

AN ORDINANCE RELATING TO COMPREHENSIVE PLAN AMENDMENTS

Introduced by Ald. Benner at the recommendation of the Plan Commission.

The Common Council of the City of Menasha does ordain as follows:

SECTION 1: Section 2-4-5 is repealed and recreated to read as follows:

SEC. 2-4-5 CITY PLAN COMMISSION.

- (a) **COMPOSITION.** The Plan Commission shall consist of seven (7) voting members as follows: The Mayor, one (1) Alderman, Director of Public Works, Chairperson of the Parks and Recreation Board and three (3) citizens.
- (b) **APPOINTMENT.**
 - (1) Election/Appointment of Alderman Members. At its annual meeting in April of each year the Common Council shall, by two-thirds vote of its members, elect one (1) of its number as member of the City Plan Commission for a period of one (1) year from and after the first day of May next ensuing.
 - (2) Appointment and Terms of Citizen Members. The Chairperson of the Parks and Recreation Board shall have a one (1) year term. The three (3) citizen members shall be appointed by the Mayor and confirmed by the Common Council to hold office for a period ending respectively one (1), two (2) and three (3) years thereafter from the succeeding first of May. Annually during April, members shall be appointed for a term of three (3) years.
- (c) **ORGANIZATION OF COMMISSION.** The Mayor shall serve as presiding officer. The Plan Commission shall organize by the election of a vice-chairman and such other officers as may in their judgment be necessary. The Plan Commission shall receive such compensation as determined by the Common Council.
- (d) **VACANCIES.** Vacancies shall be filled by appointment for the remainder of the unexpired term in the same manner as appointment for the full term.
- (e) **COMPENSATION.** No compensation shall be paid for service on the Commission. Citizen members shall take the official oath as required by Sec. 19.01, Wis. Stats., said oath to be filed with the City Clerk.
- (f) **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. Four (4) members shall constitute a quorum but all actions shall require the affirmative approval of a majority of the members present of the Commission.
- (g) **DUTIES.** The Plan Commission shall have the following duties and powers:
 - (1) 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 vehicles, or other memorial or public grounds; the location, extension, abandonment or authorization for any public utility whether publicly or privately owned; all plats of lands in the City or within the territory over which the City is given platting jurisdiction by Chapter 236, Wis. Stats.; 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 thirty (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.

(2) Miscellaneous Powers. The 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.

(3) The Comprehensive Plan.

- a. Purpose. The purpose of this section is to provide procedures and criteria for creating, adopting, amending, and updating the City of Menasha Comprehensive Plan. The Plan Commission may create, adopt, and, as necessary, amend, extend or add to the Comprehensive 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.
- b. Applicability. This section shall apply to the creation, adoption, amendment, and updating to any elements of the City of Menasha Comprehensive Plan.
- c. Comprehensive Plan Elements. The Comprehensive Plan, with the accompanying maps, plats and descriptive and explanatory matter, shall show the Commission's recommendations for such physical development, and shall include, among other things without limitation because of enumeration, the following elements as required by State of Wisconsin planning law (§66.1001):
 1. Issues and opportunities element
 2. Housing element.

3. Utilities and community facilities element
Agricultural, natural and cultural resources element.
 5. Economic development element.
 6. Intergovernmental cooperation element.
 7. Land use element.
 8. Implementation element.
- d. Comprehensive Plan Adoption.
1. The Commission shall create and adopt the Comprehensive Plan in accordance with Wisconsin State planning laws (§66.1001).
 2. The Comprehensive Plan adopted under this subsection shall be updated no less than once every 10 years in accordance with Wisconsin State planning laws (§66.1001).
- e. Comprehensive Plan Amendments.
1. Applicability. The criteria and requirements of this section shall apply to all applications or proposals for changes to the comprehensive plan text, goals, objectives, policies, map designations, or other map changes unless specifically exempted. The following types of comprehensive plan amendments may be considered through the comprehensive plan amendment process:
 - (i) Future Land Use map changes including land use and growth boundaries;
 - (ii) Minor technical Future Land Use map corrections;
 - (iii) Future Land Use or other text changes;
 - (iv) Changes or corrections to other maps within the plan;
 - (v) The amendment or adoption of the Utilities and Community Facilities element of the comprehensive plan that occurs concurrently with the adoption or amendment of the city budget; and,
 - (vi) Amendments necessary to address an emergency situation.
 2. Procedure.
 - (i) In November of each year, the Community Development Department shall publish notice in the official city newspaper to announce the City of Menasha Comprehensive Plan amendment process is open to accepting applications. At that time, the Community Development Department will invite public comments and suggestions regarding changes to the comprehensive plan.
 - (ii) Applications for all comprehensive plan amendments shall be considered legislative actions and be subject to the procedures in this section.
 - (iii) Applicants proposing Future Land Use Map

changes must schedule a pre-application meeting with staff.

