

**DRAFT**  
**Comprehensive Plan Amendment Process**

- \_\_\_ Adopt written procedures that are designed to foster public participation. (Statutory requirement)
- \_\_\_ **Distribute the proposed amendment** per adopted public participation plan; might establish a particular notification radius similar to a rezoning or identify certain stakeholder groups (beyond Statutory requirements)
- \_\_\_ Distribute proposed amendment to any owners of property or other persons with a leasehold interest in non-metallic minerals on the subject property; applicant responsible to identify any such parties (Statutory requirement)
- \_\_\_ Post proposed amendment on Planning Department **website** (beyond Statutory requirements)
- \_\_\_ **Post hard copy** of proposed amendment on City Hall bulletin boards (beyond Statutory requirements)
- \_\_\_ Publish public hearing and public comment period notice; one insertion at least 30 days prior to public hearing; need to decide **venue and timing** for public hearing (Statutory requirement)
- \_\_\_ Prepare Plan Commission resolution and adoption ordinance (Statutory requirements)
- \_\_\_ Respond to any written comments received (Statutory requirement)
- \_\_\_ Action by Plan Commission on resolution (Statutory requirement)
- \_\_\_ Hold public hearing (Statutory requirement)
- \_\_\_ First reading by Council of adoption ordinance (Statutory requirement)
- \_\_\_ Final readings of adoption ordinance and public hearing before City Council (Statutory requirement)
- \_\_\_ Adopting ordinance published (Statutory requirement)
- \_\_\_ Distribute adopted amendments to overlapping and adjacent units of government, the BayLake Regional Planning Commission, the Wisconsin Department of Administration, and Manitowoc Library (Statutory requirement)

### Consistency Requirement

The comprehensive planning statute does not define, nor does it provide guidance about how to determine whether or not land use ordinance decisions are “consistent” with the *Plan*. As such, this concept shall evolve along with the *Plan* over time. Amendments to the *Plan* may further address the “consistency” measure.

For purposes of determining whether or not an action is “consistent” as the term is used in §66.1001(3), Wis. Stats., the City shall frame its actions and decisions upon the following guidance:

1. Consider if aspects of actions, programs, or projects will further the overarching objectives and policies of the *Plan*, and not obstruct or contradict their attainment.
2. Determine if the proposed action, program, or project is compatible with the proposed future land uses and densities contained in the *Plan*.

### → Plan Amendments

This *Plan* can be amended and changed. Amendments may be appropriate in the years following initial plan adoption as the City continues to evolve, particularly in instances where all, or portions of the *Plan* become irrelevant or contradictory to emerging policy or trends, or does not provide specific advice or guidance on an emerging issue. “Amendments” are generally defined as minor changes to the *Plan* maps or text (as opposed to an “update” described later). The *Plan* should be evaluated for potential amendments regularly. However, frequent amendments only to accommodate specific development proposals should be avoided, or else the *Plan* will become meaningless.

As a dynamic community facing a myriad of growth issues, the City is likely to receive requests for *Plan* amendments over the planning period. To provide a more manageable, predictable, and cost effective process, the City should establish a single plan amendment consideration cycle every year. Several Wisconsin communities use an annual plan review and amendment process cycle to ensure these evaluations and adjustments are handled in a predictable and efficient manner. This approach would require that all proposed plan amendment requests be officially submitted to the City by a designated date of each year. A full draft of the amendments would then be presented to the Plan Commission for its evaluation and recommendation to the Common Council. The Council could then act to approve the amendment(s), following a public hearing.

The City may bypass the annual amendment process described above, if there are no proposed amendments, or if an amendment to this *Plan* is determined necessary to capture a unique economic opportunity that is both consistent with or related to achieving the vision of this *Plan*, and which may be lost if required to wait for the regular *Plan* amendment cycle. However, the City is still required to use the procedures outlined below.

