

Chapter 5

Plan Commission

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5.01 MEMBERSHIP

The Plan Commission for the Village of Amherst shall consist of the Village President, who shall be its presiding officer, a Trustee of the Village Board, the Director of Public Works, and four (4) citizens. The Plan Commission shall at all times have seven (7) members.

A. Trustee: The Trustee member shall be the Liaison between the Village Board and the Village Plan Commission.

B. Citizens:

- (1) The four (4) citizen members shall be appointed by the Village President, upon creation of the Commission, to hold office for a period ending one, two and three years respectively, from the succeeding first day of May, and thereafter annually during April one such member shall be appointed for a term of three years, except every third year whence two members shall be appointed.
- (2) Citizen members shall be persons of recognized experience and qualifications.
- (3) Whenever a Park Board is created or a Village Engineer appointed, the president of such board, or such engineer, shall succeed to a place on the Plan Commission when the next term of a citizen member expires.

Effective: 7-14-81

Revised: 5-26-83

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5.02 MEETINGS

The Plan Commission shall determine date and time of meetings. All meetings of the Plan Commission shall be held in the Village Council Room, Amherst, Wisconsin, and shall be open to the public. Notice of all regular and special meetings shall be posted as required by the Wisconsin Open Meeting Law.

Compensation for members on the Plan Commission shall be determined by the Village Board.

Effective: 7-14-81

5.03 AUTHORITY

The Plan Commission shall have the power and authority to employ experts, to pay for their services and such other expenses as may be necessary and proper, not exceeding, in total, the appropriation in the Village budget.

The Plan Commission may make reports and recommendations relating to the plan and development of the Village to public officials and agencies, public utility companies, civic, educational, professional and other organizations, and citizens. It may recommend to the Village President or Village Board, programs for public improvements and the financing thereof. All public officials shall, upon request, furnish to the Plan Commission, within a reasonable length of time, such available information as it may require for its work. The Plan 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 marks thereon. In general, the Plan Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning.

Effective: 7-14-81

5.04 THE MASTER PLAN

It shall be the function and duty of the Plan Commission to make and adopt a Master Plan for the physical development of the Village. The Master Plan, with accompanying maps, plats, charts and descriptive and explanatory matter, shall show the Plan 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, walks, bridges, viaducts, parking areas, public places and areas, parks, playgrounds, sites for public buildings and structures, routes for railroads, waterways, and the general location and extent of sewers, water conduits and comprehensive zoning plan. The Plan Commission may from time to time amend, extend or add to the Master Plan or carry any part or subject matter into greater detail.

The Master Plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the Village which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity or the general welfare, as well as efficiency in economy in the process of development.

The Plan 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 Master Plan or any part, amendment or addition, shall be by resolution carried by the affirmative votes of not less than a majority of all members of the Plan Commission. The resolution shall refer expressly to the maps, descriptive matter, and other matters intended by the Plan Commission to form the whole, or any part of the Master Plan, and the action taken shall be recorded on the adopted Plan or part thereof by the identifying signature of the Secretary of the Plan Commission, and a copy of the Plan or part thereof shall be certified to the Village Board. 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 Village Board in the performance of their duties.

Effective: 7-14-81

5.05 MATTERS REFERRED TO THE PLAN COMMISSION

The Village Board, or other public body or officer of the Village having final authority thereon, shall refer to the Plan Commission, for its consideration and report before final action is taken by the Village Board, public body or officer, the following matters:

- (1) The location and architectural design of any public building
- (2) The location of any statue or other memorial
- (3) 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 way, park, playground, airport, area for parking vehicles, or other memorial or public grounds.
- (4) The location, extension, abandonment or authorization for any public utility whether publicly or privately owned.
- (5) All plats of lands in the Village or within the territory over which the Village is given platting jurisdiction by Wisconsin State Statutes 236.
- (6) All certified survey maps that are to be recorded with the Register of Deeds office whether it be a for a newly created lot or an already existing lot must be presented to the Plan Commission prior to recording for recommendation to the Village Board for final approval.
- (7) The location, character and extent or acquisition, leasing or sale of lands for public or semipublic housing, slum clearance, relief or congestion, or vacation camps for children.
- (8) The enactment, amendment or repeal of any ordinance pertaining to zoning, building construction, building regulations, etc. pursuant to this section.

Unless such report is made within thirty (30) days, or such longer period as may be stipulated by the Village Board, the Village Board, or other public body or officer may take final action without it.

