

TOWN OF SARATOGA
Ordinance Imposing a Moratorium on
Construction of Multi-family Residential Structures
Pending the Updating of the Town Comprehensive Plan and
Study of Possible Related Legislative Action

RECITALS

WHEREAS, the Town of Saratoga (“Town”) in Wood County, Wisconsin, adopted the document entitled, “TOWN OF SARATOGA; WOOD COUNTY, WISCONSIN COMPREHENSIVE PLAN 2007-2025 (“Comprehensive Plan”) pursuant to Ordinance No. 18-15-2007A;

WHEREAS, the Town is currently in the process of reviewing and updating its Comprehensive Plan;

WHEREAS, the Town anticipates that the outcomes of the process to determine appropriate revisions to the Comprehensive Plan will include direction to modify requirements under the Town’s zoning ordinance as it relates to minimum lot size for new dwellings;

WHEREAS, building permits are currently required for new construction of multi-family dwellings in the Town;

WHEREAS, the Town requires time to consult with professional support to allow consideration of a range of potential regulations related to multi-family dwellings in the Town to ensure that adequate public and private facilities are available for such dwellings. For purposes of this Ordinance, “multi-family” means two or more families;

WHEREAS, the Town believes that the best and most equitable way to engage in an evaluation of the preferred means of regulating new multi-family dwelling construction is under a temporary moratorium prohibiting construction new multi-family dwellings until the process of reviewing and updating its Comprehensive Plan and for a defined period thereafter to provide the Town with adequate time to adopt changes to its zoning ordinance that are consistent with its updated Comprehensive Plan (this “Moratorium”);

WHEREAS, the Town believes that this Moratorium is necessary to allow consideration of these legislative options while minimizing the need for closed session meetings of the Town Board, maximizing public engagement in this process, and promoting constructive public discourse related to this process;

WHEREAS, the Town believes that this Moratorium is necessary to avoid any unnecessary and potentially harmful race to perfect or vest rights to certain types of activities on or uses of property within the Town that may be inconsistent with the future direction of the Town identified through this process;

WHEREAS, The Town finds that the potential public benefits that are expected to arise from imposing this temporary Moratorium support a finding by the Town Board that immediate action is warranted;

WHEREAS, the Town Board wishes to impose a moratorium for only such time as is prudent and necessary to allow the Town to complete this process, and the Town Board anticipates that this can be completed within approximately eighteen (18) months;

WHEREAS, The Town finds that the moratorium imposed under this ordinance is not subject to Wis. Stat. s. 66.1002 because the moratorium is not a "development moratorium" as that term is defined in that statutory section because it is neither a moratorium on rezoning nor a moratorium on land division; and,

NOW, THEREFORE, in consideration of the above Recitals, the Town Board of the Town of Saratoga ordains as follows:

Section 1 -- TITLE AND PURPOSE:

- 1.1 Title. The title of this Ordinance is the Town of Saratoga **Ordinance Imposing a Moratorium on Construction of Multi-family Residential Structures Pending the Updating of the Town Comprehensive Plan and Study of Possible Related Legislative Action.**
- 1.2 Purpose. The purpose of the Moratorium is to create opportunity for the Town to complete a review of and update its Comprehensive Plan and study possible legislative action related to regulating the construction of new multi-family dwellings and to promote meaningful implementation of the principles outlined in the Town's updated Comprehensive Plan. A Moratorium is necessary for the reasons set forth in the Recitals and consistent with the findings made by the Town Board in the Recitals, each and all of which are incorporated herein by reference.

Section 2 -- AUTHORITY:

The Town Board relies on Wis. Stat. § 61.34, the general police powers of a village board, which have been conferred on the Town Board pursuant to Wis. Stat. §§ 60.10 (2)(c) and 60.22(3), and Wis. Stat. §§ 60.23, 60.61, and 60.62.

Section 3 -- MORATORIUM IMPOSED:

- 3.1 For the duration of the Moratorium, the Town Board prohibits application for building permits or other approvals for and the construction of new multi-family dwellings throughout the Town.
- 3.2 Notwithstanding the foregoing, this Moratorium does not apply to the approval of any subdivision or other division of land by plat or certified survey map that is authorized under Wis. Stat. ch. 236.
- 3.3 Notwithstanding the foregoing, this Moratorium does not prohibit or otherwise apply to repairs, maintenance, expansion, or remodeling of multi-family residential structures existing on the effective date of this ordinance.

Section 4 -- DURATION OF MORATORIUM:

The Moratorium shall be in effect from the date of adoption of this ordinance until November 1, 2023, unless terminated earlier or extended further by an ordinance duly adopted by the Town Board.

Section 5 -- ACTION ANTICIPATED DURING MORATORIUM:

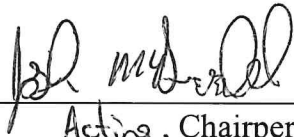
- 5.1 The Town shall complete a review of and update its Comprehensive Plan and study possible legislative action related to regulating the permitting and construction of new multi-family dwellings. The Town shall consider and promote meaningful implementation of the principles outlined in the Town's updated Comprehensive Plan and consider legislative options for regulating the commencement or expansion of these activities in the Town as it deems prudent and necessary to address the Town's current planning and regulatory needs.
- 5.2 The Town shall provide opportunities for public participation throughout the process, and consider the public health, safety, and general welfare of Town residents during its process.
- 5.3 Upon completion of this process, in accordance with applicable statutes and ordinances, the Town Board shall act upon the recommendations from the Town residents and the Town's consultants as the Town Board deems prudent and necessary to address the Town's current planning and regulatory needs.
- 5.4 The Town Board shall take such action as it deems appropriate to terminate the Moratorium early, extend the Moratorium beyond November 1, 2023 or allow the Moratorium to expire on November 1, 2023.

Section 6 -- EFFECTIVE DATE AND PUBLICATION:

- 6.1 Upon adoption by the Town Board, the Town Clerk shall properly post or publish this Ordinance as required under Wis. Stat. §60.80 (1).
- 6.2 This Ordinance shall be effective the day after its publication or posting under Wis. Stat. §60.80 (1).

By signing below, we affirm that this Ordinance was adopted at a duly noticed meeting of the Town Board held on this 18 day of May, 2022, by a vote of 4 for, 0 against and 0 abstentions.

TOWN OF SARATOGA



Acting, Chairperson
Jm


_____, Supervisor


_____, Supervisor

_____, Supervisor


_____, Supervisor

ATTESTED BY:
TOWN OF SARATOGA

By: 

Heidi Kawleski, Clerk

Date: 5/18/2022