

ARTICLE 3 ADMINISTRATIVE BODIES

Divisions

1. Plan Commission
2. Design Review Board (**Historic Preservation Commission – to discuss**)
3. Zoning Board of Appeals
4. Zoning Administrator

DIVISION 1 PLAN COMMISSION

490-100 Establishment

A Plan Commission is established pursuant to § 62.23 (1) Wis. Stats., to undertake the responsibilities as defined in this chapter and as allowed by state law.

490-101 Authority

- A. Generally.** The Plan Commission shall have such powers as may be necessary to enable it to perform its functions and promote the proper planning for the City of Port Washington, whether enumerated in this section or not.^[1]
- B. Staff.** The Plan Commission may employ, or contract for the services of, such professional planning technicians and staff as are considered necessary for the discharge of the duties and responsibilities of the commission, provided such expense does not exceed the appropriation that may be made for the commission by the Common Council for such purpose.^[2]
- C. Comprehensive plan.** The Plan Commission may by resolution recommend to the Common Council the adoption of or amendment to an adopted comprehensive plan.^[3]
- D. Development review.** The Plan Commission must render decisions and recommendations relating to development applications required by this chapter.
- E. Amendments to this chapter.** The Plan Commission may recommend amendments to this chapter.^[5]
- F. Official map.** The Plan Commission may recommend amendments to the City's official map adopted pursuant to § 62.23 (6), Wis. Stats.^[4,5]
- G. Recommendations upon referral.** Upon referral by the Common Council or other public body or officer of the City having final authority thereon, the Plan Commission must review and make a report with any recommendations on (1) the location and architectural design of any public building; (2) the location of any statue or other memorial; (3) 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 way, park, playground, airport, area for parking vehicles, or other memorial or public grounds; (4) the location, extension, abandonment or authorization for any public utility whether publicly or privately owned; (5) all plats of lands in the city or within the territory over which the city is given platting jurisdiction by ch. 236, Wis. Stats.; (6) the location, character and extent or acquisition, leasing or sale of lands for public or semipublic housing, slum clearance, relief of congestion, or vacation camps for children; and (7) the amendment or repeal of this chapter. Unless such report is made within 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.^[6]
- H. Miscellaneous powers.** The Plan Commission may make reports and recommendations relating to the planning 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 Mayor or Common Council, programs for public improvements and the financing thereof. All public officials shall,

upon request, furnish to the commission, within a reasonable time, such available information as it may require for its work.^[7]

Editorial notes:

[1] See § 62.23 (4), Wis. Stats.

[2] See § 62.23 (1)(e), Wis. Stats.

[3] See § 62.23 (2), Wis. Stats.

[4] See § 62.23 (6)(c), Wis. Stats.

[5] Commentary: An official map depicts existing and planned public infrastructure and facilities, including planned streets.

[6] See § 62.23 (5), Wis. Stats.

[7] See § 62.23 (4), Wis. Stats.

490-102 Composition and appointment of members

- A. Number and appointment.** The Plan Commission shall have seven members, consisting of (1) the Mayor, (2) an Alderperson, (3) four citizens of the City who are not City officials, and (4) the City Engineer. In addition, the commission also includes, as a nonvoting member, the Superintendent of the Port Washington-Saukville School District. The citizen members of the Commission shall be appointed to hold office for a term of three years, commencing June 1. Except as otherwise provided in this section, appointments shall be made by the Mayor by the third Tuesday in May for terms of office that expire in May or at any other time if a vacancy occurs during the term. The Director of Planning and Development shall serve as staff liaison to the Plan Commission.
- B. Terms.** Each citizen member of the Plan Commission shall be appointed to a 3-year term.^[1] The term of any city-elected or appointed official shall coincide with ~~their~~ the term of his or her elected or appointed term of office. The term of the Mayor shall coincide with their elected term.
- C. Considerations in making citizen appointments.** Citizen members of the Plan Commission must be residents of the City of Port Washington and must be persons of recognized experience and qualifications.^[2] To the extent possible, citizen members should represent different experiences and qualifications. ~~A city employee may not serve on the commission. (To be discussed with staff first.)~~
- D. Vacancies.** Vacancies on the Plan Commission must be filled for the unexpired term of any member whose term becomes vacant.
- E. Conditions for removal.** A citizen member must be removed from the Plan Commission and the member's office declared vacant when the member moves outside of the city. If the Mayor or a city-elected or appointed official resigns or is removed from their office, their term on the commission shall automatically terminate.

