

ORDINANCE NUMBER 4.01
AN ORDINANCE OF THE TOWN OF BRIGHAM
TO ESTABLISH PROCEDURES AND REGULATIONS FOR
LAND DIVISIONS AND BUILDING SITE LOCATIONS

SECTION A Authority.

These regulations are adopted under the authority granted by § 60.10(2)(c), 60.22(3), 61.34 and 62.23 of the Wisconsin Statutes.

SECTION B Purpose and Intent.

The purpose of this ordinance is to promote the public health, safety and general welfare of the Town, and to lessen congestion in the streets and highways; to further the orderly layout and use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision for transportation, water, sewerage, energy and communications facilities, surface drainage, schools, parks, playgrounds and other public requirements; to facilitate the further division of larger parcels into smaller parcels of land.

SECTION C Definitions.

For the purposes of this ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word “shall” is mandatory and not directory.

1 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.

2 Board: The Town of Brigham Town Board.

3 Building envelope. The area on a *Certified Survey Map*, plat, or *Concept Plan* within which a dwelling unit and accessory buildings shall be contained.

4 Certified Survey Map: A map of *land division*, not a *subdivision*, prepared in accordance with § 236.34 Wisconsin Stats., and in full compliance with the applicable provisions of this ordinance where the act of division creates four or fewer parcels of 40 acres or less. A certified survey map has the same legal force and effect as a *subdivision* plat.

5 Concept Plan. A plan submitted by a Land Owner or Agent to be used by the *Plan Commission* to determine whether the *Development Area(s)*, *Building Envelope(s)*, and proposed *lot(s)* for property that will be divided will comply with the applicable Town regulations, ordinances and plans, including the goals and objectives of the *Comprehensive Plan*. The Concept Plan shall consist of (1) An aerial photograph showing all of the contiguous acres owned by the landowner on the Plan effective date; (2) the identified *Development Areas* that can accommodate the potential number of *Building envelopes*; (3) consideration of access for all *Building Envelopes*; and (4) any

current proposals for *Development Areas, Building Envelopes, and lots*; as well as driveway and utility access to them; and *Shoreland Areas*.

6 Contiguous: For the purposes of this ordinance, this shall refer to property that abuts upon a minimum of 50 feet of shared boundary. A river or road, unless owned by another party, does not constitute a break in contiguity.

7 Comprehensive Plan: A plan for guiding and shaping the growth or development of the Town of Brigham, which has been adopted by the Town of Brigham, and whose preparation is authorized by the Wis. Stats §66.1001. The Town of Brigham Comprehensive Plan was originally adopted May 14, 2008 and revised April 2, 2019.

8 Development: Any manmade improvements to a property that may require a permit, such as the construction of a driveway, building, structure, pond, grading/filling or modifications to any such existing improvements, including a *land division*.

9 Development area. An area of land indicated or defined on a *Concept Plan* as being suitable for *Building Envelope(s)*.

10 Land Division: Any division of a parcel of land where the act of division creates a *lot* of less than 40 contiguous acres. A quarter quarter section so described (ex. NW1/4 of the SE1/4) shall, for the purposes of this ordinance, be considered 40 acres and not subject the *Certified Survey Map* requirement.

11 Lot: A piece of land, less than 40 acres, occupied by or designed to provide space necessary for one *Principal building* and its accessory buildings or uses that abuts by ownership or legal easement a publicly dedicated road. A lot shall be created by *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. Unless previously deeded, no road, easement, railroad right-of-way, river, stream or water body shall constitute a break in contiguity.

12 Parcel: see *Lot*.

13 Parent Property: A contiguous parcel of land, legally defined, at the time of the adoption of the original adoption of the Town of Brigham's *Comprehensive Plan*, May 14, 2008. A parent property shall be that tract of land as described in a deed recorded with the Iowa County Register of Deeds.

A parent property may be any size and will continue to be referred to as a parent property regardless of *land divisions, subdivisions, and divisions* of land that create smaller units by sale, CSM, or other legal means. The parent property is tracked as a property rather than by the owner(s) of the parent property at a particular time.

14 Plan Commission: The Town of Brigham Plan Commission.

15 Preliminary Map: A sketch of a proposed *land division* on an aerial photo or CSM.

16. Prime Farmland: An area with a class I or class II land capability classification as identified by the natural resources conservation service (NRCS) of the united states department of agriculture (USDA).

