

ORDINANCE TO ESTABLISH CHAPTER 171-A,
A MORATORIUM ON THE ADMINISTRATION OF
MUNICIPAL CODE CHAPTER 171

Town of Troy
St. Croix County, Wisconsin
Ordinance No. 2020-02

A. PURPOSE.

Chapter 171 of the Municipal Code of the Town of Troy, the Town's Lower St. Croix Riverway Zoning Ordinance was enacted by the Town on November 30, 2004, and amended in 2007 and 2008. The Town's enactment of Chapter 171 is authorized by Wis. Stats. § 30.27 and Wis. Admin. Code Chapter NR 118. Chapter 171 regulates the use of all land in the Town's Lower St. Croix Riverway Rural Residential Overlay District described in Section 171-B.

St. Croix County has also enacted and administers a Lower St. Croix River Overlay Zoning Ordinance in Chapter 17.36 of the St. Croix County Town of Ordinances, so that it also exercises jurisdiction pursuant to Wis. Stats. § 30.27 over affected area in the Town. The Town timely enacted Chapter 171 to protect and ensure that permitted uses in the Lower St. Croix Riverway Rural Residential Overlay District would be consistent with the Town's comprehensive plan and Town priorities for recreational, residential and related uses in the Overlay District, all in a manner consistent with NR 118 and authorizing state and federal law. Ten years of Town experience with administering Chapter 171 side-by-side with St. Croix County has engendered sufficient Town confidence in the manner in which St. Croix County administers Chapter 17.36 that the Town now wishes to enact a moratorium on the Town's prospective administration of Chapter 171. The effect and purpose of this Town moratorium is to allow Town residents of the Rural Residential Overlay District to be required to seek just one set of government land-use related permits rather than two.

To that end, the Town Board enacts and ordains as follows:

B. MORATORIUM DECLARED.

1. A moratorium is hereby declared on the further and prospective administration of Town of Troy Municipal Code Chapter 171, its Lower St. Croix Riverway Zoning Ordinance, and on such specific Lower Riverway Zoning Ordinance references in other Town ordinances, including but not limited to Chapter 170, the Town's Zoning Ordinance and Chapter 39, the Town's Citation Ordinance, to the extent that such references affect the prospective administration of Chapter 171.

2. The moratorium shall expire two years from the effective date of its adoption, and can be extended by Town Board action for twelve or twenty-four month increments. Notice of each such extension shall be provided to St. Croix County and the Department of Natural Resources, as shall notice of any future Town decision to not extend the moratorium and resume prospective Town administration of Chapter 171. While the Town moratorium is in effect, the Town will not participate in the review of applications affecting land in the Lower St. Croix Riverway Rural Residential Overlay District that would otherwise require a Town riverway permit, a Town conditional use permit, or a Town variance under Chapter 171 when such an application is filed for the first time with St. Croix County during the Town moratorium period, and if a final determination is made by St. Croix County on such an application during the first six months after the Town moratorium comes to an end.

3. During the moratorium period the Town Clerk shall not accept, and the Town shall not process, new applications for Town action pursuant to Chapter 171. During the moratorium period the Town shall defer to St. Croix County, in its exercise of jurisdiction and administration of its Lower Riverway Zoning Ordinance, (St. Croix County Code Chapter 17.36) so that the permits or variances being issued by St. Croix County that affect land located in the Town of Troy shall serve as the sole permit or variance required in the Rural Residential Overlay District in the Town, for which St. Croix County shall have sole enforcement jurisdiction.

4. During the moratorium period the Town shall continue to exercise exclusive jurisdiction over enforcement of all previously-issued Town permits and variances under Chapter 171, and over all Chapter 171 enforcement-related stipulations previously entered into the by Town.

5. This Ordinance of Moratorium shall be treated as an amendment to Chapter 171 for purposes of the state law and administrative regulations on which it is based, so that enacting this Ordinance shall follow the procedure set out for ordinance amendments in Chapter 171-M.6., including notification to specified public bodies and proper notice and the conducting of all required public hearings before the Plan Commission and the Town Board, except that the DNR and County shall be notified 10 days prior to public hearings in the Town, not the 30 days otherwise required for map and ordinance text amendments.

C. SEVERABILITY.

Should any portion of this Ordinance be declared by any state or federal court to be invalid for any reason, the validity of the remainder of this Ordinance shall not be affected.

D. EFFECTIVE DATE.

- (1) Date of enactment; and
- (2) Publication.

Enacted by action of the Troy Town Board this 21st day of May, 2020.



Dan Pearson, Town Chair

Attestation:



Gail Anderson, Town Clerk/Treasurer

Summary notice published in the Hudson Star Observer on May 28, 2020.