ORDINANCE NO. _4.06

AN ORDINANCE TO ESTABLISH BUILDING SITE REGULATIONS

SECTION A PURPOSE AND INTENT

This Ordinance provides minimum regulations, provisions and requirements for safe, aesthetically pleasing design and quality standards for improvements to land. Its purposes are to protect and foster public health, safety and welfare, to preserve the Town of Brigham's prime farmland, to encourage development in the Town of Brigham that is consistent with the desire to preserve the rural character of the Town while providing a diversified tax base to help make the Town more affordable. This Ordinance is implemented under Town authority to promote and protect the public health, safety and welfare; to protect property values and the property tax base; to protect the beauty and amenities of landscapes and developments and to assist in the full implementation of the Town's Comprehensive Plan, and fulfill the vision of planning development to preserve productive farmland, precious wetlands, sheltering woodlands, wildlife habitats, open spaces and scenic views.

SECTION B JURISDICTION

This ordinance shall regulate the location of new structures in all districts (as defined by Iowa County) in the Town of Brigham.

SECTION C AUTHORITY

These regulations are adopted under the statutory authority granted pursuant to its adoption of village powers under Sec 60.10 (2) (c), 60.22 (3), 61.34 and 62.23 of the Wisconsin Statutes.

SECTION D DEFINITIONS

Accessory Building. Any building customarily incidental to the principal building, but only on the same parcel as the principal building and pertaining to the same uses.

Agricultural Building: Any building pertaining to the principal use of a farm, such as a machine shed, storage shed, milking parlor or barn.

Farm: An assemblage of buildings, present or to be constructed, usually on 40 or more acres, which typically has a history or planned purpose of agricultural activity.

Parcel/Lot: A piece of land occupied by or designed to provide space necessary for one main building and its accessory buildings or uses that abuts by ownership or legal easement to a publicly dedicated road. A lot shall be created by a subdivision plat, or certified survey map. A tax parcel shall not be considered a lot. No land included in any road or railroad right-of-way shall be included when computing the area for minimum lot sizes where said right-of-way has been deeded to a separate identity.

Unless previously deeded or dedicated, no road, easement, railroad right-ofstream or water body shall constitute a break in contiguity.

Building. Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, equipment, machinery or materials.

Plan Commission. Town of Brigham Plan Commission.

Prime Farmland. (Class I, II or III soils) Lands having a history of farming activity (including cropland and rotational pastureland) and lands containing soils defined as Class I, II or III soils as designated in the Soil Survey Report for Iowa County prepared by the U.S. Natural Resources Conservation Service.

Steep Slopes. Slopes in excess of 20%.

Town. The Town of Brigham, Iowa County, Wisconsin.

Town Board. The Town of Brigham Board of Supervisors.

Land Division. Any division of a parcel of land where the act of division creates a lot, parcel or building site of less than 40 contiguous acres.

SECTION E APPLICATION REQUIREMENTS AND PROCEDURES

Applicability. Any person or entity proposing to construct a building, other than an agricultural building, or install a manufactured building, shall submit an application with the appropriate fee to the Town Clerk to obtain building site approval from the Town Board.

Application Forms. Application forms are to be approved by the Town Board and made part of the submittal package used by the Plan Commission and shall contain the following:

Information for Administration.

name, address, phone number and e-mail address (if available) of applicant;

name, address, phone number and e-mail address (if available) of landowner (if different from (1).

Information for Evaluation.

A Site Plan showing the following:

North arrow, date, scale, reference to section corner

Recorded easements

Property lines

Zoning setbacks

Location of existing buildings and proposed structure(s)

Existing and proposed topography at a contour interval of not less than two feet

Lot Size

Soil Types and locations as identified on soils maps

Proposed Driveway (if joint driveway, include copy of road maintenance agreement) and locations of driveways on adjoining properties within 200 feet of proposed driveway

Septic System Site

Slopes Greater than 20%.

Detailed Erosion Control Plan for construction of driveway, buildings and other areas where soil is disturbed or added.

