

ORDINANCE 2008- 01
Creating a Moratorium on Certain Land Divisions

ARTICLE 1 - Authority

This ordinance is adopted by the Town Board of the Town of Townsend pursuant to the authority granted in §60.22 (3), 61.34, 236.10 and 236.45, Wisconsin Statutes.

ARTICLE 2 - Findings

The Town Board of the Town of Townsend does hereby find as follows:

- 1) The Town of Townsend has drafted and will be adopting a Comprehensive Plan which addresses the future growth and development of the Town.
- 2) The Town of Townsend is developing a land division/subdivision ordinance and/or working with Oconto County to update County Ordinances.
- 3) The Town of Townsend finds that imposing a moratorium on approval of Land Divisions in the Town during the process of discussing and developing adequate ordinance language is in the public interest, and is necessary to protect the public health, safety and welfare.
- 4) The Town of Townsend is willing to impose a moratorium on land divisions less than 10 acres in size.
- 5) This moratorium does not prohibit the issuance of building permits, driveway permits or conditional use permits on existing lots.

ARTICLE 3 - Land Division Moratorium

1) Definitions. In this ordinance, the following terms are defined as stated:

a) Land Division - means the act of creating a lot, parcel, condominium unit, or subdivision from a parcel or parcels of real estate. The term does not include the divisions which are exempted by Wisconsin law from plat review, which are:

1. Transfers of interest in land by will or pursuant to court order;
2. Leases for a term not to exceed 10 years, mortgages or easements;
3. 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 chapter or other applicable laws or ordinances;

b) Effective Date - the date the ordinance is enacted, July 8, 2008.

c) Formally Submitted - means that a proposal was embodied in an application for approval of a certified survey map or a subdivision plat which had been filed with Oconto County and the Town of Townsend.

d) Expiration Date - means the earliest of the following:

1. The date that the Land Division/Subdivision Ordinance is adopted.
2. Six (6) months from the date of its adoption, or such longer time as the Town Board may vote to extend this moratorium. The Town Board may vote to extend the moratorium by motion at any meeting of the Town Board.

2) Moratorium. No land division in the Town of Townsend may be approved by the Town Board before the Expiration date unless:

- a) The Land Division was contained in a proposal which was formally submitted for plat review on or before the Effective Date; or
- b) The Land Division is essential for the correction of a problem or remediation of a situation which imminently threatens the public health and welfare and is the subject of an order to correct from a federal, state, or county agency; or
- c) The Land Division is necessary to avoid the property owner being denied all economic use of their land such that in the absence of the division, the Town would be liable for a taking without just compensation; or
- d) The Land Division is greater than 10 acres.

ARTICLE 4 - Request for Exception from Moratorium

- 1) Any property owner or their designated agent may apply for an exception to the moratorium on the grounds stated in Article 3, sections 2 (b) and/or (c). The application shall be filed with the Town Clerk on a form approved by the Town Board.
- 2) The Town Board may allow an application for a Land Division to be considered only if it finds, after hearing, that an exception is necessary for one or more reasons stated in Article 3, sections 2 (b) and (c).
- 3) The decision by the Town Board to allow an exception to the moratorium does not mandate the Town Board to approve the Land Division, not limit the Town Board's power to impose conditions on the proposed Land Division.

ARTICLE 5 -

If any portion of this ordinance is determined to be unlawful or invalid, the remaining portion shall stand.

ARTICLE 6 - Publication and Effective Date

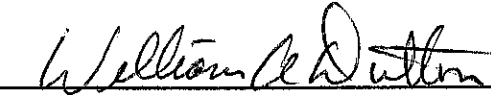
This ordinance shall be published in the official newspaper, but shall be effective on the effective date stated herein.

THE TOWN OF TOWNSEND, OCONTO COUNTY, WISCONSIN.

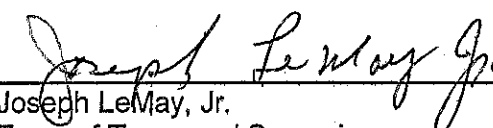
Dated this 8th day of July, 2008.




Susan Rapp
Town of Townsend Chair



William Dutton
Town of Townsend Supervisor



Joseph LeMay, Jr.
Town of Townsend Supervisor

Attest:


Pamela Bursek
Town of Townsend Clerk