

## ORDINANCE NO. 2012-07

### An Ordinance Combining the Duties of the Design Review Board with the Plan Commission

The Common Council of the City of Cedarburg, Wisconsin, hereby ordains as follows:

SECTION 1. Sections 2-4-7 and 2-4-5 of the Municipal Code of the City of Cedarburg are hereby amended as follows:

#### **SEC. 2-4-7 DESIGN REVIEW BOARD.**

- (a) ~~Composition.~~ The Mayor shall appoint, subject to Common Council confirmation, five (5) individuals who, by occupation, past experience or training, are deemed qualified to serve on the Design Review Board. At least four (4) of the members shall be residents of the City of Cedarburg. The fifth (5th) member may be either a City resident or business owner in the City of Cedarburg. Appointments shall be made for terms of two (2) years with the exception that the Council Member shall have a term of one (1) year. Up to two alternate members of the Design Review Board shall be appointed by the Mayor, subject to Common Council confirmation, for a period of two (2) years. Annually, the Mayor shall designate one (1) of the alternate members as first alternate and the other as second alternate. The first alternate shall act, with full authority, only when a member of the Board refuses to vote because of interest or when a member is absent. The second alternate shall so act only when the first alternate so refuses or is absent or when more than one (1) member of the Board so refuses or is absent. The Design Review Board shall examine all applications for the erection of signs, recommend permits, denials or continued use of signs which conform with requirements of the Sign Code found in Title 13 of this Code of Ordinances to the Building Inspector or his authorized agent. The Design Review Board shall meet not less than twice a month.
- (b) ~~Officers.~~ The Design Review Board shall annually elect a chairman and a secretary.

#### **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) Council Member, ~~Chairperson of the Park and Forestry Board~~ and ~~four (4)~~ five (5) citizens.
- (b) **Appointment.**
- (1) Election/Appointment of Council Members. At its annual meeting in April of each year the Common Council shall, by a two-thirds (2/3) vote of its members, elect one (1) of its ~~number members~~ 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 Park and Forestry Board shall have a one (1) year term.~~ The ~~four (4)~~ five (5) 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, secretary 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) **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 all of the members of the Commission.~~

(e) **Duties.**

(1) The Master Plan. (see Sec. 13-1-240(b)(99))

a. 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.

b. 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 (1) 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.

(2) 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.

- (3) 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. The ~~Design Review Board~~ Plan Commission, Building Inspector or his authorized agent shall examine all applications for the erection of signs, recommend permits, denials or continued use of signs which conform with requirements of the Sign Code found in Title 15 of this Code of Ordinances, with the exception of signs in the Historic Preservation District, which are the responsibility of the Landmarks Commission.
- (f) **Vacancies.** Vacancies shall be filled by appointment for the remainder of the unexpired term in the same manner as appointment for the full term.
- (g) **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.

SECTION 2. This ordinance shall take effect upon its passage and publication as provided by law.

Passed and adopted this 11<sup>th</sup> day of June 2012.

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Kip Kinzel, Mayor

Countersigned:

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Constance K. McHugh, City Clerk

Approved as to form:

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Kaye K. Vance, City Attorney