Any proposed storm water management facilities

Where applicable, 100 year recurrence interval floodplain and floodway

Where applicable, delineated wetlands

Additional information, if deemed necessary by the Plan Commission

Aerial Photo/Site Analysis. The aerial photo (can be obtained at the Iowa County Zoning office) should be marked to show property lines, existing fencerows and hedgerows, farm fields, pastures, existing field roads and driveways, existing vegetation, wetlands, floodplains, lake and river shorelines, streams/ditches and other watercourses.

Soils Map and Soil and Slope Analysis. The soils map should include highlights showing prime farmland and lands with steep slope conditions.

An applicant for a Building Site Approval shall be required to submit any required fully completed application for any rezoning, conditional use, variance, land division, building site

review or driveway permit application at the same time an application for access to the Town road, if applicable. If the driveway access is to a county road or a state or federal highway, approval from the highway authority with jurisdiction will be required. The applications shall be reviewed and acted on by both the Plan Commission and the Town Board.

Application Review, Approval or Denial Procedures.

Applications for driveway and building site approval shall be referred to the Plan Commission.

The Clerk will send the submittal package, which includes the Building Site/Driveway Application Form to the applicant and schedule site review and discussion at a regularly scheduled monthly meeting.

Review will consist of the following:

A case by case evaluation of the proposal by the Plan Commission for conformity with the Town Comprehensive Plan, this Ordinance, and all other Town Ordinances;

A Site Visit: In addition to confirming the conditions described in the application, the site visit will evaluate the proposal for its impact on scenic views, roads and the Town's rural character.

The Plan Commission issues its findings and recommendations to the Town Board, which shall either approve or disapprove Building Site Application at the next appropriately, scheduled Board Meeting.

Approval Period. The Building Site Approval is effective for 2 years from the date of issuance, and shall expire after 2 years unless construction of the building(s) covered in the application is under construction or completed, unless the applicant obtains an extension from the Plan Commission prior to the expiration date.

Revocation of Approval. All Building Site Approvals are issued conditionally. After notice and a hearing, the Town Board may revoke a Building Site Approval previously issued in the event the applicant fails to maintain compliance with the conditions listed in the current ordinances. The building site approval is not transferable from one person to another or from one place to another. If the building site approval is revoked, reapplication is required. False information shall be deemed to be just cause for denial or revocation of the application.

SECTION F EXEMPTIONS:

- **1. Buildings of less than 100 square feet:** Accessory buildings meeting all of the following criteria do not require a Building Site Approval: within 300 feet of existing structures, and of not more than one story.
- 2. **Additions or Additional Stories**. Additions or additional stories to an existing principal structure do not require a Building Site Approval.

SECTION G COSTS OF APPLICATION REVIEW

Application Fee. An application fee of an amount determined by a resolution of the Town Board will be charged. This fee is specified in the fee schedule of Ordinance No. 1.01.

Other Costs. All reasonable costs incurred by the Town or it agents in order to properly review each building site application will be borne by the applicant.

SECTION H CONDITIONS

The Town Board shall issue or reissue a Building Site Approval in the Town only if all of the following conditions are satisfied as determined by the Town Board:

Plan Compliance. The construction project will not interfere with the goals, standards and policies set forth in the Comprehensive Plan and Ordinances.

Farmland Impact. The construction project will have minimum adverse impact on farmland.

Compliance with Ordinances. The applicant complies with all applicable county, state and Town building codes and ordinances, including this Building Site Ordinance.

Public Nuisances. The applicant or applicant's contractor(s) agrees to prevent any public nuisance associated with noise, littering, dust, odors, fires, explosions, water pollution, air pollution, and erosion.

Private Nuisances. During construction, the applicant shall install and maintain adequate physical structures and/or operational controls to prevent trespassing, littering, and discharging of waste and to prevent nuisances on private and public lands adjacent to the construction project site.

