



Role of a City Plan Commissioner

Date: 9-14-22

What is a Plan Commission?

In general, the Appleton City Plan Commission **advises** the Common Council on comprehensive planning and land use issues and may make related decisions that are delegated by the Common Council. Formal roles of the Commission are outlined in Wisconsin State Statutes and the Appleton Municipal Code.

Important Considerations for a Plan Commissioner.

There are several skills and attributes that make for a good Plan Commissioner. Some of them are personal attributes, others are learned abilities that take work to develop. The individual attributes that make for a good Plan Commissioner include:

- Civic mindedness;
- An interest and belief in planning;
- An openness to new ideas;
- The ability to consider cases or situations objectively;
- The ability to avoid conflicts of interest so the position is not used to benefit oneself;
- The ability to consider the long-term effects of actions, not just the short-term impacts;
- The ability to apply adopted plans and policies to individual situations to make decisions.

Source: Guide to Community Planning in Wisconsin, Brian W.Ohm, page 56.

Appointment and Terms of Plan Commission Members.

The Mayor shall appoint the citizen members of the Plan Commission subject to confirmation by the Common Council for a period of three (3) years beginning on May 1. No citizen shall be eligible for reappointment after serving two (2) consecutive three (3) year terms.

The Plan Commission shall consist of the Mayor, who shall be the presiding officer, the Director of Public Works or designee, one (1) member of the Common Council, and the four (4) citizen members. The City Attorney or designee shall serve as an alternate in the event a quorum is needed.

The Common Council shall elect one (1) of its members to the Plan Commission for a term of one (1) year beginning on May 1 of each year by a two-thirds (2/3) vote of the members of the Common Council.

Source: DIVISION 2. PLAN COMMISSION of the Municipal Code

Land Use Decisions.

Each community is part of a larger network of neighboring towns, villages, and cities. Local land use decisions can have impacts outside the City boundaries.

Beginning on January 1, 2010, the City must use their comprehensive plan to ensure that land use decisions prescribed by the zoning ordinance (rezonings, special use permits, and administrative permits), subdivision ordinance (plats, certified survey maps, and lot line adjustments) and official map action are **consistent with** the recommendations of the comprehensive plan adopted by the Common Council.

“Consistent with” means furthers or does not contradict the objectives, goals, and policies contained in the comprehensive plan” (Section 66.1001 (1) (am) of the Wisconsin State Statutes).

The law does not specify a consequence for the failure to act consistently with the comprehensive plan, as required by Sec. 66.1001(3). However, a person aggrieved by a land use decision that is allegedly inconsistent with the comprehensive plan could take the matter to court.

Alternatively, if a conflict is found or would result from a proposed decision, the City has the option of amending its comprehensive plan. Comprehensive plan amendments follow the guidelines for amendments presented in the implementation element chapter of the comprehensive plan.

Four Common Land Use Tools for Decision Making.

Appleton Comprehensive Plan.

The City’s *Comprehensive Plan 2010-2030* establishes a vision for future land use, physical development, and quality of life in the City and provides a comprehensive set of objectives, policies, and initiatives to achieve that vision. The comprehensive plan includes nine elements: 1. Issues and opportunities, 2. Housing, 3. Transportation, 4. Utilities and community facilities, 5. Agricultural, natural, historic and cultural resources, 6. Economic development, 7. Intergovernmental cooperation, 8. Land use (land use map), and 9. Implementation. The comprehensive plan is not meant to serve as land use regulations but instead provide a rationale for land use decisions with a 20-year vision. The comprehensive plan is implemented by the subdivision and zoning ordinances.

Appleton Zoning Ordinance.

Chapter 23 Zoning focuses on land uses and how land is used, which can change over time. Also, the zoning ordinance regulates the dimensions of lots, the location, size, and the intensity of different types of land uses with the City. The zoning ordinance includes the adoption of the zoning map which divides the City into different residential, commercial, industrial, and overlay zoning districts.

