

ORDINANCE NO. 2004-06

The Town Board of the Town of Union does ordain that Ordinance No. 2004-06 entitled "An Ordinance Temporarily Prohibiting the Division and Subdivision of Land Within the Town of Union" be and the same hereby is created to read as follows:

**ORDINANCE NO 2004-06**  
**An Ordinance Temporarily Prohibiting 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 Subdivision. A division of a lot, parcel, or tract of land where the act of division creates: Five or more lots, parcels or building sites of 15 acres each or less in area; or 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.

1.02 Land Division. A division of a lot, parcel or tract of land where the act of division creates:  
Four or less parcels or building sites of 15 acres each or less in area; or  
Four or less parcels or building sites of 15 acres each or less in area by successive divisions within a period of five years.

1.03 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: FINDINGS**

The Town Board of the Town of Union makes the following findings:

2.01 The Town of Union is committed to the preparation and adoption of an updated Comprehensive Plan pursuant to Wisconsin Statute Section 66.1001 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 Comprehensive Plan.

2.02 The purpose of the proposed updated Comprehensive Plan and implementing ordinances is to provide for the beneficial and harmonious division and 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.

2.03 The Town of Union desires to insure the continuing integrity of the planning process itself in connection with the preparation of the updated Comprehensive Plan Guide, as well as subsequent planning following adoption of an updated Plan and such ordinances as may be necessary to implement such guide.

2.04 The Town of Union desires to promote public participation through the means of fostering discussion and debate over planning issues and to provide sufficient time for the consideration of alternatives and any other available information relating to the preparation of an updated Comprehensive Plan and any ordinances necessary to implement such Plan.

2.05 The Town of Union faces planning issues and challenges due to a high rate of residential development which may be addressed by effective land use planning, including the adoption of an updated Town's Comprehensive Plan. Rapid, unregulated development may result in increases in Town services and property taxes necessitated thereby and a decrease in agricultural land uses in the Town. The planning process required to update and adopt a Comprehensive Plan in accordance with Wisconsin Statute 66.1001 is time consuming and technical in nature, and consideration of land division proposals in the interim may frustrate the planning process and compromise its integrity.

2.06 Following consideration of these objectives and findings at a public hearing of the Planning and Zoning Committee, and based upon the recommendation of said Committee, the Town Board determines that it is necessary to implement a temporary moratorium on the division and subdivision of land within the Town of Union during the development and adoption of an updated Comprehensive Plan. Said moratorium 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 Comprehensive Plan and any ordinances necessary to implement such Plan.

### **SECTION 3: PROHIBITED DIVISIONS OF LAND**

Until this Ordinance expires or is repealed, the subdivision of land or division of land by certified survey map or plat within the Town of Union is prohibited. This ordinance take effect for any land division or subdivision requests submitted to the Town after the date of publication of this

ordinance, August 9, 2004, and shall terminate upon the Town's completion and adoption of its Comprehensive Plan pursuant to Wisconsin Statute Section 66.1001, unless earlier terminated by the Town Board. During said moratorium period, no certified survey map, subdivision plat, or other land division application or petition shall be received or approved for any development of residential property.

**SECTION 4: 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 5: 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 6: 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 until adoption by the Town Board of a Comprehensive Plan pursuant to Wisconsin Statutes section 66.1001, 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 August 5, 2004.

TOWN OF UNION

By: 

Kendall Schneider  
Town Board Chair

By: 

Linda O'Leary  
Town Clerk

Adopted: August 5, 2004  
Posted: August 9, 2004  
Published: August 10, 2004