17 Principal building: (1) The first building constructed on a parcel; or (2) any building having at least three of the following characteristics:

- i. Living space totaling 500 square feet or more. Use exterior dimensions, include each level and porches, decks, and un-insulated screen porches.
- ii. Indoor plumbing
- iii. Central heating or cooling, including electric heat, furnace, wood stove, or other heater.
- iv. Full or partial basement. Exclude crawl spaces and frost walls.
- v. Electrical service by connection to the lines of a power company.
- vi. Attached or separate garage associated with the living space.
- vii. Local telephone service.
- viii. Building insulation

18 Screening. The use of natural vegetation or plantings to render *Development* sites inconspicuous from surrounding roadways and countryside.

19 Shoreland Area: All lands lying within one thousand (1,000) feet of the ordinary high water mark, high water elevation of navigable lakes, ponds, or flowages, or within one thousand (1,000) feet of the high water mark of glacial potholes; all lands lying within three hundred (300) feet of the normal, high water mark of navigable streams, or within the flood plain thereof, whichever distance is greater. For the purposes of this ordinance, the term “navigable waters” applies to all nonintermittent streams and bodies of water indicated on the 7.5 minute series of the United States Geological Survey Quadrangles, and any other rivers, streams, lakes, ponds or flowages designated as navigable by the Wisconsin Department of Natural Resources.

20 Strip development. A series of commercial or residential land uses generally one *lot* deep along a road or highway, with each use usually requiring an access to the road.

21 Subdivision: The division of a *lot*, parcel or tract by the owner thereof, or his agent, for the purpose of transfer of ownership or building *Development* where the act of division creates five (5) or more parcels of less than 40 acres each in area or where the act of division creates five (5) or more parcels of less than 40 acres each or less in area by successive division within a five-year period.

22 Town Board: The Town of Brigham Town Board.

GENERAL PROVISIONS

SECTION D Compliance with Ordinances, Statutes, Regulations and Plans.

Any person, firm or corporation dividing land which results in a land division shall prepare a certified survey map in accordance with the requirements of this ordinance and applicable state statutes. ***Subdivisions as defined by this Ordinance are prohibited in the Town of Brigham.***

Four splits in Five Years: The Town of Brigham allows up to four (4) *land divisions* per *parent property* (as defined May 14, 2008) every five years (during a five-year period), which would create new parcels, *lots* or tracts of land that are less than 40 acres. If a division of property creates parcels of 40 acres or more, they do not count as splits; however, the total number of splits on the original *parent property* still remains four in five years.

Example A: If a 320-acre parcel (*parent property* as of May 14, 2008) is divided into four 80-acre parcels, no land splits have occurred. However, the *parent property* is still the original 320 acres and the total number of splits allowed in a five year period in those four 80-acre parcels is four. If one 80-acre parcel uses all four splits, the other three will not be allowed any splits for five years, regardless of who owns them.

Example B: If four ten-acre parcels are split from a 160-acre parcel (*parent property* as of May 14, 2008), four *land divisions* have occurred and no more splits can occur on any parcels for the next five years.

Note: Lots that are split off and rezoned into a Conservancy district will not count against this restriction.

SECTION E Exceptions.

The provisions of this ordinance shall not apply to transfer of interests in land by will or pursuant to court order; leases for a term not to exceed ten (10) years, mortgages or easements; or the sale or exchange of parcels of land between owners of adjoining property if additional *lots* are not thereby created and the *lots* resulting are not reduced below the minimum sizes required by this ordinance, the county zoning ordinance or other applicable laws or ordinances.

PROCEDURES

SECTION F Concept Plan

1. Prior to the submission of an application for the approval of a building envelope or *land division and conversion to any residential zoning district*, or *certified survey map*, the sub-divider and/or their agent shall submit a *Concept Plan* to the Town of Brigham

Plan Commission for the approval of the location and suitability of the *Development Area(s)*, *Building Envelope(s)*, and proposed *lot(s)*.

2. When considering requests for *land division*, the Town of Brigham *Plan Commission* shall take into account prior conveyances of land designated as *development area(s)* in a *Concept Plan*. (a) If all or part of the approved *development area(s)* is sold by a landowner, before the *lot(s)* are created by *Certified Survey Map*, the Town of Brigham *Plan Commission* is not compelled to approve new *development area(s)*.

