

GENERAL PROVISIONS

PART 1. GENERALLY

Section 1-1. Authority.

This plan is enacted pursuant to and consistent with §66.1001 Wisconsin Statutes.

Section 1-2. Applicability.

(a) *Jurisdictional Area.* The provisions of this plan shall be applicable throughout the town of Randall, Wisconsin, the boundary of which may change over time through annexation or detachment; and

(b) *Conformance with Plan After January 1, 2010.* After January 1, 2010, all programs and actions adopted by the Town that affect land use shall be consistent with this plan.

(c) *Use of Plan Prior to January 1, 2010.* Between the effective date of this plan and January 1, 2010, all land use regulations that may be adopted or amended should be consistent with this plan. In all other areas, this plan may be used for guidance.

Section 1-3. Repeal of Prior Comprehensive Plan.

Any and all comprehensive plans previously adopted prior to the effective date of this plan are hereby repealed.

Section 1-4. Severability.

If a court of competent jurisdiction determines that a section, subsection, paragraph, sentence, clause, or phrase in this plan is unconstitutional or otherwise invalid, the validity of the remaining portions shall continue in full force and effect.

Section 1-5. Effective Date.

This plan shall be effective upon adoption.

Section 1-6. Development Expectations.

As outlined in Part 3, this plan is subject to amendment including the future land use map. As such, no special development rights are conferred upon any property by any designation or inclusion on the future land use map.

PART 2. INTERPRETATION

Section 2-1. Interpretation of Boundaries of Future Land Use Districts.

(a) *Boundary Line Interpretations.* Interpretations regarding future land use district boundaries and designations shall be made in accordance with the following rules:

- (1) *Political Boundaries.* District boundaries shown as following, or approximately following, any political boundary shall be construed as following such line.
- (2) *Property Lines.* District boundaries shown as following, or approximately following, any property line shall be construed as following such line.
- (3) *Section Lines.* District boundaries shown as following, or approximately following, a section line, quarter-section line, or quarter-quarter section line shall be construed as following such line.
- (4) *Centerlines.* District boundaries shown as following, or approximately following, any stream, creek, easement, railroad, alley, road, street, highway or similar feature shall be construed as following the centerline of such feature.
- (5) *Natural Boundaries.* District boundaries shown as following, or approximately following, any natural feature such as a lake, pond, wetland, woodlot edge, floodplain, or topographical features such as watershed boundaries shall be construed as following such natural feature as verified by field inspection when necessary.
- (6) *Other.* In instances where a district boundary does not follow one of the lines or features listed above, the line shall be as drawn as provided for in subsection b.

(b) *Division of Parcels.* Where one or more district boundary line divides a parcel into two (2) or more areas, the following interpretation of the boundary and designation shall apply:

- (1) *Parcels of 2 Acres or Less.* For parcels of two (2) acres or less, the designation of the largest area of the lot shall apply to the entire lot.

- (2) *Parcels Larger than 2 Acres.* For parcels larger than two (2) acres, the parcel shall be divided as depicted by the boundary.

Section 2-2. Interpretation of Goals, Objectives and Policies.

(a) Recognizing that some of the goals, objectives and policies may advance or serve competing interests in varying degrees, this plan shall be interpreted so as to promote the public interest to the greatest extent.

(b) In the construction of goals, objectives and policies, the following shall be observed, unless such construction would be inconsistent with the text or with the manifest intent of this plan:

- (1) *Singular and Plural Words.* Words in the singular include the plural and words in the plural include the singular.
- (2) *Tense.* Words in the present tense include the past and future tense and the future tense includes the present tense.
- (3) *Shall or Will.* The word "shall" or "will" is mandatory.
- (4) *May or Should.* The word "may" or "should" is permissive.
- (5) *Include.* The word "includes" or "including" shall not limit a term to the specific examples listed, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

Section 2-3. Responsibility for Interpretation.

In the event that any question arises concerning any provision or the application of any provision of this plan, the Plan Commission shall be responsible for such interpretation and shall look to the overall intent of this plan for guidance. The Commission shall provide such interpretation in writing upon request and keep a permanent record of said interpretations.

