

TOWN OF UNION
ORDINANCE NO. 932

AN ORDINANCE TEMPORARILY PROHIBITING THE REZONING
AND THE DIVISION AND SUBDIVISION OF LAND
WITHIN THE TOWN OF UNION

WHEREAS, the Town of Union is committed to the preparation and adoption of an updated General Development Guide for the beneficial use and harmonious development of land within the Town of Union and is further committed to the preparation and adoption of such ordinances as may be necessary to implement said updated General Development Guide; and

WHEREAS, the purpose of the proposed updated General Development Guide and implementing ordinances is to provide for the beneficial and harmonious development of land within the Town of Union which will, in accordance with existing and future needs, best promote the public health, safety and general welfare of the community by: furthering the orderly layout and use of land; securing safety from fire, panic and other dangers; providing adequate light and open spaces; preventing the overcrowding of land; avoiding undue concentrations of population; facilitating adequate provision for transportation, water, sewerage, schools, parks, playgrounds and other public requirements; facilitating the subdivision of larger tracts into smaller tracts of land; preserving critical natural resources and historical areas; giving reasonable consideration to the character of the Town of Union with a view toward protecting and enhancing the farm economy of the Town and still providing for a variety of orderly development within the Town; providing the best possible environment for human habitation; and encouraging the most appropriate use of land throughout the Town of Union; and

WHEREAS, the Town of Union desires to insure the continuing integrity of the planning process itself in connection with the preparation of the updated General Development Guide, as well as subsequent planning following adoption of an updated General Development Guide and such ordinances as may be necessary to implement such guide; and

WHEREAS, the Town of Union desires to prevent the creation of nonconforming and undesirable uses during the planning process which uses pose a threat to the Town's attempt to plan in an orderly and coordinated manner for future development; and

WHEREAS, the Town of Union desires to promote public participation through the means of fostering discussion and debate over planning issues; and

WHEREAS, the Town of Union desires that sufficient time be made available for the consideration of alternatives and any

other available information relating to the preparation of an updated General Development Guide and any ordinances necessary to implement such guide; and

WHEREAS, following consideration of the presentation of Mr. Phil Blaskowski, Director of the Rock County Planning and Development Department, at the meeting of the Planning and Zoning Committee of the Town of Union on February 1, 1993 and the comments of various town residents in attendance at such meeting, the Planning and Zoning Committee of the Town of Union has determined that in order to properly conduct a comprehensive review and updating of the existing General Development Guide of the Town of Union, a moratorium on the rezoning and the division and subdivision of land within the Town of Union would be of great benefit and constitute a necessary aid in achieving the aforementioned public purposes and would be in the public interest of the Town of Union; and

WHEREAS, the Planning and Zoning Committee of the Town of Union has recommended to the Town Board of the Town of Union the adoption of an Ordinance imposing a moratorium prohibiting the rezoning and the division and subdivision of land within the Town of Union during the development of an updated General Development Guide and such ordinances as may be necessary to implement such guide; and

WHEREAS, the Town Board of the Town of Union considered the recommendation of the Planning and Zoning Committee at its regular monthly meeting held on February 4, 1993 and received the comments of Mr. Phil Blaskowski and such town residents as were in attendance in regards to the advisability of imposing such a moratorium; and

WHEREAS, such meeting disclosed, among other things, that:

1. The Town of Union is experiencing an exceptionally high rate of new residential development;
2. That rapid development in the Town of Union may be the result of an absence of effective land use planning and implementing ordinances;
3. That rapid, unregulated development, may result in increases in municipal services and the property taxes necessitated thereby and a decrease in agricultural land uses;
4. That the planning process required in order to update the General Development Guide is time consuming and technical in nature;

5. That it will take at least six months to develop an updated General Development Guide and such ordinances as may be necessary to implement such guide; and
6. That considerations preceding the adoption of an updated General Development Guide and such ordinances as may be necessary to implement such guide may precipitate actions by developers which may frustrate the planning process and compromise its integrity; and

WHEREAS, a moratorium on the rezoning and the division and subdivision of land within the Town of Union is necessary to prevent disorderly development of land from causing irreparable injury to the Town of Union and its residents during the period needed to develop an updated General Development Guide and any ordinances necessary to implement such guide; and

WHEREAS, a temporary prohibition of the rezoning and the division and subdivision of land in the entire Town of Union will carry out the purposes of this Ordinance and Section 236.45 of the Wisconsin Statutes;

