

General Provisions

Part 1. Overview

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Section 1-1. Authority.

This plan is enacted pursuant to and consistent with §66.1001, Wis. Stats.

Section 1-2. Applicability.

1. *Jurisdictional Area.* The provisions of this plan shall be applicable throughout the City of Prairie du Chien, Wisconsin, the boundary of which may change over time as the City’s boundary changes through annexation or detachment. This plan shall also apply to the City’s extraterritorial planning area, the extent of which may change over time as the City’s boundary changes through annexation or detachment.
2. *Conformance with Plan.* Beginning January 1, 2010, all programs and actions adopted by the City that affect land use shall be consistent with this plan. Prior to that date, this plan shall be used as a guideline.

Section 1-3. Repeal of Prior Comprehensive Plan.

All comprehensive plans previously adopted prior to the effective date of this plan are hereby repealed.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 the first day after the date of publication or posting as provided for in §60.80(3), Wis. Stats.

Section 1-6. Development Expectations.

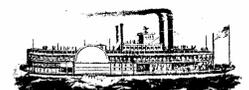
As outlined in Part III, this plan is subject to amendment and revision including the future land use map. As such, no special development rights are conferred upon any property by any designation or inclusion on the future land use map.

Part 2. Interpretation

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

1. *Boundary Line Interpretations.* Interpretations regarding future land use district boundaries and designations shall be made in accordance with the following rules:
 - a. *Political Boundaries.* District boundaries shown as following, or approximately following, any political boundary shall be construed as following such line.



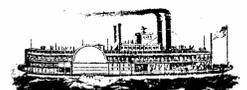
- b. *Property Lines*. District boundaries shown as following, or approximately following, any property line shall be construed as following such line.
 - c. *Section Lines*. District boundaries shown as following, or approximately following, a section line, quarter-section line, or quarter-quarter section line shall be construed as following such line.
 - d. *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.
 - e. *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.
 - f. *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 2.
2. *Division of Parcels*. Where one or more district boundary line divides a parcel into 2 or more areas, the following interpretation of the boundary and designation shall apply:
 - a. *Parcels of 2 Acres or Less*. For parcels of 2 acres or less, the designation of the largest area of the lot shall apply to the entire lot.
 - b. *Parcels Larger than 2 Acres*. For parcels larger than 2 acres, the parcel shall be divided as depicted by the boundary.

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

1. 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.
2. 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 the plan:
 - a. *Singular and Plural Words*. Words in the singular include the plural and words in the plural include the singular.
 - b. *Tense*. Words in the present tense include the past and future tense and the future tense includes the present tense.
 - c. *Shall or Will*. The word "shall" or "will" is mandatory.
 - d. *May or Should*. The word "may" or "should" is permissive.
 - e. *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 the comprehensive plan for guidance. The Commission shall provide such interpretation in writing upon request and keep a permanent record of said interpretations.



Part 3.
Amendment

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Section 3-1. Initiation.

The following may submit an application for a plan amendment:

- a. City Council;
- b. Plan Commission;
- c. any resident of the City;
- d. any person having title to land within the City;
- e. any person having a contractual interest in land to be affected by a proposed amendment; or
- f. an agent for any of the above.

Section 3-2. Burden of Proof.

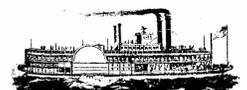
The person that proposes an amendment to the future land use map shall have the burden of proof to show that the proposed amendment is in the public interest and internally consistent with the remainder of the plan.

Section 3-3. Application and Review Procedure.

1. *Submittal of Application.* The applicant shall submit a complete application to the City Planner & Zoning Administrator along with the application fee if any (See Sections 3-4 and 3-6).
2. *Transmittal of Application to Plan Commission.* The City Planner & Zoning Administrator shall forward one (1) copy of the application to each member of the Plan Commission.
3. *Preliminary Review.* The Plan Commission shall review the application at one of its regular or special meetings. No decision shall be made at this time.
4. *Staff Report.* The City Planner & Zoning Administrator shall prepare a written staff report evaluating the proposed amendment.
5. *Interdepartmental/Agency Review.* The City Planner & Zoning Administrator shall forward one (1) copy of the application to appropriate City personnel and local units of government that would be directly effected by the proposed amendment.
6. *Plan Commission Meeting.* Allowing for proper public notice, the Plan Commission shall conduct a meeting to review the application.
7. *Plan Commission Recommendation.* The Plan Commission shall pass a resolution stating its recommendation to the City Council to either:
 - a. deny the proposed amendment; or
 - b. approve the proposed amendment without revision; or
 - c. approve the proposed amendment with those revisions it deems appropriate, provided such revisions are related to the proposed amendment.

