

ORDINANCE NO. 2024-019

ESTABLISHING A SIX (6) MONTH MORATORIUM ON ACCEPTING APPLICATIONS REQUIRING A DEVELOPMENT AGREEMENT IN THE B-2 ZONING DISTRICT

WHEREAS, Smart Growth legislation requires a municipality to periodically update their comprehensive land use plan and currently the Village is in the process of completing their 20-year plan; and,

WHEREAS, to ensure development does not occur contrary to the future plan, the Village proposes a six-month moratorium be imposed on accepting zoning applications, also known as land use applications, that require the approval of a Development Agreement; and,

WHEREAS, the moratorium will allow the Village time to complete their plan and revise their zoning code to reflect any desired development pattern and regulations relative to a historic district in their Downtown Business Transition (B-2) zoning district that lies west of Bay Shore Drive.

NOW THEREFORE, the Sister Bay Village Board of Trustees does hereby ordain as follows:

SECTION 1 – AUTHORITY.

This Ordinance is adopted pursuant to the general grant of authority to the Village Board of the Village of Sister Bay to promote public health, safety and welfare pursuant to Wis. Stats., §61.34 and the police power of the Village of Sister Bay..

SECTION 2 – PURPOSE.

The Village of Sister Bay Board of Trustees, pursuant to its authority to provide for the health, safety, welfare and convenience of the public, deems it necessary to adopt the previously mentioned moratorium on submission and processing of zoning applications (aka, land use applications), that also require the approval of a Development Agreement, in the B-2 district that lies west of Bay Shore Drive, and finds that this action is necessary to preserve the character of the community and prevent development that is inconsistent with the proposed comprehensive plan, and, any subsequent zoning code amendments expected to be delineated in an ordinance amending Chapter 66 of the Municipal Code, referred to as the Zoning Code.

SECTION 3 – MORATORIUM ESTABLISHED.

(1) Moratorium.

A moratorium is hereby established on the submission, acceptance and processing of Village of Sister Bay zoning permit applications, and other land use applications, that would require a Development Agreement, for properties in the Downtown Business Transition (B-2) Zoning District that lie west of Bay Shore Drive. The moratorium shall be in effect for six months from the date of adoption of this Ordinance.

(2) Moratorium on the Acceptance or Processing of Applications.

During the term of this moratorium neither the Zoning Administrator nor any of the employees in the Village Administration Office may accept or process any new zoning permit applications, or other land use applications, that would also require a Development Agreement, in the B-2 zoning district that lies west of Bay Shore Drive.

(3) Exceptions.

Notwithstanding the foregoing provisions of this section, this moratorium shall not apply to zoning permit applications or other land use applications that do not subsequently require the authorization of a Development Agreement.

(4) Hardship.

In cases of extreme hardship, any person having a legal or equitable interest in land who believes they have been aggrieved by the provisions of this Ordinance may apply to the Village Board for a waiver of all or a portion of the applicable restrictions. A waiver may be granted if the Village Board determines that a substantial hardship has been caused by the restrictions of this moratorium, and finds that the waiver will not unduly affect the integrity of the planning process or the purposes for which this Ordinance was enacted.

SECTION 4 – AVAILABILITY FOR PUBLIC INSPECTION.

After its enactment a copy of this Ordinance shall be permanently on file and open to public inspection in the Office of the Village Clerk, and it shall also be available for public inspection two weeks prior to its enactment.

SECTION 5 – SEVERABILITY

If any section, paragraph, clause or provision of this Ordinance shall be held to be invalid by a Court of competent jurisdiction, the invalidity thereof shall not affect any other provision or section of this Ordinance.

SECTION 6 – VIOLATION AND PENALTY.

Any person, firm or association that engages in or permits a violation of the provisions of this Ordinance shall be subject to the penalties that are set forth in Section 1.11(c) of the Municipal Code for the Village of Sister Bay.

SECTION 7 – EFFECTIVE DATE.

This Ordinance shall become effective the day after its passage and adoption, and it shall remain in effect for six (6) months from that date, or, in other words, until January 17, 2025, unless it is extended or earlier repealed by the Village Board of the Village of Sister Bay.

VILLAGE OF SISTER BAY

By:



Nate Bell

Village President

ATTEST:



Heidi L. Teich, Village Clerk

Date Introduced to PC: May 28, 2024
Public Hearing at PC: June 26, 2024
Date Adopted by Board: July 16, 2024
Publication Date: July 19, 2024