

ORDINANCE 2023-14

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**AN ORDINANCE TO AMEND CHAPTER 510 OF THE VILLAGE OF EAST TROY MUNICIPAL CODE RELATING TO THE 2931 UNION STREET PLANNED DEVELOPMENT DISTRICT**

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WHEREAS, the Village Board for the Village of East Troy adopted zoning regulations for the Village of East Troy and has amended such regulations from time to time; and

WHEREAS, the zoning regulations, as amended, are codified as Chapter 510 of the Village of East Troy municipal code, which is titled "Zoning;" and

WHEREAS, Steve Lambrechts submitted a petition to amend a part of section 510-202 which sets forth the parameters for the 2931 Union Street Planned Development district; and

WHEREAS, upon due notice as required by the zoning code, the Plan Commission conducted a public hearing on December 11, 2023; and

WHEREAS, within a reasonable time after the public hearing, the Plan Commission reported its recommendation to the Village Board; and

WHEREAS, the Village Board considered the Plan Commission's recommendation at its meeting on December 18, 2023; and

WHEREAS, the Village Board accepted the Plan Commission's recommended text amendment with minor revision.

WHEREAS, the Village Board finds that the recommended revisions to the Village's zoning regulations could potentially be interpreted to be a down zoning ordinance because it may decrease the development density of land or reduce the permitted uses of land, and therefore the super majority requirement in § 66.10015, Wis. Stats, applies to this ordinance, requiring a vote in favor by two-thirds of the members-elect of the Village Board for passage and adoption; and

WHEREAS, the Village Board for the Village of East Troy, after careful review and upon consideration of the recommendation of the Plan Commission of the Village of East Troy and having given the matter due consideration having determined that all procedural requirements and notice requirements have been satisfied, and having based its determination on the effect of the adoption of the ordinance on the health, safety and welfare of the community and the preservation and enhancement of property values in the community, and having given due consideration to the municipal problems involved hereby determine that the ordinance amendment will serve the public health, safety and general welfare of the Village of East Troy, will enhance property values in the Village and will not be hazardous, harmful, noxious, offensive or a nuisance, and will not unduly limit or restrict the use of property in the Village or for any other reason cause a substantial adverse effect on the property values and general desirability of the Village.

NOW, THEREFORE, the Village Board of the Village of East Troy, Walworth County, Wisconsin, do ordain as follows:

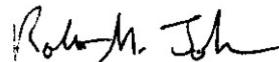
**Section 1.** Repeal and recreate subsection 510-202 (B) to read as revised below.

B. Permissible development. ~~The portion of the church/school building that is currently used for church activities may continue for such use.~~ The portion of the church/school building that was previously used for church activities may be used for retail sales. Retail operations plans should be submitted for review and approval to the Plan Commission and Village Board. That portion of the church/school building that was previously used for a parochial school (main floor and second floor only) may be used for general office purposes. On-site parking for uses permitted in the church/school building is not required.

**Section 2.** This ordinance shall become effective upon passage and posting or publication as provided by law.

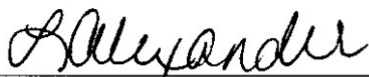
**Section 3.** The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific Section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

Adopted by a vote in favor by two-thirds of the members-elect of the Village Board, or more, this 18<sup>th</sup> day of December, 2023



Robert M Johnson, President

ATTEST:



Lorri Alexander, Village Clerk