

# *Town of Troy*

Walworth County  
N8870 Briggs Street  
East Troy, Wisconsin 53120

## **CHAPTER 12 Town of Troy Planning Commission Ordinance: 2009-2**

The Town Board of the Town of Troy does ordain as follows:

### **SECTION 1.00 TITLE**

This ordinance is entitled the "Town of Troy Planning Commission Ordinance."

### **SECTION 2.00 AUTHORITY AND PURPOSE**

The purpose of this Ordinance is to establish a Town of Troy Planning Commission and set forth its organization, powers, and duties. The Town of Troy Board hereby establishes a seven member Plan Commission under Sections 61.35 and 62.23 of the Wisconsin Statutes.

This Town of Troy Planning Commission, hereafter referred to as the Planning Commission, was authorized by a directive from the Town of Troy Annual Meeting, April 8, 1978. The purpose of the Planning Commission is to create and recommend a Land Use Plan for the Town of Troy. In addition, the Planning Commission will conduct Public Hearings on Zoning Amendment Applications (hereby known as Zoning) and on Conditional Use Permit Applications (hereby known as CUP's). The Planning Commission will review Certified Survey Map Applications (hereby known as CSM's). They will make recommendations regarding such matters to the Town of Troy Board (hereafter referred to as Town Board) in an advisory capacity.

### **SECTION 3.00 MEMBERSHIP**

Appointments to this Planning Commission will be made by the Town Board. The Planning Commission consists of six appointed citizens of the Town of Troy, an appointed Secretary, and one member of the Town Board. The terms of the citizen members are staggered so that two, three-year appointments end and two, three-year appointments begin each year. The term of the Secretary shall be a two-year appointment. Plan Commission members shall be compensated as determined by the Town Board.

### **SECTION A: VACANCIES**

The Town Board may appoint new members to the Planning Commission to replace members who leave before their term is completed for the duration of the vacant membership's term. A member of the Plan Commission may be removed only by a majority vote of the Town Board.

#### **SECTION 4.00 OFFICERS**

**SECTION A:** The officers of the Planning Commission shall be a Chairman, a Vice-Chairman, and a Secretary. These officers shall perform the duties prescribed by the Planning Commission Bylaws and the parliamentary authority adopted by the Planning Commission.

**SECTION B:** The Town Board member of the Planning Commission will serve as its Chairman.

**SECTION C:** At the first regular meeting of the Planning Commission after the April appointments or re-appointments of Planning Commission members by the Town Board, nominations and elections will take place among the Planning Commission members to elect a Vice-Chairman for a one-year term. The Secretary is to be designated by the Town Board. Members may be re-appointed to serve additional terms.

#### **SECTION 5.00 MEETINGS**

The Planning Commission may, under Section 62.23 of the Wisconsin Statutes, adopt rules for its own governance in accordance with the provisions of this Ordinance. The rules contained in Roberts Rules of Order shall govern the Planning Commission in all cases to which they are applicable and which they are not inconsistent with the Planning Commission Bylaws and any special rules of order the Planning Commission may adopt.

**SECTION A:** Regular Meetings will be scheduled monthly. A Quorum shall be four members.

**SECTION B:** Special Meetings or Public Hearings will be called by the Chairman when necessary.

**SECTION C:** The Town of Troy Town Hall is designated as the place for the Regular Meetings.

**SECTION D:** All Planning Commission meetings will be considered open meetings. Any exemptions will follow Chapter 19.85 of the Wisconsin Statutes.

**SECTION E:** Notice of a Public Hearing will be given by a Class II Legal Notice as specified in Chapter 59.97 of the Wisconsin Statutes.

#### **SECTION F: Public Hearings**

(a) A Legal Notice will be mailed to all Planning Commission Members in the form of the next month's agenda, and the owners of surrounding properties within a maximum of 300 feet of the applicant property's boundaries. A Legal Notice will be mailed to the applicant; a Class II Legal Notice will be published for two consecutive weeks prior to the Public Hearing in the Town of Troy's designated newspaper and a copy of the Legal Notice will be posted at the three Town Posting Sites and a Public Notice Sign will be posted on the property stated on the CUP and/or Zoning Applications.

