

**CITY OF NEW BERLIN PLAN COMMISSION BY-LAWS (as amended June 29, 2010)**

TO REPLACE PLAN COMMISSION RESOLUTION OF AUGUST 3, 1964, as revised February 6, 1995, May 18, 1998, February 1, 1999, February 5, 2001, March 4, 2002, January 6, 2003, October 4, 2004, and September 10, 2007.

**ARTICLE I. ESTABLISHMENT**

The Plan Commission of the City of New Berlin, Wisconsin shall be governed by Section 62.23 and 236 of the Wisconsin Statutes and City Municipal Code Chapter 275-15 et. seq. creating the Plan Commission.

**ARTICLE II. MEMBERSHIP**

The City Plan Commission shall consist of seven (7) members as follows:

- (1) One (1) member shall be the Mayor who shall be its presiding officer; and
- (2) One (1) alderman member who shall be elected by a two-thirds vote of the Council in April of each year; and
- (3) One (1) member shall be a member of the Park and Recreation Commission elected by that Commission and confirmed by the Common Council; and
- (4) Four (4) citizen members shall be appointed by the Mayor and confirmed by the Common Council. Members are to hold office for periods ending one, two, and three years, respectively from the succeeding May 1, and thereafter annually, during April one (1) such member shall be appointed for a period of three (3) years; and
- (5) Secretary of the City Plan Commission shall be the Director of Community Development or his/her staff designee who shall not be a voting member of the Commission; and
- (6) Official Oaths shall be taken by all members in accordance with Section 19.01 of the Wisconsin Statutes within ten (10) days of receiving notice of their appointment; and
- (7) Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.

**ARTICLE III. OFFICERS AND THEIR DUTIES**

**Section 1.** The Officers of the Plan Commission shall consist of a Chairman, Vice-Chairman and a Secretary.

**Section 2. The Chairman** shall be the Mayor and shall preside at the meetings and hearings of the Commission, supervise the work of the Secretary and otherwise directed by a majority vote of the Commission.

*Website  
Government*

**Section 3. Vice-Chairman** shall be appointed by the Mayor in the Mayor's absence.

*Boards & Commissions*

**Section 4. Secretary.** The Director of Community Development of the City of New Berlin shall act as the ex-officio secretary and/or staff shall prepare and keep all minutes and prepare all correspondence for the Commission; and records; set public hearing date(s), prepare, p

*Plan Commission*

*By Laws*

**Section 5.** Selection of Vice-Chairman by the Mayor shall be made at the first meeting of the Plan Commission in May.

**Section 6.** Site Visitation: Commissioners are encouraged to visit all sites that are presented to the Commission for a vote. Commissioners will be reimbursed using the current applicable mileage rate.

#### ARTICLE IV. COMMITTEES

**Section 1.** The following standing Committees may be appointed by the Chairman:

- A. SIGNS COMMITTEE
- B. MASTER PLAN COMMITTEE
- C. CODE COMMITTEE
- D. ARCHITECTURAL REVIEW COMMITTEE
- ALTERNATIVE TRANSPORTATION COMMITTEE
- DEVELOPMENT REVIEW COMMITTEE

**Section 2.** The standing committees shall be appointed for one (1) year and shall consist of up to three (3) members\*, the Secretary, and/or staff designee. Vacancies shall be filled immediately by the Chairman.

\* Alternative Transportation Committee shall have in addition to the three (3) Plan Commission members, the Secretary, and/ or staff designee, four (4) citizen members appointed by the Plan Commission Chairman for a period of one year.

**Section 3.** Special committees may be appointed by the Chairman for purposes and terms of which the Commission approves.

**Section 4.** The Director of Community Development and/or a staff designee shall act as advisor and voting member of all Planning Commission standing committees.

**Section 5.** The following areas of responsibility are assigned to each of the standing committees. All committee reports and recommendations shall be filed with the Plan Commission.

- A. **Signs:** Members of the Sign Committee may recommend changes to the sign ordinance. Recommendations shall be forwarded to the Plan Commission.
- B. **Master Plan:** Members of the Master Plan Committee may recommend revisions to the Master Plan. Recommendations shall be forwarded to the Plan Commission.
- C. **Code Committee:** The Code Committee, in cooperation with the appropriate City Official(s), will review and recommend revisions and updates to the City Codes (i.e. proposed Zoning Ordinance, upgrade subdivision regulations, etc.) Recommendations shall be forwarded to the Plan Commission.

