordinance under Wis. Stats. §236.45(4).
- j. 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 Wis. Stats. §62.23(6), or any other proposed Village ordinance under Wis. Stats. §62.23, 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 Wis. Stats. §62.23, including a Village construction site erosion control stormwater management zoning ordinance and a Village exclusive agricultural zoning ordinance under subchapter V of Chapter 91, Wis. Stats.
  - d. An application for a conditional use permit under the Village Zoning Ordinance.
  - e. A proposed extraterritorial zoning ordinance or a proposed amendment to an existing ordinance under Wis. Stats.



§62.23(7a).

- f. A proposed boundary change pursuant to an approved cooperative plan agreement under Wis. Stats. §66.0307, or a proposed boundary agreement under Wis. Stats. §66.0225, or other authority.
- g. A proposed zoning ordinance or amendment pursuant to an agreement in an approved cooperative plan under Wis. Stats. §66.0307(7m).
- h. 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.
- i. 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 Wis. Stats. §66.0309, another unit of government, a consultant or any other person or organization.
- j. A proposed agreement, or proposed modification to such agreement, to establish an airport affected area, under Wis. Stats. §66.1009.
- k. A proposal to create environmental remediation tax incremental financing in the Village under Wis. Stats. §66.1106.
- l. Any other matter required by any Village ordinance or Village Board resolution or motion to be referred to the Plan Commission for report and recommendation.

(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 and recommendations:

- a. A proposed county development plan or comprehensive plan, proposed element of such a plan, or proposed amendment to such plan.
- b. A proposed county zoning ordinance or amendment.
- c. A proposed county subdivision or other land division ordinance under Wis. Stats. §236.45, or amendment.
- d. A proposed intergovernmental cooperation agreement, under Wis. Stats. §66.0301, or other statute, affecting land use, or a municipal revenue sharing agreement under Wis. Stats. §66.0305.
- e. A proposed plat or other land division under the county subdivision or other land division ordinance under Wis. Stats. §236.45.
- f. A proposed county plan, under Wis. Stats. §236.46, 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.
- g. Any other matter deemed advisable for referral to the Plan Commission for report and recommendation.

(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 45 days, or such longer period as stipulated by the Village Board, has passed since referral. The 45-day period for referrals required by the Wisconsin Statutes may be shortened only if so authorized by statute. The 45-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 45-day referral period if deemed advisable.  
(Ord. of 5-24-2004)



## Sample 2

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From Village of Bayside, Wisconsin

### ARTICLE II. PLAN COMMISSION\*

\*Cross references: Administration, ch. 2.

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#### Sec. 70-31. Created.

Pursuant to Wis. Stats. §§ 61.35 and 62.23, there is created a village plan commission, which commission is invested with all of the authority and powers specified and delegated to city plan commissions pursuant to the provisions of Wis. Stats. § 62.23. (Code 1967, § 2.12(a))

commencing May 1. The chairperson of the architectural review committee shall serve for a one-year term commencing May 1. (Code 1967, § 2.12(c); Ord. No. 97-391, § 1, 6-5-97; Ord. No. 01-483, § 1, 8-1-01)

#### Sec. 70-32. Membership.

The commission shall consist of the village president, who shall be its presiding officer, a village trustee, the chairperson of the architectural review committee of the village, and four citizen members so that the commission at all times has seven members. Citizen members shall be persons of recognized experience and qualification and shall receive no compensation for their services on the commission. (Code 1967, § 2.12(b); Ord. No. 01-483, § 1, 8-1-01)

#### Sec. 70-33. Terms of members.

The trustee member of the commission shall be elected annually by a two-thirds vote of the village board for a one-year term commencing May 1. The four citizen members shall be appointed by the village president subject to confirmation by the village board for one-year terms





### Sample 3

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Village of Menomonee Falls

#### DIVISION 2. PLAN COMMISSION\*

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\*State law references: Village planning, Wis. Stats. §§ 61.35, 62.23.

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##### Sec. 2-226. Creation.

There shall be a plan commission.

(Code 1963, § 1.03(1))

State law references: Authority to create plan commission, Wis. Stats. §§ 61.35, 62.23(1)(a).

##### Sec. 2-227. Membership.

(a) The plan commission shall consist of the village president, who shall be its presiding officer, one trustee, and five citizen members who shall be village residents.

(b) The trustee member shall be appointed annually during April, on or after the third Tuesday of such month, by a two-thirds vote of the village board. The five citizen members shall be appointed by the village president, subject to confirmation of the village board, for three-year terms. The terms of the citizen members shall be staggered so that two appointments are made the first year, two appointments are made in the second year, and one appointment is made in the third year.

(Code 1963, § 1.03(1)(a), (1)(b))

State law references: Authority to determine plan commission membership, Wis. Stats. §§ 61.35, 62.23(1)(a).