Appleton Subdivision Ordinance.

Chapter 17 Subdivisions focuses on dividing land for development or adjusting existing lot lines. The subdivision ordinance establishes minimum regulations for the creation of lots, design of streets, proper drainage under acceptable engineering standards, accommodations for sidewalks, trails, parkland, street

lighting, and other public utilities (water lines, sanitary lines, and stormwater facilities) needed for the proposed development.

Appleton Official Map.

Chapter 16 Streets, Sidewalks and other Public Places established the Official Map for the City. The Official Map is intended to be used as a planning tool to implement the City's comprehensive plan for current and future streets, highways, parkways, railroad rights-of-way, public transit facilities, waterways, parks or playgrounds, or to widen, narrow, extend or close existing streets, highways, parkways, railroad rights-of-way, public transit facilities, waterways, parks or playgrounds. Its basic purpose is to prohibit the construction of buildings or structures and their associated improvements on land that has been designated for current or future public use.

Community and Economic Development Department Staff Support.

Staff Report and Recommendation.

Staff creates a staff report to help the Plan Commission understand the City's comprehensive plan, zoning ordinance, and subdivision ordinance in order to guide the Plan Commission's decisions. The staff report contains information (background history, zoning classification information, comprehensive plan goals and objectives, decision making criteria, zoning and land use maps, and staff recommendations) to cite as the basis for making a recommendation consistent with the comprehensive plan and municipal code to the Common Council.

Planning Case Management Process.

The following is a typical planning case management process that staff follows when providing assistance and guidance to the public:

- (1) Begins with public/citizen contact – Planners meet with and guide them through application process.
- (2) Provides the anticipated approval timeframe, utilizing calendar created specifically for the planning process.
- (3) Advises applicant of review criteria and required fee and any potential pitfalls or roadblocks that may exist.
- (4) Advises the applicant to contact adjacent property owners and Alderperson of the district, will provide mailing list for their use.
- (5) Receives application and fee. Reviews for completeness – will advise on adjustments, if necessary.
- (6) Prepares public hearing notice for newspaper and 100-foot neighborhood notice, if required.
- (7) Notices are mailed out to property owners approximately 1 ½ weeks prior to meeting date.

- (8) Fields phone calls and other contacts for information in regard to the specific item.
- (9) Prepares item information for review and comment by the internal staff team, “Technical Review Group (TRG)”. Comments to be included with staff report.
- (10) Prepares staff report, including maps and other attachments, which includes an analysis from a planning and land use perspective and based upon review criteria identified within the zoning ordinance and goals and policies identified with the comprehensive plan. Staff reports with attachments are included in the Plan Commission packet.
- (11) Agenda and staff reports are presented to the Plan Commission at a regularly scheduled meeting held twice a month.
- (12) The Plan Commission reports and recommendations are prepared for Common Council action.
- (13) The Plan Commission meeting minutes are prepared from the meeting and provided to Clerk’s office.

Municipal Code Authority.

The City of Appleton Plan Commission is authorized to engage in the following pursuant to Section 23-62 of the Municipal Code and offer its recommendations to the Common Council on the following matters:

- 1. Zoning Text Amendments**, (Section 23-65 of the Municipal Code), *A zoning text amendment is a change to the text in the Zoning Ordinance. A text change could amend the list of uses permitted in any zoning district; it could amend the setback required for a building, or it could amend phrases to clarify certain regulations, correct ambiguous sentences, or introduce new regulations to reflect evolving development trends and/or Wisconsin State Statute amendments.*
- 2. Zoning Map Amendments (Rezoning)**, (Section 23-65 of the Municipal Code), *A zoning map amendment (rezoning) entails changing the zoning district classification on the zoning map, which could affect one lot or sometimes multiple lots. In either case, the rezoning may be needed to accommodate a certain development at a specific location, correct an error on the zoning map, or involve a Citywide initiative to implement the goals and objectives in the comprehensive plan or adoption of new zoning ordinance.*
- 3. Special Use Permits**, (Section 23-66 of the Municipal Code), *Special uses are those uses having some uniqueness or unusual impact which requires a careful review of their location, design, business process, and hours of operation to determine whether or not the standards of Section 23-66(e)(1-8) of the Municipal Code are met: 1. proper zoning district, 2. zoning district regulations, 3. special regulations, 4. consistent with comprehensive plan and other plans, 5. traffic ingress/egress, 6. landscaping and screening, 7. neighborhood compatibility with predominant land uses in this area, and 8. impact on services.*