- D. **Architectural Review Committee:** The Zoning and Architectural Control Committee shall review projects upon request of the full Plan Commission. Review is designed to promote orderly development, ensure compliance with zoning ordinance requirements, allow for proper site and subdivision design, and ensure appropriate and compatible architectural standards. Recommendations shall be forwarded to the Plan Commission.
- E. **Alternative Transportation Committee:** The Alternative Transportation Committee shall be responsible for recommending transportation alternatives to meet the needs of non-motorized movements of New Berlin citizens, including, bicycles, pedestrians, wheelchairs, and strollers, etc. Recommendations shall be forwarded to the Plan Commission.
- F. **Development Review Committee:** The Development Review Committee shall be responsible for reviewing plans, making site visits, recommending alternatives and making recommendations on conditions of approval. Recommendations shall be forwarded to the Plan Commission.

## ARTICLE V. MEETINGS

**Section 1. Meetings** shall begin at 6:00 P.M. and have an end time of 10:00 P.M. and shall be held on the 1st Monday of each month or at the call of the Chairman or at the call of the majority of the full Commission, and shall be held in the City Hall, New Berlin, Wisconsin. Subject to proper meeting notification, Committees of the Plan Commission shall meet at such times as agreed upon by a majority of the members of the standing committee.

- A. **Agenda Time Limits.** Agenda time limits may be set by the Director of Community Development along with permission from the Plan Commission Chair. An item begun prior to 10:00 PM will be concluded. No additional items will be considered unless granted by the Plan Commission. By a majority vote, the Plan Commission may extend the meeting in 30 minutes intervals.

**Section 2. Quorum.** A quorum for matters of business of the Plan Commission shall consist of four (4) members. Action by the Commission shall be taken by a majority vote of those present. A record of the call vote shall be kept as a part of the minutes. Committees of the Plan Commission may meet with less than a quorum of the Commission; however, any recommendations to Plan Commission must expressly reflect those present at the Committee meeting and voting record of matters referred to the Plan Commission.

**Section 3. Special Meetings.** Special meetings of the full Plan Commission shall be at the call of the Chairman. It shall be the duty of the Chairman to call such a meeting when requested to do so in writing by a majority of the members of the Commission. In accordance with Wisconsin Statutes a notice of such a meeting shall specify the purposes of such a meeting and no other business shall be considered. The Secretary shall notify all members of the Commission and the official newspaper in writing, not less than forty-eight (48) hours in advance of the special meeting. A mailed notice to the address of the Commission member shall constitute sufficient notification of this Section.

**Section 4. Open Meetings.** All meetings of the Plan Commission or its Committees shall be open to the general public, as governed and required in Section 19.81 et. seq. Wisconsin Statutes, Open Meetings of Government Bodies.

**Section 5. Closed Sessions.** The Plan Commission may go into closed executive session for purposes enumerated in Section 19.85 (l) of the Wisconsin Statutes.

**ARTICLE VI. ORDER OF BUSINESS**

**Section 1. Order of Business** The order of business shall be as follows except the Chairman may, with the approval of the majority of Plan Commissioners present, amend the order of business.

Privilege of the floor.

- a. *A privilege of the floor is granted to the public at the start of every meeting.*
- b. *The privilege of the floor shall last no longer than 30 minutes.*
- c. *Individual presentations are limited to 3 minutes.*
- d. *Presentations shall be directed to topics on the Plan Commission agenda.*
- e. *Presentations shall not deal in personalities or personal attacks on members of the Plan Commission or City employees.*
- f. *Presentations are not to be designed for purposes of engaging others in a debate in this forum.*
- g. *Candidates for Public Office shall be prohibited from participating in this forum from date of filing of nomination papers.*
- h. *Those allowed to speak during Privilege of the Floor regarding pending actions on the agenda shall be restricted to New Berlin residents and landowners only. When pending projects and applications come to the Plan Commission for review and approval, input from residents and land owners is critical to the decisions of the Plan Commissioners. The only exception to this would be the applicant, their consultant and any support staff needed to address questions or comments regarding the application or project being discussed or acted on that evening.*