3. *Lot* lines shall be located and *lot* sizes shall be configured to best satisfy the following: **Lot lines** shall be located so as to minimize the breakup of contiguous tracts of agricultural lands. Similarly, *lots* shall be **sized** to minimize the breakup of contiguous tracts of lands with a history of agricultural use. To the extent possible, *lot* lines shall be located to follow previously existing natural or man-made boundaries, such as roads, fence rows, woods, waterways, streams, or similar boundaries. If *lot* lines must cross agricultural fields because other boundaries are not possible, it is desirable to locate them in such a way so as to maintain the maximum size agricultural fields in one contiguous parcel.

4. The location and size of the proposed residential *lot(s)* should comply with all the following:

- (a) Land Division should not convert *prime farmland* from agricultural use or convert land previously used as cropland or pasture, other than a woodlot, from agricultural use if on the farm there is a reasonable alternative location or size for a nonfarm residential lot.
- (b) Should not significantly impair or limit the current or future agricultural use of adjacent farmland
- (c) Provide minimal encroachment into existing or potential cropland

5. (a) *Lots and conservancy areas shall be sized to comply with* Section M of this ordinance

(b) *Strip development* shall be avoided whenever possible. If several *Building envelope(s)* must be located along the roadway, it is desirable to mitigate their impact by requiring *screenings* and/or varying the driveway lengths, *lot* sizes, and setbacks.

(c) When adherence to criteria in the *Comprehensive Plan* creates a conflict with public safety, then the Town shall give precedence to public safety.

(d) Any changes in the *Concept Plan* shall require a public hearing by the Town of Brigham *Plan Commission* and approval by the Town of Brigham *Town Board*.

(e) *Plan Commission* and *Town Board* shall use checklists in Appendix A of this ordinance while evaluating land divisions and building envelopes.

6. The *Concept Plan* procedure shall not be used to inhibit development. It is meant as a planning tool to confirm that proposed developments are consistent with Town Ordinances and the Town *Comprehensive Plan*. If after the second meeting with the

applicant the Plan Commission is unable to approve a *Concept Plan*, the Plan Commission must issue a list detailing (a) the item(s) where they feel the *Concept Plan* is out of compliance, (b) the specific section(s) of the Ordinance and/or Comprehensive plan that the Concept Plan violates, and (c) any suggested changes that could be made to the Plan to bring it into compliance. The applicant may bring their latest *Concept Plan* to the Town Board for their review and possible action.

7. Soil Types Challenge. If an applicant wishes to dispute the soil classification 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. The scientist shall provide a revised map of the development area for the Town to use as described in Section L below. The Town Chair may designate one Town official to be present during the soil sampling.

SECTION G General Procedures

1. All *lot(s)* on the *Certified Survey Map* shall be created in a manner that is consistent with Town of Brigham and Iowa County *land division* ordinances.

2. All applicable requirements of the state, the county, and the town shall apply.

3. The minimum *lot* size shall be two (2) acres exclusive of public road right-of-way, easements, railroad and utility rights-of-way, and access restrictions.

4. Additional guidelines for *Concept Plans*:

(a) The approved *Concept Plan* shall be filed with Register of Deeds and evidence of this filing shall be provided to the *Town Board*.

(b) The *Concept Plan* shall run with the land and be binding upon heirs, successors and assigns of the landowner at the time of recording the *Concept Plan*.

5. All *lot* line adjustments in the town must be approved by the *Town Board*, taking into account the review and recommendation of the *Plan Commission*. In addition, the applicant for a lot line adjustment shall provide notice of the application to all abutting land owners.

6. Neighboring property owners shall be provided with written notice before *Concept Plans* are approved or revised.

SECTION H Lots.

1 A *lot* shall be a minimum of two (2) acres.

2 All *lots* shall be able to support a septic system and must be qualified to obtain a septic permit from Iowa County.

3 All *lots* shall have a legally recognized road access as well as a duly issued driveway permit from the Town.

4 The use of long, narrow strips of land to provide access to buildable *lot* areas (“flag lots”) is prohibited, unless the use of them is unavoidable as determined by the *Town Board*. If a narrow strip is allowed, the strip shall not be used when calculating the 2 acre minimum *lot* size.