Editorial notes:

[1] See § 62.23 (1)(d), Wis. Stats.

[2] See § 62.23 (1)(a), Wis. Stats.

490-103 Officers

- A. Chairperson.** The Mayor shall be the Chairperson and presiding officer.
- B. Vice-Chairperson.** The commission shall appoint a vice-chairperson by majority vote at its meeting in May. The term of the vice-chairperson is one year, with no limit on consecutive terms.
- C. Recording secretary.** The City Clerk, or designee, shall serve as the recording secretary. If the recording secretary is absent at a meeting, the chairperson must appoint a temporary secretary for that meeting.

490-104 Commission procedures

The Plan Commission may adopt rules of procedure to carry out its purposes. Such rules must conform to this chapter, other city regulations, and state law and be filed in the office of the City Clerk.^[1] ~~The rules in the current edition of Robert's Rules of Order Newly Revised shall govern the Plan Commission in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order the commission may adopt. (Bob – Does the city use Robert's Rules?)~~

Editorial notes:

[1] See § 62.23 (2), Wis. Stats.

490-105 Meetings

- A. **Open meetings.** Meetings of the Plan Commission are open to the public unless conducted in closed session as authorized by state law.
- B. **Location.** Meetings, except for site visits described in Article 4, must be conducted in the city hall or in such other public place as may be selected by the commission.
- C. **Schedule.** The Plan Commission must establish a regular schedule of meetings. Other meeting may be held at the call of the chairperson and at such other times as the commission may determine.
- D. **Presiding officer.** If the chairperson is absent for a meeting, the vice-chairperson shall run the meeting. If both the chairperson and vice-chairperson are absent, the recording secretary shall call the meeting to order and the commission shall appoint a chair for that meeting by majority vote.
- E. **Minutes.** The Plan Commission must keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

490-106 Voting and quorum

- A. **Requirements for quorum.** A quorum of the Plan Commission consists of 4 voting members. If there is not a quorum, the meeting must be adjourned and the meeting minutes should reflect that a quorum was not present and the meeting was adjourned.
- B. **Requirements for voting.** Unless otherwise prescribed by state law, a decision of the Plan Commission must be approved by a majority vote of the members present at a meeting in which a quorum is in attendance and voting.
- C. **Disqualification or voluntary abstention.** A member of the Plan Commission must abstain from voting on a particular issue or be disqualified by majority vote of the remaining members present when (1) the member has a direct financial interest in the outcome of the matter at issue; (2) the member has such close personal ties to the applicant, the project, or to a party opposing the application that the member cannot reasonably be expected to exercise sound judgment in the public interest; (3) the member would violate the code of ethics set forth in ch. 19 Wis. Stats., or any ethics code as may be adopted by the city; (4) participation in the matter might violate the letter or spirit of a member's code of professional responsibility; or (5) another law precludes participation. If a member abstains or is disqualified, they may participate in the meeting as a member of the public.

490-107 Compensation

Citizen members of the Plan Commission may not be compensated for their service on the commission.

490-108 Official oath

Citizen members of the Plan Commission must take the official oath as required by § 19.01, Wis. Stats. The City Clerk must keep a copy of such oaths.

490-109 through 490-119 reserved

DIVISION 2 HISTORIC PRESERVATION COMMISSION

490-120 Establishment

A Historic Preservation Commission is established to undertake the responsibilities as defined in this chapter and as allowed by state law.^[1]

Editorial notes:

[1] See § 62.23 (7)(em), Wis. Stats.