- (iv) Applications shall be submitted to the Community Development Department in writing by the last working day of December in order to be considered during the annual review process.
- (v) A fee established by the Common Council must accompany the following changes:
 - a. Future Land Use map changes including land use and growth boundaries;
 - b. Future Land Use or other text changes;
- (vi) Two public hearings shall be scheduled and held: an informal public hearing before the Plan Commission and a formal public hearing before the Common Council. They shall be noticed as follows:
 - Informal Public Hearing. For all amendments, a Class One (1) notice shall be published in the official city newspaper at least seven (7) days prior to the informal public hearing. Additionally, for amendments specific to a property or properties, property owners within one hundred feet (100ø) of the subject property or properties shall be notified by first class mail at least seven (7) days prior to the hearing.
 - Formal Public Hearing. For all amendments, a Class One (1) notice shall be published in the official city newspaper at least thirty (30) days prior to the formal public hearing. Additionally, for amendments specific to a property or properties, property owners within one hundred feet (100ø) of the subject property or properties shall be notified by first class mail at least thirty (30) days prior to the hearing. Said notice may be sent together with the notice for the informal public hearing.
- (vii) The Plan Commission shall, by resolution (§66.1001(4)(b)), make a recommendation to the Common Council within thirty (30) days of the date of the review meeting or the Common Council may take action without it.
- (viii) The Common Council shall have the authority to approve or deny the proposed amendment(s). Amendments may not take effect until the Common

Council enacts an ordinance that adopts the amendment(s) (§66.1001(4)(c)).

- (ix) Copies of the adopted amendment(s) shall be sent to the reviewing authorities as required by State of Wisconsin planning law (§66.1001) within 30 days of adoption.

3. Submittal Requirements. All requests for comprehensive plan amendments shall be made in writing, using forms supplied by the Community Development Department, and shall include the information listed below. The Department of Community Development, Plan Commission and/or the Common Council may require additional information be submitted before taking action.

- (i) Future Land Use map amendments:
 - Completed application form, signed by the applicant or owner.
 - Property map showing adjacent properties and clearly outlining the subject parcel(s).
 - Where the property is not owned by the applicant, a letter from the owner giving consent to apply for the comprehensive plan amendment.
- (ii) A description of the purpose of the comprehensive plan amendment.
- (iii) Justification and support for the proposed map amendment.
- (iv) All other amendments:
- (v) Completed application form.

4. Approval Criteria.

- (i) Approval for Future Land Map Changes. To change a designation, the proposed Future Land Use map amendment must meet at least one of the following criteria listed below. Additional documentation may be needed to address the public facilities, needs, and services that may be necessary to support the proposed designation. Such services may include water, sanitary sewer, storm drainage, transportation (all modes), police and fire protection, and schools.
 - Respond to a substantial change in conditions beyond the property owner's control applicable to the area within which the subject property lies;
 - Better implement applicable comprehensive plan policies than the current map designation;
 - Correct an obvious mapping error;

- Address an identified deficiency in the Comprehensive Plan.
- (ii) Approval Criteria for Amendments to Text and Other Maps. To change text, including goals, objectives and policies, or any map other than the Future Land Use Map, the amendment must meet at least one of the criteria below:
- Better implement applicable comprehensive plan policies;
 - Correct errors;
 - Replace outdated data;
 - Address an opportunity for physical, economic, social or cultural improvement of the city.
- (iii) The comprehensive plan amendment(s) shall take into consideration the comprehensive plans adopted by neighboring communities, the East Central Wisconsin Regional Planning Commission, Calumet and Winnebago Counties, and relevant regional issues.
- (iv) Comprehensive plan text amendments and amendments to other maps within the plan shall be consistent with the State of Wisconsin comprehensive planning law (§66.1001).

SECTION 2: This ordinance shall become effective upon its passage and publication as provided by law.

Passed and approved this day of June, 2009.

Donald Merkes, Mayor

ATTEST:

Deborah A. Galeazzi, City Clerk