It is important to emphasize that Zoning Map or Official Map amendment requests that are consistent with the *Plan* do not require an amendment to this *Plan*. Conversely, Zoning Map or Official Map amendment requests that are not consistent with the *Plan* would require an amendment to this *Plan* prior to or concurrent with consideration of said Zoning Map or Official Map amendment. Finally, no Zoning Map or Official Map amendment, nor the adoption of any other plan, is considered an amendment to this *Plan*, unless said amendments are taken through the formal procedures defined below as required by State Statutes.

The procedures defined under §66.1001(4), Wis. Stats., need to be followed for all *Plan* amendments. Specifically, the City will use the following procedure to amend, add to, or update the *Plan*:

1. Either the Common Council or the Plan Commission initiates the proposed *Plan* amendment(s). This may occur as a result of a regular Plan Commission review of the *Plan*, or may be initiated at the request of a property owner or developer.
2. The Common Council adopts a resolution outlining the procedures that will be undertaken to ensure public participation during the *Plan* amendment process (see §66.1001(4)(a) Wis. Stats.). If appropriately drafted, the City may need to only have to take this step for the first of several amendment cycles.

3. The Plan Commission prepares or directs the preparation of the specific text or map amendment(s) to the *Plan*.
4. The Plan Commission holds one or more public meetings on the proposed *Plan* amendments. Following the public meeting(s), the Plan Commission makes a recommendation (by resolution) to the Common Council, by majority vote of the entire Commission (see §66.1001(4)(b) Wis. Stats.).
5. The City Clerk sends a copy of the recommended *Plan* amendment (not the entire *Plan*) to all adjacent and surrounding government jurisdictions and the County, as required under §66.1001(4)(b), Wis. Stats. These governments should have not less than 10 days to review and comment on the recommended *Plan* amendment(s). Nonmetallic mine operators, any person who has registered a marketable nonmetallic mineral deposit with the local government, and any other property owner or leaseholder who has requested notification in writing must be informed through this notice procedure. These governments and individuals should have not less than 10 days to review and comment on the recommended *Plan* amendments.
6. The City Clerk directs the publishing of a Class “1” notice, with such notice published at least 30 days before a public hearing, and containing information required under §66.1001(4)(d) Wis. Stats.
7. The Common Council holds the formal public hearing on an ordinance that would incorporate the proposed amendment(s) into the *Plan*.
8. Following the public hearing, the Common Council adopts or denies the ordinance adopting the proposed *Plan* amendment(s). Adoption must be by a majority vote of all members. The Common Council may require changes from the Plan Commission recommended version of the proposed amendment(s).
9. The City Clerk sends a copy of the adopted ordinance and the amendment(s) (not the entire *Plan*) to all adjacent and surrounding government jurisdictions, mine operators, any person who has registered a marketable nonmetallic mineral deposit with the City, and any other property owner or leaseholder who has requested notification in writing as required under §66.1001(4)b and c, Wis. Stats.

### **Plan Updates**

Wisconsin comprehensive planning law requires that this *Plan* be updated at least once every 10 years (§66.1001(2)(i), Wis. Stats.). As opposed to an amendment, an update is often a substantial re-write of the plan document and maps. Based on this deadline, the City will update this *Plan* before the year 2019 (i.e., 10 years after 2009), at the latest. The City should continue to monitor any changes to the language or interpretations of the State law over the next few years.

### **Consistency Among Plan Elements**

The State comprehensive planning statute requires that the implementation element “describe how each of the elements of the comprehensive plan shall be integrated and made consistent with the other elements of the comprehensive plan.” Because the various elements of this *Plan* were prepared simultaneously, there are no known internal inconsistencies between the different elements or chapters of this *Plan*.

### **Implementation Programs and Recommendations**

Figure 9.1 provides a detailed list and timeline of the major actions that the City should endeavor to complete to implement this *Plan*. Often, such actions will require substantial cooperation with others, including County and surrounding local governments and local property owners. The table has three different columns of information, described as follows:

- ◆ **Category:** The list of recommendations is divided into different categories—based on different implementation tools or plan elements.
- ◆ **Recommendation:** The second column lists the actual steps, strategies, and actions recommended to implement key aspects of the *Plan*. The recommendations are for City actions, recognizing that many of