490-121 Authority

- A. Historic districts.** The Historic Preservation Commission has the power to recommend designation of historic districts consistent with the requirements in Article 5.
- B. Historic structures and sites.** The Historic Preservation Commission has the power to recommend designation of historic structures and sites consistent with the requirements in Article 5.
- C. Certification of appropriateness.** The Historic Preservation Commission has the power to act on requests for work related to a historic structure or site consistent with the requirements in Article 5.
- D. Recognition of historic districts, structures, and sites.** The Historic Preservation Commission may establish a plaques program to recognize the designation of a historic district, structure, or site. The plaque should state the accepted name of the historic property, the date of its construction of significance, and other information deemed proper by the commission. Such plaque should be easily visible to passing pedestrians.
- E. Establishment of guidelines and criteria.** The Historic Preservation Commission may establish guidelines and develop criteria for construction, alteration, or demolition of improvements within an established historic overlay district.
- F. Funding.** The Historic Preservation Commission may receive and solicit funds for the purpose of historic preservation in the City. Such funds must be placed in a special city account, managed by the City Treasurer, for such purpose.
- G. Amendments to this chapter.** The Historic Preservation Commission may recommend amendments to this chapter.
- H. Other.** The Historic Preservation Commission shall have other such powers allowed under state law.

490-122 General duties

- A. Education and outreach.** The Historic Preservation Commission should inform city residents about the historical heritage of the City and the need and desirability of having a historic preservation program in the City, including how it enhances the quality of life.
- B. Cooperation.** The Historic Preservation Commission may cooperate with the State of Wisconsin historic preservation officer and the state historic preservation review board in attempting to include such properties hereunder designated as landmarks or landmark sites, or historic districts in the National Register of Historic Places and the state register of historic places.

490-123 Composition and appointment of members

- A. Number and appointment.** The Historic Preservation Commission shall consist of 7 members. The Mayor shall appoint all members, subject to confirmation by the Common Council, during the month of April for terms that expire in April or at any other time if a vacancy occurs before the end of a person's term.
- B. Terms.** Members on the Historic Preservation Commission are appointed to staggered 3-year terms.
- C. Considerations in making citizen appointments.** Members must reside in the City of Port Washington or own an established business in the City. Each member must have a demonstrated interest in historic preservation. To the extent possible, members should include a person with land within a historic district,

if one has been established, a registered architect, a historian, and a licensed real estate broker. A city employee may not serve on the commission.

- D. **Vacancies.** Vacancies on the Historic Preservation Commission must be filled for the unexpired term of any member whose term becomes vacant.
- E. **Conditions for removal.** A member may be removed from the Historic Preservation Commission and the member's office declared vacant when the member moves outside of the city or no longer has an established business in the city.

490-124 Officers

The Historic Preservation Commission shall elect a chairperson and a vice-chairperson by majority vote at their meeting in May of each year. The commission may designate other officers deemed necessary.

490-125 Commission procedures

The Historic Preservation Commission may adopt rules of procedure to carry out its purposes. Such rules must conform to this chapter, other city regulations, and state law and be filed in the office of the City Clerk. ~~The rules in the current edition of Robert's Rules of Order Newly Revised shall govern the commission in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order the commission may adopt. (Bob – Does the city use Robert's Rules?)~~

490-126 Meetings

- A. **Open meetings.** Meetings of the Historic Preservation Commission are open to the public unless conducted in closed session as authorized by state law.^[1]
- B. **Location.** Meetings, except for site visits described in Article 4, must be conducted in the city hall or in such other public place as may be selected by the board.
- C. **Schedule.** The Historic Preservation Commission must establish a regular schedule of meetings. Other meeting may be held at the call of the chairperson and at such other times as the commission may determine.
- D. **Presiding officer.** If the chairperson is absent for a meeting, the vice-chairperson shall run the meeting. If both the chairperson and vice-chairperson are absent, the members in attendance shall appoint, by majority vote, a chair for that meeting.
- E. **Minutes.** The Historic Preservation Commission must keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

490-127 Voting and quorum

- A. **Requirements for quorum.** A quorum of the Historic Preservation Commission consists of 4 voting members. If there is not a quorum, the meeting must be adjourned and the meeting minutes should reflect that a quorum was not present and the meeting was adjourned.
- B. **Requirements for voting.** Unless otherwise specifically stated, a decision of the Historic Preservation Commission must be approved by a majority vote of the members present at a meeting in which a quorum is in attendance and voting.
- C. **Disqualification or voluntary abstention.** A member of the Historic Preservation Commission must abstain from voting on a particular issue or be disqualified by majority vote of the remaining members present when (1) the member has a direct financial interest in the outcome of the matter at issue; (2) the member has such close personal ties to the applicant, the project, or to a party opposing the application that the member cannot reasonably be expected to exercise sound judgment in the public interest; (3) the member would violate the code of ethics set forth in ch. 19 Wis. Stats., or any ethics code as may be adopted by the city; (4) participation in the matter might violate the letter or spirit of a

member's code of professional responsibility; or (5) another law precludes participation. If a member abstains or is disqualified, they may participate in the meeting as a member of the public.