**(b) At such Public Hearings, an applicant shall appear either in person or by an authorized representative, and shall state their case to the Planning Commission and offer such supporting data or documents as the applicant may deem pertinent. The applicant shall also furnish to the Planning Commission such maps or plans and specifications as the Planning Commission may request.**

**(c) If neither the applicant nor his/her representative appear at the hearing at which his/her application is scheduled, the statements of interested parties may be taken and included in the minutes and the matter shall be adjourned from that day to the next meeting date. The Secretary shall notify the applicant, in such case by Certified Mail, that the decision has been tabled until the next meeting date. Therefore, the objectors need not be heard at the continued meeting. If the applicant fails to appear at the continued meeting, the Planning Commission shall automatically make a recommendation for denial of said application.**

**(d) The Planning Commission reserves the right to limit the time allotted to each separate application and also to apportion the time between the interested parties.**

**(e) The Planning Commission may, at its discretion, schedule a Site Viewing before making a disposition of the application, but it reserves the right to act upon the application without a Site Viewing if such inspection is not deemed necessary at the time.**

**SECTION G: The Planning Commission may call a Special Meeting to review applications or to request additional information for consideration from the applicant or for expert testimony. The applicant may be assessed an additional fee per adopted fee schedule.**

**SECTION H: Review of Certified Survey Maps (CSMs) shall take place during meetings.**

**SECTION I: A Written Record shall be kept showing all actions taken, determinations, and recommendations made.**

#### **SECTION 6.00 POWERS**

**The Plan Commission shall have such powers as may be necessary to enable it to perform its functions and duties and promote Town planning. Such powers include the following:**

**A. To make recommendations relating to the Town comprehensive plan to public officials, agencies, utilities, and other organizations and citizens.**

**B. To enter upon any land. The Planning Commission may enter upon any land in the performance of its functions, make examinations, and place and maintain necessary marks thereon.**

**C. To recommend public improvements and financing thereof to the Town Board.**

**D. To request available information from any public official to be furnished within a reasonable period of time.**

**E. To employ experts and to pay for their services and other expenses as may be necessary and proper, not to exceed the appropriations and regulations made by the Town Board.**

## **SECTION 7.00 DUTIES**

**The Plan Commission shall have the following functions and duties:**

**A. To make and recommend a Comprehensive Plan and amendments thereto to the Town Board for the physical development of the Town in accordance with Section 66.1001 of the Wisconsin Statutes.**

**B. To propose or review and recommend Text and Map Amendments to the Walworth County Zoning Ordinance with consideration by the Town Board and County Board.**

**C. To prepare and recommend Land Division Regulations and Amendments to the Town Board in accordance with Section 236.45 of the Wisconsin Statutes.  
Reference: Chapter 12, Town of Troy Land Division Ordinance.**

**D. To make and recommend an Official Map and Amendments to the Town Board in accordance with Section 62.23(6) of the Wisconsin Statutes.**

**E. To consider and report and recommend on all matters referred to the Commission.**

## **SECTION 8.00 RECOMMENDATIONS**

**SECTION A: Recommendations to the Town Board, by the Planning Commission, are made in an advisory capacity. These recommendations shall be completed in the form of a drafted copy of the Monthly Planning Commission Minutes and presented verbally to the Town Board by a non-elected commissioner.**

**SECTION B: Recommendations shall be completed as soon as practical after the Planning Commission members have reviewed all applicable information.**

**SECTION C: Applications for a Zoning Amendment or a Conditional Use Permit (CUP) which have been denied by the Town Board cannot be resubmitted for a period of one (1) year from the date of said 'Order of Denial', except on the grounds of a substantive change or condition found to be valid by the Planning Commission.**

## **SECTION 9.00 REFERRALS**

**A. The Town Board or other Town official or public body having final approval authority or referral authorization under Town ordinances shall refer to the Planning Commission, for its consideration and report before final action is taken, the following matters:**

- 1. Location and architectural design of any public building.**
- 2. Location of any statue or other memorial.**
- 3. Location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition, or lease of land for any street, alley or other public way,**

- park, playground, airport, parking area, memorial, or other public land.
4. Location, extension, abandonment, or authorization for any public or private utility.
  5. All annexations, incorporations, or consolidations affecting the Town.
  6. Proposed preliminary and final subdivision plats and certified survey maps.
  7. Proposed conditional use permits.