NOW, THEREFORE, to promote the public health, safety and general welfare of the community; 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 adequate provision for transportation, water, sewerage, schools, parks, playgrounds and other public requirements; to facilitate the division of larger tracts into smaller tracts of land; to give reasonable consideration to the character of the Town with a view toward protecting and enhancing the farm economy of the Town and still providing for a variety of orderly development within the Township; to provide the best possible environment for human habitation; to encourage the most appropriate use of land throughout the community; and to accomplish the public purposes set forth above, the Town Board of the Town of Union does ordain that Ordinance No. 932 entitled "An Ordinance Temporarily Prohibiting the Rezoning and the Division and Subdivision of Land Within the Town of Union" be and the same hereby is created to read as follows:

ORDINANCE NO. 932

AN ORDINANCE TEMPORARILY PROHIBITING THE REZONING
AND THE DIVISION AND SUBDIVISION OF LAND
WITHIN THE TOWN OF UNION

Section 1: Definitions. As used in this Ordinance, the following words and phrases shall have the designated meaning set forth herein:

- 1.01 Rezoning. A change in the zoning classification of any lot, parcel, or tract of land.
- 1.02 Subdivision. A division of a lot, parcel, or tract of land where the act of division creates:
- (A) Five or more lots, parcels or building sites of 15 acres each or less in area; or
 - (B) Five or more lots, parcels or building sites of 15 acres each or less in area by successive divisions within a period of five years.
- 1.03 Land Division. A division of a lot, parcel or tract of land where the act of division creates:
- (A) Four or less parcels or building sites of 15 acres each or less in area; or
 - (B) Four or less parcels or building sites of 15 acres each or less in area by successive divisions within a period of five years.
- 1.04 Certified Survey Map. A map for the division of land prepared in accordance with the requirements of Section 236.34 of the Wisconsin Statutes.

Section 2: Certain Rezoning and Divisions of Land Prohibited.

- 2.01 Until this Ordinance expires or is repealed the rezoning of land within the Town of Union is prohibited.
- 2.02 Until this Ordinance expires or is repealed the subdivision of land within the Town of Union is prohibited.
- 2.03 Until this Ordinance expires or is repealed land divisions within the Town of Union are prohibited.

2.04 Until this Ordinance expires or is repealed the division of land within the Town of Union by certified survey map is prohibited.

Section 3: Exceptions.

3.01 This Ordinance shall not apply to any rezoning requests which were filed with the Building Inspector for the Town of Union prior to February 1, 1993.

3.02 This Ordinance shall not apply to preliminary plats, final plats or certified survey maps which were officially submitted to the Rock County Planning Department prior to February 1, 1993 for review and approval under the provisions of the Rock County Land Division Ordinance.

3.03 Insofar as this Ordinance may apply to divisions of less than five parcels it shall not apply to:

(A) Transfers of interests in land by will or pursuant to court order;

(B) Leases for a term not to exceed ten years, mortgages or easements;

(C) 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 Chapter 236 of the Wisconsin Statutes or other applicable laws or ordinances.

Section 4: Directive to Planning and Zoning Committee. During the pendency of this Ordinance, the Planning and Zoning Committee of the Town of Union is hereby directed to undertake in conjunction with the Rock County Planning Department, the Town Board, legal counsel and such other agencies as it may deem proper all activities necessary to prepare an updated General Development Guide and any ordinances necessary to implement such updated guide.

Section 5: Inconsistent Ordinances Voided. All ordinances or provisions of ordinances inconsistent with or contravening the provisions of this ordinance are

hereby voided temporarily and shall have no legal force or effect during the period that this ordinance is in effect.

Section 6: Separability. If any section, subsection, sentence, clause, phrase or portion of this ordinance for any reason is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 7: Effective Date and Period of Prohibition. This Ordinance shall take effect upon passage and publication or posting as required by law and shall be in effect for a period of six months, unless sooner repealed by action of the Town Board.

The foregoing Ordinance was duly adopted by the Town Board of the Town of Union at a regular meeting held on March 4, 1993.

TOWN OF UNION

By: Wayne Disch
Wayne Disch, Town Chairman

By: Karen George
Karen George, Town Clerk

Adopted: 3/4/93
X Posted: 3/5/93
Published: N/A

Union Co-op - Cty M
Evansville Review
Evansville Inactor Parts