490-128 Compensation

Members of the Historic Preservation Commission may not be compensated for their service on the commission.

490-129 Official oath

Citizen members of the Historic Preservation Commission must take the official oath as required by § 19.01, Wis. Stats. The City Clerk must keep a copy of such oaths.

490-130 through 490-139 reserved

DIVISION 3 ZONING BOARD OF APPEALS

490-140 Establishment

A Zoning Board of Appeals is established pursuant to § 62.23 (7)(e), Wis. Stats., to undertake the responsibilities as defined in this chapter and as allowed by state law.

490-141 Authority

- A. Administrative appeals.** The Zoning Board of Appeals shall hear and decide administrative appeals consistent with the requirements in Article 5 where it is alleged that the zoning administrator erred in the administration of the zoning code. In exercising these powers, the board may compel the administrative official to act as required or reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination being appealed and may make such order, requirement, decision, or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken.^[1]
- B. Variances.** The Zoning Board of Appeals shall hear and decide variances consistent with the requirements in Article 5.^[2]
- C. Amendments to this chapter.** The Zoning Board of Appeals may recommend amendments to this chapter.
- D. Employees.** The Zoning Board of Appeals may employ a secretary and other employees.^[3]

Editorial notes:

[1] See § 62.23 (7)(e)(4), Wis. Stats.

[2] See § 62.23 (7)(e)(7)(b), Wis. Stats.

[3] See § 62.23 (7)(e)(2), Wis. Stats.

490-142 Authority of chairperson

The chairperson of the Zoning Board of Appeals or acting chairperson may administer oaths and compel the attendance of witnesses.^[1] The chairperson may request the attendance of the zoning administrator and the building inspector.

Editorial notes:

[1] See § 62.23 (7)(e)(3), Wis. Stats.

490-143 Composition and appointment of members

- A. **Number and appointment.** The Zoning Board of Appeals shall consist of 5 regular members as appointed by the Mayor by the third Tuesday in May, subject to confirmation by a majority vote of all the members of the Common Council.^[1]
- B. **Alternates.** The Mayor shall appoint 2 alternates to the Zoning Board of Appeals for staggered 3-year terms and annually appoint one of them as the first alternate and the other as the second alternate.^[2]
- C. **Terms.** Each regular member on the Zoning Board of Appeals shall be appointed to hold office for a period of 3 years.^[3]
- D. **Considerations in making appointments.** Regular members and alternate members of the Zoning Board of Appeals must reside in the City of Port Washington. A city employee shall not serve as a regular member or as an alternate.
- E. **Vacancies.** Vacancies on the Zoning Board of Appeals shall be filled for the unexpired term of any member or alternate whose term becomes vacant.
- F. **Conditions for removal.** The Mayor may remove a regular member or an alternate from the Zoning Board of Appeals for cause upon written charges and after a public hearing.^[4]

Editorial notes:

- [1] See § 62.23 (7)(e)(2), Wis. Stats.
- [2] See § 62.23 (7)(e)(2), Wis. Stats.
- [3] See § 62.23 (7)(e)(2), Wis. Stats.
- [4] See § 62.23 (7)(e)(2), Wis. Stats.

490-144 Officers

- A. **Chairperson.** The Mayor shall appoint one of the regular members as the chairperson of the Zoning Board of Appeals.^[1]
- B. **Other.** The board may designate other officers deemed necessary.

Editorial notes:

- [1] See § 62.23 (7)(e)(2), Wis. Stats.

490-145 Board procedures

The Zoning Board of Appeals may adopt rules of procedure to carry out its purposes. Such rules must conform to this chapter, other city regulations, and state law and be filed in the office of the City Clerk. ~~The rules in the current edition of Robert's Rules of Order Newly Revised shall govern the Plan Commission in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order the board may adopt.~~

490-146 Recording secretary

The City Clerk shall serve as the recording secretary for the Zoning Board of Appeals; but may not participate in any deliberations or any vote.

