

ORDINANCE NO. 2223-10

by the Plan Commission

Continuing a Moratorium on Development in the Area of the Waste Management Landfill, location identified in the body of the Ordinance, and certain Outlots in or associated with The Shire subdivision, all in Section 20, Town 7 North, Range 20 East, in the City of Brookfield, County of Waukesha, State of Wisconsin

WHEREAS, City of Brookfield Ordinance No. 1958-04 placed a Moratorium on development considerations or approvals with respect to certain land areas identified in that Ordinance, extending until August 1, 2006 or such other date as the City releases the affected Outlots from restrictions and has adopted measures to define and implement certain development goals; and

WHEREAS, City of Brookfield Ordinance No. 2070-06 continued said moratorium until March 1, 2007; and

WHEREAS, City of Brookfield Ordinance No. 2090-07 continued said moratorium until September 1, 2008;
and

WHEREAS, City of Brookfield Ordinance No. 2144-08 continued said moratorium until September 1, 2009;
and

WHEREAS, City of Brookfield Ordinance No. 2182 -09 continued said moratorium until September 1, 2010;
and

WHEREAS, the ability of the City to fulfill the responsibilities in the preceding paragraph depends upon Waste Management of Wisconsin, Inc. reporting certain data to the State of Wisconsin Department of Natural Resources for their evaluation, and upon said Department reviewing the data and issuing a report and recommendations to the City, and a special Moratorium Committee of the City reviewing the Department's submittal and formulating recommendations to the City Plan Commission, which, in turn, will convene discussions with the owner(s) of the subject property and will recommend official City actions by the Common Council. Those actions may include certain changes in zoning designations that will require at least one public hearing preceded by state law-required hearing notices; and

WHEREAS, in a missive dated October 29, 2009 Waste Management of Wisconsin, Inc. submitted “Revised Landfill Perimeter Evaluation Report WMWI – Brookfield Sanitary Landfill Brookfield Wisconsin October 2009” (Report) to the State of Wisconsin Departments of Natural Resources and Health Services; and

WHEREAS, comments from the State of Wisconsin regarding the Report are under development and a response has not been formalized at this time; and

WHEREAS, the City has estimated the time needed to address the State’s concerns and complete the remaining tasks may be until and through September 1, 2011.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Brookfield that the moratorium established and in place under Ordinance No. 1958-04 and continued under Ordinances No. 2070-06, 2090-07, 2144-08 and 2182-09 shall be extended to September 1, 2011 within the geographic limits of the Ordinance No. 1958-04 moratorium, subject to the exception provisions of the second Ordained Clause of Ordinance No. 1958-04, which provisions are adopted here by cross reference, and which Ordinances No. 1958-04, 2070-06, 2090-07, 2144-08 and 2182-09 are attached hereto and incorporated herein as Exhibits A, B, C, D and E.

PART II. All ordinances and parts of ordinances contravening the provisions of this ordinance are hereby repealed.

ADOPTED AND APPROVED _____ July 20 _____, 2010

Kristine A. Schmidt, City Clerk

Steven V. Ponto, Mayor