**B. 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 Planning Commission until the Commission has made its report, or until 30 days or such longer period as stipulated by the Town Board has passed since the referral was made.

#### **SECTION 10.00 ADDITIONAL POWERS AND DUTIES**

The Plan Commission shall have all additional powers and duties granted or assigned by the Town Board or by Town Ordinance. All the powers and duties granted or assigned by the Wisconsin Statutes to Planning Commissions and any amendments thereto are hereby granted or assigned to the Planning Commission and such Statutes are hereby adopted by reference.

#### **SECTION 11.00 TOWN COMPREHENSIVE PLANNING: General Authority & Requirements**

**(A)** The Plan Commission shall make and adopt a 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 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 specified town actions 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.

#### **SECTION 12.00 PROCEDURE FOR PLAN COMMISSION ADOPTION & RECOMMENDATION OF A TOWN 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 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.

**(B) Resolution.** The Plan Commission, under sec. 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 sec. 66.1001, Wis. Stats., namely that:

- (1) 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;
- (2) the plan contains the nine (9) specified elements and meets the requirements of those elements;
- (3) the (specified) maps and (specified) other descriptive materials relate to the plan;
- (4) the plan has been adopted by a majority vote of the entire Plan Commission, which the secretary is directed to record in the minutes; and
- (5) the Plan Commission 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 sub. (3) of this section.

**(C) Transmittal.** One copy of the comprehensive plan or amendment adopted by the Plan Commission for recommendation to the Town Board shall be sent to:

- (1) 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.
- (2) The clerk of every city, village, town, county and regional planning commission that is adjacent to the Town.
- (3) The Wisconsin Land Council.
- (4) After September 1, 2003, the Department of Administration.
- (5) The regional planning commission in which the Town is located.
- (6) The public library that serves the area in which the Town is located.

#### **SECTION 13.00. PLAN IMPLEMENTATION & ADMINISTRATION**

**(A) Ordinance development.** If directed by resolution or motion of the Town Board, the Plan Commission shall prepare the following:

- (1) **Zoning.** A proposed Town zoning ordinance under village powers, secs. 60.22(3), 61.35 and 62.23(7), Wis. Stats.; a Town construction site erosion control and stormwater management zoning ordinance under sec. 60.627(6), Wis. Stats.; a Town exclusive agricultural zoning ordinance under subch. V of ch. 91, Wis. Stats.; and any other zoning ordinance within the Town's authority.
- (2) **Official map.** A proposed official map ordinance under sec. 62.23 (6), Wis. Stats.
- (3) **Subdivisions.** A proposed Town subdivision or other land division ordinance under sec. 236.45, Wis. Stats.
- (4) **Other.** Any other ordinance specified by the Town Board (Note: e.g., historic preservation, design review, site plan review).

(B) Ordinance amendment. The Plan Commission, on its own motion, or at the direction of the Town Board by its resolution or motion, may prepare proposed amendments to the Town's 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 Town 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 or conservation easements, and capital improvement planning.

(D) Program administration. The Plan Commission shall, pursuant to Town ordinances, have the following powers.

(1) Zoning conditional use permits. The zoning administrator shall refer applications for conditional use permits under Town zoning to the Plan Commission for review and recommendation to the Town Board as provided under Chapter 12 of the Town Ordinances.

(2) 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 Chapter 12 of 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 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.

#### SECTION 14.00 SEVERABILITY AND CONFLICT

If any section or part of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby. All other ordinances or parts of ordinances of the Town inconsistent with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

#### SECTION 15.00 EFFECTIVE DATE

This Ordinance shall take effect after adoption by the Town Board and publication or posting as required by Section 60.80 of the Wisconsin Statutes.

ADOPTED this 12<sup>TH</sup> day of AUGUST, 2009.

John Kennell

Town Chairperson

Attest:

Ruth Polinski

Town Clerk