Effective 7-14-81

5.06 OFFICIAL MAP

(1) The Village Board may by ordinance or resolution establish an Official Map of the Village of Amherst showing the streets, highways, parkways, parks and playgrounds theretofore laid out, adopted and established by law, and such map is to be deemed to be final and conclusive with respect to the location and width of streets, highways and parkways, and the location and extent of parks and playgrounds shown thereon. Such Official Map is declared to be established to conserve and promote the public health, safety, convenience or general welfare. Said ordinance or resolution shall make it the duty of the Village Clerk/Treasurer at once to file with the Register of Deeds of Portage County a certificate showing that the Village has established such official map.

(2) The Village Board is authorized and empowered, whenever and as often as it may deem it for the public interest, to change or add to the Official Map of the Village so as to establish the exterior lines of planned new streets, narrow, extend or close existing streets, highways, parkways, parks or playgrounds. No such change shall become effective until after a public hearing in relation thereto before the Village Board or a committee appointed by the Village Board from its members, at which parties in interest and citizens shall have an opportunity to be heard. Before making such addition or change, the Village Board shall refer the matter to the Plan Commission for report thereon, but if the Plan Commission shall not make its report within sixty (60) days of such reference, it shall forfeit the right to further suspend action. Such additions and changes when adopted shall become a part of the Official Map of the Village, and shall be deemed to be final and conclusive with respect to the location and width of the streets, highways and parkways and the location and extent of parks and playgrounds shown thereon. The placing of any street, highway, parkway, park or playground line or lines upon the Official Map shall not in and of itself constitute or be deemed to constitute the opening or establishment of any street, parkway, park or playground, or the taking or acceptance of any land for such purposes.

(3) The locating, widening or closing or the approval of the locating, widening or closing of streets, highways, parkways, parks and playgrounds by the Village under provisions of law other than this section shall be deemed to be a change or addition to the Official Map and shall be subject to the provisions of this section, except that changes or additions do not affect any land outside the platted area.

(4) In any Village which has established an Official Map as herein authorized, no public sewer or other municipal street utility or improvement shall be constructed in any street, highway or parkway until such street, highway or parkway is duly placed on the Official Map. No permit for the erection of any building shall be issued unless a street, highway or parkway giving access to such proposed structure has been duly placed on the Official Map. Where the enforcement of the provisions of this section would entail practical difficulty or unnecessary hardship, and where the circumstances of the case do not require the structure to be related to existing or proposed streets, highways or parkways, the application for such a permit may appeal from the decision of the Zoning Administrator to the Zoning Board of Appeals, and the same provisions are applied to such appeals as are provided in cases of appeals on zoning regulations.

5.07 ZONING - METHOD OF PROCEDURE

(1) Upon the request of the Village Board, the Plan Commission shall prepare and recommend a district plan and regulations for the Village. Following the formulation of tentative recommendations a public hearing shall be held by, at the Village Board's option, the Plan Commission. At least ten (10) days prior written notice of any such hearings shall be given to the clerk of any municipality whose boundaries are within one thousand (1000) feet of any lands included in the proposed plan and regulations but failure to give such notice shall not invalidate such district plan or regulations.

(2) The Village Board may make changes in the tentative recommendations after first submitting the proposed changes to the Plan Commission for recommendation and report and after publishing a Class 2 notice of the proposed changes and hearings thereon as well as the notice to the clerk of any contiguous municipality. Hearings on the proposed changes may be held by, at the Village Board's option, the Plan Commission.

(3) The Village Board may adopt amendments to an existing zoning ordinance after first submitting the proposed amendment to the Plan Commission for recommendation and report and after providing the notices as required of the proposed amendments and hearings thereon. A hearing shall be held on the proposed amendments by, at the Village Board's option, the Plan Commission. If the Village Board does not receive recommendations and a report from the Plan Commission within sixty (60) days of submitting the proposed amendments, the Village Board may hold hearings without first receiving the recommendations and report.

(4) The Village Board may repeal or repeal and re-enact the entire district plan and all zoning regulations. The Village Board may repeal or repeal and re-enact a part or parts of the district plan and regulations.

Effective: 7-14-81

5.08 EXTRATERRITORIAL ZONING

The Village Board, or at the Village Board's option, the Plan Commission, may exercise extraterritorial zoning power. Extraterritorial zoning jurisdiction means the unincorporated area within one and one-half (1 1/2) miles of the Village. The Village Board may enact, without referring the matter to the Plan Commission, an interim zoning ordinance to preserve existing zoning or uses in all or part of the extraterritorial zoning jurisdictions while the comprehensive zoning plan is being prepared. Such ordinance shall be effective no longer than two (2) years.

Effective: 7-14-81