

**ORDINANCE No. 2018-01**

**AN ORDINANCE RELATING TO VOTING ON DOWN ZONINGS**

The Village Board of the Village of Wausaukee, Marinette County, Wisconsin, do ordain as follows:

**SECTION I. AMENDMENT OF PROVISIONS.**

Section 13-1-242 of the Village of Wausaukee Code is amended with the following subsection to read as follows:

- (d) **Village Board Action; Rezoning Voting; Down Zoning.**
- (1) Following such public hearing, the Plan Commission shall make a recommendation on the proposed rezoning ordinance making the proposed rezoning, change or amendment. The Village Board shall then review the Plan Commission's recommendation and make its determination.
  - (2) The Village Board may enact a down zoning ordinance only if the ordinance is approved by at least two-thirds of the members-elect, except that if the down zoning ordinance is requested, or agreed to, by the person who owns the land affected by the proposed ordinance, the ordinance may be enacted by a simple majority of the members-elect.
  - (3) "Down zoning ordinance" means a zoning ordinance that affects an area of land in the following ways:
    - a. By decreasing the development density of the land to be less dense than was allowed under its previous usage; or
    - b. By reducing the permitted uses of the land that are specified in a zoning ordinance, or other land use regulation, to fewer uses than were allowed under its previous usage.

*State Law Reference:* Section 66.1005, Wis. Stats.

**SECTION II. SEVERABILITY.**

If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

**SECTION III. EFFECTIVE DATE.**

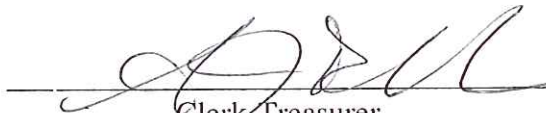
This Ordinance shall take effect upon passage and publication as provided by law.

ADOPTED this 21<sup>st</sup> day of February, 2018.

VILLAGE OF WAUSAUKEE, WISCONSIN



Village President



Clerk-Treasurer

INTRODUCED:

2/21/18

ADOPTED:

2/21/18

POSTED/PUBLISHED:

2/28/18

State of Wisconsin:

County of Marinette:

I hereby certify that the foregoing ordinance is a true, correct and complete copy of an ordinance duly and regularly adopted by the Village Board of the Village of Wausaukee on the 21<sup>st</sup> day of February, 2018, and that said ordinance has not been repealed or amended and is now in full force and effect.

Dated this 22<sup>nd</sup> day of February, 2018.



Sara Pullen, Clerk-Treasurer