

ORDINANCE AMENDING AND READOPTING THE COMPREHENSIVE PLAN
OF THE TOWN OF BERRY

The Town Board of Supervisors of the Town of Berry, does hereby ordain as follows:

Section One. Findings. The Town Board finds as follows:

- A. On March 1, 2016, 2015 Wisconsin Act 178 took effect. That Act allows towns in Dane County to withdraw from the Dane County Zoning Ordinance.
- B. After adoption of the Act, the Town Board began evaluating the merits of whether or not to withdraw from County zoning.
- C. On July 18, 2016, the Town Board adopted a Resolution which gave notice that the Town may decide to withdraw from County zoning.
- D. Act 178 provides that, prior to withdrawal, the Town must enact take certain actions, including adoption of a Comprehensive Plan.
- E. The Town adopted its Comprehensive Plan on November 18, 2002. [The Town amended the Comprehensive Plan on July 16, 2012]. Dane County has incorporated the Comprehensive Plan into its County Comprehensive Plan.
- F. The Comprehensive Plan was based on studies of the current conditions and needs of the Town, identifying important policy needs in major areas of government services. The Plan contains all elements required by Wisconsin law. The Town Board, as the governing body for the Town, is always aware of the major issues confronting the Town, and the circumstances of the community.
- G. The Town Board has reviewed the current Comprehensive Plan, which was adopted to provide policy guidance for land use decision-making by the Town and Dane County. The policies and goals which were established in the Comprehensive Plan are, at this time, sufficient to provide the necessary policy guidance for the Town in adopting and implementing Town zoning, should the Town elect to withdraw from County Zoning.
- H. If the Town opts out, references in the Comprehensive Plan to the current County-Town zoning system will need to be applied with the understanding that the County no longer will have a role in supporting, administering, advising or enforcing the Town zoning ordinance.
- I. The Portions of the Comprehensive Plan which relate to implementation and intergovernmental cooperation also will be administered and applied with the understanding that the County will no longer be involved in approving, administering or enforcing the Town's general zoning.
- J. The Town finds that the existing Comprehensive Plan provides an adequate factual and policy basis for implementation of new zoning for the Town if the Town elects to withdraw from County zoning. Changes in the Town since the Comprehensive Plan was last revised are minimal and do not require a full study process before re-adoption of the Plan. The Town further finds that after the Town has gained experience administering zoning, the town may elect to further revise and update the Comprehensive Plan, and that deferring any studies until that time is a more prudent use of public resources.

- K. The Town Board determines that this Ordinance shall be adopted by the Town Board as an administrative and policy decision, and waives any requirements for Plan Commission action to the extent such action might otherwise be required.

Section Two.

- A. The Town Board hereby incorporates the attached Town Comprehensive Plan into this Ordinance, as if fully set forth here.
- B. The Town Board amends the Comprehensive Plan as follows:
 - 1. The following reference changes shall be made:

Old Term	New Term
Dane County Zoning Ordinance [Chapter 10]	Town Zoning Ordinance [nearest equivalent provision, as determined by the Town Board].
Dane County Non-Metallic Mining Ordinance [Chapter 74]	Town Zoning Ordinance
Dane County Land Division Ordinance [Chapter 75]	Town Land Division Ordinance
Dane County Zoning Administrator	Town zoning administrator
Dane County Board of Supervisors, with respect to general zoning, land division and infrastructure	Town Board of Supervisors
Dane County Zoning and Land Regulation Committee	Town Plan Commission or Town Board, as determined by the Town Board
Dane County Comprehensive Planning Ordinance [Chapter 82]	Town Zoning and General Ordinances

- 2. The following section shall be added to the Implementation section of the Town Comprehensive Plan:

This Plan shall apply to all zoning and land division actions taken by, or affecting, the Town. In the event that it is necessary to interpret any provision of this Comprehensive Plan, the interpretation shall be made by the Town Board of Supervisors. The interpretation of the Town Board shall be followed by all governmental bodies or agencies which are applying this Comprehensive Plan.

- 3. This Comprehensive Plan is adopted pursuant to sec. 60.62 (6), Wis. Stats. This Comprehensive Plan shall be incorporated, without change, into the Dane County Comprehensive Plan.

Section Three.

This ordinance shall be effective upon its adoption by the Town Board in accordance with the process for revision of the Comprehensive Plan. The Town shall give notice of the adoption of this Ordinance and the amended Comprehensive Plan, including a copy of these documents, to:

- 1. Every governmental body that is located in whole or in part within the boundaries of the Town.

2. The clerk of every local governmental unit that is adjacent to the Town.

3. The Wisconsin Department of Administration.

4. The Capital Area Regional Planning Commission.

5. The Public Library for the Town.

Section Four. This ordinance is effective upon its adoption.

Dated this ____ day of _____, 2016.

TOWN BOARD OF THE TOWN OF _____

CERTIFICATION

I, _____, the Town Clerk of the Town of _____, do hereby certify that the above Ordinance was duly adopted by a majority vote of the Town Board of the Town, at a meeting of the same, proper notice of which was given pursuant to the Wisconsin Open Meetings Law.

Town Clerk