- Call to Order
- Roll Call & Declaration of Quorum
- Reconsideration from previous Meeting
- Approval of Minutes of Previous Plan Commission Meeting(s)
- Referrals from City Council
- Plan Commission Secretary's Report
- Special Presentations
- Continued Items
  - a. Items Deferred
  - b. Items Tabled
- Referrals from Sub-Committee
- New Business
- Committee Reports
- Communications

## Adjournment

### Section 2. Matters of Business

- A. Matters of Business to be considered at the regular Plan Commission meeting(s) shall be presented to the Director of Community Development for review and comment not less than 30 calendar days prior to the meeting at which such business is to be considered. Applications shall be submitted in completeness to the Permit Application Center. Applications must be submitted in a form and in such numbers as required by the Director of the Department of Community Development. If the Director determines that there is insufficient information regarding an application, the Director may remove the item from the agenda. (\*Note: See the Permit Application Center Handouts for required documentation and materials.)
- B. All applicants shall, to the extent possible, be informed in writing as to The Development Review Committee's recommendation prior to meeting in which the applicant's item is agendaized.
- C. City Community Development staff shall prepare and distribute a staff report to the Plan Commission prior to any meeting of the Plan Commission.
- D. **Items Deferred** - Items of Business which are deferred at a meeting shall automatically appear on the agenda and be considered for action at the next regularly scheduled meeting.
- E. **Items Tabled** - Items of business which are tabled at a meeting shall be placed on the agenda by Community Development Staff when all issues related to stated reasons for tabling (i.e., revised plans, additional information, permits from other agencies, county and state approvals, special studies) have been provided/completed. In addition, the Plan Commission may request a tabled item be considered for action with advance notice to the Community Development Staff. (Staff shall notify applicant of such request.) Tabled items shall not be considered for action unless removed from the table by a majority vote of the members in attendance.
- F. Items unconditionally denied by the Plan Commission shall not be reconsidered for sixty (60) days and the applicant has filed a new application with the Permit Application Center.
- G. **Staff Approvals** – Staff shall be allowed to issue the following permits administratively through the Permit Application Center (over-the-counter):
  - a. Reoccupancy Permits;
  - b. Home Occupation Permits;
  - c. Temporary Use Permits;
  - d. Sign Permits;
  - e. Minor Architectural Modifications (as determined by the Director of Community Development); and
  - f. Building and parking area additions or modifications (requiring zoning/use permits) that represent less than 15,000 square feet.

The Director of Community Development may refer to the Plan Commission any application under the administrative review process should it be deemed necessary to require Plan Commission input and resolution.

H. **Zoning Permits Issued** – Staff shall keep a listing of all administrative permits issued.

**Section 3. Minutes** of the proceedings and a record of all actions shall be kept by the Secretary, showing the vote of each member upon each question, the reasons for the Commission's determination, and its finding. These records shall be filed in the office of the Director of Community Development and shall be a public record.

A. It shall be in order for any member of the Plan Commission who voted with the prevailing side to request reconsideration of such vote at the same or next succeeding regular meeting of the Plan Commission or any adjournment thereof. A motion to reconsider having been put and lost can not be renewed. Any member of the Plan Commission who qualified to move reconsideration of any question as provided in this rule shall advise the Department of Community Development in writing on or before the Friday noon immediately preceding the next regular meeting of the Plan Commission of his or her intent to move reconsideration of any question, and such request shall be placed on the agenda of the Plan Commission meeting. (The applicant shall be notified.) No previous notice will be required to move the reconsideration of any question at an adjourned meeting of the Plan Commission.

**Section 4. Decisions.** The Commission shall render its decision within thirty (30) days after the final hearing and shall transmit a signed copy of the Commission's decision to the petitioner, applicant, referring body, and the Director of Buildings, Inspections and Zoning.

**Section 5. Voting.** The concurring vote of a majority of the members present shall be required.

**Section 6. Record.** The Secretary shall record the vote of each member, or if the member is absent or fails to vote, shall indicate such fact in the minutes.

