

**TO THE DANE COUNTY BOARD OF SUPERVISORS:
REPORT ON:**

ORD. AMDT. 11, 07-08

CREATING CHAPTER 82 OF THE DANE COUNTY CODE OF ORDINANCES, REGARDING
MISCELLANEOUS PLANNING AND DEVELOPMENT ORDINANCES AND ESTABLISHMENT
OF A DEVELOPMENT MORATORIUM ON LANDS WITHIN THE NORTH MENDOTA PARKWAY

The County Board of Supervisors of the County of Dane does ordain as follows:

ARTICLE 1. Unless otherwise expressly stated herein, all references to section and chapter numbers are to those of the Dane County Code of Ordinances.

ARTICLE 2. Section 82.01 is created to read as follows:

82.01 TITLE. This chapter may be referred to as the Miscellaneous Planning and Development Ordinance.

ARTICLE 3. Section 82.02 is created to read as follows:

82.02 ADMINISTRATION. This chapter shall be administered by the Planning and Development Department.

ARTICLE 4. Section 82.03 is created to read as follows:

82.03 NORTH MENDOTA PARKWAY MORATORIUM. (1) AUTHORITY. This section is enacted to promote the public safety, convenience and general welfare of the citizens of Dane County, as authorized by sections 59.69 and 236.45, Wisconsin Statutes.

(2) PURPOSE. The adoption of this section is supported by the following findings:

1. The North Mendota area of Dane County, including areas located within the Towns of Springfield and Westport, the Village of Waunakee, and the Cities of Middleton and Madison, has and continues to experience increasing growth pressure, requiring an integrated strategy for dealing with transportation issues and other secondary effects upon the land in the area.

2. Dane County and the aforementioned municipalities participated in a North Mendota Parkway Advisory Committee that approved a final report and recommendation on October 23, 2003.

3. On March 8, 2004 the Dane County Board of Supervisors approved the North Mendota Parkway Advisory Committee's Final Report and Recommendations.

4. On June 21, 2007, the Dane County Board of Supervisors approved an Intergovernmental Agreement with the aforementioned municipalities, and that Agreement was fully executed by the parties on June 26, 2007.

5. The Intergovernmental Agreement requires that all parties adopt a short-term development moratorium on land divisions, subdivisions, rezonings and conditional use permits in the defined North Mendota Parkway area within 60 days of complete execution of the Agreement.

6. Dane County has invested a substantial amount of time and money into the cooperative planning process with the other parties to the Agreement regarding the long-term needs of the North Mendota Parkway area.

7. Existing county ordinances may allow new development or intensification of existing development in the unincorporated portions of the North Mendota Parkway area that may hamper and curtail the effectiveness of the ongoing planning process.

8. A short-term development moratorium on the acceptance, review and approval of land divisions, subdivisions, rezones and conditional use permits in the North Mendota Parkway area will provide the county and other participating municipalities an opportunity to place the North Mendota Parkway on the official maps of all of the parties to the Intergovernmental Agreement.

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REPORT ON:**

1 9. The Dane County Board of Supervisors believes that the adoption of a short-term
2 moratorium will promote the public health, safety, general welfare and convenience of the county
3 and encourage the most appropriate use of land in the North Mendota Parkway area.

4 (3) APPLICABILITY. This section shall apply to lands in Dane County within the Towns of
5 Springfield and Westport located in the North Mendota Parkway area as shown on the map that is
6 attached hereto and incorporated into this section by reference.

7 (4) DURATION. This section shall expire either 24 months after its effective date or upon all
8 parties to the Intergovernmental Agreement placing the North Mendota Parkway on their official
9 maps, whichever occurs first.

10 (5) DEVELOPMENT MORATORIUM. There is hereby established a temporary moratorium
11 on the acceptance, review and approval by county officials and staff of any application for a land
12 division, subdivision, rezone or conditional use permit received by the county on or after the
13 effective date of this ordinance.

14 (6) EXCEPTIONS. Notwithstanding the provisions of sub. (5), the moratorium shall not apply
15 to the following:

16 1. A complete land division, subdivision, rezone or conditional use application that is
17 submitted in conformity with the applicable county ordinances on or before the effective date of
18 this section.

19 2. Certified survey maps that do not create additional building sites.

20 3. Divisions of land or rezones that are necessary to avoid a property owner being denied all
21 economic use of his or her land.

22 4. Divisions of land that are essential for the correction of or remediation of a situation that
23 threatens the public health or welfare.

24 (7) VARIANCES. 1. Any property owner of property within the North Mendota Parkway area,
25 or his or her agent, may apply to the Zoning & Land Regulation Committee for a variance from the
26 terms of this section.

27 2. Application for a variance shall be made to the Zoning Administrator and processed
28 pursuant to the procedures as set forth in section 10.255(2).

29 3. Upon receipt of an application, the Zoning Administrator shall refer the application to the
30 North Mendota Implementation Committee, which may make a recommendation to the Zoning &
31 Land Regulation Committee.

32 4. A variance from the terms of the moratorium may be granted if the applicant demonstrates
33 that the proposed development is not detrimental to potential routes of the North Mendota
34 Parkway or the E-way.

35 (8) INCONSISTENT ORDINANCES VOIDED. All ordinances or provisions of ordinances
36 inconsistent with or contravening the provisions of this section are hereby temporarily voided and
37 shall have no legal force or effect during the period of this ordinance.

