

**TOWN OF BROTHERTOWN  
CALUMET COUNTY, WISCONSIN**

**ORDINANCE NO. 2005-1**

**AN ORDINANCE TO AMEND THE TOWN OF BROTHERTOWN  
ZONING ORDINANCE**

The Town Board of the Town of Brothertown pursuant to its authority under Sections 60.10, 60.62(1), 61.35, and 62.23, Wis. Stat., do hereby amend the Town of Brothertown Zoning Ordinance (herein "Zoning Ordinance") and do ordain as follows:

1. Section 12.01 Town Planning and Zoning Committee is hereby repealed and recreated as follows:

Section 12.01 Town Board:

a. The administration and enforcement of the provisions of this ordinance shall be the responsibility of the Town Board or the Town Building Inspector on behalf of the Town Board. The Town Board shall consider the report and recommendation of the Town of Brothertown Plan Commission on matters pursuant to Section 62.23(5), Wis. Stat., and for any other matters referred to the Town Plan Commission.

b. Consistent with the authority provided to the Town Board under subparagraph (a) above, and except as otherwise stated in this amending ordinance, all references and designations in the Town of Brothertown Zoning Ordinance to **Town Planning and Zoning Committee** or to **Planning and Zoning Committee** shall be changed to **Town Board**.

2. Section 13.02 d. is hereby repealed.

3. Section 14.031 Authority is hereby repealed and recreated as follows:

14.031 Authority. The regulations imposed and the zoning districts created under authority of this ordinance may be amended from time to time by ordinance in accordance with the Wisconsin Statutes, Section 62.23(7)(d)(2). An amendment shall be granted or denied by the

Town Board only after a public hearing before the Town Plan Commission. Any approval action of the Town Board shall be subject to the approval of the County Board. On any denial action, the Town Board shall notify the petitioner in writing with reasons stipulated for the action taken.

4. Section 14.034 Decisions is hereby repealed and recreated as follows:

14.034 Decisions. The Town Board, after receiving the report of the Town of Brothertown Plan Commission and without further public hearing, may grant or deny any proposed amendment in accordance with applicable Statutes of the State of Wisconsin, or may refer it back to the Plan Commission for further consideration.

5. Section 14.04 Public Hearings is hereby repealed and recreated as follows:

Section 14.04 Public Hearings. Notice of any Public Hearing which the Board of Appeals or the Town Plan Commission or the Town Board is required to hold under the terms of this ordinance shall specify the date, time, and place of the hearing and the matter to be presented at the hearing. All hearings shall be published using Class II notices. A copy of the notice shall be posted in the vicinity of the affected land where practical, and notice of the Public Hearing shall be mailed to the owners of land within 200 feet of any part of the land included in such proposed change or conditional use at least 10 days before such public hearing. The failure of such notice to reach any property owner shall not invalidate any resulting action.

6. Section 7.024 Lot Area and Width (b) is hereby amended by changing the number of minimum square feet from "2000" to "20,000."

7. Section 11.038 Pre-Existing Operations is amended by deleting "Section 11.02" from the last sentence thereof and substituting therefor "Section 14.02."

8. This ordinance shall be effective upon adoption and posting by the Town Board and passage by the Calumet County Board of Supervisors according to law.

Adopted this 5th day of April, 2005.

TOWN OF BROTHERTOWN TOWN BOARD

By: Jeanold Puetz  
Jeanold Puetz, Chairperson

By: Darlene Steffes  
Darlene Steffes, Clerk

Adopted this 19<sup>th</sup> day of July, 2005.

CALUMET COUNTY BOARD OF SUPERVISORS

By: Merlin Senty

ATTEST:

By: Beth A. Hauser, Co. Clerk

**DRAFTED BY:**

Attorney Katherine M. Reynolds  
Michael Best & Friedrich LLP  
1000 Maritime Drive  
Manitowoc, WI 54220  
Telephone: (920) 686-2800  
State Bar I.D. Number 01016670