**Section 7. Personal Interest.** No Commissioner shall participate in the decision of, or vote upon, any case in which he shall have an interest, directly or indirectly.

**Section 8. Conditions** imposed with respect to any use permit shall be stated in the minutes embodying the Commission's decision and shall also be set forth upon the permit. Such permit shall be valid only as long as the conditions upon which it is granted are observed.

**Section 9. Rules of Order.** Except where specifically stated in these By-Laws the conduct of meetings shall be governed by the **Robert's Rules of Order Newly Revised Edition** Copyright © 1981 Library of Congress Catalog Card No. 80-21805 on file in the Planning Department.

A. **Suspension of Plan Commission Rules.** With a 3/4 vote of the Plan Commission appointed, suspension of any Plan Commission rule can be made to temporarily suspend the rule brought forth.

**ARTICLE VII. PUBLIC HEARINGS**

In addition to those required by law or directed by the City Council, the Commission may at its discretion hold public hearings when it decides that such hearings will be in the public interest.

**Section 1. Hearing Date.** Date of Hearing shall be set by the Director of Community Development upon receipt of a complete application.

**Section 2. Notice.** Notice of the time, date, and place of public hearings shall be given as required by Wisconsin Statutes and/or the City of New Berlin Municipal Code.

**Section 3. Appearance.** The petitioner or applicant may appear in person or by his agent or attorney.

**Section 4. Order of Business** at hearings shall be substantially as follows:

Introduction by the Chairman.

Call to Order.

Read Notice.

Description of Public Hearing procedure by Chairman.

Description of proposal by the Secretary and/or Community Development Staff.

Hearing of the parties in favor of the Application.

Hearing of parties opposed to the Application.

The Chairman reserves the right to place reasonable limits upon the length of comments and the number of those speaking on the issue.

**Section 5. Decisions:** As per Section 4 of Article VI above.

**Section 6. Withdrawal.** A petitioner or applicant may withdraw his petition or application at any time prior to a decision thereon; however, if a motion is pending to grant, deny, or make a recommendation to grant or deny, such motion shall have precedence. Withdrawal shall not entitle the petitioner or applicant to return of the filing fee.

**ARTICLE VIII. POWERS AND DUTIES**

**Section 1.** The City Plan Commission shall have all the powers and duties granted or assigned by the Common Council, or by City Ordinances, and those powers and duties granted or assigned by Section 62.23 of the Wisconsin Statutes.

**Section 2.** The Commission may employ a clerk to assist the Secretary in performance of his/her duties and perform such other duties as may be assigned to him/her by the Chairman of the Plan Commission.

**ARTICLE IX. AMENDMENTS**

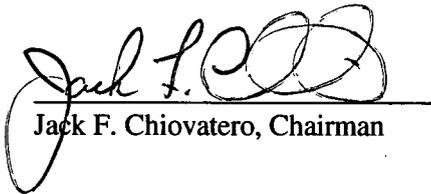
These Rules of Government may be amended, suspended, or revoked by a majority vote of the full Commission at any meeting, provided all the members are notified.

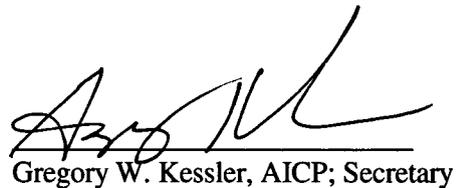
**ARTICLE X. CONFLICT**

Whenever any conflict occurs between these Bylaws and the Laws of Wisconsin or Ordinance of the City, the State Laws and the City Ordinance shall prevail.

**ARTICLE XI. EFFECTIVE DATE**

These Rules of Government shall be effective after adoption by a majority of the full Commission and filing with the City Clerk. When adopted, these Rules of Government shall replace the resolution passed by the Council August 11, 1964, published August 14, 1964, as amended February 6, 1995, May 18, 1998, February 1999, January 22, 2001, March 4, 2002, January 3, 2003, September 8, 2003 and January 6, 2003.

  
Jack F. Chiovero, Chairman

  
Gregory W. Kessler, AICP; Secretary

*Plan Commission Date Adopted: June 29, 2010*

*Date Filed: June 30, 2010*