SECTION I Application Requirements and Procedures

1. After approval of the *Concept Plan*, the landowner and/or their agent shall submit an application to the Town Clerk to obtain *land division* approval from the *Town Board*.
2. 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:
 - (a) Information for Administration.
 - (1) name, signature, address, phone number and e-mail address (if available) of applicant;
 - (2) name, signature, address, phone number and e-mail address (if available) of landowner (if different from (1)).
 - (b) Information for Evaluation.
 - (1) The final *Concept Plan* showing the following:
 - (i) North arrow, date, scale, reference to section corner
 - (ii) Recorded ingress/egress easements
 - (iii) Property lines, existing shown in solid lines and proposed shown in dashed lines
 - (iv) Area set aside in Conservancy Zoning to meet the Density requirements as defined in Section M of this ordinance.
 - (v) Location of existing buildings and proposed structure(s)
 - (vi) *Lot Size*
 - (vii) Proposed Driveway (if joint driveway, include copy of Driveway maintenance agreement) and locations of driveways on adjoining properties within 200 feet of proposed driveway
 - (viii) Proposed Septic System Site

- (ix) Any proposed storm water management facilities
 - (x) Any applicable mapped official floodplain indicated on the Iowa County Flood Insurance Rate Map
 - (xi) Where applicable, delineated wetlands
 - (xii) Additional information, if deemed necessary by the *Plan Commission*
- (c) An applicant for a *building envelope or land division* approval shall be required to submit any required fully completed application for any rezoning, conditional use, variance, *land division*, or driveway permit application at the same time, 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*.

3. Application Review, Approval or Denial Procedures.

- (a) Applications for *land division*, driveway and building envelope approval shall be referred to the *Plan Commission*.
- (b) 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 an appropriately scheduled meeting.
- (c) Review will consist of the following:
 - (1) A case by case evaluation of the proposal by the *Plan Commission* for conformity with the Town *Comprehensive Plan Chapters 5 and 8*, this Ordinance, and all other Town Ordinances;
 - (2) A Site Visit: In addition to confirming the conditions described in the application, the site visit will evaluate the proposal for its compliance with Town ordinances and the Town *Comprehensive Plan*.
- (d) The *Plan Commission* issues its findings and recommendations to the *Town Board*, which shall either approve as recommended, approve with modifications, or disapprove Application at the next appropriately scheduled Board Meeting.
- (e) The *Plan Commission* shall, within sixty (60) calendar days of receipt of a completed application, make a recommendation to the *Town Board* to approve or reject the application,
- (f) The *Town Board* shall take action on the application within ninety (90) days. A denial by the *Town Board* shall be in writing and cite any options that may reverse said denial. A denied *land division* shall not be executed

by the Town of Brigham Clerk nor shall the proposed *Certified Survey Map* be so.

- (g) Revocation of Approval. After notice and a hearing, the *Town Board* may revoke a Building Envelope Approval previously issued in the event the applicant fails to maintain compliance with the conditions listed in the current ordinances. 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. The Building Inspector shall also deny Final Occupancy if the building, driveway, or screenings is inconsistent with the approved *Concept Plan*.

SECTION J Exemptions

1. Buildings of less than 100 square feet provided the building is not used as a recreational cabin, hunting shack, or other similar use where there is overnight stay.

2. *Accessory buildings* meeting all of the following criteria do not require a *Building Envelope Approval*: (1) within 300 feet of existing approved structures, and (2) of not more than one story.

3. Additions or Additional Stories. Additions or additional stories to an existing structure do not require a *Building Envelope Approval*.

SECTION K Conditions

The *Town Board* shall issue a Building Envelope Approval only if all of the following conditions are satisfied as determined by the *Town Board*:

- 1. Plan Compliance.** The construction project will not interfere with the goals, standards and policies set forth in the *Comprehensive Plan Chapters 5 and 8* and Town Ordinances.
- 2. Compliance with Ordinances.** The applicant complies with all applicable county, state and Town building codes and ordinances, including this Ordinance.
- 3. Public Nuisances.** During construction 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.
- 4. 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.

SECTION L Site Requirements (For new sites)

1. All *lots* shall be able to support or access a private on-site waste disposal system and must be qualified to obtain a septic permit from Iowa County.
2. All lots 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 (> 20% slope) 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.
3. Pertinent state and county building and zoning regulations may impose other restrictions with which the applicant must comply.
4. All buildings shall meet the minimum setback from all public roads as required by County Ordinance..
5. All *Principal buildings* shall be served by a driveway compliant with Section 3.01. Driveway shall terminate not less than 50 feet from the *Principal building*.
6. Accessory buildings do not require a driveway provided they are constructed after occupancy has been granted for the *Principal building and they are within 300 feet of each other*.