Soil Types Challenged. If an applicant wishes to dispute the specific soil type identified in the Web Soil Survey of the NRCS/USDA applying to the property in question, the applicant may request that the Town Board hire an independent soil scientist to evaluate the specific soil types at the applicant's property and analyze those samples in accordance with the standards of this ordinance and the Town of Brigham Comprehensive Plan. The applicant shall be responsible for the full cost of the soil sampling undertaken by the soil scientist. The Town Board shall select the soil scientist, who shall be licensed by the State of Wisconsin. If the soil scientist reports that the soil types on the parcel are Class IV or higher, the applicant may proceed with the application. The Town Board may designate one member to be present during the soil sampling.

SECTION I SITE REQUIREMENTS (For new sites)

A lot shall be a minimum of five (5) acres, with at least 2.5 acres of non-prime soil (Class IV, V, VI or VII), where buildings are to be constructed.

No building site can be located on soils classified as Class I, II or III soils by the Natural Resources Conservation Service (NRCS) Agricultural Soil Survey and Classification. The soil classification is independent of the zoning classification and is not changed when the zoning changes. No building site shall have less than 2.5 acres of Class IV, V, VI or VII soil type on the site.

All building sites shall be able to support a septic system and must be qualified to obtain a septic permit from Iowa County.

All building sites shall have a legally recognized road access and must be qualified to obtain a driveway permit from the Town.

All building sites shall comply with Section 4.02 of the Brigham Municipal Code, relating to construction site erosion control and storm water management. In addition, construction on steep slopes must be done in a manner that will provide long-term soil stability after completion of a driveway and follow the Town, County and State soil erosion and ground water ordinances, regulations and requirements.

All building sites shall be identified as part of a Certified Survey Map or Plat.

Pertinent state and county building and zoning regulations may impose other restrictions with which the applicant must comply.

All buildings shall be a minimum of 75 feet from the centerline of all roads.

SECTION J ENFORCEMENT

The Town reserves the right to withhold issuance of any or all permits issued for a project until compliance with the Building Site Approval Ordinance is achieved.

SECTION K VARIANCES

Variances may be approved by the Plan Commission where literal compliance with the specifications and standards would be ineffective or unnecessary. Topographic constraints, existing vegetation, traffic safety, or compliance with fire or other public safety requirements may necessitate variances. The Applicant shall address the following criteria when requesting a variance:

The specific conditions that is unique to the Applicant's site that does not exist on other land.

The manner in which the strict application of the standards would deprive the Applicant of a reasonable use of the land in the manner equivalent to the use permitted other landowners.

Reasons that a variance to the standard would preserve not harm the public safety and welfare and not alter the essential aesthetics of the area.

All proposed variances will be reviewed by the Plan Commission on a case by case basis.

SECTION K PENALTIES

Any person or entity that violates this Ordinance shall, upon conviction forfeit \$100.00 plus applicable surcharges and court costs per violation. Each day that the violation continues to exist shall constitute a separate offense. This Ordinance may be enforced by a civil action. A violation of this Ordinance is deemed a public nuisance and may be enjoined.

SECTION L SEVERABILITY

The provisions of the Ordinance shall be deemed severable. It is expressly declared that the Town Board would have passed the other provisions of this Ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this Ordinance is held invalid, the remainder of the Ordinance and the application of such provisions to other person or circumstances shall not be affected thereby.

SECTION M DISCLAIMER

The Town's issuance of a Building Site Approval does not constitute a warranty or assurance of any kind whatsoever as to whether the building which is the subject of the permit is safe, suitable for its intended purpose, merchantable, or in compliance with any applicable codes or regulations.

SECTION N EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after the day after its passage and publication as required by law.

The above and foregoing Ordinance was duly adopted at a regular meeting of the Town Board of the Town of Brigham on the 6th day of October, 2009.

TOWN OF BRIGHAM

Otis Nelson, Town Chairperson

Doug Reeson, Supervisor

Jerry Davis, Supervisor

ATTEST:

Audrey Rue, Town Clerk

VOTE:

Ayes: 3 Published: 10.28.2009

Noes: 0 Adopted: 10.6.2009

- PAGE 2 -

Town of Brigham Ordinance 4.06 As Adopted March 1, 2005 Amended 10.6.2009

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