In addition, the Plan Commission must provide substantial evidence supporting their decision to approve, approve with conditions, or deny the Special Use Permit. Substantial evidence means “facts and information, other than merely personal preferences or speculation, directly pertaining

to the requirements and conditions an applicant must meet to obtain a Special Use Permit and that reasonable persons would accept in support of a conclusion.” Any requirements and conditions listed for approval must be reasonable, and to the extent practicable, measurable.

4. Preliminary and Final Subdivision Plats, including Extraterritorial Jurisdiction, (Sections 17-6, 17-11 and 17-20 of the Municipal Code), *Subdivision regulations provide the regulations and standards for dividing a large parcel of land into smaller parcels for sale and development.*

- ***Preliminary plat** review assures compliance with minimum lot size and design requirements, street layout design standards, compliance with the official street map and comprehensive plan, and compliance with drainage and stormwater regulations, etc.*
- *Following approval of the preliminary plat, the **final plat** is prepared for recording in the County Register of Deeds’ office. The final plat should be substantially consistent with the preliminary plat and must meet the applicable state statutes and municipal codes.*
- ***Extraterritorial plat** approval (**preliminary and final plat**) jurisdiction is to help the City influence the development pattern of areas outside the City boundaries that may be annexed to the City in the future.*
- ***Certified survey map (CSM)** approval is required when the CSM crosses the exterior boundary of recorded subdivision plat under Section 236.34 of the Wisconsin State Statutes and Section 17-11 of the Municipal Code. In this case, CSMs are reviewed and approved following the final plat review and approval process.*

5. Annexations, (Section 66.0217(2) of the Wisconsin State Statutes), *Annexation is the process for transferring lands from unincorporated areas (towns) to incorporated areas (cities and villages).*

*The most common annexation request the Commission acts on is **direct annexation by unanimous approval** where 100% of the electors and owners of 100% of the land area being annexed signs an annexation petition.*

The other forms of annexation are:

***Direct annexation by one half approval** – The annexation may proceed on filing of an annexation petition signed by either:*

- 1. A majority of the electors residing in the territory and owners of one-half of the land determined either by land area or by assessed value; or*
- 2. If there are no electors residing in the proposed annexation territory, then owners of one-half of the land determined either by land area or by assessed value.*

***Referendum** – The method in which to annex land by referendum is not typically used. However, when it is utilized, it must be signed by 20% or more electors residing in the area and by at least 50% of the owners of real property located within that area proposed for annexation.*

6. Planned Developments, (Section 23-151 of the Municipal Code), *Planned unit developments are developments that are planned and built at a variety of densities and subject to more flexible setback, open space, and design requirements than offered by the standard zoning requirements. Staff*

collaborates with the developer to develop the development guidelines and present them to the Plan Commission in the implementation plan document (IPD).

