

ORDINANCE NO. 4.07A

**AN ORDINANCE TO EXTEND THE TEMPORARY
DEVELOPMENT MORATORIUM
IN THE TOWN OF BRIGHAM**

WHEREAS, on May 25, 2006, the Brigham Town Board adopted a moratorium on certain land development effective June 9, 2006 as specified in Ordinance 4.07 attached hereto as Exhibit "A" for a period of time to complete the Town's Comprehensive Plan pursuant to Wis. Stats. § 66.1001 for a period of up to one year; and

WHEREAS, Section 4(b) of Ordinance No. 4.07 permitted an extension of the moratorium if the Town Comprehensive Plan was not completed by the end of the said one year period, but for no longer than an additional six months; and

WHEREAS, the Town Board has received a status report from the Plan Commission requesting an additional six months to complete the preparation and adoption of the Comprehensive Plan for a period of up to six months from June 9, 2007; and

WHEREAS, the Town Board hereby adopts by reference all of the recitals set forth in Ordinance No. 4.07 other than concluding that the process for completing the preparation and adoption of the Comprehensive Plan pursuant to Wis. Stats. § 66.1001 is now expected to take no more than six remaining months;

NOW, THEREFORE, the Town Board Supervisors of the Town of Brigham do hereby ordain as follows:

1. The terms and conditions of Ordinance No. 4.07 found in Sections 1, 2 and 3 of Ordinance No. 4.07 are hereby extended for a period expiring no later than the date of adoption of the said Comprehensive Plan or December 9, 2007, whichever comes first.
2. The Board reiterates that if the Comprehensive Plan is not complete by December 9, 2007, there shall be no further extensions of the said moratorium.

The above and foregoing Ordinance was duly adopted at a regular meeting of the Town Board of the Town of Brigham on the 5th day of June, 2007.

TOWN OF BRIGHAM

Otis Nelson, Town Chairperson

Rita Zander, Supervisor

Doug Reeson, Supervisor

ATTEST:

Audrey Rue, Town Clerk

VOTE:

Ayes: 3

Noes: 0

Published: June 8, 2007

Adopted: June 5, 2007

EXHIBIT A

ORDINANCE NO. 4.07 AN ORDINANCE OF THE TOWN OF BRIGHAM TO IMPOSE A TEMPORARY DEVELOPMENT MORATORIUM IN THE TOWN OF BRIGHAM

WHEREAS, the Town Board finds it necessary to further the general purposed of guiding and accomplishing coordinated, adjusted, and harmonious development in the Town of Brigham that will, in accordance with current and future needs, best promote public health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency and economy in the process of land development, to adopt a Comprehensive Plan in accordance with § 66.1001, Wis Stats; and

WHEREAS, § 66.1001, Wis Stats. requires all local government units to adopt a Comprehensive Plan in accordance with its provisions by January 1, 2010; and

WHEREAS, the Town Board expects the process of adopting a Comprehensive Plan according to § 66.1001, Wis Stats. to take at least one year; and

WHEREAS, the Town finds that allowing certain development activities within the Town prior to completion of the Comprehensive Plan creates a substantial risk that the lands within the Town would develop contrary to the final Comprehensive Plan for the Town, thereby frustrating the very purpose of the preparation of the Comprehensive Plan; and

WHEREAS, the Town Board further finds that a temporary moratorium on certain development activities within the Town imposed during completion of the Comprehensive Plan will not adversely affect property values within the Town and will convey a reciprocity of benefits to all properties within the Town by insuring all future development is consistent with the Comprehensive Plan;

NOW THEREFORE, the Town Board of Supervisors of the Town of Brigham does hereby ordain as follows:

- (1) Land divisions are permitted allowing current property owners to develop up to two total residential building sites in all lands owned by such current property owners, in accordance with existing Town policies. To the extent necessary, rezonings are permitted to implement the permitted land divisions set forth herein. Single family accessory buildings, farm buildings, and the replacement of buildings destroyed to fire or other natural disaster are also permitted.
- (2) No land divisions, other than as set forth in Section 1 of this Ordinance, and no subdivisions shall be permitted, no rezonings other than as set forth in Section 1 of this Ordinance, shall be approved, and no condominium developments shall be permitted resulting in more than two residential dwelling units in accordance with the provisions of Section 1 of this Ordinance.
- (3) No conditional use or variance requests shall be approved, other than to implement development permitted under Section 1 of this Ordinance, and no other land development activities shall occur, for the period of time this moratorium is effective, other than government, road, or utility projects.
- (4) The moratorium in Section 2 and 3 of this Ordinance shall be effective for a period of one year from the date of adoption of this Ordinance, except as follows:

EXHIBIT A

- (a) The Town Board shall repeal the moratorium at an earlier date if and when all required steps have been completed for the adoption of the Comprehensive Plan.
- (b) In the event that the Comprehensive Plan has not been adopted at the end of the one year period from the date of adoption of this Ordinance, the Town Board shall receive a status report from the Plan Commission specifying the estimated additional period of time necessary for completion and adopt of the Comprehensive Plan. The Town Board may (i) accept the Plan Commission timeline and extend the moratorium for the estimated additional period of time; (ii) reject the timeline and repeal the moratorium; or (iii) adopt a shortened timeline for completion and adoption of the Comprehensive Plan.
- (c) In no event may the moratorium be effective for more than a period of 18 months.

The above and foregoing Ordinance was duly adopted at a regular meeting of the Town Board of the Town of Brigham on the 25th of May, 2006.