38 (9) SEVERABILITY. If any part of this section is deemed to be unconstitutional, unlawful or
39 invalid by a court of competent jurisdiction, the remainder of the section shall not be affected
40 thereby.

41 *[EXPLANATION: This amendment creates Chapter 82 of the Code of Ordinances as a repository*
42 *of miscellaneous Planning & Development ordinances. It also establishes a moratorium on*
43 *development in the North Mendota Parkway consistent with the Intergovernmental Agreement*
44 *approved by the County Board.]*
45

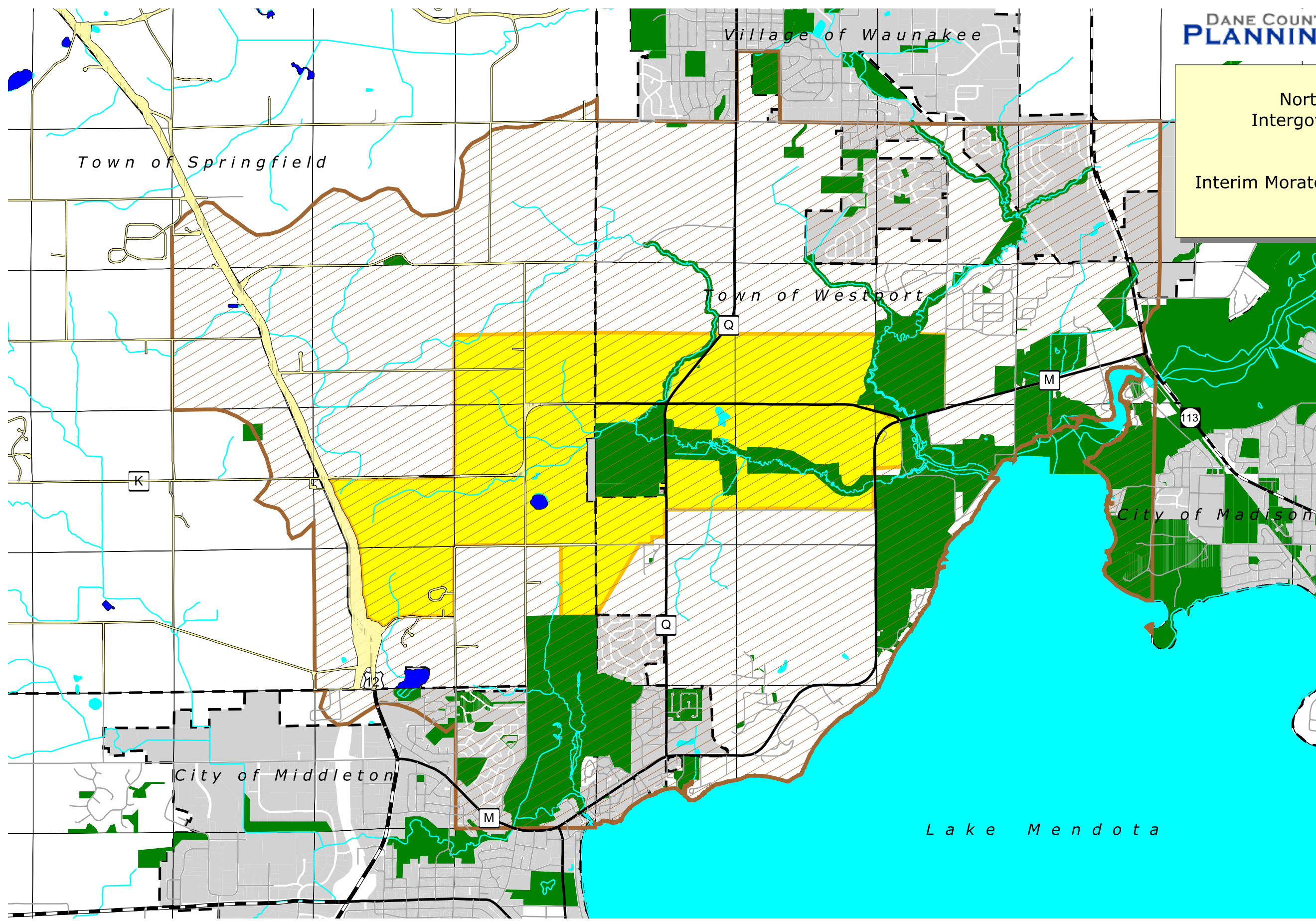
46 Submitted by Supervisors Bruskewitz, O'Loughlin, Kostelic, Opitz, and Hendrick, July 19,
47 2007
48 (p. 68, 07-08). (Fiscal and Policy Notes not required.)
49 Referred to ZONING/LAND REGULATION.
50

51 **7/24/07 Zoning & Land Regulation recommends adoption. (4-1) Wendt no.**
52

North Mendota Parkway
Intergovernmental Agreement

Exhibit B:
Interim Moratorium & Environmental Study

As approved by
North Mendota Parkway
Implementation Oversight
Committee
July 19, 2006 -- REVISED



Legend

- North Mendota Interim Moratorium Area
- North Mendota Environmental Study Area
- Water
- Roads & Highways**
 - County Trunk Highway
 - Interstate
 - State Trunk Highway
 - U.S. Highway
- Public Lands
- Municipalities
- Incorporated areas**
 - CITY OF MADISON
 - CITY OF MIDDLETON
 - VILLAGE OF WAUNAKEE

Map prepared 7/24/2006
Revised 7/25/2006
by Dane Co. Planning & Development