7. Traditional Neighborhood Developments, (Section 23-152 of the Municipal Code), *Traditional neighborhood developments are generally compact, mixed-use neighborhoods where residential, commercial, and public buildings are within close proximity to each other that are not subject to the standard zoning requirement. Staff collaborates with the developer to develop the development guidelines and present them to the Plan Commission in the implementation plan document (IPD).*

8. Official Map, (Section 62.23(6)(b) of the Wisconsin Statutes and Section 16-37 of the Municipal Code), *The term “official map” applies only to that map properly adopted pursuant to Section 62.23(6)(b) of the Wisconsin Statutes and Section 16-37 of the Municipal Code. Such a map is intended to be used as a planning tool to implement the City’s comprehensive plan for current and future streets, highways, parkways, railroad rights-of-way, public transit facilities, waterways, parks, or playgrounds, or to widen, narrow, extend or close existing streets, highways, parkways, railroad rights-of-way, public transit facilities, waterways, parks, or playgrounds. Its basic purpose is to prohibit the construction of buildings or structures and their associated improvements on land that has been designated for current or future public use.*

9. Street and Alley Vacations, (Section 66.1003 of the Wisconsin Statutes), *In certain instances, land that has been previously used as public right-of-way, such as for a street or alley, may no longer be needed for that purpose by the City. A property owner or the City may initiate a process by which to vacate the land and have it revert back to the abutting parcels.*

10. Street Naming and Changes, (City Policy and Section 17-25(e) of the Municipal Code), *The intent in reviewing and approving street names and renaming existing streets is to support emergency services (911) and the postal service to ensure duplicate street names are not created or sound similar to the names of existing streets. Street naming typically takes place when properties are subdivided or when a new development is taking place.*

11. Review Authority on Creation of Tax Incremental Districts (TID), (Section 66.1105 of the Wisconsin Statutes), *The TID process allows a municipality to pay for public improvements and other eligible costs within a designated area, called a tax incremental district (TID), using the future taxes collected on the TID’s increased property value to repay the cost of the improvements. The rationale behind TID is that the public investment will promote private development, jobs, and tax base growth that would not otherwise occur absent the TID. The Plan Commission conducts a hearing on the proposed TID boundaries and project plan. The Plan Commission adopts a resolution that covers these items: 1. Boundaries of the TID, 2. Approval of the TID’s project plan, and 3. A statement that the TID promotes orderly development in the municipality. After adoption, the Plan Commission submits its approval to the Common Council.*

12. Review Authority over the Businesses Improvement District (BID) Operating Plans, (Section 66.1109 of the Wisconsin State Statutes), *Business Improvement Districts (BIDs) can be created by cities, villages, and towns at the request of a business owner in an area. Business owners are assessed a fee by the municipality. The money generated from the assessment is then used to fund pre-determined business-related activities and improvements in the business district. These statutes require that a BID operating plan be reviewed and approved by the local legislative body on an annual basis. The Plan Commission annually reviews the Downtown Appleton Business Improvement Operating Plan and forwards a recommendation to the Common Council.*

13. Comprehensive Plan Adoption and Amendments, (Section 66.1001 of the Wisconsin Statutes), *This Statute required as of January 1, 2010 any program or action of a local governmental unit that affects land use must be consistent with that unit's Comprehensive Plan. The City of Appleton's Comprehensive Plan establishes a vision for future land use, physical development, and quality of life in the City, and provides a comprehensive set of goals, policies, and initiatives to achieve that vision. It is a coordinated and unified plan used to maintain and enhance conditions within the community and provide guidance on private and public development issues. The adoption and amendment process are by public hearings and ordinance.*

14. Appeals to Site Plan Review, (Section 23-570(k) of the Municipal Code), *If the Community and Economic Development Director denies the application for a site plan or approves the site plan with conditions, the applicant may appeal the decision to the Plan Commission. The Plan Commission shall act as promptly as practical on any appeal taken in connection with the proposed site plan. The Plan Commission shall approve, approve with conditions, or disapprove the site plan by action taken by a majority of the Plan Commission present at any meeting at which a quorum is present. If the Plan Commission approves the site plan, a building permit may then be issued, provided that all other requirements of all other applicable City codes and ordinances are satisfied.*

15. Appeals to Uses Not Specified in the Zoning Ordinance, (Section 23-37(c) of the Municipal Code), *Any land use that is not listed or that is questionable in the established district, where such use is proposed, is not allowed unless determined otherwise through interpretation of the ordinance. The Community and Economic Development Director or designee may determine that an unlisted or questionable use may be placed if it is significantly similar to another use that is a principal use, accessory use, or special use. This decision of the Community and Economic Development Director may be appealed to the Commission.*

Statutory Authority [Wisconsin State Statutes 62.23(5)].

