

ORDINANCE AMENDMENT CREATING A MORATORIUM  
ON CERTAIN LAND DIVISIONS

The Town Board of Supervisors of the Town of Bristol do hereby ordain as follows:

**Article 1: Findings.**

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

1. The Town of Bristol is currently developing an updated land use plan to replace the land use plan adopted by the Town in 1996.
2. The adoption of the new land use plan may modify the areas of the Town which may be subdivided for development, and may impose timing requirements which will modify the pace of residential development in the Town.
3. The proposed land use plan may reduce scattered-site residential development in order to promote the free flow of traffic along town roads.
4. There are currently more than 200 platted lots in the Town which have yet to be constructed and sold, which is a sufficient supply of lots to meet the demand for new housing in the Town for at least two years if necessary.
5. If the Town continues to accept requests for land divisions during the remainder of the planning process, people whose land may be affected by the land use plan would have an incentive to submit proposals to develop land immediately, thereby negating or reducing the effect of the land use plan.
6. The Town finds that imposing a moratorium on approval of land divisions in the Town during the remainder of the plan review and approval process is in the public interest, and is necessary to protect the public health, safety and welfare.
7. The Town has authority to adopt this ordinance pursuant to the authority granted in secs. 60.22 (3), 61.34, 236.10 and 236.45, Wis. Stats..

**Article 2: 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.
  - b. "Effective date" means July 28, 2003.
  - 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 the Dane County Department of Planning and Development and the Town of Bristol
  - d. "Expiration date" means the 120<sup>th</sup> day following the submission to Dane County of the Town of Bristol's proposed comprehensive land use plan.

2. Moratorium. No land division may be approved by the Town of Bristol before the expiration date unless:
  - (a) the land division was contained in a proposal which was formally submitted 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; or
  - (c) the land division is necessary to avoid the property owner being denied all economic use of their land; or
  - (d) the land division is necessary to avoid the need for annexation of the land; or
  - (e) the land division is necessary to meet needs for housing, agriculture or other immediate exigencies identified by the Town Board which cannot be deferred until the expiration date.

**Article 4: Request for Exception from Moratorium**

1. Any property owner or their agent may apply for an exception to the moratorium on the grounds stated in Article 3, sections 2 (b) through (e). The application shall be filed with the Town Clerk on a form approved by the Board, accompanied by a fee of \$250.00.
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 of the reasons stated in Article 3, section 2 (b) through (e).
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, nor 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.

Adopted: August 11, 2003    Published: August 21, 2003

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Gerald Derr, Chairman

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Sandra Dulin, Supervisor

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Scott Grove, Supervisor

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Sandra Klister, Town Clerk