490-147 Meetings

- A. **Open meetings.** Meetings of the Zoning Board of Appeals are open to the public unless conducted in closed session as authorized by state law.^[1]
- B. **Location.** Meetings, except for site visits described in Article 4, must be conducted in the city hall or in such other public place as may be selected by the board.
- C. **Schedule.** The Zoning Board of Appeals shall ~~establish a regular schedule of meetings. Other meeting may be held meet~~ at the call of the chairperson and at such other times as the board may determine.
- D. **Presiding officer.** If the chairperson is absent for a meeting, the recording secretary shall call the meeting to order and the board shall appoint a chair for that meeting.

- E. Minutes.** The Zoning Board of Appeals must keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.^[2]

Editorial notes:

[1] See § 62.23 (7)(e)(3), Wis. Stats.

[2] See § 62.23 (7)(e)(3), Wis. Stats.

490-148 Voting and quorum

- A. Requirements for quorum.** A quorum consists of 3 voting members. If there is not a quorum, the meeting must be adjourned and the meeting minutes should reflect that a quorum was not present and the meeting was adjourned.
- B. Requirements for voting.** A decision of the Zoning Board of Appeals shall be by majority vote of the members present at a meeting in which a quorum is in attendance and voting.^[1]
- C. Disqualification or voluntary abstention.** A member of the Zoning Board of Appeals must abstain from voting on a particular issue or be disqualified by majority vote of the remaining members present when (1) the member has a direct financial interest in the outcome of the matter at issue; (2) the member has such close personal ties to the applicant, the project, or to a party opposing the application that the member cannot reasonably be expected to exercise sound judgment in the public interest; (3) the member would violate the code of ethics set forth in ch. 19, Wis. Stats., or any ethics code as may be adopted by the City, (4) participation in the matter might violate the letter or spirit of a member's code of professional responsibility; or (5) another law precludes participation. If a member abstains or is disqualified, they may participate in the meeting as a member of the public.
- D. Voting by alternates.** The first alternate may vote only when one of the regular members of the Zoning Board of Appeals is absent or is not able to vote on a pending matter. The second alternate may vote only when the first alternate is absent or is not able to vote or when more than one regular member is absent or is not able to vote.^[2]

Editorial notes:

[1] See § 62.23 (7)(e)(3m), Wis. Stats.

[2] See § 62.23 (7)(e)(2), Wis. Stats.

490-149 Role of an alternate in meetings

An alternate that is not otherwise voting on a matter on the agenda, may fully participate in the deliberations by asking questions and sharing their perspective.

490-150 Compensation

The members of the Zoning Board of Appeals shall be compensated as determined by the Common Council by ordinance.^[1]

Editorial notes:

[1] See § 62.23 (7)(e)(3m), Wis. Stats.

490-151 Official oath

Members of the Zoning Board of Appeals must take the official oath as required by § 19.01, Wis. Stats. The City Clerk must keep a copy of such oaths.

490-152 through 490-159 reserved

**DIVISION 4
ZONING ADMINISTRATOR**

490-160 Establishment

The position of Zoning Administrator is established to undertake the responsibilities as defined in this chapter and state law.

490-161 Authority

The Zoning Administrator is authorized to administer, supervise, and enforce the provisions of this chapter and in furtherance of those duties has the authority to:

- (1) meet with applicants to advise them of the requirements of this chapter;
- (2) issue administrative permits;
- (3) revoke or modify any administratively-issued permit or interpretation with reasonable cause;
- (4) keep a written record of permits issued, interpretations made, inspections, work approved, enforcement activities, and other similar official actions;
- (5) prepare staff reports consistent with this chapter and make recommendations as may be required or deemed appropriate;
- (6) develop, amend, and utilize application forms, checklists, and other forms they deem appropriate to administer the development review processes set forth in this chapter;
- (7) recommend amendments to this chapter and to other chapters of the municipal code of the City of Port Washington relating to land use and development;
- (8) undertake enforcement proceedings as may be requested; and
- (9) undertake any other activity not enumerated in this section but necessary to administer and enforce this chapter.

490-162 Conflict of interest

The Zoning Administrator must not perform work on a proposed or approved development project in which they have a direct financial interest in the outcome of the matter at issue or otherwise has a conflict of interest.

490-163 through 490-199 reserved

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