(A) *Required referrals under Wisconsin State Statutes Section 62.23(5). The following shall be referred to the Plan Commission by the City Department, Committee, Board and/or Commission of jurisdiction after their review, report and recommendation is finalized for consideration by the Plan Commission. The Plan Commission may provide any feedback on the report, applicable goals, policies, and initiatives stated in the comprehensive plan or other planning documents to the Common Council prior to their final action. The Plan Commission has 30 days to report on the referred matter to the Common Council unless the Common Council or a statute provides for a longer review period.*

1. Location and design of public buildings.

2. Location of statues and memorials.

3. Location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any: (a) street, (b) alley or (c) other public way, (d) park, (e) playground, (f) airport, (g) area for parking vehicles, (h) other memorial, or (i) public grounds. *See Official Map actions, Street and alley vacations, and Final Plats referenced under Municipal Code Authority above.*

4. **Location, extension, abandonment, or authorization for any publicly- or privately- owned public utility.** *For example, the Plan Commission reviewed and commented on the We Energies project that converted the aging 4 kV system to the modern 12 kV standard in 2017-2018 because a Special Use Permit was needed.*
5. **All plats under the City’s jurisdiction under Wisconsin State Statutes Chapter 236, including land divisions under City’s subdivision ordinance adopted under Wisconsin State Statutes Section 236.45.** *See Preliminary and Final Subdivision Plats, including Extraterritorial Jurisdiction referenced under Municipal Code Authority above.*
6. **The location, character, and extent or acquisition, leasing, or sale of lands for: (a) public or semi-public housing, (b) slum clearance, under Wis. Stats. 66.1333, (c) relief of congestion, or (d) vacation camps for children.**
7. **The amendment or repeal of any ordinance adopted under Wis. Stats. 62.23, including ordinances relating to: the City Plan Commission; the City comprehensive plan under Wis. Stats. 66.1001; a City official map; and City zoning regulations.** *See Official Map actions, Zoning text and map amendments referenced under Municipal Code Authority above.*

(B) *Required referrals under sections of the Wisconsin Statutes **other than** Wis. Stats. § 62.23(5). The following shall be referred to the Plan Commission by the City Department, Committee, Board and/or Commission of jurisdiction after their review, report and recommendation is finalized for consideration by the Plan Commission. The Plan Commission may provide any feedback on the report, applicable goals, policies, and initiatives stated in the comprehensive plan or other planning documents to the Common Council prior to their final action.*

1. **The adoption or amendment of the City’s subdivision ordinance under Wisconsin State Statute Section 236.45(4).** *A subdivision text amendment is a change to the text in the Subdivision Ordinance, Chapter 17 of the Municipal Code. A text change could amend the technical requirements for drainage plan, it could amend the width dimension of public street, or it could amend phrases to clarify certain regulations, correct ambiguous sentences or update regulations to be consistent with Wisconsin State Statutes amendments.*
2. **Matters relating to urban redevelopment and renewal in the City required to be referred under Wisconsin State Statute - Chapter 66, Subchapter XIII.** *The Plan Commission’s responsibilities in these cases are to review the proposed use(s) and project plan boundaries to ensure consistency with the City’s comprehensive plan and other planning documents. The Plan Commission’s most recent redevelopment plan review was the Appleton Redevelopment Authority Project Plan #22 (2009) which included the Pierce Manufacturing site on South Pierce Avenue. Since 1974, the City has approved a total of 22 redevelopment project plans.*
3. **General fire limits. Wis. Stat. 62.23(9)(b).** *The Common Council may by ordinance designate general fire limits, regulate for safety and fire prevention, the construction, alteration, enlargement and repair of buildings and structures within such limits, and may designate special fire limits within the general limits, and prescribe additional regulations therein. However, no such ordinance or amendment thereto shall be adopted or become effective until after a public hearing in relation thereto, which may be held by the City Plan Commission or Council, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of the hearing shall be published as a class 2 notice, under Ch. 985.*

