

**VILLAGE OF LITTLE CHUTE
ORDINANCE NO. 4, SERIES OF 2018**

AN ORDINANCE AMENDING THE ZONING CODE ARTICLE I. - IN GENERAL, OF THE VILLAGE OF LITTLE CHUTE MUNICIPAL CODE BY CREATING SECTION 44-20 - REGULATION OF PRIVATE DEED RESTRICTIONS AND REAL ESTATE COVENANTS WITHIN BUSINESS DISTRICTS.

WHEREAS, the Plan Commission of the Village of Little Chute has recommended the following ordinance amendments; and,

WHEREAS, the required public hearing has been held before the Village Board of Trustees, Village of Little Chute; and,

WHEREAS, the Village Board of Trustees, Village of Little Chute, finds the following ordinance amendments to be in the public interest;

NOW, THEREFORE, the Village Board of Trustees, Village of Little Chute, do ordain as follows:

Section 1. That the Zoning Ordinance, Section 44 Article 1, Section 44-20. of the Municipal Code of the Village of Little Chute are hereby created to read as follows:

Sec. 44-20. - Regulation of Private Deed Restrictions and Real Estate Covenants Within Business Districts

PURPOSE: The Village had adopted a Zoning Code, pursuant to zoning authority granted by the State of Wisconsin pursuant to Wisconsin Statutes, regulating the uses of properties within various Zoning Districts. The Village finds that recording of private covenants and restrictions may unlawfully interfere with the zoning authority of the Village and cause deleterious effects when applied to properties within certain business districts by preventing legal uses under the Zoning Code. Such private restrictions may prevent or obstruct highest and best uses of the restricted property, result in long-term vacancies, and contribute to blight conditions of the subject property and surrounding properties. The Village has observed that vacancies and/or decreases in property values often occur when certain private regulations restrict legal highest and best uses in communities in which such are allowed to be established without municipal review and regulation.

It is intended by this chapter to protect property values and zoning controls by preventing establishment, or recording without prior Village Board approval, or enforcing, of certain covenants, deed restrictions, agreements, contracts or rules within certain districts.

- (a) If any section, clause, provision or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected thereby.
- (b) If any application of this section to a particular use of land is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other land not specifically included in such judgment.
- (c) No deed restriction or real estate covenant, that prohibits or restricts uses lawfully permitted under the Village Zoning Code shall be established or recorded by any property owner, or other property interest holder without first obtaining prior approval from the Village Board and any such deed restriction or real estate covenant established or recorded contrary to this Ordinance

shall be void and unenforceable, and shall not constitute a prohibition or restriction on uses of the property otherwise lawfully permitted under the Village Zoning Code.

- (d) Any property owner or interest holder shall apply to the Village for approval prior to establishing or recording any deed restriction or real estate covenant that prohibits or restricts uses lawfully permitted under the Village Zoning Code.
- (e) Applications for review of proposed private property restrictions shall be made upon forms supplied by and submitted to the Zoning Administrator. The Zoning Administrator shall forward applications to the Plan Commission within sixty days of receipt. The Plan Commission shall make recommendation to the Village Board within sixty days of review. The Village Board will approve deny or recommend amendment by resolution within sixty days of receipt of recommendation by the Plan Commission.
- (f) Prior approval, denial or amendment of private covenants or restrictions shall be made by the Village Board through adoption of resolutions regarding such applications.
- (g) This code section regulating private restrictions will be applicable in the following Zoning Districts, each of which is a "business district" within the meaning of this Ordinance:
 - (1) CB central business district.
 - (2) CH commercial highway district.
 - (3) CS commercial shopping center district.
 - (4) ID industrial district.
- (h) Appeals shall be regulated under ARTICLE XIV. – APPEALS
- (i) Enforcement of this section will be made under ARTICLE XII. – ADMINISTRATION. This Ordinance may also be enforced by means of affirmative or injunctive equitable relief through the Circuit Court for Outagamie County.

Section 2. Effective Date. This Ordinance shall take effect upon the adoption and publication and enactment of the Ordinance by the Village Board of Trustees, Village of Little Chute.

Adopted this 21st day of March, 2018.

VILLAGE OF LITTLE CHUTE
BY: Michael Vanden Berg
Michael Vanden Berg, Village President
BY: Laurie Decker
Laurie Decker, Village Clerk