PART 3. AMENDMENT

Section 3-1. Generally.

State law requires that adopted comprehensive plans be updated no less than once every 10 years. It is anticipated that to

keep this plan current, it will be necessary to amend it more often than that.

Section 3-2. Public Participation Efforts.

A great deal of effort went into preparing the first plan and making sure that the public was involved in the plan's preparation and adoption. Amending the plan in the future should be no different. Meaningful opportunities for citizen participation as described below shall be followed in all plan amendments.

- (1) *Public Meeting Notice.* Notices for Plan Commission meetings shall be published consistent with its usual practice.
- (2) *Public Hearing Notice.* A public notice for the public hearing before the Town Board shall be published as a class 1 notice as provided for in this part.
- (3) *Public Meetings/Hearings.* All meetings/hearings shall be open to the public. They shall be structured so they allow open discussion and participation by the public. Members of the public shall be allowed to review the same written information as provided to the Town Board/Plan Commission.
- (4) *Written Response to Questions.* The Town will respond in writing to written questions regarding the amendment if requested to do so. At its discretion, the Town Board may respond to each letter individually and/or compile the questions and responses into one document. In any event, the Town shall keep a permanent record consistent with state law.
- (5) *Additional Efforts.* The Plan Commission and Town Board shall provide additional notification, wider distribution of information, and more opportunities for input (e.g., meetings) than specified in this section for those proposed amendments that warrant greater public input.

Section 3-3. Initiation.

The following may submit an application for a plan amendment:

- (1) Town Board;
- (2) Plan Commission;
- (3) any legal resident of the Town;
- (4) any person having title to or a legal interest in land within the Town; or
- (5) an agent for any of the above.

Applications shall be submitted to the Town Clerk no sooner than 30 days or no later than 10 days prior to the Plan Commission's meeting during the following months: March and September. Notwithstanding the above limitation, the Town Board may submit applications anytime for consideration and action.

Section 3-4. Burden of Proof.

The person that proposes an amendment to the future land use map shall have the burden of proof to show that the proposed amendment is in the public interest and internally consistent with the remainder of the plan.

Section 3-5. Decisions of Plan Commission and the Town Board.

With regards to this amendment process, the Plan Commission's decision to adopt a resolution recommending a plan amendment and the Town Board's decision to adopt an ordinance amending the plan shall be by majority vote of the members elected to serve on the Commission or Board (not the simple majority of those present at the meeting).

Section 3-6. Application and Review Procedure.

(a) *Submittal of Application.* The applicant shall submit a complete application to the Town Clerk along with the application fee if any.

(b) *Transmittal of Application to Plan Commission.* The Town Clerk shall forward one (1) copy of the application to each member of the Plan Commission.

(c) *Interdepartmental/Agency Review.* The Town Clerk shall forward one (1) copy of the application to other town employees and service providers as may be appropriate.

(d) *Preliminary Review.* The Plan Commission shall conduct a public meeting to review the application. No decision shall be made at this time.

(e) *Placement of Public Notice.* The Town Clerk shall provide for appropriate public notice for the public meeting conducted by the Plan Commission.

(f) *Plan Commission Meeting.* Allowing for proper public notice, the Plan Commission shall conduct a public meeting to review the application.

(g) *Plan Commission Decision.* If the Plan Commission decides to deny the application, the review process shall terminate and the Plan Commission shall notify the Town Board of its decision. If the Plan Commission recommends adoption of the amendment, it shall pass a resolution to that effect and notify the Town Board of its decision.

(h) *Distribution of Proposed Amendment.* If the Plan Commission adopts a resolution recommending adoption of the amendment, the Town Clerk shall send a copy of the resolution and the revised pages of the comprehensive plan along with an explanatory cover letter to the following entities:

- (1) Wisconsin Land Council
- (2) Department of Administration
- (3) Southeastern Wisconsin Regional Planning Commission
- (4) Village of Twin Lakes
- (5) Kenosha & Walworth Counties
- (6) The Towns of Wheatland, Salem, Bloomfield & village of Genoa City
- (7) The Community Library
- (8) Owners of non-metallic property interests pursuant to s.66.1001 (4)(a).
- (9) Northeastern Illinois Planning Commission, townships of Antioch, Richmond & Burton, village of Spring Grove in Illinois.