The City has adopted an ordinance designating general fire limits and regulations for the construction, alteration, enlargement and repair of buildings and structures within the fire limits under the following sections of the Municipal Code:

- *Section 4-137. Fire limits designated. All property located in the CBD Central Business District, the M-1 Industrial Park District and the M-2 General Industrial District shall be considered as being within the fire limits of the City.*
 - *Section 4-138. Construction in fire limits – certain remodeling, repairs prohibited.*
 - *Section 4-139. Same – construction standards generally.*
4. **Child welfare agencies and group homes. Wis. Stat. 48.68(3).** *Since the mid 1990's, City staff has been completing and submitted the hazard report listing a description of any specific hazards that may affect the health and safety of the residents of the residential care center for children and youth or group home at the Wisconsin Department of Children and Families.*
 5. **Community-based residential facilities. Wis. Stat. 50.03(4)(a)3.** *Since the mid 1990's, City staff has been completing and submitting the hazard report listing a description of any specific hazards that may affect the health and safety of the residents of the community-based residential facility at the request of the Wisconsin Department of Health Services.*
 6. **Proposed designation of a street, road, or public way, or any part thereof, wholly within the jurisdiction of the village, as a pedestrian mall. Wis. Stat. 66.0905.** *Pedestrian malls may involve one or more City streets, or portions thereof, on which vehicular traffic is or is to be restricted in whole or in part and which is or is to be used exclusively or primarily for pedestrian travel. Creation of pedestrian mall does not constitute a discontinuance or vacation of the street, road, or public way.*
 7. **When a housing authority is created for any City, proposed housing projects, undertaken by the City under Wisconsin State Statute 66.1211(3).** *(a) "Housing projects" includes all real and personal property, building and improvements, and community facilities acquired or constructed pursuant to a single plan either to demolish, clear, remove, alter or repair insanitary or unsafe housing or to provide safe and sanitary dwelling accommodations for persons of low income, or both. "Housing projects" includes the planning of buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration and repair of the improvements and all other related work. (b) "Housing projects" includes all real property and personal property, building and improvements, and community facilities acquired or constructed pursuant to a single plan or undertaking to do any of the following: a. Demolish, clear, remove, alter or repair insanitary or unsafe housing for elderly persons. b. Provide safe and sanitary dwelling accommodations for elderly persons. c. Fulfill a combination of the purposes under subsection. (b) a. and b. and (c) "Housing project" includes the planning of buildings and improvements, the acquisition of property, the demolition of existing structures and the construction, reconstruction, alteration, and repair of the improvements for the purpose of providing safe and sanitary housing for elderly persons and all other work in connection with housing for elderly persons. A project shall not be considered housing for the elderly unless it contains at least 8 new or rehabilitated living units which are specifically designed for the use and occupancy of persons 62 years of age or over.*

The Outagamie County Housing Authority was created by Outagamie County Board in 1972. Therefore, referrals under this section are not expected to be submitted to the Plan Commission at this time.

8. **Matters relating to the establishment or termination of an architectural conservancy district under Wisconsin State Statute Section 66.1007.** *The State Historical Society recognizes Section 66.1007 as a “Historic Preservation Statute”. The role of the Appleton Historic Preservation Commission is to recommend approval of Historic Districts and the Historic Preservation Plan pursuant to the current Municipal Code.*

9. **Matters relating to the establishment of a reinvestment neighborhood required to be referred under Wisconsin State Statute Section 66.1107.** *Currently, not adopted by the City of Appleton.*