

## Chapter 66 PLANNING\*

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**\*Cross references:** Administration, ch. 2; buildings and building regulations, ch. 14; floods, ch. 38; mobile homes, ch. 54; streets, sidewalks and other public places, ch. 82; subdivisions, ch. 86; utilities, ch. 98; vegetation, ch. 102; zoning, ch. 106.

**State law references:** City planning generally, Wis. Stats. § 62.23.

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### ARTICLE I. IN GENERAL

Secs. 66-1--66-30. Reserved.

### ARTICLE II. PLAN COMMISSION\*

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**\*Cross references:** Administration, ch. 2.

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#### **Sec. 66-31. Composition.**

The plan commission shall consist of the mayor, who shall be the presiding officer, the chairman of the park and recreation commission, one elected or appointed official and four citizens (not city officials). The four citizen members shall be persons of recognized experience and qualifications.

(Ord. No. OR00-17, § 1, 10-9-2000)

#### **Sec. 66-32. Appointment.**

(a) *Election/appointment of elected or appointed members.* At its annual meeting in April of

each year the common council shall, be a two-thirds majority vote of its members, elect a member of the city plan commission for a period of one year from and after the May 1 next ensuing.

- (b) *Appointment and terms of citizen members.* The four citizen members shall be appointed by the mayor on the third Tuesday of April in each year to hold office for staggered terms of three years commencing with the third Tuesday of April.

(Ord. No. OR00-17, § 1, 10-9-2000)

### **Sec. 66-33. Organization.**

The mayor shall serve as presiding officer of the plan commission. The plan commission shall organize by the election of a vice-chairman, secretary and such other officers, as may in their judgment be necessary.

(Ord. No. OR00-17, § 1, 10-9-2000)

### **Sec. 66-34. Record.**

The plan commission shall keep a written record of its proceedings to include all actions, taken, a copy of which shall be filed with the city clerk/treasurer. Five members shall constitute a quorum but all actions shall require the affirmative approval of a majority of all of the members of the commission.

(Ord. No. OR00-17, § 1, 10-9-2000)

### **Sec. 66-35. Vacancies.**

Vacancies in the plan commission shall be filled by appointment for the remainder of the unexpired term in the same manner as appointment for the full term.

(Ord. No. OR00-17, § 1, 10-9-2000)

### **Sec. 66-36. Duties.**

- (a) *The master plan.*

- (1) The plan commission may make, adopt and, as necessary, amend, extend or add to the master plan, subject to common council confirmation, for the physical development of the city, including areas outside of its boundaries which, in the plan commission's judgment, bear relation to the development of the city. The master plan, with the accompanying maps, plats and descriptive and explanatory matter, shall show the commission's recommendations for such physical development, and may include, among other things without limitation because of enumeration, the general location, character and extent of streets, highways, freeways, street grades, roadways, walks, parking areas, public places and areas, parks, parkways, playgrounds, sites for public buildings and structures, and the general location and extent of sewers, water conduits and other public utilities whether privately or publicly owned, the acceptance,

widening, narrowing, extension, relocation, removal, vacation, abandonment or change of use of any of the foregoing public ways, grounds, places, spaces, buildings, properties, utilities, routes or terminals, the general location, character and extent of community centers and neighborhood units, and a comprehensive zoning plan.

- (2) The commission may adopt the master plan as a whole by a single resolution, or, as the work of making the whole master plan progresses, may from time to time by resolution adopt a part or parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter of the plan. The adoption of the plan or any part, amendment or addition shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the plan commission, subject to confirmation by the common council. The resolution shall refer expressly to the maps, descriptive matter and other matters intended by the commission to form the whole or any part of the plan, and the action taken shall be recorded on the adopted plan or part thereof by the identifying signature of the secretary of the commission, and a copy of the plan or part thereof shall be certified to the common council. The purpose and effect of the adoption and certifying of the master plan or part thereof shall be solely to aid the plan commission and the common council in the performance of their duties.
- (b) *Mandatory referrals to commission.* The common council or officer of the city having final authority thereon shall refer to the plan commission, for its consideration and report before final action is taken by the council, public body or officer, the following matters: the location of any statue or other memorial; the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public ways, park, playground, airport, area for parking a vehicle, or other memorial or public grounds; the location, extension, abandonment or authorization for any public utility whether publicly or privately owned; all plats of land in the city or within the territory over which the city is given platting jurisdiction by Wis. Stats. ch. 236; the location, character and extent or acquisition, leasing or sale of lands for public or semi-public housing, slum clearance, relief of congestion, or vacation camps for children; and the amendment or repeal of any land use ordinance. Unless such report from the commission is made within 30 days, or such longer period as may be stipulated by the common council, the council or other public body or officer may take final action without it.
  - (c) *Miscellaneous powers.* The plan commission may make reports and recommendations relating to the plan and development of the city to public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens. It may recommend to the common council programs for public improvements. All public officials shall, upon request, furnish to the commission, within a reasonable time, such available information as it may require for its work. The commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and markers thereon. In general, the commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning in cooperation with the common council.