(i) *Town Board Public Hearing.* The Town Board shall hold a public hearing, allowing for proper public notice, to consider the proposed amendment.

(j) *Town Board Decision.* At a subsequent board meeting, the Town Board shall make a decision to either:

- (1) deny the proposed amendment; or
- (2) approve the proposed amendment, without revision; or
- (3) approve the amendment with revision(s) that it deems appropriate. Such revisions shall be limited in scope to those matters considered in the public hearing.

If the amendment is approved, an ordinance to that effect shall be adopted. If the proposed amendment is denied, the reasons for denial shall be documented in writing. If the Town

Board decides to not amend the plan, it shall send a letter to those entities listed in the next subsection of that decision.

(k) *Distribution of Adopted Amendment.* If the Town Board decides to amend the plan, the Town Clerk shall send a copy of the amendment ordinance and the revised pages along with an explanatory cover letter to the following entities:

- (1) Wisconsin Land Council
- (2) Department of Administration
- (3) Southeastern Wisconsin Regional Planning Commission
- (4) Village of Twin Lakes
- (5) Kenosha & Walworth Counties
- (6) Towns of Wheatland, Salem, Bloomfield & Village of Genoa City
- (7) The Community Library
- (8) Owners of non-metallic property interests pursuant to s.66.1001 (4)(a).
- (9) Northeastern Illinois Planning Commission, townships of Antioch, Richmond & Burton, village of Spring Grove in Illinois.

(l) *Update History of Adoption and Amendment.* The Plan Commission shall update the table entitled "History of Adoption and Amendment" found in this plan.

Section 3-7. Public Hearing Notice.

(a) *Publication.* The public hearing notice shall be a class 1 notice, as provided for in state law, and shall be published at least 30 days before the hearing is held.

(b) *Content.* The notice shall contain at least the following information:

- (1) The date, time, and place of the hearing.
- (2) A summary, which may include a map, of the proposed amendment.
- (3) The name of the individual employed by the Town who may provide additional information regarding the proposed amendment.
- (4) Information relating to where and when the proposed amendment may be inspected before the hearing and how a copy of the amendment may be obtained.
- (5) A statement that the Town will respond in writing to all written questions if requested to do so.

Section 3-8. Application Content.

(a) *Landowner-Initiated Amendment to the Future Land Use Map.* An application submitted by a landowner to amend the future land use map shall include the following:

- (1) a scaled drawing of the subject property;
- (2) a legal description for each of the parcels in the subject property;
- (3) a map of the existing land uses occurring on and around the subject property;
- (4) a written description of the proposed change;
- (5) a written statement outlining the reason(s) for the amendment; and
- (6) other supporting information the applicant deems appropriate.

(b) *Other Amendments.* For all other types of amendments, the application shall include the following:

- (1) a written description of the proposed change;
- (2) a written statement outlining the reason(s) for the amendment; and
- (3) other supporting information the applicant deems appropriate.

Section 3-9. Limitations on Amending the Comprehensive Plan.

(a) *Internal Consistency.* The plan, as amended, shall be internally consistent.

(b) *Required Plan Contents.* The plan, as amended, shall contain all of the information enumerated by state statutes (§66.1001(2)).

(c) *Granting Special Privileges or Placing Limitations, Not Permitted.* No amendment to change the future land use map shall contain special privileges or rights or any conditions, limitations, or requirements not applicable to all other lands in the district.

Section 3-10. Application Fees.

(a) *Landowner-Initiated Amendments.* For all amendments to the future land use map that are initiated by the owner or another person having a contractual interest in land to be affected by the proposed amendment, an application fee as set by the Town Board and on file at the Clerk's office shall be submitted at the time of application.

(b) *Other Amendments.* For all other types of amendments, no application fee shall be assessed.