

**Title 5 Chapter 14  
Plan Commission**

Town of Lake Mills PLAN COMMISSION

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**5-14-1: Purpose:**

As stated in the advisory referendum asking if a Plan Commission should be created, its purpose among other things, will be to make recommendations to the Town Board regarding the physical character and extent of streets, highways, parks, waterways, tunnels, zoning changes and subdivision regulation in compliance with the Town of Lake Mills Comprehensive Land Use Plan. All recommendations made by the commission to the Town Board are advisory only.

**5-14-2: Authority:**

- 1) The Town Board has been granted village powers by the electorate under Wis. Stats. 60.22(3) and therefore the Town Board may exercise certain zoning authority under Wis. Stats., 61.35, which allows for a planning commission which shall be known hereunder as a Town Plan Commission under Wis. Stats., 62.23, it is also including but not limited to powers granted in Wis. Stats. 262.02(13) and all other powers granted by Wisconsin State Statutes to the Town regarding the use of a plan commission to assist the Town to manage and plan for future growth in the Town of Lake Mills, including any zoning powers wherever granted.
- 2) The Town Board has adopted a land division ordinance for the Town of Lake Mills.
- 3) Because of an advisory referendum having been held in the Town of Lake Mills on March 19th, 1996 asking the electorate; Shall the Town of Lake Mills, through the Town Board create a Plan Commission? Further, that a substantial majority of the votes cast by the electorate were "Yes" votes, in favor of creating a plan commission.

**5-14-3: Membership and Organization:**

- 1) The Town Plan Commission shall consist of five (5) members with at least one (1) member being a Town Board member who shall be appointed annually. Plan Commission members shall be appointed to serve by the Town Board.
  - a. Appointments shall be made for staggered terms as follows:
    - i. Beginning in April of 2004 two members will be appointed for a one year term and two members will be appointed for a two year term thereafter when these terms expire the commission members will be appointed for terms as follows:

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1. The terms of office of the members shall be for a period of two years and shall be staggered such that two members will be appointed in even years and two will be appointed in odd years. The Town Board member shall be appointed by the Town Board for a period of one year consistent with their term of office. Each term of office will expire after the regular April meeting of the Plan Commission in the appropriate year of expiration of a term.
- 2) Officers for the Plan Commission shall include a Chairperson, Vice-Chairperson, and a Secretary to be elected by majority vote of the Commission members.
- 3) Organizational procedures for the Plan Commission shall be as follows:
  - a. Meetings:
    - i. Regular Plan Commission meetings will be held on the first Tuesday of every month at 8:00 p.m., and shall be open to the public.
    - ii. In the event that no business or review of applications have been placed on the agenda for a given monthly meeting, the Plan Commission will not meet that month. A cancellation of the meeting will be posted in the specified locations on the appropriate date.
    - iii. Minutes from a previous meeting will be placed on the ensuing agenda for action by the commissioners.
    - iv. Special Plan Commission meetings may be called by the Town Board or the Chairperson or the Vice-Chairperson of the Plan Commission. Special meetings shall be open to the public.
  - b. Quorum: A quorum of the Plan Commission shall consist of three (3) members with all actions requiring a majority vote of the quorum present.
  - c. A written record: The Plan Commission shall keep a written record for all meetings showing all actions taken, findings, determinations, transactions, and recommendations made; and a copy shall be filed with the Town Clerk as a public record.
- 4) The Town Plan Commission may organize and adopt additional rules as deemed necessary.

**5-14-4: Powers and Duties:**

- 1) The Town Plan Commission shall have the following functions and duties:
  - a. To provide recommendations to the Town Board concerning all zoning requests, including requested amendments to the Jefferson County zoning map and zoning ordinance.

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- b. To make reports and recommend changes to the Town Comprehensive Land Use Plan and conduct public hearings required for amendments.
  - c. To provide recommendations to the Town Board concerning all land division requests.
  - d. To consider and report or recommend to the Town Board on all matters referred to the Commission and to consider such other matters as may come before the Commission relating to land use and land use planning.
  - e. To provide recommendations on placement and conditions of all telecommunications towers, antennas, wind or solar energy facilities to the Town Board.
  - f. Review applications for variances, conditional uses and building placements.
- 2) The Town Board or other officer of the Town having authority shall refer to the Town Plan Commission for its consideration and report before final action is taken on the following matters:
- a. Location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition or lease of land for any street, or other public way, park or playground.
  - b. All annexations, incorporations, or consolidations affecting the Town.
  - c. All divisions of land within the Town's platting jurisdiction.
  - d. All proposed or requested changes and amendments to the Town, County Zoning Ordinance, and County and Town Subdivision Regulations.
  - e. Placement and acceptance of all proposed telecommunication towers, antennas, wind or solar energy facilities.
  - f. Review applications for variances and conditional uses.
- 3) The Town Plan Commission shall have any additional powers and duties granted or assigned by the Town Board or by other Town Ordinances.

**5-14-5 Compensation:**

- 1) Plan Commission Board Members shall receive compensation as listed in the Town of Lake Mills Fees, Deposits and Bonds document after they have served on the Commission for one year. Costs may be reimbursed for all reasonable and necessary expenses related to their position as approved by the Town Board. The Members shall make a written request to the Town Board by submitting it to the Town Clerk prior to the expenditure if practicable; this will ensure approval of the expense. Members shall make a written request to the Town Board for expenditures already undertaken to the Town Clerk; the expense may then be either approved or denied.
- 2) Costs and expenses allowable shall include but not be limited to educational seminars or similar types of programs dealing with issues involving land use planning. Seminar attendance must be

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pre-approved by the Town Board in order to be reimbursable under paragraph "1" above. Other costs may include mileage to and from seminars or for other appropriate activities. The reimbursement rate per mile to be set at the Internal Revenue Service rate utilized for mileage deduction using the year proceeding the request year. Also food, lodging and all registration fees would be reimbursable. For all costs, documentation including adequate receipts may be required prior to any reimbursement.

**5-14-6: Severability:**

Should any portion of this Resolution be declared unconstitutional or invalid by a court of competent jurisdiction, the other sections of this ordinance shall not be affected. The Town recognizes that a portion of its authority is based upon Wisconsin Statutes 62.23 "City Planning". Because the Statute was created for another type of municipality there are bound to be different interpretations and ways in which things can be done and remain within the authority of the Statute. Where this ordinance or the Towns actions are in conflict with 62.23 they shall only be invalid if there is no other basis in law to support said conflict and in addition they are ruled to be a material part of 62.23 that the Town must follow in order to have a Plan Commission. If any part of this ordinance or the Towns actions shall be declared invalid based upon 62.23 or in violation of 62.23 they shall be severed and shall not affect the rest of this ordinance or the Towns actions and shall not affect the creation of the Plan Commission.

**5-14-7: Adoption and Amendments:**

This ordinance shall take effect upon passage and publication as provided by law.

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|------------------------------|--------------------------|
| A. Adopted: January 13, 1998 | Posted: January 25, 1998 |
| B. Amended: June 9, 1998     |                          |
| C. Amended: April 13, 2004   |                          |
| D. Amended: January 13, 2009 |                          |
| E. Amended: October 14, 2014 |                          |

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Attest: Sarah FitzGibbon, Town Clerk

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Hope Oostdik, Chairperson

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David Schroeder, Supervisor I

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James Colegrove, Supervisor II