Secs. 66-37--66-50. Reserved.

### **ARTICLE III. SMART GROWTH COMPREHENSIVE PLAN**

#### **Sec. 66-51. Declaration of intent.**

Pursuant to the provisions of Wis. Stats. ch. 66.1001 and ch. 60.22(3), the Brillion City Council, Calumet County, Wisconsin does ordain as follows:

Having completed the City and Town of Brillion Coordinated Comprehensive Plan, as part of a multi-jurisdictional effort with the Town of Brillion, in accordance with the requirements stipulated in Wisconsin's Smart Growth Law, 1999 Wisconsin Act 9, and defined in Ch. 66.1001 Wis. Stats., and as recommended for adoption by the City Planning Commission on June 2, 2003, and posted in accordance with Class I Public Notice requirements, the Brillion City Council hereby adopts the City and Town of Brillion Coordinated Comprehensive Plan as the guide for future land use and development decisions in the City. All programs and actions of the City that affect land use shall be consistent with the comprehensive plan. This includes any other ordinances, plans or regulations of the City that relate to land use, including, but not limited to: Cooperative Boundary Agreements entered into under s. 66.0307, Municipal Boundary Agreement Fixed under s. 66.0225, Local Subdivision Regulation under s. 236.45, City Zoning Ordinances, Land Acquisition for Recreational Lands under s. 23.09(20), and Construction Site Erosion Control and Stormwater Management Zoning under § 61.354.

(Ord. No. OR03-02, § 1, 6-2-2003; Ord. No. OR06-02, § 1, 3-27-2006)

#### **Sec. 66-52. Background.**

On April 7, 2003, the City of Brillion Planning Commission unanimously recommended the City and Town of Brillion Coordinated Comprehensive Plan be distributed, in accordance with 1999 Wisconsin Act 9, as the city's recommended plan. The plan represents the culmination of a 30-month planning program, including extensive public involvement.

Since that motion was passed, copies of the recommended plan were forwarded to the East-Central Wisconsin Regional Planning Commission, Wisconsin Department of Natural Resources, Wisconsin Department of Transportation, adjoining Towns, the Brillion School District, Calumet County, Manitowoc County, and the Wisconsin Land Council c/o Wisconsin Department of Administration. Comments from these agencies and governments were requested by June 2, 2003. Copies of the recommended plan have been displayed on the internet, at the City Hall, and at the City Public Library for 30 days prior to the June 2, 2003 Public Hearing.

Following the public hearing, the planning commission unanimously recommended the city council, subject to corrections and comments received during the 30-day comment period and public hearing, adopted the City and Town of Brillion Coordinated Comprehensive Plan.

On February 6, 2006, the City of Brillion Plan Commission adopted a resolution

recommending the City and Town of Brillion Coordinated Comprehensive Plan be amended to satisfy requirements of the State of Wisconsin Comprehensive Planning Grant program and the smart growth law under [Wis. Stats.] § 66.1001.

Since that motion was passed, copies of the recommended plan were forwarded to the East-Central Wisconsin Regional Planning Commission, Wisconsin Department of Natural Resources, Wisconsin Department of Transportation, adjoining towns, the Brillion School District, Calumet County, Manitowoc County, and the Wisconsin Land Council c/o Wisconsin Department of Administration. Comments from these agencies and governments were requested by March 27, 2006. Copies of the recommended plan have been displayed on the internet, at the city hall, and at the city public library for 30 days prior to the March 27, 2006 public hearing.

Following the public hearing, the city council, subject to corrections and comments received during the 30-day comment period and public hearing, adopted the City and Town of Brillion Coordinated Comprehensive Plan.

(Ord. No. OR03-02, § 1, 6-2-2003; Ord. No. OR06-02, § 1, 3-27-2006)

#### **Sec. 66-53. Authority.**

This article is enacted pursuant to power granted by virtue of present Wisconsin Statutes, including section 66.1001(4)(c).

(Ord. No. OR03-02, § 1, 6-2-2003; Ord. No. OR06-02, § 1, 3-27-2006)

#### **Sec. 66-54. Definition.**

Comprehensive plan is a plan for development that recognizes the physical, economic, social, political, aesthetic, and related factors of the community. As required by the Wisconsin Smart Growth Legislation, the comprehensive plan addresses nine required plan elements: Issues and Opportunities, Housing, Transportation, Agricultural Natural and Cultural Resources, Economic Development, Land Use, Intergovernmental Coordination and Implementation.

(Ord. No. OR03-02, § 1, 6-2-2003; Ord. No. OR06-02, § 1, 3-27-2006)

#### **Sec. 66-55. Restrictions.**

The City of Brillion Planning Commission shall review and recommend all subsequent amendments to the plan to city council. All amendments shall require a public hearing and Class I Public Notice. Copies of the recommended and approved changes shall be mailed to all neighboring units of government and affected agencies, in accordance with the Wis. Stats. § 66.1001(4)(b) requirements for plan commission recommendation of the original plan.

(Ord. No. OR03-02, § 1, 6-2-2003; Ord. No. OR06-02, § 1, 3-27-2006)