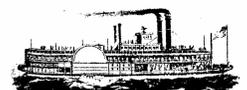
A resolution recommending the amendment of the plan shall be by majority vote of the entire commission. The vote shall be recorded in the official minutes of the Plan Commission.

8. *Notification of Resolution.* If the Plan Commission adopts a resolution to not amend the comprehensive plan, the Commission shall send a copy of the resolution to the City Council. This action terminates the amendment process. If the Plan Commission adopts a resolution recommending amendment of the plan, the City Planner & Zoning Administrator shall forward a copy of the resolution and those sections of the



plan containing the recommended amendments, along with an explanatory cover letter, to each of the following:

- a. Prairie du Chien Public Library,
 - b. Town Clerk for the Town of Prairie du Chien,
 - c. Town Clerk for the Town of Bridgeport,
 - d. County Clerk for Crawford County,
 - e. Mississippi River Regional Planning Commission,
 - f. Wisconsin Land Council,
 - g. Department of Administration, and
 - h. other agencies deemed appropriate.
9. *Public Notice for Public Hearing.* The City Clerk shall provide a class 1 public notice (under Chapter 985, Wis. Stats.) that is published at least 30 days before the date of the scheduled public hearing. At the discretion of the City, other notice may be provided.
10. *Public Hearing.* The City Council shall hold at least one public hearing to consider the recommended amendment.
11. *City Council Decision.* After reviewing the application and the Plan Commission's recommendation, the City Council shall make a decision to either:
- a. deny the recommended amendment; or
 - b. approve the recommended amendment without revision; or
 - c. approve the recommended amendment with those revisions it deems appropriate, provided such revisions are limited to those matters considered in the public hearing.
- An affirmative vote to amend the plan shall be by majority vote of the members elect (as defined in §59.001(2m) Wis. Stats.) of the City Council.
12. *Interagency Notification of Decision.* If the City Council passes an ordinance to amend the plan, the City Planner & Zoning Administrator shall forward a copy of the ordinance and pertinent sections of the plan, as amended, along with an explanatory cover letter, to each of the following:
- a. Prairie du Chien Public Library,
 - b. Town Clerk for the Town of Prairie du Chien,
 - c. Town Clerk for the Town of Bridgeport,
 - d. County Clerk for Crawford County,
 - e. Mississippi River Regional Planning Commission,
 - f. Wisconsin Land Council,
 - g. Department of Administration, and
 - h. other agencies deemed appropriate.
- If the City Council decides to not amend the plan, the City Planner & Zoning Administrator shall send a letter, which states the City Council's decision, to those entities listed in this part.
13. *Applicant Notification of Decision.* The City Planner & Zoning Administrator shall mail the applicant, by regular U.S. mail, the original copy of the decision and notify the Plan Commission in writing of the City Council's decision (if it is not the applicant). If the recommended amendment is denied, the notification shall indicate the reasons for the denial.
14. *(Update History of Adoption and Amendment.* If the City Council passes an ordinance to amend the plan, the City Planner & Zoning Administrator shall update the table found in Section 3-7 of this chapter.



Section 3-4. Application Content.

1. *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:
 - a. a scaled drawing of the subject property;
 - b. a legal description for each of the parcels in the subject property;
 - c. a map of the existing land uses occurring on and around the subject property;
 - d. a written description of the proposed change;
 - e. a written statement outlining the reason(s) for the amendment; and
 - f. other supporting information the applicant deems appropriate.
2. *Other Amendments.* For all other types of amendments, the application shall include the following:
 - a. a written description of the proposed amendment;
 - b. a written statement outlining the reason(s) for the amendment; and
 - c. other supporting information the applicant deems appropriate.

Section 3-5. Limitations on Amending the Comprehensive Plan.

1. *Internal Consistency.* Amendments shall be made so as to preserve the internal consistency of the entire plan.
2. *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 3-6. Application Fees.

1. *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 City Council and on file at the City Clerk's office, shall be submitted at the time of application.
2. *Other Amendments.* For all other types of amendments, no application fee shall be assessed.

Section 3-7. Historical Summary of Plan Adoption and Amendments

The table below provides an overview of City Council action regarding this plan.

Date	Ordinance Number	Description of Action
____, 2005		City Council repeals the City's 1981 master plan and adopts the City's first comprehensive plan to comply with Wisconsin's Smart Growth Legislation.