SECTION M Density Standard

Calculation of Density Units

1. The land used for calculating Density Units shall be contiguous.
2. One new *lot* for residential use may be created for each twenty (20) contiguous acres owned, undeveloped, and located outside a Conservancy zoning district. This applies to new lots with proposed building envelopes and new lots with existing structures.
3. An existing dwelling unit on the Plan effective date shall affect the number of new *lots* which can be created.
4. Residential lots created that are less than 20 acres must have acreage from the same Parent Property set aside in Conservancy Zoning that results in a total of 20 acres. (Example: If a 2.5 acre AR-1 lot is created, 17.5 acres of land must either be (a) placed in an AC-1 overlay district or (b) split into a lot zoned C-1.)
5. A one-time exemption may be requested for lots greater than or equal to 10.0 acres but less than 40.0 acres as of February 19, 2019, as described in Section R of this ordinance and related to Section 8.8.10 of the Comprehensive Plan.
 - a. A lot shall be a minimum of (5) acres, with at least 2.5 acres of Class IV, V, VI or VII, where buildings are to be constructed
 - b. No building site can be located on soils classified as Class I, II or III be the Natural Resources Conservation Service (NRCS) Agriculture 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 2.5 acres of Class IV, V, VI or VII soil type on the site.

SECTION N Enforcement

The Town may withhold issuance of any or all permits issued for a project until compliance with this Ordinance is achieved.

SECTION O Land Division Certified Survey Map Procedure.

1. No person, firm or corporation shall divide any land located within the Town of Brigham which shall result in a *land division*, as defined by this ordinance, without first filing for approval by the *Town Board*, and subsequently filing with the Town of Brigham Clerk a proposed or preliminary *Certified Survey Map* which complies fully with Wis. Stat. Chapter 236.34 and with all applicable requirements contained within this ordinance.
2. A *Certified Survey Map* shall be submitted for *Town Board* approval to the Town Clerk/Treasurer. A *Certified Survey Map* is not required when a *land division* is proposed that will involve the subsequent *lot* or *lots* being acquired by an adjacent property owner, provided the subsequent *lot* or *lots* are added into the adjacent property owner's existing property by deed and result in no lot being created that is less than 40 contiguous acres.
3. The Plan Commission shall, within (60) sixty calendar days, hold a public meeting to review the submitted Certified Survey Map and make a recommendation to the Town Board to approve or reject the certified survey map, based on a determination of conformance with the provisions of this ordinance, and all other Town ordinances.
4. The Town Board shall approve or reject the certified survey map at the next earliest Town Board meeting after receipt of the Plan Commission recommendation. A denial by the Town Board shall be in writing and cite any options that may reverse said denial. A denied certified survey map shall not be signed by the Town and, should it be recorded anyway with the Iowa County Register of Deeds, said act will be considered in violation of this Ordinance.
5. A determination will be made upon review of a Concept Plan whether the proposed land division will require a land use change (rezoning). In such cases, the proposed Certified Survey Map cannot be submitted for Town approval until the associated land use change has been approved.
6. The *Certified Survey Map* shall be prepared by a registered land surveyor at a scale of not more than four hundred (400) feet to one (1) inch. The *Certified Survey Map* shall comply with the requirements of Wis. Stats. Chapter 236 and include:
 - (a) The name and address of the individual dividing the lands.
 - (b) The date of the survey.
 - (c) A metes and bounds description
 - (d) The locations, rights-of-way widths and names of existing roads or public ways; easements, and railroad and utility rights-of-way included within to the proposed *land division*.
 - (e) The area(s) of the *lot(s)* described in square feet and acres.
 - (f) Utility easements and access restrictions, where applicable.
 - (g) *Building envelope(s)*, *screenings*, and driveways as approved in the *Concept Plan*

7. All completed and *Certified Survey Maps* (CSMs) shall be signed by the Brigham Town Chair and Brigham Town Clerk and shall be filed with the Iowa County Register of Deeds along with the approved *Concept Plan* and the following fees: Recording fee for the CSM, Copy fee for the CSM, and Recording fee for the *Concept Plan*. Should a CSM be recorded with the Iowa County Register of Deeds without the associated *Concept Plan*, said act will be considered in violation of this Ordinance.

SECTION P Survey Monuments.

The land divider shall install survey monuments in accordance with the requirements of Section 236.15, Wisconsin Statutes.

SECTION Q Storm Water Management and Erosion Control.

The land divider shall fully comply with the requirements of the Town Erosion Control and Stormwater Management Ordinance 4.02.

VARIANCES AND FEES

SECTION R Variances

Variances may be approved by the *Plan Commission* where literal compliance with the specifications and standards would be unduly burdensome or a significant hardship. 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:

1. The specific conditions that is unique to the Applicant's site that does not exist on other land.
2. 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.
3. 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.
4. All proposed variances will be reviewed by the *Plan Commission* on a case by case basis. Any individual decision does not set a precedent.
5. Any variance request may be granted so long as it is not contrary to the public interest and, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in practical difficulty or unnecessary hardship, so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done.

SECTION S Costs of Application Review

- 1. **Application Fee.** All fees associated with this Ordinance shall be determined by Town Board resolution and specified in the fee schedule of Ordinance No. 1.01.
- 2. **Other Costs.** All reasonable costs incurred by the Town or its agents in order to properly review each application will be borne by the applicant

SECTION T Violations and Penalties.

Any person, firm or corporation who fails to comply with the provisions of these regulations shall, upon conviction thereof, be subject to penalties and forfeitures as provided in §§ 236.30, 236.31, 236.32, 236.335 and 236.35 Wis. Stats, as well as forfeitures pursuant to Ordinance 1.04, as amended from time to time.

This Ordinance shall take effect upon passage by a majority vote of the members of the Town Board 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 September 4, 2019.

TOWN OF BRIGHAM

Jason Carden, Town Chairperson

Jeff Zander, Town Supervisor

Jerry Davis, Town Supervisor

ATTEST:

Megan Mieden, Town Clerk

VOTE:

Ayes: _____

Posted: _____

Noes: _____

Adopted: 9-4-2019

Appendix A – Town Building Site Checklists

County Criteria 1 – 7 are mandatory.

Complies	Does Not Comply	Iowa County Criteria
<input type="checkbox"/>	<input type="checkbox"/>	1. Septic System Requirement Required space to accommodate a septic system and back up system – unless connected to a municipal system.
<input type="checkbox"/>	<input type="checkbox"/>	2. Private Well Required space to accommodate a well
<input type="checkbox"/>	<input type="checkbox"/>	3. Access / Driveway Approval Written approval from the respective town stating a driveway access would be permitted to this site.
<input type="checkbox"/>	<input type="checkbox"/>	4. Floodplain Rezone must conform to any state and federal floodplain standards.
<input type="checkbox"/>	<input type="checkbox"/>	5. Shoreland & Wetland Rezone must conform to any state or local shoreland and wetland standards.
<input type="checkbox"/>	<input type="checkbox"/>	6. Use Must Comply With District The proposed uses comply with uses in requested or existing zoning district; lot configuration, etc.
<input type="checkbox"/>	<input type="checkbox"/>	7. Town Criteria Compliance The rezone must comply with town standards

Town Criteria 1 – 8 are mandatory.

Complies	Does Not Comply	Town of Brigham Residential Siting Criteria in Agricultural Zoning Districts
<input type="checkbox"/>	<input type="checkbox"/>	1. Minimum Lot Size Minimum lot size in this category shall be 2 acres.
<input type="checkbox"/>	<input type="checkbox"/>	2. Density Standard One residence per 20 acres. This applies to existing residences being separated off larger parcels as well as new residences on new parcels.
<input type="checkbox"/>	<input type="checkbox"/>	3. Driveway Standards See Town of Brigham driveway ordinance.
<input type="checkbox"/>	<input type="checkbox"/>	4. Compliance with Town Future Land Use Map in the Comprehensive Plan
<input type="checkbox"/>	<input type="checkbox"/>	5. Compliance with Town Ordinances See Town of Brigham Ordinances.
<input type="checkbox"/>	<input type="checkbox"/>	6. Zoning Compliance Buildings are not allowed on C-1 Conservancy lots or in an AC-1 Conservancy Overlay District. Lots less than 40 acres must be rezoned out of A-1 Exclusive Agriculture
<input type="checkbox"/>	<input type="checkbox"/>	7. Prohibit Subdivisions Not more than 4 splits in 5 years.
<input type="checkbox"/>	<input type="checkbox"/>	8. Remaining Parcels Confirm remaining parcel are either (a) Greater than 40 acres or (b) Compliant with all requirements of the Land Division and Building Site Ordinance

